

# ARKANSAS REGISTER

## Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State  
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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency \_\_\_\_\_

Department \_\_\_\_\_

Contact \_\_\_\_\_ E-mail \_\_\_\_\_ Phone \_\_\_\_\_

Statutory Authority for Promulgating Rules \_\_\_\_\_

Rule Title: \_\_\_\_\_

**Intended Effective Date**

(Check One)

**Date**

- |  |                                       |       |
|--|---------------------------------------|-------|
| <input type="checkbox"/> Emergency (ACA 25-15-204)                                     | Legal Notice Published .....          | _____ |
| <input type="checkbox"/> 10 Days After Filing (ACA 25-15-204)                          | Final Date for Public Comment .....   | _____ |
| <input type="checkbox"/> Other _____<br>(Must be more than 10 days after filing date.) | Reviewed by Legislatice Council ..... | _____ |
|  | Adopted by State Agency .....         | _____ |

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Contact Person

E-mail Address

Date

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

**ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING  
DIPLOMAS FOR VETERANS OF WORLD WAR II, THE KOREAN WAR,  
AND THE VIETNAM WAR**

**June 2018**

**1.00 PURPOSE**

- 1.01 These rules shall be known as the Arkansas Department of Education Rules Governing Diplomas for Veterans of World War II, the Korean War, and the Vietnam War.
- 1.02 The purpose of these rules is to set forth the requirements for granting diplomas to veterans of World War II, the Korean War, or the Vietnam War.

**2.00 AUTHORITY**

- 2.01 The Arkansas State Board of Education's authority for promulgating these rules is pursuant to Ark. Code Ann. §§ 6-16-133 and 6-16-134.

**3.00 ELIGIBILITY**

- 3.01 In recognition of and tribute to veterans who left high school before graduation to serve in World War II, the Korean War, or the Vietnam War, a board of directors of any school district in Arkansas may grant a diploma of graduation to any veteran meeting the requirements of this Rule.
- 3.02 To be eligible for a high school diploma under this section, a veteran shall:
  - 3.02.1 Have been honorably discharged from the Armed Forces of the United States of America;
  - 3.02.2 Be a resident of the State of Arkansas; and
  - 3.02.3 Have served a minimum of eighteen (18) consecutive months' active duty or been discharged with a service-connected disability during one of the following:
    - 3.02.3.1.1 For veterans of World War II, between September 16, 1940, and December 31, 1946,
    - 3.02.3.1.2 For veterans of the Korean War, between June 1, 1950, and January 1, 1954; or
    - 3.02.3.1.3 For veterans of the Vietnam War, between July 3, 1965, and May 15, 1975.

- 3.03 A veteran shall present to the school district's board of directors any of the following documentation of honorable discharge as evidence of eligibility under this Rule:
  - 3.03.1 A War Department Adjutant General's Office Form (WD AGO);
  - 3.03.2 A Naval Personnel discharge document (NAVPERS);
  - 3.03.3 A Report of Separation from Active Duty; or
  - 3.03.4 A DD Form 214 (DD-214).
- 3.04 School districts are encouraged to present the diploma in conjunction with appropriate Veterans Day programs.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**     Arkansas Department of Education

**DIVISION**         Legal Services

**PERSON COMPLETING THIS STATEMENT**     Jennifer Dedman

**TELEPHONE** 501-682-4585     **FAX** 501-682-4249     **EMAIL:** Jennifer.Dedman@arkansas.gov

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

**SHORT TITLE OF THIS RULE**     ADE Rules Governing Diplomas for Veterans of WWII, Korea, and Vietnam

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;

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(b) The reason for adoption of the more costly rule;

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(c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;

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(d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.

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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**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
<b>Total</b>	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
<b>Total</b>	<u>0</u>

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

**Current Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

**Next Fiscal Year**

General Revenue	<u>0</u>
Federal Funds	<u>0</u>
Cash Funds	<u>0</u>
Special Revenue	<u>0</u>
Other (Identify)	<u>0</u>
Total	<u>0</u>

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**

\$ 0  
0

**Next Fiscal Year**

\$ 0

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**

\$ 0  
0

**Next Fiscal Year**

\$ 0

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.