

## **Title 6. Education**

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

#### **Subchapter G. School District Personnel**

#### **Part 196. Rules Governing Arkansas Alternative Pay Programs**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"1.0 Regulatory Authority

1.01 These rules shall be known as the Department of Education (Department) Rules Governing Arkansas Alternative Pay Program.

1.02 These rules are enacted under the State Board of Education's (State Board) authority pursuant to Act 847 of 2007."

"October 8, 2007"

#### **Subpart 1. Generally**

##### **6 CAR § 196-101. Purpose.**

The purpose of this part is to allow Arkansas Alternative Pay Programs to be created for both licensed and classified employees in Arkansas's public schools.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-119 [repealed].

**Codification Notes.** Arkansas Code § 6-17-119 was repealed by Acts 2021, No. 544, § 27.

##### **6 CAR § 196-102. Definitions.**

For the purposes of this part, the following terms shall mean:

(1) "Alternative pay" means a salary amount that is part of the licensed or classified employee's total compensation for:

- (A) Additional responsibilities;
- (B) Mastery of new knowledge and skills;
- (C) Advanced career opportunities;
- (D) Increased student achievement;
- (E) Attracting highly qualified teachers; or
- (F) Professional development exceeding state minimums;

(2) "Classified employee" means a person employed by a public school district under a written annual contract who is not required to hold a teaching license issued by the Department of Education as a condition of employment;

(3) "Compensation" that will be funded under the Rewarding Excellence in Achievement Program (REAP) plan will be the teacher's/employee's salary, excluding benefits;

(4) "Licensed employee" means a person employed by a public school district who is required to hold a teaching license issued by the Department of Education; and

(5) "Teacher" means any person who is:

(A) Required to hold a teaching license from the Department of Education unless the State Board of Education has waived this requirement as part of a public charter school contract; and

(B) Engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time, including a guidance counselor or school librarian.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-119 [repealed].

**Codification Notes.** Arkansas Code § 6-17-119 was repealed by Acts 2021, No. 544, § 27.

**6 CAR § 196-103. Selection process and requirements for the Arkansas Alternative Pay Program.**

(a) Public school districts desiring to participate in the Arkansas Alternative Pay Program must submit an application to the State Board of Education.

(b) The program may be for licensed employees, classified employees, or both employee groups, and all eligible employees may participate in the program.

(c) A program may be implemented on a districtwide or on a school-by-school basis.

(d)(1) Alternative Plan Committee and collaborative efforts are required for consideration.

(2) Evidence of collaborative efforts among the participating:

(A) School board;

(B) Administrators;

(C) Teachers;

(D) Classified employees;

(E) Association representatives; and

(F) Parents of children attending the school district.

(3) A committee shall be established from the groups in subdivision (d)(2) of this section with fifty percent (50%) of the committee being composed of teachers.

(4) The committee members shall be selected by the respective groups that they represent.

(5) The program is a personnel policy and shall be promulgated in accordance with Arkansas Code §§ 6-17-201 et seq. and 6-17-2301 et seq. except to the extent that those personnel policies are negotiated in any school district that recognizes an organization representing a majority of teachers.

(6)(A) Show-of-interest resolution that states at least seventy percent (70%) of the employees are interested.

(B) Another percentage may be established with approval by a majority vote of the teachers and the local school board.

(7) The committee shall be charged with the design, implementation, and evaluation of the program.

(e) Objective criteria that shall be considered in all plans are:

(1) Measurable indicators of student achievement;

(2)(A) Percent of alternative pay that is related to the annual increases in student test scores.

(B) No more than fifty percent (50%) of the program's eligibility requirements for alternative pay is allowed to be based on an individual teacher's students' test scores;

(3) There is a clear system of payment that is not arbitrary;

(4) The alternative pay shall be at least ten percent (10%) of the salary and payable in one (1) year based upon one (1) contract year;

(5) There is an established and ongoing support system for the participants with both financial and administrative resources to implement the program;

(6) The program is aligned to the school's/district's Arkansas Comprehensive School Improvement Plan;

(7) The plan is a part of a larger set of reforms; and

(8)(A) At least fifty-one percent (51%) of each employee group listed in subdivision (d)(2) of this section must elect to participate to implement any plan for that employee group.

(B) This is with the understanding that individual employees have the right to choose not to participate in the plan for that group.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-119 [repealed].

**Codification Notes.** Arkansas Code § 6-17-119 was repealed by Acts 2021, No. 544, § 27.

**6 CAR § 196-104. Arkansas Alternative Pay Programs timeline and schedules.**

(a)(1) Quarterly written updates are to be provided to the Department of Education on the implementation of an alternative pay plan yearly.

(2) Those reports are due on the following dates:

(A) October 1;

(B) January 1;

(C) April 1; and

(D) July 1.

(b) Arkansas Alternative Pay Programs should be ready for implementation by July 1 of the initial school year.

(c) These dates shall be subject to modification or alteration as determined in the best interest of the Arkansas Alternative Pay Programs by the department.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-119 [repealed].

**Codification Notes.** Arkansas Code § 6-17-119 was repealed by Acts 2021, No. 544, § 27.

**6 CAR § 196-105. Funding for the Arkansas Alternative Pay Programs.**

(a) Funding will be from existing school and/or district revenue.

(b) No additional state funds have been appropriated at this time.

**Authority.** Arkansas Code §§ 6-11-105, 6-17-119 [repealed].

**Codification Notes.** Arkansas Code § 6-17-119 was repealed by Acts 2021, No. 544, § 27.