



Administrative Rules Update
 (Ark. Code Ann. § 25-15-216)
 Date: January 1, 2022

Agency Contact: Jennifer Liwo (jenniferl@artts.gov)

Act No.	Summary of Act	Agency Rule	Action Proposed for Agency Rule (New Rule, Amend Rule, or Repeal Rule)	Promulgation Status
190	<ul style="list-style-type: none"> Concerns the look-back period rule that invalidates certain actions and rights unless initiated within the five-year look-back period. Adds an obvious or documented error resulting in the understatement of a member's salary by an employer or the Arkansas Teacher Retirement System as an exception to the five-year look-back period rule. 	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> Received Governor's approval on December 3, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021. Filed rules with the Secretary of State on December 15, 2021. Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. Public comment period began on December 15, 2021.



				<ul style="list-style-type: none"> Public comment period ends January 14, 2022.
220	<ul style="list-style-type: none"> Requires the Arkansas Teacher Retirement System to impose an interest penalty equal to the actuarially assumed rate of return on investments if an employer fails to remit moneys that are required by law or rule to the Arkansas Teacher Retirement System. 	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on November 24, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021. Filed rules with the Secretary of State on December 15, 2021. Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. Public comment period began on December 15, 2021. Public comment period ends January 14, 2022.
221	<ul style="list-style-type: none"> Provides that the final average salary used in determining a member’s benefit shall be either that of the Arkansas Teacher Retirement System or a reciprocal system in which the member has at least two (2) years of service credit, whichever provides the 	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on November 24, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021.



	highest final average salary at the time of the member's retirement.			<ul style="list-style-type: none"> • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
221	<ul style="list-style-type: none"> • Provides that the final average salary used in determining a member's benefit shall be either that of the Arkansas Teacher Retirement System or a reciprocal system in which the member has at least two (2) years of service credit, whichever provides the highest final average salary at the time of the member's retirement. 	Rule 10 – T-DROP and Return to Service	Amend Rule	<ul style="list-style-type: none"> • Received Governor's approval on December 3, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th.



				<ul style="list-style-type: none"> • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
223	<ul style="list-style-type: none"> • Clarifies deadlines concerning the application process for disability retirement. • Provides that a member who applies for disability retirement may request a second review if the medical committee finds that the member is not qualified to receive disability retirement benefits. 	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> • Received Governor's approval on December 3, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> • Clarifies that one (1) of the two (2) active member trustees on the Board of Trustees of the Arkansas Teacher Retirement System 	Rule 4 – Election of Board of Trustees	Amend Rule	<ul style="list-style-type: none"> • Received Governor's approval on November 24, 2021.



	<p>who are required to be employed in a position requiring an administrator’s license shall be a superintendent or an educational cooperative director.</p> <ul style="list-style-type: none"> • Changes “participating employer” to “employer” or “covered employer”. 			<ul style="list-style-type: none"> • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> • Changes “participating employer” to “employer” or “covered employer”. 	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> • Received Governor’s approval on November 24, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021.



				<ul style="list-style-type: none"> • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> • Amends the law to afford both active and inactive members the opportunity to purchase domestic federal service that may be credited as service under the Arkansas Teacher Retirement System. • Changes “interest” to “regular interest” where appropriate. 	Rule 8 – Purchases and Refunds	Amend Rule	<ul style="list-style-type: none"> • Received Governor’s approval on December 3, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021.



				<ul style="list-style-type: none"> Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> Provides that an annuity may begin earlier than July 1 if the Board of Trustees of the Arkansas Teacher Retirement System adopts by rule or resolution an earlier beginning date for members whose retirement will not result in a reduction of classroom teachers and who meet certain other requirements. Changes “participating employer” to “employer” or “covered employer”. 	Rule 9 – Retirement Benefits	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on December 3, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021. Filed rules with the Secretary of State on December 15, 2021. Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. Public comment period began on December 15, 2021. Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> Clarifies the law concerning plan interest rates applicable to Teacher Deferred Retirement Option Plan accounts of members. 	Rule 10 – T-DROP and Return to Service	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on December 3, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021.



	<ul style="list-style-type: none"> • Clarifies that the Board of Trustees of the Arkansas Teacher Retirement System determines the plan interest rate applicable to member accounts by adopting fixed interest rates and variable interest rates that shall apply in a fiscal year. • Clarifies that the Board of Trustees of the Arkansas Teacher Retirement System may modify the fixed interest rate and variable interest rate for subsequent fiscal years. • Repeals the law requiring the balance in a member's Teacher Deferred Retirement Option plan account to be distributed in certain lump-sum and annuitized percentages. 			<ul style="list-style-type: none"> • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
279	<ul style="list-style-type: none"> • Clarifies the pro rata formula that is used to calculate a Teacher Deferred Retirement Option Plan participant's residue. 	Rule 11 – Survivors and Domestic Relations Orders	Amend Rule	<ul style="list-style-type: none"> • Received Governor's approval on December 3, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021.



				<ul style="list-style-type: none"> • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
290	<ul style="list-style-type: none"> • Provides that “normal retirement age” means at least sixty (60) years of age if the member has a combined total of thirty-eight (38) years or more of credited service in the Arkansas Teacher Retirement System, Teacher Deferred Retirement Option Plan, or reciprocal service with another eligible state retirement system. 	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> • Received Governor’s approval on November 24, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021.



				<ul style="list-style-type: none"> Public comment period ends January 14, 2022.
427	<ul style="list-style-type: none"> Clarifies when reciprocal service earned from participation in an alternate retirement plan may be established under the Arkansas Teacher Retirement System. 	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on November 24, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021. Filed rules with the Secretary of State on December 15, 2021. Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. Public comment period began on December 15, 2021. Public comment period ends January 14, 2022.
443	<ul style="list-style-type: none"> Provides that an active member whose status changes from nonteacher to administrator or from nonteacher to teacher status under a contract for at least one hundred eighty-five (185) days shall become 	Rule 6 – Membership	Amend Rule	<ul style="list-style-type: none"> Received Governor’s approval on November 24, 2021. Filed Rules with the Bureau of Legislative Research on December 15, 2021.



	a contributory member of the Arkansas Teacher Retirement System.			<ul style="list-style-type: none"> • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th. • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
691	<ul style="list-style-type: none"> • Amends the definition of “employee” to clarify when youth participants in summer work programs are not considered “employees” under the Arkansas Teacher Retirement System. • Provides that covered employers who act as a pass-through fiscal agent are not required to report youth participants who do not meet the definition of “employee”. 	Rule 7 – Reporting and Eligibility	Amend Rule	<ul style="list-style-type: none"> • Received Governor’s approval on November 24, 2021. • Filed Rules with the Bureau of Legislative Research on December 15, 2021. • Filed rules with the Secretary of State on December 15, 2021. • Notice of Intended ATRS Board Action published by the Arkansas Democrat Gazette on December 15th, 16th, and 17th.



				<ul style="list-style-type: none"> • Public comment period began on December 15, 2021. • Public comment period ends January 14, 2022.
711	<ul style="list-style-type: none"> • Clarifies the law concerning reciprocal service credit. 	N/A	N/A	<ul style="list-style-type: none"> • Request for exclusion from reporting granted December 15, 2021.