

Stricken language would be deleted from and underlined language would be added to present law.  
Act 1209 of the Regular Session

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4

As Engrossed: H3/15/11

# A Bill

HOUSE BILL 2178

5 By: Representatives J. Roebuck, Summers, Westerman, Tyler, Cheatham, *Baird, Barnett, J. Brown,*  
6 *Carnine, Dale, English, D. Hutchinson, McLean, Stewart, Stubblefield, Vines, Webb, Woods*  
7 By: Senators Salmon, *G. Baker, Elliott, J. Jeffress, J. Key, D. Wyatt*

## For An Act To Be Entitled

10 AN ACT TO RESTRUCTURE THE CURRENT METHOD OF  
11 EVALUATING ARKANSAS PUBLIC SCHOOL TEACHERS; TO  
12 ESTABLISH THE TEACHER EXCELLENCE AND SUPPORT SYSTEM;  
13 TO ALIGN PROVISIONS OF THE ARKANSAS CODE CONCERNING  
14 PROFESSIONAL DEVELOPMENT AND TEACHER FAIR DISMISSAL  
15 WITH THE TEACHER EXCELLENCE AND SUPPORT SYSTEM; TO  
16 INCREASE PUBLIC AWARENESS OF EFFECTIVE TEACHERS; AND  
17 FOR OTHER PURPOSES.

## Subtitle

20 TO ESTABLISH THE TEACHER EXCELLENCE AND  
21 SUPPORT SYSTEM AND ALIGN CURRENT LAW  
22 CONCERNING PROFESSIONAL DEVELOPMENT AND  
23 TEACHER FAIR DISMISSAL WITH THE SYSTEM.

24  
25  
26  
27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

28  
29 SECTION 1. Arkansas Code § 6-13-1305, concerning site-based decision  
30 making policies for school districts, is amended to add an additional  
31 subdivision to read as follows:

32 (10) Teacher evaluations, professional learning plans, and  
33 teacher support under the Teacher Excellence and Support System, § 6-17-2801  
34 et seq.

35  
36 SECTION 2. Arkansas Code § 6-15-1004(c)(1), concerning qualified



1 teachers, is amended to read as follows:

2 (c)(1) ~~In order for teachers to be able to renew a license, they must~~  
3 ~~have participated in a continuing education and professional development~~  
4 ~~program based on their school improvement plans, performance evaluation~~  
5 ~~results, and student achievement scores~~ To renew a teaching license, a  
6 teacher shall participate in continuing education and professional  
7 development:

8 (A) Based on the teacher's evaluation and professional  
9 learning plan under the Teacher Excellence and Support System, § 6-17-2801 et  
10 seq.;

11 (B) As required under § 6-17-704 and other law; and

12 (C) As required by rule of the State Board of Education.

13  
14 SECTION 3. Arkansas Code § 6-15-1402(b), concerning the contents of  
15 annual school performance reports, is amended to add an additional  
16 subdivision to read as follows:

17 (4) Beginning with the 2017-2018 school year, for the school  
18 year covered by a school performance report the report shall include:

19 (A) The total number of teachers who are employed in the  
20 public school; and

21 (B) Of that total, the number who meet each of the  
22 following criteria:

23 (i) Highly qualified teacher;

24 (ii) Identified as proficient or above under the  
25 Teacher Excellence and Support System for the school; and

26 (iii) Certified by the National Board for  
27 Professional Teaching Standards.

28  
29 SECTION 4. Arkansas Code § 6-17-704(e)(1), concerning professional  
30 development plans of school districts, is amended to read as follows:

31 (e)(1) The professional development offerings may meet the objectives  
32 of subdivision (e)(2) of this section developed by the National Staff  
33 Development Council and shall comply with the rules of the ~~Department~~ State  
34 Board of Education governing professional development.

35  
36 SECTION 5. Arkansas Code § 6-17-704, concerning professional

1 development plans of school districts, is amended to add additional  
2 subsections to read as follows:

3 (f) A teacher shall complete any missed hours of professional  
4 development through professional development that is:

5 (1) Substantially similar to the professional development *missed*  
6 *and approved* by the person responsible for the teacher's summative evaluation  
7 under the Teacher Excellence and Support System, § 6-17-2801 et seq.; and

8 (2) Delivered by any method, online or otherwise, approved by  
9 the Department of Education under the State Board of Education rules.

10 (g) Accreditation for or approval of professional development for  
11 public school teachers and administrators is governed by the rules of the  
12 state board.

13

14 SECTION 6. Arkansas Code § 6-17-705(c), concerning professional  
15 development credit, is amended to read as follows:

16 (c) Licensed personnel may earn the twelve (12) hours of professional  
17 development credit required under subsection (a) of this section through  
18 online professional development credit approved by the Department of  
19 Education and related to the:

20 (1) School district's Arkansas Comprehensive School Improvement  
21 Plan; or

22 (2) Teacher's professional ~~growth~~ learning plan under the  
23 Teacher Excellence and Support System, § 6-17-2801 et seq.

24

25 SECTION 7. Arkansas Code § 6-17-1504 is amended to read as follows:

26 6-17-1504. Evaluation – Effect.

27 (a) Each teacher employed by the board of directors of a school  
28 district shall be evaluated in writing ~~annually~~ under the Teacher Excellence  
29 and Support System, § 6-17-2801 et seq.

30 (b) ~~When~~ At a time other than an evaluation conducted under the  
31 Teacher Excellence and Support System, if a superintendent or other school  
32 administrator charged with the supervision of a teacher believes or has  
33 reason to believe that ~~a~~ the teacher is having difficulties or problems  
34 meeting the expectations of the school district or its administration and the  
35 administrator believes or has reason to believe that the problems could lead  
36 to termination or nonrenewal of contract, the superintendent or other school

1 administrator shall:

2 (1) Bring in writing the problems and difficulties to the  
3 attention of the teacher involved; and

4 (2) Document the efforts that have been undertaken to  
5 assist the teacher to correct whatever appears to be the cause for potential  
6 termination or nonrenewal.

7

8 SECTION 8. Arkansas Code Title 6, Chapter 17 is amended to add an  
9 additional subchapter to read as follows:

10

11 Subchapter 28 – Teacher Excellence and Support System

12

13 6-17-2801. Title.

14 This subchapter shall be known and may be cited as the "Teacher  
15 Excellence and Support System".

16

17 6-17-2802. Legislative intent.

18 It is the intent of the General Assembly to:

19

20 (1) Provide a program affording public school districts and  
21 public charter schools a transparent and consistent teacher evaluation system  
22 that ensures effective teaching and promotes professional learning;

23

24 (2) Provide an evaluation, feedback, and support system that  
25 will encourage teachers to improve their knowledge and instructional skills  
26 in order to improve student learning;

27

28 (3) Provide a basis for making teacher employment decisions;

29

30 (4) Provide an integrated system that links evaluation  
31 procedures with curricular standards, professional development activities,  
32 targeted support, and human capital decisions;

33

34 (5) Encourage highly effective teachers to undertake challenging  
35 assignments;

36

37 (6) Support teachers' roles in improving students' educational  
38 achievements;

39

40 (7) Inform policymakers regarding the benefits of a consistent  
41 evaluation and support system in regard to improving student achievement  
42 across the state; and

43

44 (8) Increase the awareness of parents and guardians of public

1 school students concerning the effectiveness of public school teachers.

2  
3 6-17-2803. Definitions.

4 As used in this subchapter:

5 (1) "Artifact" means a documented piece of evidence chosen by  
6 the teacher being evaluated, the evaluator, or both, that:

7 (A) Relates to the evaluation rubric; and

8 (B) Represents output from one (1) or more of the  
9 following, without limitation:

10 (i) Lesson plans or pacing guides aligned with the  
11 state standards;

12 (ii) Self-directed or collaborative research  
13 approved by an evaluator;

14 (iii) Participation in professional development;

15 (iv) Contributions to parent, community, or  
16 professional meetings;

17 (v) Classroom assessments including:

18 (a) Unit tests;

19 (b) Samples of student work, portfolios,  
20 writing, and projects;

21 (c) Pre-assessments and post-assessments; and

22 (d) Classroom-based formative assessments;

23 (vi) District-level assessments including:

24 (a) Formative assessments;

25 (b) Grade or subject level assessments;

26 (c) Department-level assessments; and

27 (d) Common assessments;

28 (vii) State-level assessments including:

29 (a) End-of-course assessments;

30 (b) Statewide assessments of student  
31 achievement; and

32 (c) Career and technical assessments; and

33 (viii) National assessments including:

34 (a) Advanced placement assessments;

35 (b) Norm-referenced assessments; and

36 (c) Career and technical assessments;

1           (2)(A) "Evaluation" means the process under this subchapter used  
2 to:

3                   (i) Assess with evidence what a teacher should know  
4 and be able to do as measured by the categories and performance levels of an  
5 evaluation framework; and

6                   (ii) Promote teacher growth through professional  
7 learning.

8           (B) "Evaluation" does not include a teacher's performance  
9 relating to competitive athletics and competitive extracurricular activities;

10           (3) "Evaluation framework" means a standardized set of teacher  
11 evaluation categories that provide the overall basis for an evaluation;

12           (4) "Evaluation rubric" means a set of performance descriptors  
13 for each teacher evaluation category in the evaluation framework;

14           (5) "Evaluator" means a person licensed by the State Board of  
15 Education as an administrator who is designated as the person responsible for  
16 evaluating teachers;

17           (6) "External assessment measure" means a measure of student  
18 achievement or growth that is administered, developed, and scored by a person  
19 or entity other than the teacher being evaluated, except that the assessment  
20 may be administered by the teacher being evaluated if the assessment is  
21 monitored by a licensed individual designated by the evaluator;

22           (7) "Formal classroom observation" means an announced visit to a  
23 classroom that:

24                   (A) Is preceded by a pre-observation conference to discuss  
25 the lesson plan and objectives;

26                   (B)(i) Is conducted by an evaluator for at least seventy-  
27 five percent (75%) of the class period either by observing the teacher in the  
28 classroom or through the use of three-hundred-sixty-degree (360°) video  
29 technology.

30                   (ii) The length of time for a formal classroom  
31 observation of a teacher teaching in a block schedule or in a class period  
32 lasting longer than sixty (60) minutes may be adjusted to allow for an  
33 observation for forty-five (45) minutes or more of the teacher's class  
34 period;

35                   (C) Facilitates a professional dialogue for the teacher  
36 and evaluator; and

1                   (D) Provides essential evidence of the teacher's classroom  
2 practices;

3                   (8) "Formative assessment" means an evaluation of a student's  
4 learning that is given before the student completes a course of instruction  
5 to foster the student's development and improvement on a specific strand  
6 within the course of instruction;

7                   (9) "Informal classroom observation" means an observation  
8 conducted by an evaluator for the same purpose as a formal classroom  
9 observation but may be:

10                   (A) Unannounced; or

11                   (B) For a shorter period of time than a formal classroom  
12 observation;

13                   (10) "Intensive support status" means the employment status  
14 administered under this subchapter that is assigned to a teacher under § 6-  
15 17-2807;

16                   (11) "Interim teacher appraisal" means a form of evaluation,  
17 other than a summative evaluation, that:

18                   (A) Provides support for teaching practices; and

19                   (B) Uses standards for teacher growth and performance that  
20 are consistent with the evaluation rubrics for the teacher evaluation  
21 categories of a summative evaluation;

22                   (12) "Novice teacher" means a teacher having less than one (1)  
23 school year of public school classroom teaching experience;

24                   (13) "Post-observation conference" means a conference between  
25 the teacher and evaluator following a formal classroom observation to  
26 discuss:

27                   (A) The evaluator's observations; and

28                   (B) Artifacts presented by the teacher after the formal  
29 classroom observation;

30                   (14) "Pre-observation conference" means a conference between the  
31 teacher and evaluator to discuss goals and planned outcomes for a classroom  
32 lesson before a formal classroom observation;

33                   (15) "Probationary teacher" means the same as probationary  
34 teacher under § 6-17-1502;

35                   (16) "Statewide assessment of student achievement" means a  
36 statewide benchmark exam, end-of-course assessment, or a summative assessment

1 of student achievement administered through:

2 (A) The Arkansas Comprehensive Testing, Assessment, and  
3 Accountability Program, § 6-15-401 et seq.; or

4 (B) A program of common core assessments administered  
5 under rules of the State Board of Education;

6 (17) "Summative assessment" means an evaluation of student  
7 achievement given at the completion of a course of instruction that  
8 cumulatively measures whether the student met long-term learning goals for  
9 the course;

10 (18) "Summative evaluation" means an evaluation of a teacher's  
11 performance that evaluates all categories of the evaluation framework that  
12 supports:

13 (A) Improvement in the teacher's teaching practices and  
14 student achievement; and

15 (B) A school district's employment decision concerning the  
16 teacher;

17 (19)(A) "Teacher" means a person who is:

18 (i) Required to hold and holds a teaching license  
19 from the State Board of Education as a condition of employment; and

20 (ii) Employed in a public school as a:

21 (a) Classroom teacher engaged directly in  
22 instruction with students in a classroom setting;

23 (b) Guidance counselor;

24 (c) Library media specialist;

25 (d) Special education teacher; or

26 (e) Teacher in another position identified by  
27 the state board.

28 (B) "Teacher" also includes a nonlicensed classroom  
29 teacher employed at a public charter school under a waiver of teacher  
30 licensure requirements granted by the state board in the charter.

31 (C) "Teacher" does not include a person who is employed  
32 full time by a school district or public school solely as a superintendent or  
33 administrator; and

34 (20) "Tested content area" means a teaching content area that is  
35 tested under a statewide assessment of student achievement.

36



1 6-17-2804. Administrative agency responsibilities.

2 (a) The State Board of Education shall promulgate rules for the Teacher  
3 Excellence and Support System consistent with this subchapter.

4 (b) The rules shall, without limitation:

5 (1) Recognize that student learning is the foundation of teacher  
6 effectiveness and many factors impact student learning, not all of which are  
7 under the control of the teacher or the school, and that evidence of student  
8 learning includes trend data and is not limited to a single assessment;

9 (2) Provide that the goals of the Teacher Excellence and Support  
10 System are quality assurance and teacher growth;

11 (3) Reflect evidence-based or proven practices that improve  
12 student learning;

13 (4) Utilize clear, concise, evidentiary data for teacher  
14 professional growth and development to improve student achievement;

15 (5) Recognize that evidence of student growth is a significant  
16 part of the Teacher Excellence and Support System;

17 (6) Ensure that student growth is analyzed at every level of the  
18 evaluation system to illustrate teacher effectiveness;

19 (7) Require annual evidence of student growth from artifacts and  
20 external assessment measures;

21 (8) Include clearly defined teacher evaluation categories,  
22 performance levels, and evaluation rubric descriptors for the evaluation  
23 framework;

24 (9) Include procedures for implementing each component of the  
25 Teacher Excellence and Support System; and

26 (10) Include the professional development requirements for all  
27 superintendents, administrators, evaluators, and teachers to obtain the  
28 training necessary to be able to understand and successfully implement a  
29 Teacher Excellence and Support System under this subchapter.

30  
31 6-17-2805. Summative evaluations.

32 (a) The evaluation framework for a summative evaluation for a  
33 classroom teacher shall include:

34 (1) The following teacher evaluation categories:

35 (A) Planning and preparation;

36 (B) Classroom environment;

1                   (C) Instruction; and

2                   (D) Professional responsibilities; and

3                   (2) An evaluation rubric using nationally accepted descriptors  
4 that consists of the following four (4) performance levels:

5                   (A) Distinguished;

6                   (B) Proficient;

7                   (C) Basic; and

8                   (D) Unsatisfactory.

9                   (b) A summative evaluation shall result in a written:

10                   (1) Evaluation determination for the teacher's performance level  
11 on each teacher evaluation category; and

12                   (2) Summative evaluation determination of the teacher's  
13 performance level on all teacher evaluation categories as a whole.

14                   (c) A summative evaluation shall use an appropriate evaluation  
15 framework, evaluation rubric, and external assessment measurements for a  
16 teacher who is not a classroom teacher including without limitation:

17                   (1) A guidance counselor;

18                   (2) A library media specialist;

19                   (3) A special education teacher; or

20                   (4) Other teacher as identified by the State Board of  
21 Education.

22                   (d)(1) In a tested content area, one-half (1/2) of the  
23 artifacts considered by the teacher and evaluator shall be external  
24 assessment measures chosen by the teacher and evaluator, or by the  
25 evaluator if the teacher and evaluator are unable to agree.

26                   (2)(A) Except as provided in subdivision (d)(2)(B), in a  
27 nontested content area, one-half (1/2) of the artifacts considered by  
28 the teacher and evaluator, or by the evaluator if the teacher and  
29 evaluator cannot agree, shall be external assessments.

30                   (B) If an external assessment measure does not exist for  
31 the non-tested content area, the Department of Education shall by rule  
32 determine the type of artifact that may be used otherwise to satisfy the  
33 external assessment measure requirement under subdivision (d)(2)(A) of this  
34 section.

35                   (e) A summative evaluation process shall include:

36                   (1) A pre-observation conference and post-observation

1 conference;

2 (2) A formal classroom observation and informal classroom  
3 observation.

4 (3) Presentations of artifacts chosen by the teacher, the  
5 evaluator, or both;

6 (4) An opportunity for the evaluator and teacher to discuss the  
7 review of external assessment measures used in the evaluation;

8 (5) A written evaluation determination for each teacher  
9 evaluation category and a written summative evaluation determination;

10 (6) Feedback based on the evaluation rubric that the teacher can  
11 use to improve teaching skills and student learning; and

12 (7) Feedback from the teacher concerning the evaluation process  
13 and evaluator.

14  
15 6-17-2806. Teacher support components.

16 (a)(1) Except as provided in subdivision (a)(3) of this section, a  
17 teacher being evaluated and the evaluator, working together, shall develop a  
18 professional learning plan for the teacher that:

19 (A) Identifies professional learning outcomes to advance  
20 the teacher's professional skills; and

21 (B) Clearly links professional development activities and  
22 the teacher's individual professional learning needs identified through the  
23 Teacher Excellence and Support System.

24 (2) The professional learning plan shall require that at  
25 least one-half (1/2) of the professional development hours required by  
26 law or rule for a teacher are directly related to one (1) or more of:

27 (A) The teacher's content area;

28 (B) Instructional strategies applicable to the  
29 teacher's content area; or

30 (C) The teacher's identified needs.

31 (3) If a teacher and evaluator cannot agree on a professional  
32 learning plan, the evaluator's decision shall be final.

33 (4)(A) For a teacher in intensive support status, the evaluator  
34 or an administrator designated by the evaluator shall have final approval of  
35 the teacher's professional learning plan.

36 (B) Until the teacher is removed from intensive support

1 status, all professional development identified in the professional learning  
2 plan, except professional development that is required by law or by the  
3 public school where the teacher is employed, shall be directly related to the  
4 individual teacher's needs.

5 (b)(1) Interim teacher appraisals shall be used to support teachers on  
6 an ongoing basis throughout the school year and:

7 (A) Provide a teacher with immediate feedback about the  
8 teacher's teaching practices;

9 (B) Engage the teacher in a collaborative, supportive  
10 learning process; and

11 (C) Help the teacher use formative assessments to inform  
12 the teacher of student progress and adapt teaching practices based on the  
13 formative assessments.

14 (2) The interim teacher appraisal process may be guided in whole  
15 or in part by an evaluator or by one (1) or more of the following persons  
16 designated by the evaluator:

17 (A) A teacher designated by an administrator as a leader  
18 for the teaching content area of a teacher who is being evaluated;

19 (B) An instructional facilitator;

20 (C) A curriculum specialist; or

21 (D) An academic coach for the teacher's content area.

22 (c) The Teacher Excellence and Support System also shall include  
23 novice teacher mentoring and induction for each novice teacher employed at  
24 the public school that:

25 (1) Provides training, support, and follow-up to novice teachers  
26 to increase teacher retention;

27 (2) Establishes norms of professionalism; and

28 (3) Leads to improved student achievement by increasing  
29 effective teacher performance.

30  
31 6-17-2807. Intensive support status.

32 (a)(1) An evaluator shall place a teacher in intensive support status  
33 if the teacher has a rating of "Unsatisfactory" in any one (1) entire teacher  
34 evaluation category of the evaluation framework.

35 (2) An evaluator may place a teacher in intensive support status  
36 if the teacher has a rating of "Unsatisfactory" or "Basic" in a majority of

1 descriptors in a teacher evaluation category.

2 (b) If a teacher is placed in intensive support status, the evaluator  
3 shall:

4 (A) Establish the time period for the intensive support  
5 status; and

6 (B)(i) Provide a written notice to the teacher that the  
7 teacher is placed in intensive support status.

8 (ii) The notice shall state that if the teacher's  
9 contract is renewed while the teacher is in intensive support status, the  
10 fulfillment of the contract term is subject to the teacher's accomplishment  
11 of the goals established and completion of the tasks assigned in the  
12 intensive support status.

13 (c)(1) The period of time specified by the evaluator for intensive  
14 support status shall afford the teacher an opportunity to accomplish the  
15 goals of and complete the tasks assigned in the intensive support status.

16 (2) Intensive support status shall not last for more than two  
17 (2) consecutive semesters, unless the teacher has substantially progressed  
18 and the evaluator elects to extend the intensive support status for up to two  
19 (2) additional consecutive semesters.

20 (d) The evaluator shall work with the teacher to:

21 (1) Develop a clear set of goals and tasks that correlate to:

22 (A) The professional learning plan; and

23 (B) Evidence-based research concerning the evaluation  
24 category that forms the basis for the intensive support status; and

25 (2) Ensure the teacher is offered the support that the evaluator  
26 deems necessary for the teacher to accomplish the goals developed and  
27 complete the tasks assigned while the teacher is in intensive support status.

28 (e)(1) If the intensive support status is related to student  
29 performance, the teacher shall use formative assessments to gauge student  
30 progress throughout the period of intensive support status.

31 (2) The teacher shall be offered the support necessary to use  
32 formative assessments under this subsection during the intensive support  
33 status.

34 (f) At the end of the specified period of time for intensive support  
35 status, the evaluator shall:

36 (1) Evaluate whether the teacher has met the goals developed and

1 completed the tasks assigned for the intensive support status; and

2 (2) Provide written notice to the teacher that the teacher is  
3 either:

4 (A) Removed from intensive support status; or

5 (B) Failed to meet the goals and complete the tasks of the  
6 intensive support status.

7 (g)(1) If a teacher does not accomplish the goals and complete the  
8 tasks established for the intensive support status during the period of  
9 intensive support status, the evaluator shall notify the superintendent of  
10 the school district where the teacher is employed and provide the  
11 superintendent with documentation of the intensive support status.

12 (2)(A) Upon review and approval of the documentation, the  
13 superintendent shall recommend termination or nonrenewal of the teacher's  
14 contract.

15 (B) A recommendation for termination or nonrenewal of a  
16 teacher's contract under this section shall be made pursuant to the authority  
17 granted to a superintendent for recommending termination or nonrenewal under  
18 the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et seq.

19 (3) When a superintendent makes a recommendation for termination  
20 or nonrenewal of a teacher's contract under subdivision (g)(2) of this  
21 section, the public school:

22 (A) Shall provide the notice required under the Teacher  
23 Fair Dismissal Act of 1983, § 6-17-1501 et seq., but is exempt from the  
24 provisions of § 6-17-1504(b); and

25 (B)(i) If the public school has substantially complied  
26 with the requirements of § 6-17-2807, is entitled to a rebuttable presumption  
27 that the public school has a substantive basis for the termination or  
28 nonrenewal of the teacher's contract under the applicable standard for  
29 termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, § 6-  
30 17-1501 et seq.

31 (ii) The presumption may be rebutted by the teacher  
32 during an appeal under the Teacher Fair Dismissal Act of 1983, § 6-17-1501 et  
33 seq.

34 (4) This section does not preclude a public school  
35 superintendent from:

36 (A) Making a recommendation for the termination or

1 nonrenewal of a teacher's contract for any lawful reason under the Teacher  
2 Fair Dismissal Act of 1983, § 6-17-1501 et seq.; or

3 (B) Including in a recommendation for termination or  
4 nonrenewal of a teacher's contract under this section any other lawful reason  
5 for termination or nonrenewal under the Teacher Fair Dismissal Act of 1983, §  
6 6-17-1501 et seq.

7  
8 6-17-2808. Implementation - Applicability.

9 (a) Beginning in the 2014-2015 school year, a public school shall  
10 implement the Teacher Excellence and Support System for all teachers employed  
11 at the public school under the rules established by the State Board of  
12 Education.

13 (b)(1) Annually during a school year, a public school shall conduct a  
14 summative evaluation for every teacher employed in the public school who is  
15 a:

16 (A) Novice teacher;

17 (B) Probationary teacher; or

18 (C) Teacher who successfully completed intensive support  
19 status within the current or immediately preceding school year.

20 (2)(A) At least one (1) time every three (3) school years, a  
21 public school shall conduct a summative evaluation for a teacher who is not  
22 in a status under subdivision (b)(1) of this section.

23 (B) In a school year in which a summative evaluation is  
24 not required for a teacher under this subdivision (b)(2), the teacher:

25 (i) Shall focus on elements of the teacher's  
26 professional learning plan as approved by the evaluator that are designed to  
27 help the teacher improve his or her teaching practices; and

28 (ii) With the evaluator's approval may:

29 (a) Collaborate with a team of teachers on a  
30 shared plan that benefits the whole school, a content area, or a grade level;  
31 or

32 (b) Conduct self-directed research related to  
33 the teacher's professional learning plan under § 6-17-2806.

34 (C) During the two (2) years in which a summative  
35 evaluation is not required, a public school may conduct an evaluation that is  
36 lesser in scope than a summative evaluation but uses the portions of the

1 evaluation framework and evaluation rubrics that are relevant to the  
2 evaluation.

3 (c)(1) A teacher shall:

4 (A) Participate in the Teacher Excellence and Support  
5 System under this subchapter, including without limitation in:

6 (i) Classroom observations; and

7 (ii) Pre-observation and post-observation  
8 conferences; and

9 (B)(i) Collaborate in good faith with the evaluator to  
10 develop the teacher's professional learning plan under § 6-17-2806(a).

11 (ii) If a teacher and evaluator cannot agree on the  
12 professional learning plan, the evaluator's decision shall be final.

13 (2) A failure to comply with this subsection may be reflected in  
14 the teacher's evaluation.

15 (d) Every teacher contract renewed or entered into after the effective  
16 date of this subchapter is subject to and shall reference this subchapter.

17 (e) A public school that in the 2012-2013 and 2013-2014 school years  
18 uses a nationally recognized system of teacher evaluation and support that is  
19 substantially similar to the Teacher Excellence and Support System may  
20 continue to use that system and is deemed to have met the requirements of  
21 this section.

22  
23 6-17-2809. Administrator evaluations.

24 The Department of Education shall provide technical assistance to  
25 school districts for developing and implementing instruments to evaluate  
26 administrators that weight an administrator evaluation on student performance  
27 and growth to the same extent as provided for teachers under the Teacher  
28 Excellence and Support System.

29  
30 SECTION 9. Arkansas Code § 6-20-2305(b)(5)(B), concerning public  
31 school funding for professional development, is amended to read as follows:

32 (B) Funding for professional development for teachers in  
33 Arkansas public schools required under the Teacher Excellence and Support  
34 System, § 6-17-2801 et seq., other law or rule, or by the school district  
35 shall be used for professional development activities and materials that:

36 (i) ~~improve~~ Improve the knowledge, skills, and



1 effectiveness of teachers;

2 (ii) Address the knowledge and skills of  
3 administrators, and paraprofessionals concerning effective instructional  
4 strategies, methods, and skills ~~for improving teaching practices and;~~

5 (iii) Lead to improved student academic achievement;

6 and

7 (iv) Provide training for school bus drivers as  
8 outlined in rules promulgated by the State Board of Education.

9

10 SECTION 10. DO NOT CODIFY.

11 (a) By September 1, 2012, the State Board of Education shall develop  
12 the evaluation framework, evaluation rubric, and all rules for implementation  
13 of this act.

14 (b)(1) Between September 1, 2012, and August 31, 2013, the Department  
15 of Education, or any educational association approved by the department,  
16 shall conduct training sessions for all superintendents, administrators,  
17 evaluators, and teachers on the Teacher Excellence and Support System.

18 (2) The department shall ensure that the participants have more  
19 than one (1) opportunity to participate in the training.

20 (c) In the 2013-2014 school year, the department shall implement a  
21 one-year pilot program using the Teacher Excellence and Support System in one  
22 (1) or more school districts and shall obtain feedback from the  
23 superintendents, administrators, evaluators, and teachers involved in the  
24 pilot program to inform the department concerning needed amendments to state  
25 board rules or changes in state law.

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27 /s/J. Roebuck

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30 **APPROVED: 04/05/2011**

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