

**ARKANSAS DEPARTMENT OF EDUCATION
DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE SCHOOL DISTRICT
EDUCATIONAL EXCELLENCE TRUST FUND
EMERGENCY RULE - Effective July 20, 2019**

1.00 PURPOSE

- 1.01 These rules shall be known as the Arkansas Department of Education Division of Elementary and Secondary Education Rules Governing the School District Educational Excellence Trust Fund.
- 1.02 The purpose of these rules is to provide the process and procedures necessary to calculate and allocate the Educational Excellence Trust Fund available to school districts.

2.00 AUTHORITY

- 2.01 The Arkansas State Board of Education promulgated these rules pursuant to the authority granted to it by Ark. Code Ann. §§ 6-11-105, 6-5-301 et seq., 6-20-2301 et seq., 19-5-942, and 25-15-201 et seq., and Act 170 of 2019.

3.00 DEFINITIONS

As used in these rules:

- 3.01 “Educational Excellence Trust Fund” (Trust Fund) means a fund for the Arkansas Department of Education made available to school districts for teacher salaries as provided for by Ark. Code Ann. § 6-5-301 et seq.
- 3.02 “Foundation Funding” means the same as the definition set forth in Ark. Code Ann. § 6-20-2303(7) and is the amount set forth in Ark. Code Ann. § 6-20-2305(a)(2).
- 3.03 "Licensed personnel" means a person holding a valid Arkansas standard teaching license, an ancillary license, a provisional license, or a technical permit issued by the State Board.
 - 3.03.1 "Licensed personnel" also includes a licensed or nonlicensed classroom teacher employed in a position under a waiver from licensure.

4.00 CALCULATION

- 4.01 Divide the Arkansas Department of Education total educational excellence trust fund available for distribution by the total foundation funding for all school districts to determine the percentage of foundation funding that is the

educational excellence trust fund.

- 4.02 Calculate each district's educational excellence trust fund amount by multiplying the result of Section 4.01 by each district's ~~state~~-foundation funding amount.
- 4.03 Changes to the total educational excellence trust fund available for distribution or changes to the ~~state~~-foundation funding amount may result in revised educational excellence trust fund amounts.

5.00 ALLOCATION

- 5.01 The Trust Fund amount on the final State Aid Notice for the current school year must be expended in the form of salaries, social security, and retirement matching for current licensed personnel positions.
- 5.02 School districts are not required to increase salaries as a result of its Trust Fund allocation for the 2019-2020 school year. This exemption applies only to the 2019-2020 school year.
- 5.03 Open-enrollment charter schools shall not have a Trust Fund allocation and are exempt from the statutory requirements of the Trust Fund.

Emergency Clause

Whereas, Act 170 of 2019, to be codified at Ark. Code Ann. § 6-5-307, changes the method by which Educational Excellence Trust Fund funds are calculated;

Whereas, Act 170 of 2019 contains an emergency clause requiring the changes to the Educational Excellence Trust Fund calculation be implemented for the 2019-2020 school year;

Whereas, the Educational Excellence Trust Fund calculation must be completed by the Department prior to the beginning of the 2019-2020 school year;

Whereas, Act 170 of 2019, to be codified at Ark. Code Ann. § 6-5-307, authorizes the Arkansas State Board of Education to promulgate rules to administer disbursement of the Educational Excellence Trust Fund funds, and the State Board has done so in these rules;

THEREFORE, the State Board of Education hereby determines pursuant to Ark. Code Ann. § 25-15-204 that immediate peril to the welfare of Arkansas public schools will result without the immediate promulgation of these rules to become effective July 1, 2019.