

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

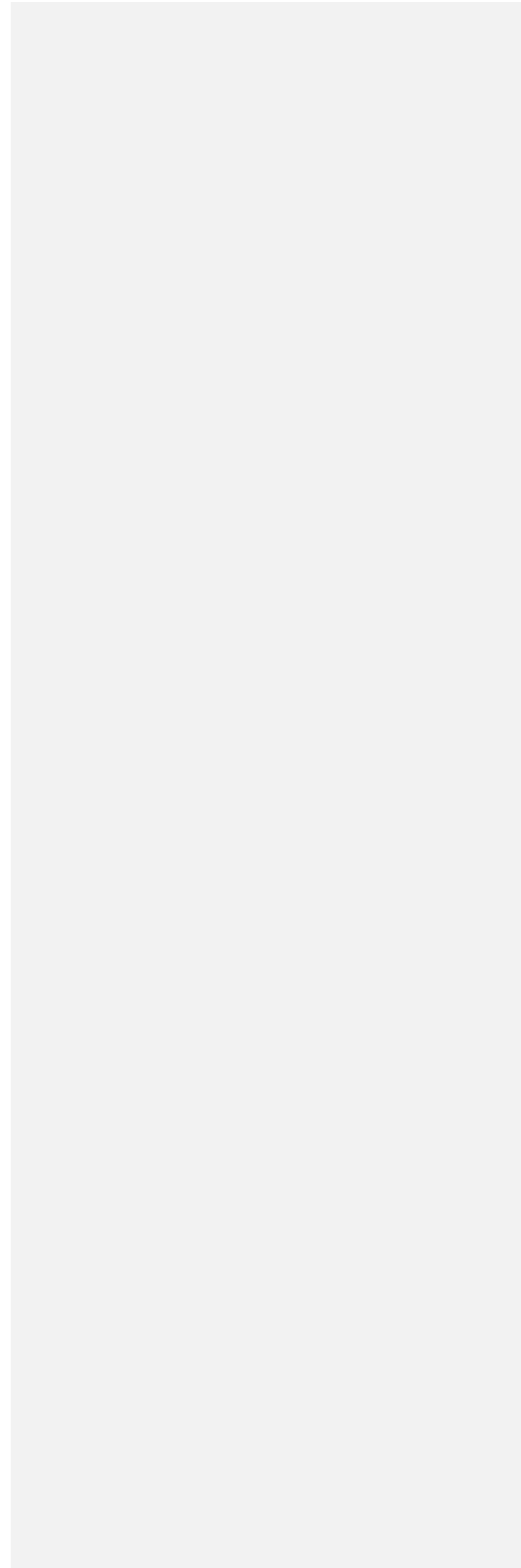
Rules
~~SPECIAL POLICIES~~
~~AND PROCEDURES~~

FOR

SECONDARY TECHNICAL CENTERS

Effective Date

~~August 25, 2018~~



~~SPECIAL POLICIES AND PROCEDURES~~ Rules FOR SECONDARY TECHNICAL CENTERS

I. Application/Approval

A. Secondary Technical Center Approval

1. An application for a new secondary technical center must be submitted to the Office of Skills Development (OSD) Associate Director in the Department of ~~Career Education (ARCareerEd) Commerce~~ on or before **October 1**, prior to the school year in which the center is scheduled to open. Guidelines and application for a new secondary technical center may be obtained online at <http://arcareered.org>. Questions may be directed to the Office of Skills Development at (501) 683-1152.
2. Priority shall be given to the following:
 - a region that is currently not being served by a center
 - program alignment with state and regional economic development strategies and workforce priorities.

A center will not be approved within 25 miles of an existing center unless it can be demonstrated that the creation of a new center will not adversely impact adjoining centers.

3. A sponsoring institution/entity (public high school, postsecondary technical institute, two-year college, or education service cooperative) that has been approved by the Career Education and Workforce Development Board (CEWDB) as a secondary technical center must begin operation with **three occupational specific programs. Only occupational specific programs will be eligible for secondary technical center funding.**
4. A secondary technical center or satellite that is approved by the CEWDB must serve multiple high schools in order to qualify for secondary technical center funding.
5. A secondary technical center that closes and desires to resume operation must submit a new application to the CEWDB for approval. A center that is approved by CEWDB for start-up but fails to begin operation within a two-year period shall be considered null and void and must reapply.

B. New or Expanded Programs

4. For new or expanded program approval, the secondary technical center shall submit a proposal for new program start-up by **October 1** of the preceding year in which the program(s) is to be implemented. The application is available on the ~~ARCareerEd ADE website under the Division of Career and Technical Education Funding/Accountability Resources tab, 2015 New Start-up Grant Application, Office of Skills Development website.~~
2. Newly approved programs must be authorized by the Director of OSD ~~and the Director of Career and Technical Education~~ to receive secondary technical center funding.

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3. Programs of study offered at the centers must be selected from a list of approved programs as defined by the ~~Department of Career Education~~ **Department of Education, Division of Career and Technical Education**. ~~Programs of study This list will be reviewed every two years in accordance with Perkins V federal legislation, annually.~~

C. Satellite Programs

1. An existing secondary technical center or proposed center, approved by the CEWDB, may provide satellite location(s) to school districts that are located **outside the 25 miles or 30 minutes of driving time**. Satellite locations must be shared by **more than one school district**. Satellite locations will be eligible for funding in the same manner as center programs.
2. A Memorandum of Understanding (MOU) shall be completed, signed by cooperating parties, and on file in the secondary technical center director's office concerning the operation of satellite locations.
3. All applications for a satellite location require the approval of the CEWDB.
 - a. The secondary technical center must complete an application to open a satellite program(s). The application shall be submitted to ~~ARCareerEd~~ **OSD** along with all required documentation of support.
 - b. All satellite locations will be approved by the CEWDB prior to startup of the satellite.
 - c. Documentation from the secondary technical center's administration that indicates interest and approval in opening a satellite program is required. This documentation should include at a minimum (1) a letter from the center director to ~~ARCareerEd~~ **OSD** stating the center's intent to open the location; (2) minutes from the secondary technical center's board of directors meeting showing the board's support; and (3) minutes from the secondary technical center's sponsoring entity showing the sponsoring entity's support.
 - d. Documentation from the participating schools indicating their support of the satellite program(s) is required. This should be in the form of (1) minutes from the participating school's board meetings indicating the school will support the program(s) at the satellite location; (2) a letter from each school's superintendent indicating the school district's support of the program(s).
 - e. The secondary technical center must show a need for the satellite program(s) through documentation including surveys of area business and industry, job outlook forecasts, projected enrollment, etc.
 - f. The host school agrees to provide the following: (1) facilities including classroom(s), lab(s), utilities, maintenance and janitorial services; (2) handle immediate issues involving discipline until the center director can address the situation; and (3) statement allowing the participation of other school districts.
 - g. The secondary technical center agrees to: (1) furnish the classroom(s) and lab(s) with equipment, furniture, etc.; (2) furnish supplies for the program; (3) handle discipline matters under the center's guidelines in a timely fashion; and (4) employ instructor(s) for approved center programs of study.
 - h. Each participating high school shall be guaranteed seats at the satellite program. The individual school's percentage of 10th grade enrollment calculated from the total 10th grade enrollment of all participating high schools shall be the method used to determine available seats.

4. Existing Satellite Programs

All existing satellite programs shall be required to submit an MOU identifying the program, location, participating schools, and projected enrollment from participating schools. Host schools will be required to submit a letter of support for the satellite program. Existing satellite programs will be subject to the same guidelines as new satellite programs to be reviewed at the end of a five-year period.

5. Consolidation

All satellite program(s) affected by school consolidation that are reduced to single school status will be re-evaluated as to the status of a satellite program(s).

~~D. Regional Technical Center~~

~~A secondary technical center to be designated as a regional technical center shall be approved by CEWDB.~~

II. Finance

A. Funding

1. Vocational center aid will be calculated and distributed by the Department of ~~Career~~ Education based upon each secondary technical center's eligible student FTE count ~~once verified by OSD. The Department of Education will distribute two payments, during the fall and spring semesters, to each secondary center.~~
- ~~2. The minimum training fee is set in accordance with ACA 6-20-2305(2)(A) and shall be calculated from the eligible student FTE.~~
- ~~3. The secondary technical center will bill each participating high school based upon current enrollment verified by OSD.~~
2. A ~~three tiered~~ three-tiered funding system shall be established by OSD and approved by the CEWDB to determine the amount of vocational center aid for each program of study. Program of study tier placement shall take into account the different funding needs and costs of individual programs of study, along with the workforce needs of the State of Arkansas.
3. Funds not expended in accordance with ACA 6-51-305 shall be carried forward into the succeeding year. Unexpended funds shall be carried forward for the sole purpose of conducting summer programs and community-based education centers or supporting secondary technical center operations in succeeding years.

B. Supplemental Funds

1. Secondary technical centers shall be eligible for new program start-up funds as outlined in the Secondary Technical Center ~~Special Program Policies and Procedures for~~ Secondary Technical Centers ~~Career and Technical Education~~.
2. Secondary technical centers may from time-to-time be eligible for federal

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funds. ~~ARCareerEd~~ Department of Education, Division of Career and Technical Education will inform secondary center directors of these as ~~soon as~~ they become available.

3. Secondary technical centers may apply for and receive on their own merit any special grant funds from other agencies. All revenue shall be disclosed on the revenue page of the annual expenditure report. Funding of secondary centers is not limited to state funding as described above.

III. Reports

A. Semester Reports

1. The Course/Instructor Reporting Form shall be submitted to ~~ARCareerEd~~ OSD each fall and spring. The Course Instructor/Reporting Form is available on the ~~ARCareerEd~~ website.
2. Enrollment reports shall be submitted to ~~ARCareerEd~~ OSD each semester. Enrollment will then be verified by OSD in collaboration with the Division of Career and Technical Education who will collect Arkansas using Department of Education eSchool enrollment data. The Enrollment Report is available on the ~~ARCareerEd~~ website.

B. Yearly Reports

1. The Annual Expenditure Report shall be completed and sent to ~~ARCareerEd~~ OSD. The Annual Expenditure Report is available on the ~~ARCareerEd~~ website.
2. The Annual Concurrent Credit and Industry Credentials Report shall be completed and sent to ~~ARCareerEd~~ OSD in collaboration with the Division of Career and Technical Education. The Annual Concurrent Credit and Industry Credentials Report is available on the ~~ARCareerEd~~ website.
3. Each center shall complete and submit to ~~ARCareerEd~~ OSD a proposed budget. The Budget Template is available on the ~~ARCareerEd~~ website.

IV. Operations

A. Secondary Technical Center Responsibility

1. The management, maintenance, and operation of a secondary technical center shall be the financial responsibility of the sponsoring institution or entity in accordance with the policies established by the CEWDB. Expenses associated with the maintenance and operations of a secondary technical center/satellite shall not be paid with vocational center aid funding ~~or training fees~~. Failure to comply with this policy may result in a reduction of vocational center aid to the secondary technical center.
2. Failure to properly maintain and operate a secondary center may result in, by recommendation to the CEWDB, closure of the center.
3. Each participating high school shall be guaranteed seats in each program. The individual school's percentage of 10th grade-enrollment calculated from

the total 10th grade enrollment of all participating high schools shall be the method used to determine available seats. Any school not fulfilling its quota shall relinquish the unfilled seats to other schools.

B. Designation of Secondary Technical Center Director

1. Each secondary technical center, regardless of location, must employ a secondary technical center director on full-time basis.
2. ~~Secondary technical centers located on the campus of a secondary school must employ directors who hold a secondary technical center director endorsement (175).~~ Secondary technical centers that are not located on the campus of a secondary school may, but need not, employ directors who hold a secondary technical center 175 endorsement.
3. The secondary technical center director should have a minimum of 3 years' experience (in areas including, but not limited to, teaching, supervision, and administration) at the secondary or post-secondary levels. However, subject to the requirements for secondary technical center directors stated elsewhere in these policies and procedures, equivalent experience may be substituted on a case by case basis.

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C. Secondary Technical Center Council

1. Each secondary technical center shall have an active secondary technical center council. The council shall meet twice annually, and minutes, sign-in sheets, agendas, and any other supporting documentation shall be kept. The council shall be comprised of superintendents of the sponsoring and local school districts participating in the secondary technical center along with the director of the center. When a postsecondary institution is designated as a secondary technical center, the director or president/chancellor of that institution shall be a member. Additionally, where secondary technical centers are sponsored by an education service cooperative, the director shall be a member of the council. The secondary technical center council shall serve in an advisory capacity for the secondary technical center in all areas of administration and operation, e.g., scheduling, student discipline, program design, etc. The center council may also assist with determining the capacity of a center.
2. The council serves in advisory capacity only. The local board of the host institution serves as the governing authority of the secondary technical center.

D. Instructor Qualifications

1. ~~Technical instructors teaching at a college-based secondary technical center or a high-school based secondary technical center must have a minimum of a technical permit in the area of instruction or an associate's degree within the area of instruction or related area. Tested experience may substitute for an earned credential or portions thereof. (Institutional (or HLC) requirement)~~
- 4.2. Technical instructors must have completed Arkansas State Police, FBI, and the Arkansas Child Maltreatment Registry background checks and meet all college accrediting standards for instructors. These background checks must be completed every five years. Instructors shall submit documentation of these records to their employer.
- 2.3. ~~Centers will annually submit a list of instructors providing concurrent credit~~

~~and upon meeting the above requirement, these instructors will be given an annual waiver from teacher licensure requirements.~~

3. Instructors not meeting these requirements or instructors teaching non-concurrent credit classes must hold an Arkansas Teacher's License/Technical Permit.

E. Employee Policies

The sponsoring institution/entity shall adopt official employee policies and procedures, including a salary schedule, sick leave, inclement weather, grievance, benefits, and other policies. These must be adopted by the start of the second semester of operation.

F. Student Handbook

The sponsoring institution/entity shall adopt a student handbook outlining the rules and regulations relating to discipline, attendance, hand tools, textbooks, OCR Grievance Procedures, and other matters. These must be adopted by the start of the second semester of operation.

G. Class Periods

Class periods shall conform to the minimum class hours established by the Standards for Accreditation of Public Schools and AdvanceEd. Travel time shall not be counted in the time on task determination. In order to restructure a program of study, the secondary technical center may work with the [Arkansas Department of Education, Division of Career and Technical Education](#). ~~Department of Career Education~~ ~~Division of Career and Technical Education~~ ~~OSD~~ to implement course designs and class lengths.

H. Instruction

1. Programs shall align with [program of study standards curriculum frameworks](#) and meet requirements as established for each program of study.
2. Concurrent credit classes offered for secondary career and technical credit in a college-based secondary technical center shall ~~closely~~ align to ~~ARCareerEd~~ [Department of Education, Division of Career and Technical Education standards curriculum frameworks](#). One 3-hour college course shall equate to one Carnegie unit.
3. An active **advisory committee** is required for each occupational program area. The committee shall meet twice annually and minutes, sign-in sheets, agendas, and any other supporting documentation shall be kept.

I. Transportation

The secondary technical center director and the administration of the local school district shall determine responsibility for transporting students to and from the local school to a secondary technical center.

J. Exceptions

Expansion of secondary technical centers into areas not being served is a priority of the ~~Department of Career Education~~ ~~OSD~~. The ~~ARCareerEd~~ ~~OSD~~

Commented [CC6]: Again, do instructors at a secondary center on a secondary school campus have a teacher license or a waiver for occupational experience? Probably yes. Then, the school will most likely need the waiver.

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Director may, upon request, make exceptions to the stated policies when such requests are supported by adequate justification.

V. Definitions

- **Access** is an attempt for every high school student in Arkansas to have the opportunity to participate in any of a minimum of three occupation-specific technical programs offered within 25 miles or 30 minutes of the home school.
- ~~**Capacity** of a secondary technical center is determined by multiplying the number of blocks of occupation-specific programs (two or three hours) by 20.~~
- **Concurrent credit** is received by high school career and technical education students who take classes offered through an institution of higher education. These classes will be transcribed by the local high school for secondary credit and by the institution of higher education for college credit.
- **Eligible student** is a student enrolled in grades 10-12 and who is pursuing a program of study in a secondary technical center.
- **Full-Time Equivalent (FTE)** shall be considered the equivalent of one student attending class for six class periods per day per year, e.g., one student attending a three period class the full year would be equal to one-half FTE. Travel time cannot be included in FTE count.
- **Local districts** are the districts in the locality, which are eligible to participate in secondary technical center programs.
- **Occupation-specific programs** are technical programs, which have paid employment in specific occupations as their objectives.
- ~~**Private and/or home schooled students** are eligible to participate in secondary technical center programs through the local school district in which they officially reside.~~
- ~~**Regional technical center** is defined as a secondary technical center having the same expanded service area as approved by CEWDB.~~
- **Satellite location** is the extension of a secondary technical center located outside the boundaries of an existing center (25 miles or 30 minutes of driving time) or to students in isolated areas. Satellite locations will be provided by an approved secondary technical center and must be shared by more than one school district. All satellite locations require the approval of the CEWDB.
- **Secondary technical center** is a public secondary or post-secondary technical institution organized for the specific purpose of educating high school students in specific occupational/technical programs. A center will serve students from more than one participating high school. Students eligible to attend a secondary technical center will generally come from a twenty-five (25) mile radius or thirty (30) minute driving time from the local school.
- **Sponsoring institution** is a comprehensive high school, a post-secondary technical institute, a two-year or community/technical college, an education service cooperative, or any other entity authorized by law that has been

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approved by the CEWDB. The sponsoring institution will function as the fiscal agent and will manage and administer the secondary technical center.
(Reference ACA 6-51-301 to 6-51-305)

- ~~Training fees are the fees set in accordance with ACA 6-20-2305(2)(A) and shall be calculated from the eligible student FTE count. The secondary technical center shall bill the sending schools for these fees in the fall and spring semesters.~~
- **Vocational center aid** is calculated and distributed by the Department of Career Education based upon each secondary technical center's eligible student FTE count ~~once the sending schools have been reimbursed from the previous school year's training fees.~~

Rules ~~RULES~~
~~SPECIAL POLICIES~~
~~AND PROCEDURES~~

FOR

SECONDARY TECHNICAL CENTERS

Effective Date

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August 1, 2020

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~~SPECIAL POLICIES AND PROCEDURES~~ RULES FOR SECONDARY TECHNICAL ~~CC~~CENTERS

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B. Designation of Secondary Technical Center Director

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2. ~~Secondary technical centers located on the campus of a secondary school must employ directors who hold a secondary technical center director endorsement (175).~~ Secondary technical centers that are not located on the campus of a secondary school may, but need not, employ directors who hold a secondary technical center 175 endorsement.
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2. The council serves in advisory capacity only. The local board of the host institution serves as the governing authority of the secondary technical center.

D. Instructor Qualifications

1. Technical instructors teaching at a college-based secondary technical center ~~or a high-school based secondary technical center~~ must have a minimum of a ~~technical permit in the area of instruction or an~~ associate's degree within the area of instruction or related area. Tested experience may substitute for an earned credential or portions thereof. (Institutional (or HLC) requirement)
- ~~4-2.~~ Technical instructors must have completed Arkansas State Police, FBI, and the Arkansas Child Maltreatment Registry background checks and meet all college accrediting standards for instructors. These background checks must be completed every five years. Instructors shall submit documentation of these records to their employer.
2. ~~Centers will annually submit a list of instructors providing concurrent credit and upon meeting the above requirement, these instructors will be given an annual waiver from teacher licensure requirements.~~
3. Instructors not meeting these requirements or instructors teaching non-concurrent credit classes must hold an Arkansas Teacher's License/Technical Permit.

Commented [CC6]: Again, do instructors at a secondary center on a secondary school campus have a teacher license or a waiver for occupational experience? Probably yes. Then, the school will most likely need the waiver.

Commented [AK7R6]: Agree, this helps document on our end instructor information on post-secondary campuses and record in the licensure system at ADE.

E. Employee Policies

The sponsoring institution/entity shall adopt official employee policies and procedures, including a salary schedule, sick leave, inclement weather, grievance, benefits, and other policies. These must be adopted by the start of the second semester of operation.

F. Student Handbook

The sponsoring institution/entity shall adopt a student handbook outlining the rules and regulations relating to discipline, attendance, hand tools, textbooks, OCR Grievance Procedures, and other matters. These must be adopted by the start of the second semester of operation.

G. Class Periods

Class periods shall conform to the minimum class hours established by the Standards for Accreditation of Public Schools and AdvanceEd. Travel time shall not be counted in the time on task determination. In order to restructure a program of study, the secondary technical center may work with the Arkansas Department of Education, Division of Career and Technical Education - Department of Career Education, Division of Career and Technical Education ~~OSD~~ to implement course designs and class lengths.

Commented [CC8]: Only delete Career

Commented [CC9]: Delete OSD. This is a ADE and accreditation concern.

H. Instruction

1. Programs shall align with program of study standards curriculum- frameworks and meet requirements as established for each program of study.
2. Concurrent credit classes offered for secondary career and technical credit in a college-based secondary technical center shall closely align to ARCareerEd- Department of Education, Division of Career and Technical Education standardscurriculum frameworks. One 3-hour college course shall equate to one Carnegie unit.
3. An active **advisory committee** is required for each occupational program area. The committee shall meet twice annually and minutes, sign-in sheets, agendas, and any other supporting documentation shall be kept.

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I. Transportation

The secondary technical center director and the administration of the local school district shall determine responsibility for transporting students to and from the local school to a secondary technical center.

J. Exceptions

Expansion of secondary technical centers into areas not being served is a priority of the Department of Career Education ~~OSD~~. The ARCareerEd ~~OSD~~ Director may, upon request, make exceptions to the stated policies when such requests are supported by adequate justification.

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V. Definitions

- **Access** is an attempt for every high school student in Arkansas to have the opportunity to participate in any of a minimum of three occupation-specific

technical programs offered within 25 miles or 30 minutes of the home school.

~~• **Capacity** of a secondary technical center is determined by multiplying the number of blocks of occupation-specific programs (two or three hours) by 20.~~

• **Concurrent credit** is received by high school career and technical education students who take classes offered through an institution of higher education. These classes will be transcribed by the local high school for secondary credit and by the institution of higher education for college credit.

• **Eligible student** is a student enrolled in grades 10-12 and who is pursuing a program of study in a secondary technical center.

• **Full-Time Equivalent (FTE)** shall be considered the equivalent of one student attending class for six class periods per day per year, e.g., one student attending a three period class the full year would be equal to one-half FTE. Travel time cannot be included in FTE count.

• **Local districts** are the districts in the locality, which are eligible to participate in secondary technical center programs.

• **Occupation-specific programs** are technical programs, which have paid employment in specific occupations as their objectives.

~~• **Private and/or home-schooled students** are eligible to participate in secondary technical center programs through the local school district in which they officially reside.~~

~~• **Regional technical center** is defined as a secondary technical center having the same expanded service area as approved by CEWDB.~~

• **Satellite location** is the extension of a secondary technical center located outside the boundaries of an existing center (25 miles or 30 minutes of driving time) or to students in isolated areas. Satellite locations will be provided by an approved secondary technical center and must be shared by more than one school district. All satellite locations require the approval of the CEWDB.

• **Secondary technical center** is a public secondary or post-secondary technical institution organized for the specific purpose of educating high school students in specific occupational/technical programs. A center will serve students from more than one participating high school. Students eligible to attend a secondary technical center will generally come from a twenty-five (25) mile radius or thirty (30) minute driving time from the local school.

• **Sponsoring institution** is a comprehensive high school, a post-secondary technical institute, a two-year or community/technical college, an education service cooperative, or any other entity authorized by law that has been approved by the CEWDB. The sponsoring institution will function as the fiscal agent and will manage and administer the secondary technical center. (Reference ACA 6-51-301 to 6-51-305)

~~• **Training fees** are the fees set in accordance with ACA 6-20-2305(2)(A) and shall be calculated from the eligible student FTE count. The secondary~~

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Commented [CC10]: This is probably ok to delete even though the ASU secondary centers (beginning with Searcy campus in 2007) were approved to be regional technical centers and continue to operate under the title.

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~~technical center shall bill the sending schools for these fees in the fall and spring semesters.~~

- **Vocational center aid** is calculated and distributed by the Department of ~~Career~~ Education based upon each secondary technical center's eligible student FTE count. ~~once the sending schools have been reimbursed from the previous school year's training fees.~~

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Summary of Changes

Office of Skills Development - Arkansas Department of Commerce

Rules for Secondary Career Centers

Changes include updates in language to reflect government transformation due to the Office of Skills Development transitioning from the Arkansas Department of Career Education to a Division of the Arkansas Department of Commerce. Additional revisions below have been updated to reflect changes made under Act 179 of 2019.

- Section I – Application Approval
 - B. 1. – Revised the rule to highlight the change in location for the application from the department of education division of career and technical education to the Office of Skills Development website.
 - B. 2. – Revised the process for secondary career centers to receive funding approval for approved programs. Division of Career and Technical Education approves the program, but funding approval resides with the Office of Skills Development and therefore does not require additional approval from Deputy Director of CTE. This eliminates duplication of efforts and provides a more efficient process.
 - B.3. – Change the name to reflect changes made under government transformation.
 - D. Removed the language related to a regional technical center as this is outdated and no longer relevant.
- Section II – Finance
 - A. 1. – This change is made to reflect the rules change under Act 179 that required us to promulgate rules for establishing a tiered system of determining the amount of vocational center aid under subdivision (b) (2) (b) (1) of this section for each secondary vocational area center; and the method of distribution of the vocational center aid under subdivision (b) (2) (b) (1) of this section.
 - A. 2. – struck due to the passage of Act 179
 - A.3. – See A2
 - A. 2 (new) – See A.1.
- Section IV – Operations

- A. 1. – There are no longer training fees associated with the disbursement of vocational center aid due to passage of Act 179.
 - B.2. – Removal of the 175 endorsement is no longer relevant to the operations of a secondary career center
 - B.3. – This section has been revised to reflect the new section under B.3.
- Section V – Definitions
 - Struck the definition for capacity, regional technical center, training fees, and revised the definition for vocational center aid to reflect changes made under act 179.

QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY _____
DIVISION _____
DIVISION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ FAX NO. _____ E-MAIL _____
NAME OF PRESENTER AT COMMITTEE MEETING _____
PRESENTER E-MAIL _____

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this
- D. Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule?

2. What is the subject of the proposed rule?

3. Is this rule required to comply with a federal statute, rule, or regulation? Yes No

If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes No

If yes, what is the effective date of the emergency rule? _____

When does the emergency rule expire? _____

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes No

5. Is this a new rule? Yes No If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes No If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes No If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled “mark-up.”

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

7. What is the purpose of this proposed rule? Why is it necessary?

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

9. Will a public hearing be held on this proposed rule? Yes No If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT _____
DIVISION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ FAX NO. _____ EMAIL: _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

1. Does this proposed, amended, or repealed rule have a financial impact? Yes No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.