

**Arkansas Department of Education  
Proposed Rules Governing Incentives for Teacher Recruitment  
And Retention in High Priority Districts with  
An Average Daily Membership of 1,000 or Fewer**

**1.00 Regulatory Authority**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an average Daily Membership of 1,000 or fewer.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education's authority under A.C.A. §§ 6-11-105 and 6-17-811.

**2.00 Purpose**

The purpose of these rules is to establish the procedures to provide incentives for teacher recruitment and retention in high priority districts.

**3.00 Definitions**

Unless otherwise specifically stated herein, the term:

- 3.01 Bonus Pay Period - Means the three-year period in which an eligible employee receives a signing or a retention bonus.
- 3.02 Department - Means the Arkansas Department of Education.
- 3.03 High Priority District - Means a district of one thousand (1000) or fewer students in which eighty percent (80%) or more of public school students are eligible for the free or reduced-price lunch program under the National School Lunch Act and have a three-quarter average daily membership of one thousand (1,000) or fewer for the 2003-2004 school year.
- 3.04 Previous year - Means the school year immediately preceding the current school year.
- 3.05 Retention Bonus - Means beginning in the 2004-2005 school year a one time \$2,000 bonus paid per year for ~~two~~ three consecutive years to certified teachers employed by a high priority district during the school year, and who were employed at the high priority district during the previous school year and who have not received or are currently receiving a signing bonus, pursuant to these rules, from the school district.

- 3.06 Signing Bonus - Means beginning in the 2004-2005 school year, a one time \$4,000 bonus awarded to a teacher not employed by a high priority district for the previous school year, who signs a new contract to teach in a high priority district for the current school year and who has not received a prior signing or retention bonus, pursuant to these rules, from the school district.
- 3.07 Teacher - Means those certified personnel who spend seventy percent (70%) of their time working directly interacting with students in a classroom setting teaching all grade-level or subject matter appropriate classes, including guidance counselors and librarians.

#### **4.00 Incentives**

- 4.01 Beginning in the 2004-2005 school year, a certified teacher licensed by the State Board of Education and teaching in a high-priority district shall receive incentive pay.
- 4.02 Beginning in the 2004-2005 school year teachers who sign their initial contract with a high priority district shall receive a one-time signing bonus of \$4,000 at the beginning of the school year.
- 4.02.1 For each of the next two years, that teacher referred to in Section 4.02 shall receive a \$3,000 bonus at the beginning of the school year while still employed at the same high priority district.
- 4.02.2 If the teacher has received bonus pay under Section 4.02 of this rule and voluntarily leaves the high priority district before the end of the three-year bonus pay period, the teacher shall pay back the amount of the bonus received in the previous year.
- 4.02.3 If the teacher voluntarily leaves the high priority district during the school year, the teacher shall pay back the previous year's bonus and the current year's bonus.
- 402.4 If a teacher has received a signing bonus, and the teacher is reassigned involuntarily to a position that is not eligible for signing bonus pay or that teacher is dismissed involuntarily by a high priority district, the teacher shall not be required to repay the applicable signing bonus.
- 402.5 If a teacher qualified to receive a signing bonus leaves the high priority district due to a serious medical emergency, the teacher shall not be required to repay the signing bonus provided documentation from a licensed physician validating

the need to terminate employment due to medical reasons is filed with the district.

- 4.03 Beginning in 2004-2005, all currently employed certified teachers who have been employed by the high priority district in the previous school year and who are not receiving a signing bonus, shall receive a \$2,000 retention bonus at the beginning of each of the next two subsequent school years as long as the teacher continues to be employed by the high priority district.

4.03.1 If a currently employed teacher receives a retention bonus under Section 4.03 of this rule and then voluntarily leaves the high priority district before the end of the bonus pay period, the teacher shall pay back the amount of the retention bonus received in the previous year.

4.03.2 If a currently employed teacher voluntarily leaves the high priority district during the school year, that teacher shall pay back the previous year's bonus and the current year's bonus.

4.03.3 If a teacher has received a retention bonus and that teacher is reassigned involuntarily to a position that is not eligible for retention bonus pay or a teacher is dismissed involuntarily by a high priority district, the teacher shall not be required to repay the applicable retention bonus pay.

4.03.4 If a teacher qualified to receive retention bonus pay leaves the high priority district due to a serious medical emergency, the teacher shall not be required to repay the retention bonus provided documentation from a licensed physician validating the need to terminate employment due to medical reasons is filed with the district.

- 4.04 No teacher may receive both a signing bonus and a retention bonus in the same year.

- 4.05 Any bonus pay awarded to an eligible, full time equivalent teacher who does not work the entire school year shall be pro-rated based on the portion of the school year that the eligible teacher was employed by the high priority district.

## **5.00 Documentation**

- 5.01 Beginning in 2004-2005, the Department shall issue by September 1 of each year a list of the high priority districts in which eighty (80) percent (80%) or more of the public school students are eligible for free and reduced price meals.

- 5.02 Beginning in 2004-2005, the Free and Reduced Price Meal calculation shall be based on the list of eligible students in a district as verified by the Child Nutrition Unit of the Department based on the October 1 list of eligibles for grades K-12 for the previous school year.
- 5.03 The determination of eligibility for high priority district designation in annexed or consolidated districts is made based on the combining of the enrollment, average daily membership, and free and reduced price meal calculations for the two or more districts that were annexed or consolidated.
- 5.04 Beginning in 2004-2005, high priority districts shall notify the Department on forms provided by the Department, and identify all eligible teachers employed at the high priority district for the current school year. The district shall list teachers who are not employed by the high priority district during the previous school year and teachers employed the previous school year who continue to be employed for the current school year.
- 5.05 Upon receipt of the form from each high priority district, the Department shall distribute the funds to the districts who will distribute the appropriate bonuses to the teachers employed by the high priority districts.
- 5.06 Districts will be responsible for the payment of all matching benefit payments.

## **6.00 Sanctions**

- 6.01 It shall be the responsibility of the high priority district to monitor the incentive bonus distribution in their district.
- 6.02 If a teacher receiving either a signing or a retention bonus voluntarily leaves the high priority district before the end of the three-year bonus pay period or if the teacher voluntarily leaves the high priority district during the school year, the district shall require the teacher to pay back the appropriate bonus amount.
- 6.03 Upon receipt of the bonus payback from the teacher, the district shall forward the payment(s) to the ~~Public School~~ Finance Section at the Department.



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

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION Internal Administration  
DIVISION DIRECTOR Dr. Bobbie Davis  
CONTACT PERSON Dr. Bobbie Davis  
ADDRESS Room 103 B, Arch Ford Building  
PHONE NO. 682-1297 FAX NO. 682-4487 E-MAIL bdavis@arkedu.k12.ar.us

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

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- 1. What is the short title of this rule? Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer
- 2. What is the subject of the proposed rule? The rule established the Procedures to provide incentive bonus pay to recruit and retain teachers in high priority districts.
- 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        No X  
If yes, what is the effective date of the emergency rule?  
  
When does the emergency rule expire?  
  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes        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.

A.C.A. §§ 6-11-105 and 6-17-811 and Act 101 of 2005

7. What is the purpose of this proposed rule? Why is it necessary?  
These rules are necessary to clarify for districts how to implement the distribution of the incentive bonuses.

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

Date: June 23, 2005

Time: 10:00 a.m.

Place: ADE auditorium

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) July 1, 2005

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
August 16, 2005

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

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.

Arkansas Association of Educational Administrators

Arkansas Association of School Business Officials

Arkansas Education Association

## FINANCIAL IMPACT STATEMENT

DEPARTMENT Arkansas Department of Education

DIVISION Internal Administration

PERSON COMPLETING THIS STATEMENT Dr. Bobbie Davis

TELEPHONE NO. 682-1297 FAX NO. 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 Proposed Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts With an Average Daily Membership of 1,000 or Fewer Students

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.
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.

**Current Fiscal Year**

General Revenue \$10,000  
Federal Funds                       
Cash Funds                       
Special Revenue                       
Other (Identify)                     

Total \$10,000

**Next Fiscal Year**

General Revenue \$10,000  
Federal Funds                       
Cash Funds                       
Special Revenue                       
Other (Identify)                     

Total \$10,000

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**

\$261,600

**Next Fiscal Year**

\$ 270,000

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

**Current Fiscal Year**

\$10,000

**Next Fiscal Year**

\$10,000



DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: Proposed Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts With an Average Daily Membership of 1,000 or Fewer Students

Summary Description of Regulatory Proposal:

These rules implement changes to A.C.A. § 6-17-811 as a result of the passage of Act 2151 of 2005. The amended rules clarify the definition of a teacher. These amended rules further clarify the difference between a voluntary and an involuntary exist from a district with regard to whether the incentive bonus must be repaid or not.

Cite Statutory Authority for this Regulatory Proposal:

A.C.A. 6-17-811 and Act 2151 of 2005

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)
  - A. Resources Required - Recurring – Implementation of rule, notifications, tracking, answering questions, distribution, repayments take staff time.
  - B. Time Required for Implementation. Minimal
  - C. Procedural Changes. Payment paybacks will increase staff time required and tracking voluntary and involuntary terminations will increase resources needed for documentation.
  - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)
  - A. Resources Required - Personnel, equipment, office space.  
Recurring - Requires forms filed, documentation, distribution, tracking, repayment demands on staff time.
  - B. Time Required for Implementation.  
Does require additional tracking and reporting
  - C. Procedural Changes. Tracking voluntary and involuntary terminations will add to the documentation required.
  - D. Other.
- III. Additional Comments.

Prepared by: (Name) Dr. Bobbie Davis  
(Title) Assistant Director, Internal Administration  
(Date) May 23, 2005

## Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas State Board of Education and the Arkansas Department of Education is considering the promulgation of new rules and proposed revisions to current rules. Public hearings will be held on June 22-23, 2005 in the Auditorium of the Arkansas Department of Education at #4 Capitol Mall, Little Rock, AR 72201 at the following times: Wednesday, June 22, 2005: 1:00 p.m. Proposed Revisions to Rules Governing Distance Learning; 2:00 p.m. Proposed Revisions to Rules Governing State Reported Dropout and Graduation Rates; 3:00 p.m. Proposed Rules Governing the Closing of Isolated Schools. Thursday, May 23, 2005: 9:00 a.m. Proposed Revisions to Rules Governing Ethical Guidelines & Prohibitions for Educational Administrators, Employees, Board Members and Other Parties; 10:00 a.m. Proposed Revisions to Rules Governing Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer; 11:00 a.m. Proposed Revisions to Rules Governing the Distribution of Student Special Needs Funding for School Year 2004-05 and Additional Teacher Pay; 1:00 p.m. Proposed Revisions to Rules Governing the Arkansas Comprehensive Testing, Assessment and Accountability Program & the Academic Distress Program; and 3:00 p.m. Proposed Revisions to Rules Governing Professional Development. Written comments should be mailed to the Arkansas Department of Education, Office of Legal Counsel, #4 Capitol Mall, Room 404-A, Little Rock, AR 72201 by June 29, 2005. Questions or inquiries should be directed to the Office of General Counsel of the Arkansas Department of Education at 501-682-4227. Copies of the proposed revisions may be obtained at the above address or by accessing the Department's website at <http://arkedu.k12.ar.us/>.