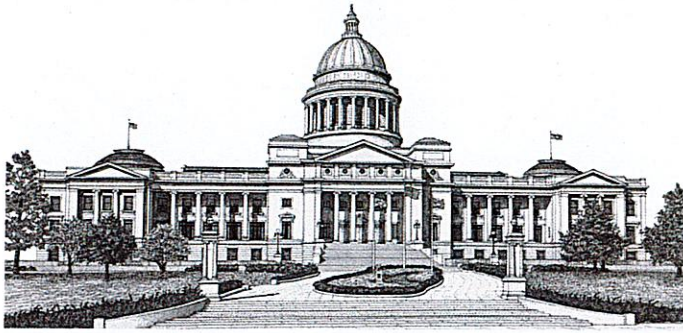


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



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For Office
Use Only:

Effective Date _____ Code Number _____

Name of Agency Division of Elementary and Secondary Education

Department Arkansas Department of Education

Contact Andres Rhodes E-mail Andres.Rhodes@ade.arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules A.C.A. 6-17-122

Rule Title: Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing Maternity Leave Cost Sharing

Intended Effective Date
(Check One)

- Emergency (ACA 25-15-204)
- 10 Days After Filing (ACA 25-15-204)
- Other _____
(Must be more than 10 days after filing date.)

	Date
Legal Notice Published	<u>May 10, 2024</u>
Final Date for Public Comment	<u>June 10, 2024</u>
Reviewed by Legislatice Council	<u>July 30, 2024</u>
Adopted by State Agency	<u>June 13, 2024</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

<u>Daniel Shults</u>	<u>daniel.shults@ade.arkansas.gov</u>	<u>7/30/2024</u>
Contact Person	E-mail Address	Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

_____ Signature	
<u>501-682-4202</u>	<u>daniel.shults@ade.arkansas.gov</u>
Phone Number	E-mail Address
<u>Deputy Legal Counsel</u>	
Title	
<u>7/30/2024</u>	
Date	

**ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING MATERNITY LEAVE COST SHARING**

Effective Date: August 10, 2024

1.00 REGULATORY AUTHORITY AND PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing Maternity Leave Cost Sharing.
- 1.02 These rules are enacted pursuant to the Arkansas State Board of Education’s authority under Ark. Code Ann. §§ 6-11-105, 25-15-201 *et. seq.*, and Ark. Code Ann. § 6-17-122.
- 1.03 The purpose of these rules is to outline the management of cost-sharing agreements required per Ark. Code Ann. § 6-17-122 in addition to developing the cost-sharing reimbursement processes and other related procedures regarding Maternity Leave Cost Sharing between the State of Arkansas and participating public school districts or open-enrollment charter schools.

2.00 DEFINITIONS

- 2.01 “Adoptive child” means a minor child who has been legally adopted by education personnel pursuant to the Revised Uniform Adoption Act. (See Ark. Code Ann. § 9-9-201, et seq.)
- 2.02 “Cost sharing” means joint, equal responsibility for the cost shared between the State of Arkansas and a public school district or open-enrollment public charter school that employs an individual considered education personnel under these rules;
- 2.03 “Cost sharing agreement” means the agreement entered into between a school district or open-enrollment public charter school and the Division regarding maternity leave cost sharing.
- 2.04 “Division” means Division of Elementary and Secondary Education.
- 2.05 “Education personnel” means an individual, as defined in Ark. Code Ann. § 21-4-214(d)(2) and consistent with the Governor’s Executive Order entered on October

19, 2023, who gives birth or adopts a child, and who is employed full-time by a public school district or open-enrollment public charter school in Arkansas for more than one (1) calendar year preceding the birth or adoption of the child;

2.05.1 For purposes of these rules, education personnel are employed full-time if the employee is in a position that requires, during the duration of a contract, an average of at least 30 (thirty) hours per week of actual performance of duty during the annual school year or the employee is a full-time school bus driver who is employed by a school district to drive regular routes during the annual school year.

2.06 “eFinance” means the financial management system utilized by a school district for entering financial transactions.

2.07 “Maternity leave” means partially or fully-compensated time away from work within the first twelve (12) weeks immediately following the:

2.07.1 Birth of a biological child by education personnel as defined by Section 2.05 of these rules; or

2.07.2 Placement of an adoptive child in the home of education personnel as defined by Section 2.05 of these rules.

3.00 MATERNITY LEAVE COST-SHARING MANAGEMENT AND PARTICIPATION IN PROGRAM

3.01 For the 2023-2024 school year, a public school district or open-enrollment public charter school choosing to opt in to the program shall provide to the Division a signed cost-sharing agreement developed by the Division, within 30 (thirty) days of the effective date of these rules. In subsequent years, districts must provide a signed cost-sharing agreement by July 1 for the school year beginning on that date.

4.00 REIMBURSEMENT REQUIREMENTS

4.01 Districts may claim reimbursement only for incurred non-federal costs to fill the position of the eligible employee, for up to twelve (12) weeks, while the eligible employee, as defined by Section 2.05 of these rules, is on approved paid maternity leave.

- 4.02 In order to claim reimbursement pursuant to these rules, a public school district or open-enrollment public charter school must submit all final reports required by the cost sharing agreement via eFinance.
- 4.03 Reimbursement shall be calculated at the rate determined by the Division and based upon information submitted by each participating district.
- 4.04 All disbursements shall be issued by the Division no later than October 1.
- 4.05 Continuation of cost sharing shall be contingent upon available funding.
- 4.06 A public school district or open-enrollment public charter school may claim reimbursement for up to fifty percent (50%) of the total cost of the substitute staff for the period of time that an eligible employee is on maternity leave.
 - 4.07.1 If a school district provides partial compensation to an eligible employee during maternity leave, the amount that the eligible employee's compensation is reduced shall not exceed the district's share of the cost sharing agreement.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.