

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

As Engrossed: H4/3/23

# A Bill

HOUSE BILL 1609

5 By: Representative Evans  
6 By: Senator B. Davis  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE AS  
10 THEY RELATE TO TEACHER LICENSURE; TO AMEND THE  
11 CONDITIONS UNDER WHICH AN INDIVIDUAL MAY TEACH  
12 WITHOUT A LICENSE; TO AMEND THE QUALIFICATIONS AN  
13 INDIVIDUAL MUST HAVE TO OBTAIN A TEACHING LICENSE; TO  
14 AMEND THE TYPES OF LICENSES THAT MAY BE CONSIDERED  
15 UNDER A TIERED SYSTEM OF TEACHER LICENSURE; TO AMEND  
16 THE LENGTH OF TIME DURING WHICH A PROVISIONAL  
17 TEACHING LICENSE IS VALID; TO REPEAL THE LICENSED  
18 PERSONNEL TESTING PROGRAM; AND FOR OTHER PURPOSES.  
19  
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## Subtitle

21 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
22 AS THEY RELATE TO TEACHER LICENSURE.  
23  
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25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 6-17-309 is amended to read as follows:  
29 6-17-309. Licensure – Waiver.

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

34 (2) This subsection shall not apply to:

35 (A) Nondegreed vocational-technical teachers;

36 (B) ~~Those persons~~ Individuals approved by the Division of



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

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

6 (i) Are employed by a postsecondary institution;

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

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

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

14 (i) An alternative learning environment;

15 (ii) A juvenile detention facility;

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

18 (iv) An emergency youth shelter;

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

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

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

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

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

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

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

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

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

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

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

7  
8 SECTION 2. Arkansas Code § 6-15-1004 is amended to read as follows:

9 6-15-1004. Qualified teachers in every public school classroom -  
10 Definition.

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

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

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

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

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

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

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

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

1 in continuing education and professional development:

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

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

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

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

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

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

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

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

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

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

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

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

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

1 enrollment public charter school.

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

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

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

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

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

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

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

26 (4) An Aspiring Teacher permit;

27 ~~(4)(5)~~ A licensure exception under:

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

30 (B) The Arkansas Quality Charter Schools Act of 2013, § 6-  
31 23-101 et seq.; or

32 (C) Section 6-15-103;

33 ~~(5)(6)~~ A plan for adding an area to an existing Arkansas  
34 teaching license while teaching in the content area to be added; or

35 ~~(6)(7)~~ A waiver for a long-term substitute teacher granted under  
36 subsection ~~(e)(d)~~ of this section.

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

3 (A) Holds:

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

6 (ii) An Arkansas teaching license; and

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

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

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

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

20 (A) Be a high school graduate; or

21 (B) Hold a graduate equivalent degree.

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

24  
25 SECTION 3. Arkansas Code § 6-17-402(c)(1), concerning rules  
26 promulgated by the State Board of Education concerning a tiered system of  
27 teacher licensure, is amended to read as follows:

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

30 (A) An emergency teaching permit;

31 (B) A technical permit;

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

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

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

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

2 ~~(b) Partially meets full licensure~~  
3 ~~requirements;~~

4 (D) A novice or first-time license;

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

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

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

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

12  
13 SECTION 4. Arkansas Code § 6-17-402(c)(2)(A), concerning rules  
14 promulgated by the State Board of Education concerning a tiered system of  
15 teacher licensure, is amended to read as follows:

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

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

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

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

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

31 ~~(1) Pass pass a+~~

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

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

1 ~~(2) Demonstrate pedagogical competence.~~

2 (b) The requirements under subdivision

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) Ensure that at least fifty percent  
9 (50%) of the items assess instructional knowledge for beginning reading and  
10 are based on evidence-based practices related to the science of reading;

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

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

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

24

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

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

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

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

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

1 (C) Is teaching in an Arkansas public school.

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

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

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

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

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

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

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

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

29 (A) The State Board of Education;

30 (B) The division; or

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

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

36

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

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

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

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

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

13 (D) A person employed under an emergency teaching permit;  
14

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

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

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

20  
21 ~~6-17-602. Application for new licensure.~~

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

26  
27 ~~6-17-603. Reporting of test scores—Confidentiality.~~

28 ~~(a)(1) Scores from the tests required under this subchapter and § 6-~~  
29 ~~17-402 shall not be disclosed but shall be retained by the Division of~~  
30 ~~Elementary and Secondary Education as confidential records not subject to the~~  
31 ~~Freedom of Information Act of 1967, § 25-19-101 et seq., or any other act~~  
32 ~~that would require the disclosure thereof.~~

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

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

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

4  
5 SECTION 8. Arkansas Code § 6-17-919(a), concerning conditions under  
6 which a warrant issued in payment of a teacher's salary is not void, is  
7 amended to read as follows:

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

10 (1) The teacher is:

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

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

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

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

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21 */s/Evans*  
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