

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES**  
**GOVERNING TUTORING GRANTS**

**Effective date:**

**1.00 AUTHORITY**

1.01 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-402, 6-17-429, 6-16-1601 et seq. and 25-15-201 et seq.

**2.00 LITERACY TUTORING GRANTS**

2.01 A literacy tutoring grant is up to a maximum of five hundred dollars (\$500) per eligible student per school year, that may be used for any of the following purposes designed to improve reading or literacy skills:

2.01.1 Online or in-person, tutoring services from a list of providers approved by the Division of Elementary and Secondary Education under 2.05 of this section whose employees or contractors are trained in the science of reading and hold:

2.01.1.1 Valid teaching certificates in either elementary education or reading; or

2.01.1.2 Baccalaureate or graduate degrees in education, English, or another subject area indicative of expertise in reading and literacy.

2.01.2 Evidence-based digital literacy applications or software programs from a list of division-approved programs that are in alignment with the science of reading.

2.02 “Eligible student” means any student enrolled in a public school or open-enrollment public charter school in kindergarten through grade three (K-3) who:

2.02.1 Is determined by the division for the purpose of this section to not meet the reading standard, as defined by the state board;

2.02.1.1 For the 2023-2024 school year, the reading standard for the purpose of identifying student eligibility for the literacy tutoring grant is defined as students achieving at or below the lowest 10th percentile for kindergarten, at or below the lowest 15th percentile for grade 1, and at or below the lowest 20th percentile for grade 2 based on the current school year beginning-of-year literacy kindergarten through grade two (K-2) assessment scores, 25th percentile based on prior school year end of year literacy assessments for students in

grade 3, and current students in grade 3 that were not promoted.

2.02.2 Beginning in 2024-2025, is determined to be at risk for reading difficulties according to results of cut scores determined by the state board on the high-quality literacy screener required under the statewide student assessment system; or

2.02.3 Has received a good cause exemption for promotion to grade four (4).

2.03 Subject to available funding, priority for literacy tutoring grants will be given to the following in descending order of priority:

2.03.1 Students who were retained the previous year;

2.03.2 Students in the lowest 15% of the reporting category in kindergarten through grade three (K-3);

2.03.3 The remaining lowest quartile of grade 3;

2.03.4 The remaining lowest quartile of grade 2;

2.03.5 The remaining lowest quartile of grade 1;

2.03.6 The remaining lowest quartile of kindergarten.

2.04 The division shall provide for an online application process that allows eligible students to register for and procure literacy tutoring services.

2.04.1 The division shall make payments to the service provider.

2.04.1.1 A third-party payment processing vendor shall create and set up payment accounts for eligible students.

2.04.1.2 Service providers, or third-party vendors shall issue an itemized invoice to eligible students for documentation of expense type, amount, and recipient.

2.04.1.3 Eligible students and families shall verify and submit payment requests, identifying the service provider to receive payment, the payment amount, and the expense type.

2.04.1.4 Eligible students shall include invoices for review and documentation during payment submission process via the third-party payment processing vendor.

- 2.04.1.5 The third-party payment processing vendor shall remit payment to service providers for authorized expenditures, unless expenditure is not authorized by law, following review and approval of expense request and documentation by the division.
  - 2.04.2 The division shall maintain a waitlist for students who are unable to receive literacy tutoring grants in the event that more funding becomes available to support the program.
  - 2.04.3 Subject to additional funding, eligible students on the waitlist will be awarded literacy tutoring grants according to the priority schedule under section 2.03 on a first-come, first-served basis.
- 2.05 Providers of supplemental educational services may apply to be an approved provider.
  - 2.05.1 The division shall review and evaluate provider applications based on the provider's:
    - 2.05.1.1 Capacity to provide literacy tutoring services to students in kindergarten through grade three (K-3);
    - 2.05.1.2 Tutor qualifications as defined in 2.01;
    - 2.05.1.3 Alignment to the science of reading; and
    - 2.05.1.4 Evidence of student outcomes and data collection methods.
- 2.06 Approved providers shall be evaluated by the division for initial and continued eligibility for payments to ensure the effectiveness of a literacy tutoring grant program in improving eligible students' reading abilities, using one or more of the following criteria:
  - 2.06.1 Results from literacy assessment data that demonstrates positive learning gains in literacy or reading results, consisting of:
    - 2.06.1.1 State-approved literacy screeners or other assessments using data collected by the division; or
    - 2.06.1.2 An assessment used by the tutoring provider that collects both baseline data and at least one additional assessment following the baseline data collection.
    - 2.06.1.3 A provider submitting their own assessment for evaluation must provide to the division:

- 2.06.1.3.a The assessment used;
  - 2.06.1.3.b A description of what the assessment measures and how it aligns to the science of reading; and
  - 2.06.1.3.c Aggregate performance data.
- 2.06.1.4 The division may request student-level data from providers as determined necessary to evaluate program effectiveness;
- 2.06.2 Evidence of positive and statistically significant learning gains in literacy that is conducted by a third-party researcher; or
- 2.06.3 Evidence of parent satisfaction with student literacy gains as a result of literacy tutoring services as measured by a valid and reliable survey.
- 2.06.4 Approved providers must annually submit to the division the information required under 2.06.
- 2.07 A provider that fails to provide the information required under section 2.06 or that is found to be ineffective due to failure to demonstrate improvement in eligible students' reading abilities for two (2) consecutive years shall be ineligible to participate in the literacy tutoring grant program.
  - 2.07.1 In addition to measuring effectiveness, the division may audit approved providers to ensure that eligible students who received literacy tutoring grants received the services and materials for which grant funds were spent.
  - 2.07.2 Providers will be removed from the approved provider list immediately if the provider is found to be ineffective, not in alignment with the provider approval rubric, or if evidence of fraud or student harm is discovered.
  - 2.07.3 A provider removed from the approved list may re-apply to be on the approved provider list for the following school year but must provide additional evidence, aligned to evaluation criteria, to demonstrate that all requirements are met.
- 2.08 On an annual basis the division will collect and report to the state board on the following:
  - 2.08.1 The number of students eligible for literacy tutoring grants;

- 2.08.2 The number of eligible students who applied for literacy tutoring grants;
- 2.08.3 The number of eligible students who spent any amount of grant funding from the literacy tutoring grant;
- 2.08.4 The number of eligible students who spent the full amount of grant funding from the literacy tutoring grant;
- 2.08.5 The total amount of grant funding available, the total amount awarded from the application process, and the total amount expended;
- 2.08.6 The total amount of grant funding expended on approved literacy tutoring providers, overall and by provider; and
- 2.08.7 Student outcomes data provided by approved literacy tutoring providers, by provider.
- 2.08.8 The report under 2.08 shall contain data under 2.08.1-2.08.4 for the overall program and data organized by grade, by school and district, and by the priority order in 2.03.

### **3.00 HIGH IMPACT TUTORING GRANTS**

- 3.01 “High-impact tutoring” means tutoring that is aligned with tutoring quality standards, including without limitation tutoring that is:
  - 3.01.1 Data-driven with student results, characteristics, and progress guiding decision making.
  - 3.01.2 Provided in groups of four or fewer students or one-on-one (1-1);
  - 3.01.3 Provided:
    - 3.01.3.1 For a minimum of three times per week, at least 30 minutes a session; or
    - 3.01.3.2 A comparable model that provides direct tutoring based on specific skills needed;
  - 3.01.4 Provided by a consistent tutor or consistent set of tutors that sustain strong relationships with students;
  - 3.01.5 Implemented during the school day; and

- 3.01.6 Supplemental to core academic instruction and not a replacement for such instruction. Supplemental instruction may include small group instructional time where students might otherwise be working independently.
- 3.02 A public school district or an open-enrollment public charter school may annually apply for a high-impact tutoring grant to establish or expand a tutoring program that meets the definition of high-impact tutoring in section 3.01 and that drives strong outcomes for students.
- 3.03 The Division of Elementary and Secondary Education shall establish a timeline for a public school district or open-enrollment public charter school to apply for the program.
- 3.04 A public school district or open-enrollment public charter school applying for funding under this section must provide a detailed plan in its application for how its tutoring program is, or will be with respect to a prospective program:
- 3.04.1 Data-driven with student results, characteristics, and progress guiding decision making.
- 3.04.2 A program that uses assessments throughout the school year to monitor student progress.
- 3.04.3 Provides tutoring in small groups of four or fewer students, or one-on-one (1-1);
- 3.04.4 Uses a consistent tutor or a consistent set of tutors to provide tutoring to eligible students throughout the school year;
- 3.04.5 Provides tutoring:
- 3.04.5.1 For a minimum of three times per week, at least 30 minutes a session; or
- 3.04.5.2 A comparable model that provides direct tutoring based on specific skills needed;
- 3.04.6 Implements tutoring during the school day. The tutoring is related to core academic instruction and supplements not supplants that core academic instruction; and
- 3.04.7 Uses trained tutors, as defined by the approved provider, to provide the tutoring.

- 3.05 A public school district or open-enrollment public charter school that receives an award under this section must launch and deliver high-impact tutoring services in accordance with the timeline established by the division.
- 3.06 The high-impact tutoring pilot program will provide a maximum grant award determined annually by the division based on available funding.
- 3.07 A public school district or open enrollment public charter school applying for a grant award under this section must specify in its grant application criteria for which students are eligible for its high-impact tutoring program and how those students are selected.
- 3.07.1 The public school district or open-enrollment public charter school must consider without limitation the academic performance of student groups across grades and subjects within a public school district or open-enrollment public charter school and student assessment results, including standards-aligned or nationally normed student assessment results, as part of its eligibility and selection process.
- 3.08 The division shall post a list of each public school district or open-enrollment public charter school that receives funding and each public school district or open-enrollment public charter school's high-impact tutoring program plan on its website.
- 3.09 A public school district or open-enrollment public charter school receiving grant funding under this rule must comply with all state and federal laws with respect to the use of grant funds and may spend tutoring program funds on:
- 3.09.1 Contracting with vendors which provide high-impact tutoring from a division-approved provider list;
- 3.09.2 Hiring or contracting for tutors or providing stipends or other incentives to paraprofessionals, retired teachers, community organizations to ensure maximum tutoring capacity;
- 3.09.3 Covering administrative expenses; and
- 3.09.4 Covering costs associated with tech-enabled tutoring solutions, such as licenses, software, and related devices.
- 3.10 A public school district or open-enrollment public charter school receiving grant funding under this rule must provide a funding match to support the high-impact tutoring program funding awarded by the division.

3.10.1 The division may allow an in-kind match from the district or open-enrollment public charter school to meet the requirement set forth in 3.10.

3.11 A public school district or open-enrollment public charter school receiving funds for a high-impact tutoring program under this rule must implement the approved tutoring program plan with fidelity ensuring that eligible students receive the specified dosage of high-impact tutoring services.

3.11.1 A public school district or open-enrollment public charter school that does not implement its approved program with fidelity may be ineligible for future grant funds.

3.12 A provider that fails to submit information required under this rule or that is found to be ineffective due to failure to demonstrate improvement in eligible students for two (2) consecutive years shall be ineligible to participate in the high-impact tutoring grant program.

3.13 A public school district or open-enrollment public charter school that is found to be ineligible for grant funds after receiving funds from the division shall return grant funds to the division.

#### **4.00 HIGH-IMPACT TUTORING PROVIDERS**

4.01 The Division of Elementary and Secondary Education shall maintain an approved list of high-impact tutoring providers that participating districts and open-enrollment public charter schools may use.

4.02 Criteria that may be considered for providers include, but are not limited to:

4.02.1 Provider experience in providing high-impact tutoring services;

4.02.2 Types of student performance data collected;

4.02.3 Evidence of impact on student outcomes;

4.02.4 Grade levels and content areas served;

4.02.5 Tutor experience, training, and content expertise;

4.02.6 Per student costs;

4.02.7 Tutoring models used whether those models are in-person, fully virtual, or a hybrid model; and

4.02.8 Alignment to high-impact tutoring as defined in 3.01 of this section.



## **5.00 DATA COLLECTION AND REPORTING**

5.01 A public school district or open-enrollment public charter school receiving grant funding for the high-impact tutoring pilot program under this rule must annually report the following information to the Division of Elementary and Secondary Education using the division’s template:

5.01.1 The number of unique students who participated in the high-impact tutoring program, and related student metrics including tutoring subject, grade level, attendance, dosage, prior performance on the state assessment, and demographic information;

5.01.1.1 For purposes of this section, “dosage” means the actual number of student-level sessions for students identified to participate.

5.01.2 How the public school district or open-enrollment public charter school maintained consistent access for participating students to non-core academic instruction;

5.01.3 How program grant funding was used by the public school district or open-enrollment public charter school and a summary of other resources, if any, used to provide high-impact tutoring;

5.01.4 The academic achievement results or other criteria used to identify eligible students in the high-impact tutoring program; and

5.01.5 The impact on student academic and non-academic outcomes associated with the public school district or open-enrollment public charter school’s program including interim assessments or other outcomes metrics; and

5.01.6 Any additional private, federal, or local funds that the public school district or open-enrollment public charter school used to support high-impact tutoring.

5.01.7 A public school district or open-enrollment public charter school who chooses to use a provider from the approved provider list must submit the information required by 5.01 with respect to the provider.

5.02 The division will annually report the following district-level data to the State Board of Education and the General Assembly:

5.02.1 Data regarding participating public school or open-enrollment public charter school students' access to high-impact tutoring and program

implementation, including by geography, grade span, and subject based on program requirements, including without limitation:

5.02.1.1 How data required under this subdivision has changed over time;

5.02.1.2 The number of students who received high-impact tutoring.

5.02.1.3 The dosage and attendance of students who received high-impact tutoring in the program; and

5.02.1.4 The number of students eligible for high-impact tutoring;

5.02.2 Data on achievement and growth outcomes from participating students; and

5.02.3 Program successes and challenges.

#### Emergency Clause

Whereas Act 237 of 2023 requires that the State of Arkansas through the Department of Education to administer the literacy grant program and high-impact pilot program through rules promulgated by the State Board of Education; and

Whereas, research shows that tutoring is one of the most effective interventions for accelerating the learning of students who are academically behind; and

Whereas, emergency promulgation of the Rules Governing Literacy Tutoring Grants is necessary for the department to prepare for implementation of the program; without which the State cannot efficiently administer the program. The rules are specifically necessary for the department to process and issue payments pursuant to the program.

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of the State, specifically students and parents, will result without emergency promulgation of these Rules.