

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING EDUCATOR PERFORMANCE

PUBLIC COMMENTS AND RESPONSES

Commenter Name: Lucas Harder, Arkansas School Boards Association; April 3, 2024

Comments:

- 2.01: This section was not updated to match the new title for the Rules.
- 2.02: “Acts 295 and 930 of 2017” could be removed as they were included in the previous update to the Rules.
- 2.03: There is an unnecessary “33” between “Act of” and “1965”.
- 4.31.2.2.5: Due to the addition of 4.31.2.2.6, the “or” at the end of 4.31.2.2.4 should be moved to the end of here and the period should be made into a semicolon.
- 6.26-6.27: These should be one lower in number due to the repeal of 6.25.
- 7.14.2: This should be 7.14.1.
- 8.00: Under “Source”, there is an unnecessary “33” between “Act of” and “1965”.
- 10.03.3: Instead of referencing the TESS statutes here, I would recommend citing to Section 6.13 of these Rules.

Division Response: **Comments considered. Non-substantive changes made.**

Commenter Name: Jon Laffoon, Superintendent, Farmington School District; April 3, 2024; April 4, 2024

Comments: 10.00- Will DESE provide support for teachers and districts to explain and clarify the rules governing the Merit Teacher Incentive Fund Program? When will the program begin? Could we focus on shortage areas like math, science and SPED in the initial merit incentives? To address the shortage in these areas, this would greatly benefit students.

10.01.03-The TESS law conflicts in that the requirements for Merit Pay state annual rating, but the evaluation requirements in law do not require an annual summative evaluation of all teachers. While merit pay is valuable, the merit pay system needs clarity and a standard set of rules statewide. The \$10,000,000 allocation will not provide merit pay across the state.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Dr. Debbie Jones, Superintendent of Bentonville School District; April 5, 2024

Comments: 10.02.3.1 - Specify “outstanding growth”. Is this top quartile? 10.01.3 - “In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system.” We are told by DESE that means a teacher must have a summative evaluation the year of the merit pay. Does this mean a summative evaluation the year of the payout or the year the assessment was taken? We request that this rule align with the Educator Support Rules 6.01 “Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years. The rules should align with the following statutes: A.C.A. § 6-17-2805, A.C.A. § 6-17-2806, A.C.A. § 6-17-2803. Districts don’t have the administrative staff to complete summative evaluations authentically for all the staff every year which is why the law was written as it exists. We suggest that DESE accept an “annual rating, defined as formative or summative ratings.”

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary.

Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.

Commenter Name: Gina Richard, Assistant Superintendent, Star City School District; April 4, 2024

Comments: A few comments:

Leverage the criteria for selecting a range of support to students. This could cause distention amongst staff. For example: RTI, support staff, after school versus core instruction. A minimum basis of a percentage from the hours or days of support unifies all schools. For example, if a school is based on 178 days and a certified staff supports a minimum of 40-50% of the time.

In regards to summative evaluations, the same criteria needs to be considered. A schools zip code should not define this process. A 1A school and a 7A school have different perspectives of achievement. We need to leverage the effectiveness in the evaluation system for all certified staff.

Division Response: **Comments considered. No changes made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Anne Martfeld, Pea Ridge School District; April 8, 2024

Comments: Good Afternoon, Please find the comments regarding the rules as presented for Educator Performance.

10.01.4 - How will special educators who support students in gen ed be measured? How will special educators who have students on DLM be measured?

10.02.3.1 - What does outstanding growth mean and how will special educators who support students in gen ed be measured or special educators who have students on DLM?

10.03.2 - Does this mean schools in poverty or schools with low performance will have priority for funding from the state?

Does a teacher have to have a Summative TESS Evaluation to qualify for merit pay? Do they have to have these for three consecutive years of Summative TESS Evaluations on record? Please align this with the LEADS rotation that only requires a Summative Evaluation once every four years.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary.

Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.

Commenter Name: Julia Williams, Principal, Randall G. Lynch Middle School; April 8, 2024

Comments: 10.00—The Merit Pay system does not align with TESS. It does not consider teachers with students moving in throughout the year from other schools. Because we are challenged with space in a rapidly changing district due to growth, we also feel the pressure to bring students up to grade level who have arrived from school choice districts with low achievement and students who have arrived from states with different standards.

The lack of structure in this system is creating a negative impact on our school. The idea that the best teachers will be forced to have all of the low-achieving students, who can also have severe behavior issues, is making them rethink their commitment to education. These outstanding teachers generally have good classroom management. Still, being an exceptional teacher will mean you will be given a disproportionate number of low-achieving students and behavior issues.

We will lose these teachers to private schools or other careers. It is also essential for ALL kids to have excellent teachers. We have an entire building of outstanding teachers who are unique and have qualities that meet the needs of many of our students daily.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary.

Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.

Commenter Name: Meghann Donaldson, Principal, Westbrook Elementary School, Harmony Grove School District; April 9, 2024

Comments: 10.01.3 In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system.

It is not feasible for every teacher who is potentially eligible to receive these funds to have received an annual rating that year. I suggest this be worded to say: "... a teacher must have a rating of effective or highly effective on their most recent TESS summative evaluation."

4.31.2 Employed as a: 4.23.2.1 4.31.2.1 Teacher of record in a public school; 4.23.2.2

4.31.2.2 Contributing Collaborating professional; 4.23.2.3 One of the following teachers who instruct public school students: 4.23.2.3.1 4.31.2.2.1 Distance learning teacher; 4.23.2.3.2 4.31.2.2.2 Virtual charter school teacher; 4.23.2.3.3 4.31.2.2.3 Teacher at the Arkansas School for the Blind; 4.23.2.3.4 4.31.2.2.4 Teacher at the Arkansas School for the Deaf; or 4.23.2.3.5 4.31.2.2.5 Teacher at the Arkansas Correctional School. 4.31.2.2.6

Aspiring Teacher Permit. 4.23.3 4.31.3 “Teacher” also includes a non-licensed classroom teacher or contributing collaborating professional

This language indicates that a classified employee is also considered a "teacher" it is my understanding that they are not eligible to receive Merit Teacher Incentive Funds so I believe this should be clarified.

10.02 To be eligible for an award from the Merit Teacher Incentive Fund Program, an applicant must be: 10.02.1 A teacher who holds a valid Arkansas educator’s license; or 10.02.2 An aspiring teacher participating in a yearlong residency; and 10.02.3 Provide evidence that the applicant: 10.02.3.1 Demonstrates outstanding growth in student performance as determined by the state’s value-added measure system; or 10.02.3.2 Serves as a mentor to aspiring teachers who are participating in a yearlong residency; or 10.02.3.3 Teaches in a subject area identified as experiencing a critical shortage of teachers; or 10.02.3.4 Teaches in a geographical area identified as experiencing a 005.16 ADE 344 - 25 critical shortage of teachers.

The roster verification system identifies three types of teachers: Teacher of Record, Contributing Teacher, Teacher of Record with No Verifiable Classroom. We were instructed that we could tie students to teachers who are considered "Contributing Teachers" such as reading interventionist or inclusion teachers. However, it is my understanding that the Merit Teacher Incentive Fund is only available to the Teacher of Record. If this is the case, that should be clarified in the rules.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Jason Selig; April 10, 2024

Comments: Good Afternoon! I am writing to comment on the rules regarding Merit Pay and TESS. I believe there is a conflict in regards to Merit Pay and TESS due to the fact that Summative Evaluations are conducted on a four year rotation. How will we provide Merit Pay to teachers who have the highest growth, but are not scheduled to have a Summative Evaluation? In addition, if a teacher had the highest growth for the 2022-2023 school year, but was not scheduled to have a Summative Evaluation based on the four year rotation, how is this fair to those teachers?

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Dr. Stephanie Nehus, Superintendent, Hot Springs School District; April 11, 2024

Comments: My concern is related to page 24:10.01.3 In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system. This appears to conflict with page 10: 6.01 Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years, except as follows:. However, an educational entity may choose to conduct a summative evaluation for any teacher at any time.

If Merit Teacher Incentives are going to require an annual evaluation, this conflict needs to be fixed in one or the other...not requiring an annual evaluation would be most logical to change. It would be extremely difficult for administrators to conduct annual evaluations on every staff member every year. Thank you for your consideration.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary.

Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.

Commenter Name: Kimberly Starr, Director of Elementary Education, Fort Smith School District; April 11, 2024

Comments: 10.01.4 - As a previous special ed teacher, I am wondering how special educators supporting students in classrooms be measured? What about those who have students on DLM? Additionally, how will EL teachers be measured?

10.02.3.1 - What does outstanding growth mean? Will special educators who support students in gen ed be measured or special educators who have students on DLM?

10.03.2 - Will schools in poverty or schools with low performance have priority for funding from the state?

10.03.3 - Why are teachers who have truly improved ineligible? It is unlikely that they would qualify after being on intensive, but it seems like the opportunity should still be there.

Does a teacher have to have a Summative TESS Evaluation to qualify for merit pay? Do they have to have these for three consecutive years of Summative TESS Evaluations on record? Please consider the rotation that currently requires a Summative Evaluation once every four years.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Charlsie Wisdom, Farmington School District; April 14, 2024

Comments: 10.00 - Please include when the Merit Teacher Incentive Fund program will begin. Who will be responsible in explaining and clarifying the rules to teachers/district staff?

10.01.4 - How will special educators supporting general ed students be measured? How will students on DLM be measured?

10.01.03 - The merit pay is valuable but needs clarity and a set of rules/guidelines statewide. The Tess law conflicts with the Merit Pay state annual rating since the evaluation requirements in current law do not require an annual summative evaluation of all teachers. Will a teacher have to have a Summative TESS Evaluation to qualify for Merit pay? Will DESE align the new LEADS rotation with TESS, where a summative evaluation is required only once every four years? Unfortunately, the \$10,000,000 allocation will not provide merit pay across the state. Where will the funds come from when this runs out?

10.02.3.1 - Please define or clarify outstanding growth. How will special educators who support students in general education be measured?

10.03.02 - Will schools in low performance or poverty have priority for funding from the state?

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Aaron Randolph, Assistant Superintendent, Cabot School District; April 15, 2024

Comments: 6.01 (p.10) and 7.01 (p.18) both mention that you have to have a summative evaluation once every four years, but 10.01.3 (p. 24) says that in order to be eligible for funds, a teacher “must have an annual rating of effective or highly effective.”

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: John Unger, Interim Superintendent of Schools, West Fork School District; April 19, 2024

Comments: We need to define more roles. We need to add special education teachers to the rules. What about interventionists?

10.01.4 - What is the definition of “positive impact on student growth?” This needs to be more defined.

10.03.2.2 - What is the definition of a “poverty level school?”

10.01.3 - What annual rating do the teachers need? There are summative and formal ratings right now so we need to define what rating is needed in the rules. We need to align this process with our LEADS rotations, where teachers get a summative every four years.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Ms. Kathy Powers, CSMS Reading Teacher, Teach Plus; April 19, 2024

Comments: Okay, well good morning, my name is Kathy Powers. I am a proud 30 year veteran teacher. Your 2011 Arkansas Teacher of the Year and a Teach Plus policy fellow. I've mentioned... I've mentored several new teachers over the years and I'm currently a middle school reading teacher at Conway. After reviewing the Educator Performance Rule, 6.23 and 6.26, I'm here to testify to the importance of the implementation of an actionable plan of mentoring support to develop and retain novice teachers. Thank you to you both and the ADE for this opportunity. My career was almost derailed my first year by the miracle of life. I had just been hired mid-year to teach first grade and I believed that studying animals was the key to igniting the fire of learning in my students. We would read, write, do math, and make scientific observations about animals, and it was working. The students were excited and engaged. Then I made a huge rookie mistake when I previewed the “great for classrooms” National Geographic video, I guess I'd skip the part where the baby giraffe was being graphically born before dropping six feet to the ground as baby giraffes do. There was a gasp from the class from my 31 first graders and

the question started immediately, “is that giraffe pooping?” yelled Isaac. Isabel whispered, “Is it a baby?” Chaos ensued. Parent phone calls followed. If I had been assigned a mentor that could have warned me about one of the cardinal rules of teaching, never read any book or show any video without previewing it thoroughly. If not supported in their first year, many teachers leave the profession. According to a report in the Wall Street Journal, 55% of teachers reported plans to leave the education field sooner than planned. And a McKenzie report found that 61% of school administrators have found it difficult to hire personnel. When we find and hire qualified teachers, we need to do all we can to keep them in the classroom. Mentor support for new teachers is vital. I have 3 recommendations. The first: thoroughly vet mentors. We need qualified mentor teachers who have at least three years of effective experience, work in the same building, subject or grade level, and have the proper training. Number two: train mentors and pay them adequately for their time. Mentor teachers already have a job full-time teaching their students, so mentoring should be paid as an additional job. Training could be part of the floating PD and include online modules such as the Arkansas Idea course on showcasing successful coaching with co-planning and co-teaching. And third, most importantly: provide systemic support and monitoring for the mentor team. The team should be a team of three people with clearly defined roles: an administrator to support the mentor and evaluate the mentee, a mentor to model instruction and guide the new teacher towards resources, and then the mentee. The mentor and mentee need release time during school hours to meet regularly. There should be an easy-to-use guide that parallels the evaluation tool that the administrator will use to evaluate the mentee, such as the one that our Teach Plus working group prepared, and I gave to you at the start of this. Has developed with a checklist of actionable artifacts or tasks that the mentor team could work through together. So, in closing, every career has enthusiastic rookies ready to take the profession by storm, but teaching is different. That may be your first year as a teacher but is the only first grade year that Isaac and Isabel will have. We must provide all the support we can to transition the new teacher’s enthusiasm to an excellent career teacher for the students of Arkansas. Thank you for your time. Do you have any questions?

(Also see attached document provided by Ms. Powers at the public comment hearing on April 19, 2024)

Division Response: Comments considered. No changes made.

Commenter Name: Samantha Mitchell, teacher, Teach Plus; April 19, 2024

Comments: OK. Thank you. Hi, good morning. My name is Samantha Mitchell. I've been a teacher in Arkansas for eight years. I became a teacher after working in the business industry for many years. I am currently a Teach Plus fellow, a national board candidate, and a lead teacher candidate. I have mentored for the last two years and I'm currently teaching business and computer science. After being in the educator performance roles, I'm here to testify about the importance of implementation of an action, actionable plan of mentoring and support to develop and retain novice teachers. Thank you for your time and allowing me to be here. My road to becoming a teacher was nontraditional, I attended Arkansas Tech University and obtained a master’s in teaching. In nontraditional programs, many important aspects of teaching are often taken out due to time constraints which leaves graduates with the bare minimum required to become a teacher. I was so excited when I graduated and received my first job offer. I felt like a superhero. I thought I was going to the classroom and change the world. I'm sorry for that. That feeling quickly dwindled. I knew nothing. There were no resources and no support. There was no one to help me. Anything I needed was left up to me to find, or to come up with. I have so many, I've made so many mistakes and I desperately needed help, but there was none. As teachers go into their classroom, they need support. We can hire qualified teachers, but what happens next? To keep qualified teachers in the classroom, we need to support them in their roles. Without the support, teachers are going to leave the profession, and move to other professions, and ultimately the profession and our students are going to suffer. I have three recommendations, the first: find and

select highly-qualified mentors. Number two: train mentors and pay them adequately for their time. Number three: provide systematic support and monitoring of the mentor team. Teaching is the most important career in today's society - without teachers, there would not be a single industry that would survive. If we truly want to retain qualified teachers, we have to support them once they're in the classroom. Supporting teachers ultimately supports the student and that should be our main goal. Thank you for your time.

Division Response: **Comments considered. No changes made.**

Commenter Name: Alexis Jackson, teacher and fellow, Teach Plus; April 19, 2024

Comments: Good morning. My name is Alexis Jackson and I'm a six-year educator and Teach Plus senior fellow. I've had experience teaching within 5 local districts. I've taught math and science, grades 6 through 12. I now work as a building teacher leader and mentor in a local public charter school, teaching math grade 6 through 8. My first year teaching, I was enrolled in a novice program that resembled a book study where other teachers within the building and myself would meet bi-weekly. After spending two years in this novice program, I still struggled with completing my daily teacher tasks, including managing student behaviors, lesson planning, and scaffolding. Because the book study did not give me the necessary tools I needed as a new teacher. Considering my learnings to be effective, I transferred to a new district for my third year. During my third year in the new district, I was assigned a mentor teacher titled "The Multi-Classroom Leader," also called the MCU. In short, the Multi-Classroom Leader led a small group of teachers, paraprofessionals and teacher residents in the same grade or subject. However, despite the MCL's efforts, she struggled to identify where and how to support me, and also could not assist within my content area. This led to multiple inconveniences within my classroom and teaching practices. I struggled to find regular resources, complete daily tasks, and be informed on upcoming professional development opportunities. Many Arkansas teachers leave the profession because of unsatisfactory mentoring, but I remain, even though I wish my experiences had been meaningful to me as I strive to be the quality teacher my students needed most. After review, after reviewing the educator performance rules, specifically Rule 6.23, it sparked my interest as it mentions, the mentee shall receive support aligned with the T.E.S.S.. I'm sorry aligned with T.E.S.S.. I recommend that the ADE provide a list of supports per domain, for example reviewing scope and sequence, familiarizing the mentee with district curriculum materials, and reviewing test procedures, goals, artifacts and reflections and other supports. This can be provided as a guide mentors can refer to when providing support and can be used as a reference and checklist to measure their effectiveness. There is also rule 6.26 that ensures teachers considered as novices shall be provided an opportunity of support by their district within their first three years. Considering that this support shall come in the form of a mentor teacher, I recommend having at least three years of classroom experience, one year within the district they serve, completion of required Ideas modules to prepare them to be a high-quality mentor and indeed an effective teacher in the related content area. This will ensure that teachers receive adequate support, and mentors are trained to guide new teachers so they can individualize instruction for learners in their classroom. Six years later, I have found better ways to be an innovative teacher and lead, ready to meet the needs of today's students. With a strong teacher mentor system in Arkansas, tomorrow's educators will have the tools to be successful from the beginning. Don't our students deserve that? Thanks.

(Also see attached document provided by Ms. Jackson on April 23, 2024)

Division Response: **Comments considered. No changes made.**

Commenter Name: Vicki (last name not provided); April 19, 2024

Comments: Upon reviewing the rules governing educator performance, there are several items I feel need to be clarified:

Clarity on the distinction between an aspiring teacher participating in a yearlong residency (10.02.2) and a teacher holding an aspiring teacher permit, as outlined in the proposed rules governing educator performance.

Could you please define what constitutes an "aspiring teacher" engaged in a yearlong residency and delineate how this differs from a teacher holding an aspiring teacher permit?

Upon reviewing section 10.02.3.2 of the proposed rules governing educator performance, clarification regarding eligibility for merit pay concerning mentorship. The section mentions that one of the roles is to "serve as a mentor to aspiring teachers who are participating in a yearlong residency."

Could you clarify whether this pertains exclusively to those mentoring teachers holding an aspiring teacher permit, or if it includes any individual aspiring to become a teacher and participating in a yearlong residency?

In reference to section 10.01.4 of the proposed rules governing educator performance, this section outlines that applicants must demonstrate a positive impact on student growth. However, not all teachers are linked to student growth performances as determined by the state's value-added measure (VAM) system.

Does this imply that teachers without a VAM score are still eligible for merit pay, and the student growth impact piece does not apply to them?

Clarification regarding the terms "positive impact" as mentioned in section 10.01.4 and "outstanding growth" as described in section 10.02.3.1 of the proposed rules governing educator performance.

Could you elaborate on how these terms will be defined and determined? Understanding the distinctions between "positive impact" and "outstanding growth" is crucial for educators aiming to meet the criteria outlined in the regulations.

Detailed clarification on these distinctions would greatly assist educators, mentors, administrators, and stakeholders in understanding the proposed regulations more comprehensively and would benefit those seeking to understand their eligibility for merit pay under these regulations

Division Response: **Comments considered. No changes made.**

Commenter Name: Holly Glover, Director of Curriculum and Instruction, Beebe School District; April 22, 2024

Comments: Section 10.00 - Merit Pay Teacher Incentive Fund Program

10.01.03 - In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system.

Section 6.0 Teacher Excellence and Support System

6.01 Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years, except as follows: However, an educational entity may choose to conduct a summative evaluation for any teacher at any time.

Conflicts

10.01.03 directly conflicts with Section 6.0 T.E.S.S. Summative Evaluations and my recommendation is to remove this from the law. Section 10.0 states a summative evaluation is required each year for merit pay, but only required for T.E.S.S. once every 4 years for teachers in Section 6.0.

Implications

The implications of this law would require all teachers to have a summative evaluation every year in order to be eligible for merit pay, including our first year teachers. However, in section 10.02.2 it states, 'An aspiring teacher participation in a year long residence'. These teachers would never be eligible for merit pay due to a first year teacher not receiving a Summative evaluation until year 4. It would be unethical and unrealistic to require a summative evaluation for every teacher in the state every year to be eligible for merit pay.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Dr. Karen Walters, Superintendent, Bryant School District; April 22, 2024

Comments: Section 4.04.1.11 “Person in another position identified by the Department.” There should be a process for districts to submit positions to DESE for approval. There should also be a clear method by which the “other positions” should be communicated to districts.

Section 10.1.3 “In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system.” DESE personnel indicated that a teacher must have a completed summative evaluation in order to receive the merit pay. That requirement is not apparent from the law. Will a summative evaluation be required for a teacher to receive merit pay? If so, will the summative evaluation be required for the year the assessment was given, the year merit pay is received, or both?

Please consider aligning this rule to 6.01 - “Each educational entity shall conduct a summative evaluation of each teacher employed by the educational entity under these rules at least one (1) time every four (4) years.

The rules should align with the following statutes: A.C.A. 6-17-2805, A.C.A. 6-17-2806, A.C.A. 6-17-2803.

DESE personnel have always agreed that meaningful summative evaluations were not practical to complete on every employee every year. This reason is why the law was written in its current form.

Principals will feel pressured to provide everyone with a summative evaluation every year due to the possibility of teachers receiving merit pay.

We suggest an annual rating, defined as formative or summative, be accepted for teachers to be eligible for merit pay.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Mike Mertens, Assistant Executive Director, AAEA; April 22, 2024

Comments: Section: 10.01.3 - In order to be eligible for funds, a teacher must have an annual rating of effective or highly effective on a state-approved evaluation system. Suggested Change/Concern: We suggest an annual rating, defined as formative or summative, be accepted for teachers to be eligible for merit pay.

Rationale: Meaningful summative evaluations are not practical to complete on every employee every year.

Evaluators will strive to be compliant; a summative evaluation may limit quality and meaningful feedback if required every year.

Section: 10.01.4 and 10.02.3.1 - The terms Student Growth and Outstanding Growth are mentioned in these sections. Suggested Change/Concern: Define “growth” and “outstanding growth” as it relates to special education. Describe how growth and outstanding growth will be measured for special education teachers, including those who support students in general education as well as those who have students on DLM.

Rationale: It is not clear how these will be measured for this special population of students and teachers.

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Commenter Name: Kendra Clay, General Counsel, Springdale School District; April 23, 2024

Comments: 6.21 and 6.21.1 and 7.14 and 7.14.2-nonrenewal is effectively removed from statute; consider using a different word or removing “nonrenewal”

10.01.3-in order for teachers to be eligible for the bonuses, districts would have to conduct evaluations on all staff every year; this is not feasible under current staffing and funding models

Division Response: Per Ark. Code Ann. § 6-17-2805, a summative evaluation must be conducted once every four (4) years; however, to assess eligibility for merit pay, which is awarded on an annual basis, a yearly evaluation is necessary. **Comments considered. Non-substantive change made. Please see definition of “annual rating” added at 4.01 of the rules.**

Teach Plus Teacher Leadership and Development Working Group Mentor Supports per Domain:

Kathy Powers, 4-19-24

<p>Domain 1: Planning and Preparation</p> <p>1a: Demonstrating Knowledge of Content and Pedagogy</p> <ul style="list-style-type: none"> <input type="checkbox"/> Review teacher lesson plan(s) and provide feedback <input type="checkbox"/> Allow teacher to model lesson(s) and provide feedback <p>1b: Demonstrating Knowledge of Students</p> <ul style="list-style-type: none"> <input type="checkbox"/> Create student profiles (modifications, previous test scores, and notes from student interest surveys) <p>1c: Setting Instructional Outcomes</p> <ul style="list-style-type: none"> <input type="checkbox"/> Review Scope & Sequence <input type="checkbox"/> Collaborate on Unit Plan(s) <input type="checkbox"/> Incorporate DOK questions in lessons <input type="checkbox"/> Prepare for Misconceptions/Challenges & Supports <p>1d: Demonstrating Knowledge of Resources</p> <ul style="list-style-type: none"> <input type="checkbox"/> Review teacher curriculum and digital learning programs <input type="checkbox"/> Review SPED/GT resources <p>1e: Designing Coherent Instruction</p> <ul style="list-style-type: none"> <input type="checkbox"/> Discuss Instructional techniques to check for understanding <input type="checkbox"/> Model scaffolding techniques <p>1f: Designing Student Assessments</p> <ul style="list-style-type: none"> <input type="checkbox"/> Develop Pre-Assessments, Post-Assessments, and CFA's 	<p>Domain 2: The Classroom Environment</p> <p>2a: Creating an Environment of Respect and Rapport</p> <ul style="list-style-type: none"> <input type="checkbox"/> Collaborate on a list of five ideas to incorporate student interests <p>2b: Establishing a Culture for Learning</p> <ul style="list-style-type: none"> <input type="checkbox"/> Discuss how to establish classroom expectations <p>2c: Managing Classroom Procedures</p> <ul style="list-style-type: none"> <input type="checkbox"/> Create a Slides presentation of classroom procedures and behavior expectations <input type="checkbox"/> Design student assessment over classroom procedures and expectations <p>2d: Managing Student Behavior</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide classroom management tips and procedures <input type="checkbox"/> Demonstrate how to build relationships and be proactive when dealing with student misbehavior <input type="checkbox"/> Model establishing routines and procedures in the classroom <p>2e: Organizing Physical Domain</p> <ul style="list-style-type: none"> <input type="checkbox"/> Design the classroom space <input type="checkbox"/> Support finding furniture/physical resources in the school/district
<p>Domain 3: Instruction</p> <p>3a: Communicating with Students</p> <ul style="list-style-type: none"> <input type="checkbox"/> Familiarize mentee with district curriculum materials <input type="checkbox"/> Establish clear expectations, routines, and procedures. <input type="checkbox"/> Establish appropriate grade band expectations for learning <input type="checkbox"/> Establish professional communication with students <p>3b: Using Questioning and Discussion Techniques</p> <ul style="list-style-type: none"> <input type="checkbox"/> Create questions to guide learning and increase rigor. <input type="checkbox"/> Model implementation of discussion techniques in a diverse classroom <p>3c: Engaging Students in Learning</p> <ul style="list-style-type: none"> <input type="checkbox"/> Sequence lesson pacing and activities to increase engagement <input type="checkbox"/> Share ideas for engaging activities to use during instruction <p>3d: Using Assessment in Instruction</p> <ul style="list-style-type: none"> <input type="checkbox"/> Create a schedule to accommodate time for small-group learning <input type="checkbox"/> Discuss assessment strategies for before, during, and after lessons <p>3e: Demonstrating Flexibility and Responsiveness</p> <ul style="list-style-type: none"> <input type="checkbox"/> Allow mentee to conduct observation <input type="checkbox"/> Conducts informal observation <input type="checkbox"/> Demonstrate teacher adjustments to meet students' needs 	<p>Domain 4: Professional Responsibilities</p> <p>4a: Reflecting on Teaching</p> <ul style="list-style-type: none"> <input type="checkbox"/> Review of TESS procedures, goals, artifacts, and reflections <p>4b: Maintaining Accurate Records</p> <ul style="list-style-type: none"> <input type="checkbox"/> Demonstrate use of record-keeping software <input type="checkbox"/> Review record-keeping procedures specific to the school or district <p>4c: Communicating with Families</p> <ul style="list-style-type: none"> <input type="checkbox"/> Model parent-teacher dialogue scenarios <input type="checkbox"/> Establish communication expectations and procedures <input type="checkbox"/> Participate in a parent-teacher conference <p>4d: Participating in Professional Community</p> <ul style="list-style-type: none"> <input type="checkbox"/> Direct mentee to specific staff for questions <p>4e: Growing and Developing Professionally</p> <ul style="list-style-type: none"> <input type="checkbox"/> Inform of relevant and useful professional developments <input type="checkbox"/> Guide in the tracking of professional development hours <p>4f: Demonstrating Professionalism</p> <ul style="list-style-type: none"> <input type="checkbox"/> Inform consistently of additional professional development opportunities

Alexis Jackson 4-23-24

Teach Plus Teacher Leadership and Development Working Group Mentor Supports per Domain:

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Mentor Qualifications:

- Mentors should have:
 - at least three years of successful classroom experience, with at least one year in the school and/or district
 - have a position in the same grade band and/or subject level (k-2) (3-5) (6-8) (9-12)
- Mentor teachers should be required to attend a mentor or leadership Professional Development.
- Complete mentor courses on ARIdeas
 - LAH14803 Student-Centered Coaching: Introduction
 - LAH14808 Student-Centered Coaching: Showcasing Successful Coaching with Co-Planning and Co-Teaching
 - LAH14806 Student-Centered Coaching: Using Student Evidence to Plan Differentiated Instruction - Literacy
 - LAH14807 Student-Centered Coaching: Using Student Evidence to Plan Differentiated Instruction - Math
- first time mentors - letter of recommendation from a colleague -
- Teachers who have served as mentors previously - letter of recommendation from a novice teacher they previously served
- Should be deemed "effective" or "highly effective" in TESS