

**ARKANSAS TEACHER RETIREMENT SYSTEM  
RULES OF ORGANIZATION AND OPERATION ADOPTED PURSUANT TO  
A.C.A. § 25-15-203**

**I. INFORMATION FOR PUBLIC GUIDANCE**

The Arkansas Teacher Retirement System (“ATRS”) is located at 1400 West Third Street, Little Rock, AR 72201. Questions about ATRS may be addressed by visiting the ATRS website (<http://www.atrs.state.ar.us>); e-mailing ATRS at [info@atrs.state.ar.us](mailto:info@atrs.state.ar.us); phoning ATRS at 1-800-666-2877 or 501-682-1517; or sending a fax to ATRS at 1-800-682-2663. Visits may be made to the ATRS office between 8:00 a.m. and 4:30 p.m. Monday through Friday, except on holidays. Appointments are not required but are suggested.

ATRS makes available a list of persons holding certain responsibilities for handling FOIA requests and requests by the public so that the public may obtain information about ATRS or make submissions or requests. The names, mailing addresses, telephone numbers, and electronic addresses can be obtained from the ATRS office or website.

The ATRS policies, rules and regulations, and official forms may be obtained from the ATRS office or from the ATRS website.

**II. DESCRIPTION OF THE ARKANSAS TEACHER RETIREMENT SYSTEM**

The Arkansas Teacher Retirement System (“ATRS”) is a cost-sharing multiple-employer, defined benefit pension plan established on March 17, 1937, by authority of the Arkansas General Assembly under Act 266 of 1937 (Ark. Code Ann. § 24-7-101 et. seq). ATRS is operated as a “qualified trust” under section 401(a) of the Internal Revenue Code. ATRS is a component unit of the State of Arkansas.

The General Assembly is responsible for setting benefits and contributions and amending plan provisions.

Ultimate authority, general administration and responsibility for the proper operation of ATRS and for making effective the provisions of A.C.A. §§ 24-7-201 et seq. are vested in a fifteen-member Board of Trustees. Eleven members are elected, and four members serve as ex officio members by virtue of their positions in state government. The Board appoints the executive director of ATRS who serves as its chief executive officer.

The Board of Trustees promulgates rules as it deems necessary from time to time in the transaction of its business and in administering the Arkansas Teacher Retirement System.

For administrative purposes, the agency is comprised of several divisions: Administration, Membership Services, Data Processing, Investments, and Fiscal Affairs.

### **III. ORGANIZATION AND OPERATION OF THE ATRS BOARD OF TRUSTEES**

The officers of the ATRS Board of Trustees are a Chair and Vice Chair. Election of officers is held in the odd numbered years at the first regular meeting after the beginning of the fiscal year. These officers perform the duties prescribed by applicable law, this rule, and Robert's Rules of Order.

The business of ATRS is conducted in public meeting pursuant to Robert's Rules of Order. All meetings are conducted in conformity with the Arkansas Freedom of Information Act. Regular meetings are held at least quarterly. Special meetings may be held on the call of the chair or as scheduled by action of the Board in a regular meeting.

A quorum for the transaction of business is a majority of the number of voting members of the Board.

The ATRS Board of trustees may create standing and ad hoc committees whose membership is determined by the Chair of the Board. A quorum for the transaction of committee business is a majority of the number of voting members of the committee.

The Executive Director prepares the agenda for regular and special meetings. The agenda is distributed to Board members and made available to the public in advance of the meeting. The agenda may be amended by appropriate motion.

Trustees, members, and other individuals wishing to have additional items considered for the agenda should submit a request to the Executive Director prior to a regularly scheduled meeting.

### **IV. RULEMAKING**

The ATRS Board has been authorized by the Legislature to promulgate rules. ATRS follows the procedural requirements of the Arkansas Administrative Procedure Act, in particular A.C.A. § 25-15-203 and § 25-15-204. Additionally, ATRS is required to abide by the provisions of A.C.A. §10-3-309.

The process of adopting a new rule or amending or repealing an existing rule (hereinafter referred to as "rulemaking") may be initiated by request of the Board or the ATRS staff. Additionally, persons outside the agency may petition for the issuance, amendment, or repeal of any rule.

ATRS will give public notice of proposed rulemaking to be published pursuant to A.C.A. § 25-15-204. The notice will set any written comment period and will specify the time, date, and place of any public hearing, if any.

Before finalizing language of a proposed new rule or an amendment to, or repeal of, an existing rule, ATRS will receive public input through written comments and/or oral submissions. ATRS will designate in the public notice the format and timing of public comment.

A public hearing may be held; if so, it will provide affected persons and other members of the public a reasonable opportunity for presentation of evidence, arguments, and oral statements within reasonable conditions and limitations imposed by the agency to avoid duplication, irrelevant comments, unnecessary delay, or disruption of the proceedings.

Thirty days before the public comment period ends, ATRS will file with the Bureau of Legislative Research the text of the proposed rule or amendment as well as a financial impact statement and a Bureau of Legislative Research questionnaire as provided by §10-3-309. In addition, a copy of the public notice, the text of the proposed rule or amendment, and a summary will be filed with the Secretary of State. Also, a copy of the public notice and the text of the proposed rule or amendment will be published on the ATRS website, if available.

Generally, proposed rules or amendments will be reviewed by the appropriate committee of the ATRS Board of Trustees for recommendation prior to submission to the full Board for consideration and final action.

ATRS will not finalize language of the rule or decide whether to adopt a rule until the period for public comment has expired.

After the ATRS Board formally adopts a new rule or amends a current rule or repeals an existing rule, and after the rule change has been reviewed by the Legislative Council, ATRS staff will file final copies of the rule with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research, or as otherwise provided by A.C.A. § 25-15-204(d).

Proof of filing a copy of the rule, amendment, or repeal with the Secretary of State, the Arkansas State Library, and the Bureau of Legislative Research will be kept in a file maintained by the Executive Director's Office.

Notice of the rule change will be posted on the agency website, if available, and rules will be made available to interested persons.

## **V. EMERGENCY RULEMAKING**

Upon receipt of a written statement requesting emergency rulemaking or other evidence to support an assertion that an emergency exists, ATRS will make an independent judgment whether the circumstances and facts constitute an imminent peril to the public health, safety, or welfare requiring adoption of the rule with fewer than 30 days notice. If it is determined that the circumstances warrant emergency rulemaking, a written determination setting out the reasons for the finding that an emergency exists will be made. Upon making this finding, the ATRS Board may proceed to adopt the rule without any prior notice or hearing, or it may determine to provide an abbreviated notice and hearing.

The emergency rule will be effective immediately upon filing, or at a stated time less than ten (10) days thereafter, if ATRS finds that this effective date is necessary because of imminent peril to the public health, safety, or welfare. ATRS will file with the rule its written findings justifying the determination that emergency rulemaking is appropriate and, if applicable, the basis for the effective date of the emergency rule being less than ten days after the filing of the rule pursuant to A.C.A. § 25-15-204(e).

## **VI. APPEALS**

An ATRS member, beneficiary, survivor, retiree or employer may request a review of an administrative decision made by the Executive Director or an ATRS staff member concerning membership, benefits, service, contributions or refunds. A description of the appeals process may be obtained by contacting ATRS or from the ATRS website.

**NOTE:** These are general rules for the organization and operation of the system. Additional and more specific information is provided in the Policies, Rules and Regulations of ATRS, which may be found on the ATRS website ([www.atrs.state.ar.us](http://www.atrs.state.ar.us) under "Publications") or which may be obtained by contacting the Executive Director's office at 501-682-1517 or 1-800-666-2877).

**Adopted:** December 6, 2005

**Amended:** April 26, 2007

## **BOARD OF TRUSTEES COMPOSITION AND ELECTIONS**

(Amended by Acts 418 of 1997, 866 of 1999, and 97 of 2007)

A.C.A. § 24-7-301 provides that the general administration and responsibility for the proper operation of the Arkansas Teacher Retirement System and for making effective the provisions of the Teacher Retirement laws are vested in the Board of Trustees of 15 persons. The Bank Commissioner, the Treasurer of the State, the Auditor of the State, and the Commissioner of the Department of Education serve as ex officio trustees. Eleven (11) members serve as elected trustees, seven (7) who are active members of the system with at least five (5) years of actual service in force, one (1) who is a member of a racial ethnic group and is either an active or retirant member, and three (3) who are retirant members.

For these purposes, participants in the Teacher Deferred Retirement Plan (T-DROP) will be considered active members. The active and retirant trustees shall be elected in accordance with such rules and regulations as the Board shall from time to time adopt to govern such elections.

### **ACTIVE MEMBER TRUSTEES**

1. There shall be four (4) active member trustees each of whom must be employed in a position requiring state teaching licensure or employed by an ATRS-covered agency in a position between Grades 17-23. Such a trustee shall NOT be employed as a school administrator (superintendent, assistant superintendent, principal, vice principal, president, chancellor or director of a state institutions of higher education, community/technical college, or vocational center/cooperative), or employed in a position Grade 24 and above with an ATRS covered agency. One (1) active member trustee will be elected from each of the four (4) congressional districts of the State of Arkansas.

Active members employed in positions requiring state licensure, but not administrators' licenses, will elect these trustees. Such members must NOT be employed in positions as school administrators (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institutions of higher education, community/technical college, or vocational center/cooperative) or employed by an ATRS-covered agency in a position Grade 24 and above.

2. There shall be two (2) active member trustees each of whom must be employed in a position requiring school administrator licensure (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/

/technical college, or vocational center/cooperative), or employed by an ATRS-covered agency in a position Grade 24 and above, one (1) of which must be a superintendent.

These trustees will be elected by members employed as school administrators (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative) or employed by an ATRS-covered agency in a position Grade 24 and above.

3. There shall be one (1) active member trustee who is employed in a position that does not require state teaching licensure or is employed by an ATRS-covered agency in a position Grade 16 and below.

This member trustee shall be elected by members who are employed in positions not requiring state teaching licensure or are employed by an ATRS-covered agency in a position Grade 16 and below.

### **MINORITY TRUSTEE**

There shall be one (1) member trustee of a minority racial ethnic group who is either an active or a retired member of the system. This member trustee shall be elected by the active and retired membership of the system.

### **RETIRANT MEMBER TRUSTEES**

There shall be three (3) retirant member trustees who receive an annuity paid by the system. These trustees shall be elected by the retired membership of the system. Retirant trustees must reside in Arkansas.

### **TERM OF OFFICE**

The term of office of each member and retirant trustee elected after July 1, 1997, shall be six (6) years. Each trustee shall continue to serve as trustee until his or her successor is elected and has qualified.

An active member trustee shall be ineligible to serve after becoming inactive or upon retiring. An active member trustee shall be ineligible to serve if he or she changes employment category during his or her term of office, i.e., an administrator becomes a classroom teacher. A retirant member trustee shall be ineligible to serve after becoming active.

A vacancy will occur if a member or retirant trustee is absent for three (3) consecutive regular board meetings, unless the absence is excused by a majority of the members of the Board. Attendance on either day of a two-day board meeting is sufficient to meet the attendance requirement. The Executive Director

will notify the Board member of this policy after the second consecutive absence. (Revised May 15, 2001.)

When a vacancy occurs in the office of a member or retirant trustee, the vacancy will be filled during the next annual ATRS election, utilizing approved election requirements and procedures for that position. (Revised May 15, 2001.)

In any year in which the six (6) year term of an active member and/or retirant member trustee expires, the position shall be filled either by election or reelection.

## **BOARD POSITIONS**

- Position #1 (1st Congressional District)
- Position #2 (2nd Congressional District)
- Position #3 (3rd Congressional District)
- Position #4 (4th Congressional District)
- Position #5 (Administrator - Superintendent only)
- Position #6 (Administrator)
- Position #7 (Nonlicensed)
- Position #8 (Minority)
- Position #9 (Retirant)
- Position #10 (Retirant)
- Position #11 (Retirant)

## **POSITION QUALIFICATIONS AND VOTERS ELIGIBILITY IN EACH ELECTION**

1. Positions #1-#4 (Active Member Trustees from Congressional Districts)
  - A. Qualifications for candidacy:
    - i. Must be an active member of ATRS (includes T-DROP participants);
    - ii. Must have five (5) years of actual service in ATRS;
    - iii. Must be employed in a position requiring a state teaching license or employed by an ATRS-covered agency in a position between Grades 17-23. Such candidate shall not be employed as a school administrator (superintendent, assistant superintendent, principal, vice-principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative) or employed in a position Grade 24 and above with an ATRS-covered agency;
    - iv. Must be employed in the congressional district from which he/she is seeking election; and

- v. If a candidate holds two or more positions, i.e., works as a teacher and bus driver, eligibility shall be determined by his/her primary employment.

B. Eligible voters include:

Active ATRS members (includes T-DROP participants) who are employed in the congressional district. Such members must also be employed in positions that require a state teaching license or employed by an ATRS-covered agency in a position between Grades 17-23. Such members must not be employed in positions as school administrators (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative) or employed in an ATRS-covered position Grade 24 and above.

2. Position #5 (Administrator - Superintendent only)

A. Qualifications for candidacy:

- i. Must be an active member of ATRS (includes T-DROP participants);
- ii. Must have five (5) years of actual service in ATRS;
- iii. Must be employed as an Arkansas school superintendent.

B. Eligible voters include:

Active ATRS members (includes T-DROP participants) employed as school administrators (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative), or employed by an ATRS-covered employer in a position Grade 24 or above.

3. Position #6 (Administrator)

A. Qualifications for candidacy:

- i. Must be an active member of ATRS (includes T-DROP participants);
- ii. Must have five (5) years of actual service in ATRS;
- iii. Must be employed as a school administrator (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative), or employed by an ATRS-covered employer in a position Grade 24 or above.

B. Eligible voters include:

Active ATRS members (includes T-DROP participants) employed as school administrators (superintendent, assistant superintendent, principal, vice principal, president, chancellor, or director of a state institution of higher education, community/technical college, or vocational center/cooperative) or employed by an ATRS-covered employer in a position Grade 24 or above.

4. Position #7 (Nonlicensed)

A. Qualifications for candidacy:

- i. Must be an active member of ATRS (includes T-DROP participants);
- ii. Must have five (5) years of actual service in ATRS;
- iii. Must be employed in a position that does not require a state teaching license (includes school secretaries, school bus drivers, school cafeteria and maintenance workers) or employed by an ATRS-covered agency in a position Grade 16 and below.

B. Eligible voters include:

Active ATRS members (includes T-DROP participants) employed in positions that do not require a state teaching license (includes school secretaries, school bus drivers, school cafeteria and maintenance workers) or employed by an ATRS-covered agency in a position Grade 16 and below.

5. Position #8 (Minority)

A. Qualifications for candidacy:

- i. Must be an active member of ATRS (includes T-DROP participants) or a retirant member receiving an annuity paid by ATRS;
- ii. Must have five (5) years of actual service in ATRS;
- iii. Must be of a racial ethnic minority group.

B. Eligible voters include:

Active ATRS members (includes T-DROP participants), and retirant members receiving an annuity paid by ATRS.

6. Positions #9-#11 (Retirant Member Trustees)

A. Qualifications for candidacy:

- i. Must be a retirant member receiving an annuity paid by ATRS; and
- ii. Must be a resident of Arkansas.

B. Eligible voters include:

ATRS retirant members receiving an annuity paid by ATRS.

Survivors of ATRS members who receive survivor benefits from the System are not eligible to participate in the election of Board of Trustee members. (Revised November 18, 1997)

**Amended:** April 26, 2007