

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

Effective Date:

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 Act 237 of 2023.
- 1.03 The purpose of these rules is to outline the management of cost-sharing agreements required per Act 237 of 2023 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. § 21-4-414(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 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 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 districts share of the cost sharing agreement.