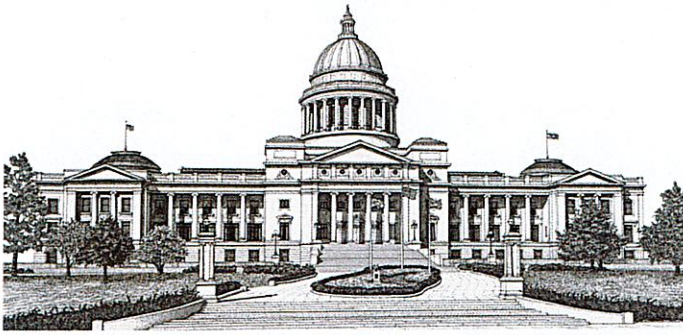


# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Division of Elementary and Secondary Education

Department Department of Education

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

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105, 25-15-201 et seq.

Rule Title: Arkansas Department of Education Rule Governing Incentives for Teacher Recruitment and Retention in High Priority Districts

Intended Effective Date  
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published ..... 05/10/2024

☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment ..... 06/10/2024

☐ Other \_\_\_\_\_  
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council ..... 07/30/2024

Adopted by State Agency ..... 06/13/2024

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

Stephen Reynolds

stephen.reynolds@ade.arkansas.gov

July 31, 2024

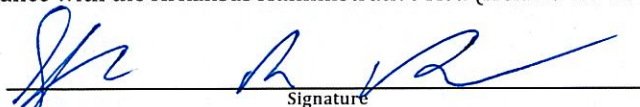
Contact Person

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

501-682-4899

stephen.reynolds@ade.arkansas.gov

Phone Number

E-mail Address

Associate Legal Counsel

Title

07/30/2024

Date

**~~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  
March 31, 2012~~**

**~~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.~~

~~1.02 The State Board of Education enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-17-811, and 25-15-201 et seq.~~

**~~2.00 Purpose~~**

~~The purpose of this rule 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 Department Means the Arkansas Department of Education.~~

~~3.02 High Priority District Means a public school district identified by the Department by February 15 of each year as having a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students, and in which eighty percent (80%) or more of public school students are national school lunch students.~~

~~3.02.1 Qualifying teachers in the resulting school district in an approved voluntary consolidation or in a receiving district in an approved voluntary annexation shall continue to receive the funding provided under this section if all school districts in the voluntary consolidation or annexation were high priority districts in the immediately preceding school year, even if the average daily membership of the resulting or receiving school district is one thousand (1,000) or above.~~

~~3.03 — National School Lunch Students — Means, for the sole purpose of these Rules, those students or the percentage of enrolled students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act as determined on October 1 of each previous school year and submitted to the Department of Education, unless the school district is identified by the Department of Education as participating in the special assistance certification and reimbursement alternative implemented under 42 U.S.C. § 1759a, as interpreted in 7 C.F.R. § 245.9.~~

~~3.03.1 — If the school district is participating under 42 U.S.C. § 1759a, then for purposes of this section, the school district's annual percentage of national school lunch students is equal to the percentage submitted in the base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type.~~

~~3.04 — New Teacher Bonus — Means an incentive bonus provided under Sections 4.01.1 through 4.01.3 of these rules to a teacher who is within the first three (3) years of employment with a single high priority district.~~

~~3.05 — Previous year — Means the school year immediately preceding the current school year.~~

~~3.06 — Retention Bonus — Means an incentive bonus of three thousand dollars (\$3,000) to be paid to a teacher who has received a new teacher bonus and enters his or her fourth or subsequent year of service in the same or other high priority school district or for a teacher employed in a high priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules.~~

~~3.07 — Teacher — Means a licensed classroom teacher who spends seventy percent (70%) of his or her time working directly 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 — At the end of the school year and upon completion of a licensed teacher's contracted teaching obligation, a teacher who completes the entire current school year teaching in a high priority district may be entitled to receive, in addition to all other contracted salary and benefits:~~

~~4.01.1 — A newly hired teacher who has not previously taught in a high-priority district, a one time signing bonus of five thousand~~

dollars (\$5,000) for the first year of service in the district to be paid upon completion of the full year of teaching.

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~~4.01.2 — A newly hired teacher who meets the requirements of Section 4.01.1 of these rules, who continues to teach in the same high-priority district and who completes the second full year of contracted teaching obligations, a new teacher bonus of four thousand dollars (\$4,000).~~

~~4.01.3 — A teacher who meets the requirements of Sections 4.01.1 and 4.01.2 of these rules, who continues to teach in the same high-priority district and who completes the third full year of contracted teaching obligations, a new teacher bonus in the amount of four thousand dollars (\$4,000).~~

~~4.01.4 — A teacher who meets the requirements of Sections 4.01.1 through 4.01.3 of these rules, who enters the fourth or subsequent year of service with the same high-priority district or begins employment with a high-priority district other than the high-priority district where he or she was employed when he or she received any bonuses pursuant to Sections 4.01.1 through 4.01.3 above shall receive a retention bonus of three thousand dollars (\$3,000) for the fourth and each subsequent complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations~~

~~4.01.5 — A teacher employed in a high-priority district who does not meet the requirements of Sections 4.01.1 through 4.01.3 of these rules, shall receive a retention bonus of three thousand dollars (\$3,000) for each complete year of service in the high-priority district to be paid at the end of the school year after completing all contractual obligations.~~

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~~4.02 — No teacher is entitled to any incentives outlined in Section 4.01 above unless the teacher has fulfilled all contractual obligations for the current school year.~~

~~4.03 — If the funds appropriated and available for the payment of the bonuses under this section are insufficient to pay the maximum bonus amounts to each qualifying teacher, the Department shall distribute the available funding to qualified teachers on a pro rata basis.~~

~~4.04 — The bonus amounts provided under this section are the maximum amounts to be paid to qualifying teachers in high-priority districts, and are subject~~

~~to the appropriation and availability of funding for the payment of the bonuses.~~

~~4.05 Districts will be responsible for the payment of all matching benefit payments.~~

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~~5.0~~ **Documentation**  
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~~5.01 The Department shall issue by February 15 of each year a list of the high priority districts in which eighty percent (80%) or more of the public school students are eligible for the free or reduced price lunch program under the National School Lunch Act and that had a three-quarter average daily membership in the previous year of one thousand (1,000) or fewer students.~~

~~5.02 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 eligible students for grades K-12 for the previous school year.~~

~~5.03 The determination of eligibility for high priority district designation under Section 5.01 of these Rules for a school district participating under 42 U.S.C. § 1759a shall be made utilizing the number of students eligible for free and reduced price meals submitted by the district for the Department during its base year, which means the last school year for which eligibility determinations were made and meal counts were taken by type.~~

~~5.04 Subject to the provisions of subsection 3.02.01 above, the determination of eligibility for high priority district designation in annexed or consolidated districts is made based on the combination of enrollment, average daily membership and free and reduced price meal calculations for the two or more districts that were annexed or consolidated.~~

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~~5.05 No later than June 1, 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.~~

~~5.05.1 The district shall list teachers who were 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.~~

~~5.05.2 The Superintendent of the high priority district where the teacher is employed shall certify in writing to the Department~~

~~that the teacher has completed all contractual obligations for the school year as of the date of certification.~~

~~5.05.3 If a teacher fails to complete his or her contractual obligations between the date of certification under Section 5.05 and the following June 15, the Superintendent shall give written notice to the Department no later than June 15.~~

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~~5.06 Upon receipt of the form from each high priority district and the written certification from the Superintendent required by Section 5.05 of these rules, the Department shall distribute the funds to the districts who will distribute the appropriate bonuses to the teachers employed by the high priority districts.~~

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## **6.00 Monitoring of Program**

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~~6.01 It shall be the responsibility of each high priority district to monitor the incentive bonus distribution in their district and provide data to the Arkansas Department of Education.~~

~~6.02 The Arkansas Department of Education's Teacher Recruitment and Retention Unit will collect the data and monitor the total program for the state.~~

**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.