

## **Title 6. Education**

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

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

#### **Part 193. Rules Governing Maternity Leave Cost Sharing**

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

##### **6 CAR § 193-101. Purpose.**

The purpose of this part is to outline the agreements required by Arkansas Code § 6-17-122, the reimbursement process, and other related procedures regarding paid maternity leave for eligible employees.

##### **6 CAR § 193-102. Definitions.**

As used in this part:

(1) "Adoptive child" means a minor child who has been legally adopted by an eligible employee pursuant to the Revised Uniform Adoption Act, Arkansas Code § 9-9-201 et seq.;

(2) "Agreement" means the agreement entered into between a school district or open-enrollment public charter school and the Division of Elementary and Secondary Education regarding the reimbursement of expenses incurred for substitute staff for eligible employees on maternity leave;

(3) "Division" means the Division of Elementary and Secondary Education;

(4) "eFinance" means the financial management system utilized by a school district for entering financial transactions;

(5)(A) "Eligible employee" means an individual, as defined in Arkansas Code § 21-4-214(d)(2) and consistent with the Governor's Executive Order entered on October 19, 2023, 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:

(i) The birth of a child;

(ii) The placement of a foster child who is less than one (1) year old

at the time of the placement; or

(iii) The adoption of a child who is less than one (1) year old at the time of the adoption so long as no leave under this rule has been taken for the benefit of the adopted child based on a prior foster placement.

(B) For the purposes of this part, an employee who has been disciplined for any leave abuse during the twelve-month period prior to the staff member's request for maternity leave shall not be eligible for paid maternity leave;

(6) "Employed full time" means the employee is:

(A) In a position that requires, during the duration of a contract, an average of at least thirty (30) hours per week of actual performance of duty during the annual school year; or

(B) A full-time school bus driver who is employed by a school district to drive regular routes during the school year;

(7) "Foster placement" means the arrangement of care for a juvenile in the custody of the Department of Human Services within the home of an employee of a public school district or open-enrollment public charter school pursuant to Arkansas Code § 9-28-108;

(8) "Maternity leave" means partially or fully compensated time away from work within the first twelve (12) weeks, including any extensions provided for in this part, immediately following the:

(A) Birth of a biological child by an eligible employee;

(B) Placement of an adopted child under one (1) year of age in the home of an eligible employee; or

(C) Foster placement of an infant under one (1) year of age in the home of an eligible employee; and

(9) "Substitute staff" means an individual or entity employed or contracted for the primary purpose of fulfilling the duties of an eligible employee on maternity leave.

## **6 CAR § 193-103. [Repealed]**

**6 CAR § 193-104. Reimbursement requirements.**

(a) A public school district or open-enrollment public charter school may claim reimbursement only for incurred nonfederal costs for substitute staff for the eligible employee, for up to twelve (12) weeks, while the eligible employee, as defined by 6 CAR § 193-102(5), is on approved paid maternity leave.

(b) A public school district or open-enrollment public charter school may claim reimbursement for one hundred percent (100%) of the total incurred cost of the substitute staff for the period of time that an eligible employee is on maternity leave.

(c) All disbursements for the prior fiscal year shall be issued by the Division of Elementary and Secondary Education no later than October 1.

(d) Continuation of payments pursuant to the agreement shall be contingent upon available funding.

(e)(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 be subtracted from the cost of the substitute staff payable by the Department of Education under the agreement.

(2) The school district shall not reduce the eligible employee's compensation more than the total cost of the substitute staff.

**6 CAR § 193-105. Eligible employee maternity leave.**

(a) Effective July 1, 2025, an eligible employee shall receive upon written request to the employing public school district or open-enrollment public charter school up to twelve (12) weeks of paid maternity leave as defined in Arkansas Code § 6-17-122 and this part.

(1) The twelve-week period shall begin on the day an event described in 6 CAR § 193-102(8) occurs and end on the eighty-third calendar day following the first day of the period; and

(2) The period shall be extended by one (1) day for each day described below which occurs within the eighty-four-day period:

(A) A designated school holiday within the academic school year, not to include summer;

(B) A day on which school was scheduled to be held under the school's calendar but on which school was cancelled.

(b)(1) To receive reimbursement pursuant to this part, a school shall compensate an eligible employee for each day in which the eligible employee would have been compensated if that eligible employee had reported for their normal duties within the period of time that an eligible employee is on maternity leave.

(2) An employee shall not receive more than the amount specified in their employment contract as a result of being eligible for paid maternity leave.

(3) Nothing in this part shall prohibit a public school district or open-enrollment public charter school from providing additional benefits to an employee eligible for maternity leave.