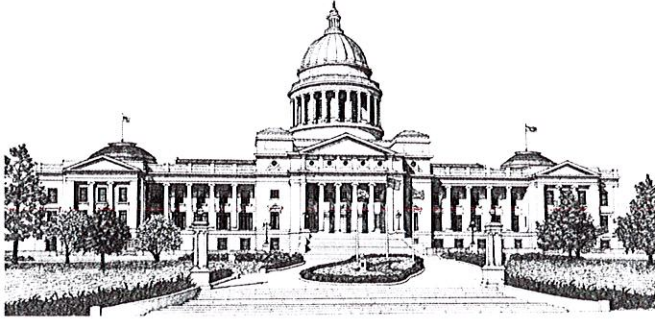


ARKANSAS REGISTER

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 Arkansas Department of Education

Department Learning Services

Contact Mary Claire Hyatt E-mail maryclaire.hyatt@arkansas.gov Phone 501-683-0960

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-11-105, Act 867 of 2017, and 25-15-201 et seq.

Rule Title: REPEAL-- Arkansas Department of Education Rules Governing the Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve

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.)

	Date
Legal Notice Published	<u>4/15/18-4/17-18</u>
Final Date for Public Comment	<u>5/15/18</u>
Reviewed by Legislative Council	<u>7/17/18</u>
Adopted by State Agency	<u>6/14/18</u>

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)
Mary Claire Hyatt maryclaire.hyatt@arkansas.gov 7/18/2018
 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.)

Mary Claire Hyatt
Signature

501-683-0960 maryclaire.hyatt@arkansas.gov
Phone Number E-mail Address

Staff Attorney, Arkansas Department of Education
Title

7/18/2018
Date

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Learning Services

PERSON COMPLETING THIS STATEMENT Mary Claire Hyatt

TELEPHONE 501-683-0960 **FAX** 501-682-4249 **EMAIL:** MaryClaire.Hyatt@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 the Arkansas Mandatory Attendance Requirements for Students in Grades Nine through Twelve

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 Does this proposed, amended, or repealed rule have a financial impact?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 _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

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) _____

Total _____

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

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.

~~ARKANSAS DEPARTMENT OF EDUCATION
RULES GOVERNING THE ARKANSAS MANDATORY ATTENDANCE
REQUIREMENTS FOR STUDENTS IN GRADES NINE THROUGH TWELVE
August 2007~~

1.00—Authority

~~1.01—These rules shall be known as the Arkansas Department of Education Rules Governing the Mandatory Attendance Requirements for Students in Grades Nine through Twelve.~~

~~1.02—The State Board of Education promulgates these rules pursuant to the regulatory authority provided in Arkansas Code Annotated §§ 6-18-211, 6-16-102, 6-11-105 and Act 985 of 2007.~~

2.00—Purpose of Rules

~~2.01—The purpose of these rules is to implement and establish the process Governing the Mandatory Full School Day Attendance Requirements for Students in Grades Nine through Twelve.~~

3.00—Definitions

~~3.01—"School day" means a day in which classes are in session, the school is required to provide no fewer than six (6) hours of planned instructional time, and students receive instructional time that does not average less than six (6) hours. Any day in which fewer than six (6) hours of instructional time is provided to students shall be counted as one-half (1/2) of a school day if at least three (3) hours of instructional time is provided to students. Any day in which fewer than three (3) hours of instructional time is provided to students shall not be counted as part of a school day.~~

~~3.02—"Extracurricular classes" mean school sponsored activities which may include special interest, fine arts, technical, scholastic, intramural, and interscholastic opportunities outside Arkansas Department of Education approved courses that do not count toward graduation requirements or classes that have not been approved by the Arkansas Department of Education for academic credit.~~

~~3.03—"Financial hardships" means harm or suffering caused by a student's inability to obtain or provide basic life necessities of food, clothing, and shelter for the student or the student's family.~~

~~3.04~~ — "Planned instructional time" means regularly scheduled class periods during the school day in which the teacher is providing instruction for students aligned with the Arkansas Department of Education Curriculum Frameworks.

~~3.05~~ — "Placement hardship" means any student dropped from a course of study or removed from a job during the semester and is unable to be placed in another placement or course of study.

~~3.06~~ — "State Board of Education" means the Arkansas State Board of Education.

~~4.00~~ — **Implementation**

~~4.01~~ — Students in grades nine through twelve (9-12) shall be required to schedule and attend a full school day.

~~4.02~~ — Students in a public high school in Arkansas in grades nine through twelve (9-12) are required to enroll in no fewer than three hundred fifty (350) minutes of planned instructional time each school day as a requirement for graduation.

~~5.00~~ — **Local School Board Policies**

~~5.01~~ — The school board of directors of every public school district may adopt policies to allow students to be assigned to no more than one (1) class period each day for a study hall that the student shall be required to attend and participate in for a full class period per day of self study or organized tutoring in the school building to be included as planned instructional time.

~~5.02~~ — The school board of directors of every public school district may adopt policies to allow students to be assigned to no more than one (1) class period each day for organized and scheduled student extracurricular classes that the student shall be required to attend and participate in for a full class period per day to be included as planned instructional time. If the extracurricular class is related to a seasonal activity, the class must continue to meet after the season ends to be counted toward the requirement of planned instructional time.

~~5.03~~ — Local school boards of directors may adopt policies for granting waivers to students who would experience proven financial hardships if required to attend a full school day.

~~5.04~~ — Local school boards directors may adopt placement policies granting waivers for students who are dropped from courses, concurrent credit classes, or removed or fired from employment.

6.00—Courses and Programs

- 6.01**—~~Enrollment and attendance in vocational educational training courses, college courses, school work programs, and other department sanctioned educational programs may be used to satisfy the requirements of the Arkansas Department of Education Rules Governing the Mandatory Attendance Requirements for Students in Grades Nine through Twelve even if the programs are not located at the public schools.~~
- 6.02**—~~Enrollment and attendance at a post-secondary institution by an eligible student for credit shall be counted by the high school at a ratio of three (3) hours of the required 30-hour week for every credit; e.g., two (2) credits shall be the equivalent of six (6) hours of the required 30-hour week; three (3) credits shall be the equivalent of nine (9) hours of the required 30-hour week; four (4) credits shall be the equivalent of twelve (12) hours of the required 30-hour week; five (5) credits shall be the equivalent of fifteen (15) hours of the required 30-hour week; six (6) credits shall be the equivalent of eighteen (18) hours of the required 30-hour week; seven (7) credits shall be the equivalent of twenty-one (21) hours of the required 30-hour week; eight (8) credits shall be the equivalent of twenty-four (24) hours of the required 30-hour week; nine (9) credits shall be the equivalent of twenty-seven (27) hours of the required 30-hour week; ten (10) credits shall be the equivalent of thirty (30) hours of the required 30-hour week.~~

7.00—Exceptions to the Arkansas Department of Education Rules Governing the Mandatory Attendance Requirements for Students in Grades Nine through Twelve

- 7.01**—~~Nothing in these rules precludes a student who has met all graduation requirements from graduating early.~~
- 7.02**—~~A student who has graduated early from high school is no longer obligated to attend a public high school under the compulsory attendance provisions of § 6-18-201, the mandatory attendance provisions of § 6-18-211 or any other provision of law.~~
- 7.03**—~~No public school district is legally required or obligated to enroll or provide educational resources to those person who have graduated from high school.~~