

**DEPARTMENT OF EDUCATION**

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**SUBJECT:** Repeal of Rules Titled Implementing Ark. Code Ann. §§ 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c) and 6-20-319

**DESCRIPTION:** This would repeal the rule noted in the title because the code cites no longer exists as listed. The only valid code cite is 6-17-201(c) and it is being addressed in a new rule titled "Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites." The code cite 6-20-319(4)(b) was repealed by Acts of 2003.

**PUBLIC COMMENT:** The public hearing was held on October 18, 2011. The public comment period ended on October 21, 2011. No comments were submitted to the Department. The proposed effective date is February 1, 2012.

**CONTROVERSY:** This is not expected to be controversial.

**FINANCIAL IMPACT:** There is no financial impact.

**LEGAL AUTHORIZATION:** Arkansas Code Annotated §6-11-105 (d) gives the Department general authority to make rules and regulations.

MNH 12-30-11

**Implementing Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2),  
6-17-201(c), 6-20-319(4)(b)~~**

**1.00 Regulatory authority**

- 1.01 These regulations shall be known as the Arkansas Department of Education regulations implementing Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b).~~
- 1.02 The regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. ~~6-11-105 and 6-20-303.~~

**2.00 Purpose**

- 2.01 The purpose of these regulations is to describe how the Department of Education will implement Ark. Code Ann. ~~6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b).~~

**3.00 Definitions**

- 3.01 A certified employee is defined as any employee of a local public school district who is compelled by law or regulation to secure a license from the State Board of Education.
- 3.02 A salary schedule is defined as an inventory document of salaries which recognizes: (1) level of training, (2) level of experience, (3) extended contract, (4) salary supplements for additional duties, additional responsibilities, and (5) fringe benefits' (exclusive of social security matching and worker's compensation insurance). In addition, the salary schedule is defined to reflect the actual pay practice of the district.
- 3.03 A base teacher salary schedule is defined as a teacher salary schedule of pay for no less than the number of days classroom teachers are required to be contracted for in order to comply with the minimum standards for accreditation.
- 3.04 An extended contract is defined as additional days added to a certified employee's contract for which the employee's pay is increased proportionally so that the employee will receive pay for each day they are contracted to work in addition to what is required to be paid according to the base teacher salary schedule.
- 3.05 A salary index is defined as a method of determining Additional salary by establishing a numerical relationship between the base teacher salary schedule and additional days, duties, and responsibilities.
- 3.06 A salary supplement is defined as the additional salary paid for each unique additional service provided by certified employees.

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~~3.07 A fringe benefit is defined as any service or commodity exclusive of social security matching and worker's compensation insurance provided to certified employees which may or may not be in lieu of salary.~~

~~3.08 A purchased service is defined as insurance or utility provided to or on behalf of certified employees.~~

~~3.09 A commodity is defined as a supply, good, material, equipment, machinery, facility, or property provided to or on behalf of certified employees.~~

~~3.10 Personnel policies are defined as written policies for certified personnel adopted by the school board in accordance with Ark. Code Ann. 6-17-201 et. seq.~~

#### **~~4.00 Implementation of Ark. Code Ann. 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c), and 6-20-319(4)(b)~~**

~~4.01 On the second working day of August, the Department of Education will notify each school district which has not, by the last working day in July, filed with the Department its current personnel policies including a salary schedule for certified employees which meets the requirements of the law and these regulations.~~

~~4.02 The Department of Education will withhold all funds from the Public School Fund due any school district until such time as the district has filed with the Department of Education its current personnel policies.~~

~~4.03 In order to continue to qualify for state aid, each school district must file with the Department of Education, within 60 days, its current personnel policies throughout the year as changes are made in personnel policies including changes made in the certified employee salary schedule.~~