

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State
Mark Martin

500 Woodlane, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070

www.sos.arkansas.gov



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)

Emergency (ACA 25-15-204)

10 Days After Filing (ACA 25-15-204)

Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published _____

Final Date for Public Comment _____

Reviewed by Legislatice Council _____

Adopted by State Agency _____

Date

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
PROPOSED RULES AND REGULATIONS
To Implement the Braille and Large Print Textbook Appropriation
June 2018**

1.00 Regulatory Authority

- 1.01 These regulations shall be known as Arkansas Department of Education Regulations to Implement the Braille and Large Print Textbook Appropriation.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Act 174 of 2017.

2.00 Purpose

- 2.01 It is the purpose of these regulations to set forth the criteria for determining student eligibility for adaptive textbooks (i.e. braille and large print).
- 2.02 These regulations define the process for local school district access to such adaptive textbooks for students with visual impairments.

3.00 Definitions

- 3.01 For the purpose of these regulations, adaptive textbooks are defined to mean braille and large print.
- 3.02 IDEA refers to the Individuals with Disabilities Education Act.
- 3.03 IEP is the individualized education program for a student with disabilities under the IDEA.
- 3.04 Learning Media Assessment refers to a structured systematic assessment used to determine the appropriate literacy media and/or functional learning materials for students with visual impairments.
- 3.05 Braille Skills Inventory is a comprehensive assessment used to assess the braille reading and writing proficiency of students who receive braille instruction.
- 3.06 Informal Reading Inventories (IRIs) as used in these regulations refers to commercially available IRIs which are adapted into braille and large print and used as a part of continuing assessment to determine student progress in reading as measured by reading comprehension and reading rate.
- 3.07 Reading rates are measured using informal reading inventories and content texts and are one component of the data needed to determine efficiency in a student's current literacy media.

- 3.08 Informal functional vision assessment as used in these regulations refers to teacher observations which provide evidence of a student's use of visual ability in near and distance tasks.

4.00 Administration

- 4.01 The braille and large print textbook program for students with visual impairments shall be administered by the Arkansas School for the Blind in conjunction with the Arkansas Department of Education's designee from internal administration.

5.00 Eligibility for Adaptive Textbooks

- 5.01 The following criteria should be considered when determining the appropriate reading medium for students with visual impairment.

- 5.01.1 Observations made by, but not limited to, the classroom teacher, parent, certified teacher of students with visual impairments (TVI), and an ESVI regional vision consultant.

- 5.01.2 Assessment by an ESVI regional vision consultant, certified teacher of students with visual impairments (TVI).

- 5.01.2.1 *Learning Media Assessment*
 - 5.01.2.2 Braille Skills Inventory
 - 5.01.2.3 Informal functional vision assessment
 - 5.01.2.4 Reading rates

- 5.01.3 Eye specialist medical report detailing acuity, pathology and prognosis.

- 5.01.4 Student's IEP team recommendation.

6.00 School District Access to Adaptive Textbooks

- 6.01 Local school districts must assess any student whose visual impairment adversely affects his/her educational performance as to the student's need for adaptive textbooks.

- 6.02 For the purpose of these regulations, the criteria stated in Section 5.00 shall be the minimum criteria for determining student eligibility.

- 6.03 Local school districts may seek assistance for assessing a student's need for adaptive textbooks by contacting the Educational Services for the Visually Impaired (ESVI).

- 6.04 Following a determination that a student is eligible for adaptive textbooks, the regional vision consultant serving the local school district will approve the purchase of textbooks for each student determined eligible.
- 6.05 The regional vision consultant will complete an ESVI textbook order form and transmit the form to the Instructional Resource Center at the Arkansas School for the Blind.

7.00 Costs

- 7.01 There shall be no charge to local school districts for large print or braille textbooks, unless a book is lost or is severely damaged.
- 7.02 Should a textbook be lost or sustain such damage as to render the book unusable, the district will be billed for the costs associated with replacing the book.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Learning Services--Special Education Unit

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 to Implement the Braille and Large Print Textbook Appropriation

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

| | |
|------------------|----------|
| 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> |

(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.