

SUMMARY

Amendments include:

- Revision of the definition of academic distress to comply with current law.
- Elimination of the term “emergency interim employee.”
- Revision of the definition of fiscal distress to comply with current law.
- Addition of definition for standard of accreditation probationary status.
- § 4.01 was revised to establish that a district that is reconstituted or reorganized may request a waiver for administrators.
- § 4.01 establishes that a district that fails to meet the Standards of Accreditation could request a waiver.
- § 4.01.3 establishes that a district in fiscal distress may request a waiver of the earnings limitation.
- § 4.01.4 establishes that in all cases an active employee is not available to fill their temporary positions.
- § 5.02 establishes that a waiver of earnings limitation must be requested within thirty (30) days of employment.
- § 5.03 requires that the retireant be certified in the content area assigned.
- § 5.04 establishes that a waiver of the earnings limitation may be granted for a teacher in a declared academic shortage area or due to superintendent vacancy in a district that is being reconstituted or reorganized and that a waiver can be obtained for a total of three years.
- § 6.06 establishes that the district employing the retireant on a waiver is required to pay both the employer and employee contribution to the Teacher Retirement System.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education
DIVISION Fiscal & Administrative Services
DIVISION DIRECTOR Bobbie Davis
CONTACT PERSON Bobbie Davis
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INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire & financial impact statement attached to the front of two (2) copies of your proposed rule and required documents. Mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? **Emergency Rule Governing Waivers of the Earnings Limitations Under the Teacher Retirement System**
- 2. What is the subject of the proposed rule? **Outlines the guidelines and procedures for obtaining a waiver for the earnings limitation for a retiree.**
- 3. Is this rule required to comply with federal statute or regulations? Yes _____ No X _____
If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?
Yes _____ X _____ No _____
If yes, what is the effective date of the emergency rule? **September 12, 2005**

When does the emergency rule expire? **January 10, 2006**

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes X No

5. Is this a new rule? Yes No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. **NOTE: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."**

6. Cite the state law grants the authority for this proposed rule. If codified, please give Arkansas Code citation. **ACA §§ 6-11-105, 24-7-502, 24-7-708(f), Act 911 of 2005**

7. What is the purpose of this proposed rule? Why is it necessary? **To outline under what conditions waivers of earnings limitation may be granted.**

8. Will a public hearing be held on this proposed rule? Yes X No
If yes, please complete the following:

Date: October 5, 2005
Time: 9:00 a.m.
Place: ADE Auditorium

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) **November 2, 2005**

10. What is the proposed effective date of this proposed rule? (Must provide a date.) **December 2005**

11. Do you expect this rule to be controversial? Yes X No
If yes, please explain.

The proposed rule limits the waivers to academic shortage areas and administrators of reconstituted districts.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules. Please provide their position (for or against) if known.

AAEA, AEA and ASBA

FINANCIAL IMPACT STATEMENT

DEPARTMENT Education
DIVISION Fiscal & Administrative Services
PERSON COMPLETING THIS STATEMENT Bobbie Davis
TELEPHONE NO. 501-682-1297 FAX NO. 501-682-4487
EMAIL bdavis@arkedu.k12.ar.us

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE **Emergency Rules Governing Waivers of the Earnings Limitations Under the Teacher Retirement System**

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes X No
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **NA**
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation. Please indicate if the cost provided is the cost of the program. **NA**

Current Fiscal Year

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other (Identify)

Total 0

Next Fiscal Year

General Revenue
Federal Funds
Cash Funds
Special Revenue
Other (Identify)

Total 0

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation? Identify the party subject to the proposed regulation and explain how they are affected.

Current Fiscal Year

\$ 20% of total salaries
of waiver recipients

Next Fiscal Year

\$ 21% of total salaries
of waiver recipients

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

Current Fiscal Year

\$ 3,500

Next Fiscal Year

\$ 3,500