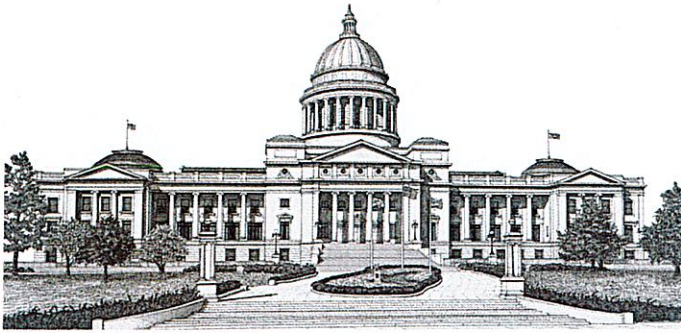


# ARKANSAS REGISTER

## 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 Daniel Shults E-mail daniel.shults@ade.arkansas.gov Phone 501-682-4202

Statutory Authority for Promulgating Rules Arkansas Code § 6-17-122(c)(3)

**Rule Title:** Division of Elementary and Secondary Education Rule 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.)

Legal Notice Published .....

Final Date for Public Comment .....

Reviewed by Legislative Council .....

Adopted by State Agency .....

**Date**

07/12/2025

08/11/2025

09/25/2025

08/13/2025

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

Daniel Shults

daniel.shults@ade.arkansas.gov

10/02/2025

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

501-647-5939

daniel.shults@ade.arkansas.gov

Phone Number

E-mail Address

Chief Legal Counsel

Title

October 2, 2025

Date

# Proposed Rulemaking

## Title

Promulgated by:  
Division of Elementary and Secondary Education

### Title 6. Education

#### Chapter I. Division of Elementary and Secondary Education

#### Subchapter G. School District Personnel

#### Part 193. Rules Governing Maternity Leave Cost Sharing

#### Subpart 1. Generally

##### **6 CAR § 193-101. Purpose.**

The purpose of this part is to outline the agreements required by Arkansas Code § 6-17-122 the reimbursement process and other related procedures regarding paid maternity leave for eligible employees.

##### **6 CAR § 193-102. Definitions.**

As used in this part:

(1) "Adoptive child" means a minor child who has been legally adopted by an eligible employee pursuant to the Revised Uniform Adoption Act, Arkansas Code § 9-9-201 et seq.;

(2) "Agreement" means the agreement entered into between a school district or open-enrollment public charter school and the Division of Elementary and Secondary Education regarding the reimbursement of expenses incurred for substitute staff for eligible employees on maternity leave;

**DRAFT**

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(3) "Division" means the Division of Elementary and Secondary Education;

(4) "eFinance" means the financial management system utilized by a school district for entering financial transactions;

(5)(A) "Eligible employee" means an individual, as defined in Arkansas Code §21-4-214(d)(2) and consistent with the Governor's Executive Order entered on October 19, 2023, 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:

(i) The birth of a child;

(ii) The placement of a foster child who is less than one (1) year old at the time of the placement; or

(ii) The adoption of a child who is less than one (1) year old at the time of the adoption so long as no leave under this rule has been taken for the benefit of the adopted child base on a prior foster placement;

(B) For the purposes of this part, an employee who has been disciplined for any leave abuse during the twelve month period prior to the staff member's request for maternity leave shall not be eligible for paid maternity leave.

(6) "Employed full time" means the employee is:

(A) In a position that requires, during the duration of a contract, an average of at least thirty (30) hours per week of actual performance of duty during the annual school year; or

(B) A full-time school bus driver who is employed by a school district to drive regular routes during the school year; (7) "Foster placement" means the arrangement of care for a juvenile in the custody of the Department of Health and Human Services within the home of an employee of a public school district or open enrollment public charter school pursuant to Arkansas Code § 9-28-108.

(8) "Maternity leave" means partially or fully compensated time away from work within the first twelve (12) weeks, including any extensions provided for in this part, immediately following the:

(A) Birth of a biological child by an eligible employee;

(B) Placement of an adopted child under one (1) year of age in the home of an eligible employee; or

(C) Foster placement of an infant under one (1) year of age in the home of an eligible employee; and

(9) "Substitute staff" means an individual or entity employed or contracted for the primary purpose of fulfilling the duties of an eligible employee on maternity leave.

**6 CAR § 193-103.** Repealed

**6 CAR § 193-104. Reimbursement requirements.**

(a) A public school district or open enrollment public charter school may claim reimbursement only for incurred non-federal costs for substitute staff for the eligible employee, for up to twelve (12) weeks, while the eligible employee, as defined by 6 CAR § 193-102(5), is on approved paid maternity leave.

(b) A public school district or open-enrollment public charter school may claim reimbursement for one hundred percent (100%) of the total incurred cost of the substitute staff for the period of time that an eligible employee is on maternity leave.

(c) All disbursements for the prior fiscal year shall be issued by the division no later than October 1.

(d) Continuation of payments pursuant to the agreement shall be contingent upon available funding.

(e)(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 be subtracted from the cost of the substitute staff payable by the department under the agreement.

(2) The school district shall not reduce the eligible employee's compensation more than the total cost of the substitute staff.

## **6 CAR § 193-105. Eligible Employee Maternity Leave.**

(a) Effective July 1, 2025, an eligible employee shall receive upon written request to the employing public school district or open-enrollment public charter school, up to twelve (12) weeks of paid maternity leave as defined in Arkansas Code § 6-17-122 and these rules.

(1) The 12-week period shall begin on the day an event described in §193-102(8) occurs and end on the 83<sup>rd</sup> calendar day following the first day of the period; and

(2) The period shall be extended by one day for each day described below which occurs within the eighty four (84) day period:

(1) A designated school holiday within the academic school year, not to include summer;

(2) A day on which school was scheduled to be held under the school's calendar but on which school was cancelled; and

(b)(1) To receive reimbursement pursuant to this part, a school shall compensate an eligible employee for each day in which the eligible employee would have been compensated if that eligible employee had reported for their normal duties within the period of time that an eligible employee is on maternity leave.

(2) An employee shall not receive more than the amount specified in their employment contract as a result of being eligible for paid maternity leave.

(3) Nothing in these rules shall prohibit a public school district or open-enrollment public charter school from providing additional benefits to an employee eligible for maternity leave.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** Arkansas Department of Education

**BOARD/COMMISSION** State Board of Education

**PERSON COMPLETING THIS STATEMENT** Daniel Shults

**TELEPHONE NO.** 501-682-4202 **EMAIL** daniel.shults@ade.arkansas.gov

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** Rules Governing Maternity Leave Cost Sharing

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**

\$ 0 \_\_\_\_\_

**Next Fiscal Year**

\$ 0 \_\_\_\_\_

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**

\$ 0 \_\_\_\_\_

**Next Fiscal Year**

\$ 0 \_\_\_\_\_

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.