

Student Permanent Record—Act #355

The following information shall be maintained in a student's permanent record during the student's enrollment in the district in the state:

Student's \_\_\_\_\_ Birth Certificate Number, Social Security No.,  
\_\_\_\_\_ Name, Address and Telephone Number

Parent's \_\_\_\_\_ Name  
\_\_\_\_\_ Address and Telephone Number if different  
\_\_\_\_\_ Occupation, Workplace and Telephone Number at work

Legal Guardian's \_\_\_\_\_ Name, Address and Telephone Number if applicable

Siblings' names

Emergency Contact Person and Telephone Number

Health Record \_\_\_\_\_ Record of Immunization  
\_\_\_\_\_ Indication of disability or chronic illness  
\_\_\_\_\_ Allergies  
\_\_\_\_\_ Regularly Prescribed Medication  
\_\_\_\_\_ Hospital and Doctor Preference  
\_\_\_\_\_ A copy of any written accident report for accidents occurring at school.

Longitudinal Record of Standardized Test Scores

Permanent Record of Grades

Academic Skills Development Plan for students in grades 3, 6 and 8 who fail to achieve mastery on the basic competency tests

Enrollment Information

\_\_\_\_\_ Entry Date  
\_\_\_\_\_ Exit Date  
\_\_\_\_\_ Reason for leaving  
\_\_\_\_\_ If transfer — indicate location  
\_\_\_\_\_ If graduation — indicate date  
\_\_\_\_\_ If dropout — indicate reason and age of student

An interview to obtain exit information shall be conducted by a counselor when any student transfers or drops out.

Attendance Record

Listing of Extra Curricular Activities

Comments shall be objective statements which can be validated with documentation.

**ARKANSAS DEPARTMENT OF EDUCATION**  
**RULES GOVERNING STUDENT PERMANENT RECORDS**

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**1.00 REGULATORY AUTHORITY**

**1.01** These Rules shall be known as the Arkansas Department of Education Rules Governing Student Permanent Records.

**1.02** The Rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-11-105, § 6-18-208, § 6-18-214, § 6-18-901, and § 25-15-201 *et seq.*

**2.00 PURPOSE**

**2.01** The purpose of these Rules is to apprise districts of the requirements for maintaining and producing student permanent records.

**3.00 INFORMATION MAINTAINED IN STUDENT RECORDS**

**3.01** Every school and school district must maintain a student permanent record for each student enrolled in the district.

**3.01.1** Student permanent records may be kept electronically, on paper, or a combination of both.

**3.02** The following information must be maintained in a student's permanent record:

**3.02.1** The student's social security number, name, address, and telephone number;

**3.02.1.1** If the parent, legal guardian, or other responsible person did not provide a social security number, the school district must maintain the nine-digit identification number designated by the Department of Education pursuant to Ark. Code Ann. § 6-18-208.

- 3.02.2 A copy of the document indicating the child's age required for enrollment, provided by the parent, guardian, or other responsible person under Ark. Code Ann. § 6-18-208(b).
- 3.02.3 The address, home telephone number, work telephone number, occupation, and workplace of the student's parents, legal guardians, or other responsible persons;
- 3.02.4 The names of the student's siblings, if any;
- 3.02.5 The student's emergency contact person and that person's telephone number;
- 3.02.6 The student's health record, including the following:
- 3.02.6.1 Record of required immunizations, as required by Ark. Code Ann. § 6-18-702;
- 3.02.6.1.1 Or, documentation of an exemption from immunization requirements under Ark. Code Ann. § 6-18-702(d).
- 3.02.6.2 Indication of disability or chronic illness;
- 3.02.6.3 Allergies;
- 3.02.6.4 Regularly prescribed medication;
- 3.02.6.5 Hospital and doctor preference; and
- 3.02.6.6 A copy of any written accident report for accidents occurring at school.
- 3.02.7 Record of grades;
- 3.02.8 All information concerning educational programming, including statewide student assessments, required under the Arkansas Education Support and Accountability Act (Ark. Code Ann. § 6-15-2901 *et seq.*);
- 3.02.8.1 Including a chronological copy of all state mandated assessment results.
- 3.02.9 Student enrollment information, including;

- 3.02.9.1      Entry date;
- 3.02.9.2      Exit date;
- 3.02.9.3      Reason for leaving, if applicable;
- 3.02.9.4      Location of transfer, if applicable;
- 3.02.9.5      Date of graduation, if applicable;
- 3.02.9.6      Reason for dropout and age at dropout, if applicable; and
- 3.02.9.7      Records of non-graduating students as required by Ark. Code Ann. § 6-18-214.
- 3.02.10      The student's attendance record, in accordance with Ark. Code Ann. § 6-18-213;
- 3.02.11      A current list of credits towards graduation requirements; and
- 3.02.12      Any other document required by Federal law.
- 3.03      The permanent student record must be maintained by each school district until the student receives a high school diploma, or its equivalent, or is beyond the age for compulsory attendance under Ark. Code Ann. § 6-18-201.
- 3.03.1      Upon the transfer of a student to another district, the transferring district must maintain a copy of the student permanent record as it exists at the time of transfer until the student receives a high school diploma, or its equivalent, or is beyond the age for compulsory attendance under Ark. Code Ann. § 6-18-201.
- 3.04      Following the annexations or consolidation under Ark. Code Ann. § 6-13-1601, and prior to any consolidation, annexation, detachment, approval of a conversion charter, or any other type of reclassification or reorganization of a school district, a receiving school district shall obtain and retain all student and historical records and documents from the affected school district, including, but not limited to those items listed in Ark. Code Ann. § 6-13-1607.

## **4.00 PROVIDING COPIES OF THE STUDENT RECORD**

**4.01** A copy of the permanent student record must be provided to the receiving school district upon the transfer of a student to another district.

**4.01.1** The school district must provide the copy of the student's permanent record to the receiving school district within ten (10) school days after the date a request from the receiving school district is received.

**4.01.2** The school district shall not fail or refuse to provide a copy of the student's permanent student record to the receiving school district because the student owes money to the school district for school-related charges, including without limitation, charges for:

**4.01.2.1** Food services;

**4.01.2.2** Unreturned library books; or

**4.01.2.3** Fees.

**4.02** Upon request by a parent, legal guardian, or the parent's or legal guardian's agent, a copy of the permanent record must be provided in a timely manner, not to exceed 45 days.

**4.03** In addition to these Rules, all districts and educational agencies must comply with all federal laws related to student records.

**SUMMARY FOR DEPARTMENT OF EDUCATION  
PROPOSED AMENDMENTS TO RULES GOVERNING STUDENT PERMANENT RECORDS**

Amendments to these Rules are necessary as a result of Act 936 of 2017. They also contain non-substantive edits.

Sections 1.00 and 2.00 were added to the Rules to demonstrate regulatory authority and purpose of the Rules.

Changes were made to allow districts to maintain student permanent records electronically as well as on paper.

Section 3.02.1.1 contains qualifying information pursuant to Ark. Code Ann. § 6-18-208. The current version of the Rule requires maintenance of the student's social security number and Ark. Code Ann. § 6-18-208 provides for an exception. Similarly, Section 3.02.2 contains updated language pursuant to Ark. Code Ann. § 6-18-208(b). Section 3.02.6.1.1 also contains updated language to include the exemption from immunization requirements under Ark. Code Ann. § 6-18-702(d).

Additional requirements were added to the Rule to include the information required by Ark. Code Ann. §§ 6-18-213 and 6-18-214.

Additional information regarding District responsibilities for maintenance during annexation, consolidation, and transfer was added in Sections 3.03 and 3.04 for clarity.

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS**  
**WITH THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Education  
DIVISION Public School Accountability  
DIVISION DIRECTOR Deborah Coffman  
CONTACT PERSON Mary Claire Hyatt, Staff Attorney  
ADDRESS Four Capitol Mall, Little Rock, AR 72201  
PHONE NO. (501) 683-0960 FAX NO. None E-MAIL Maryclaire.hyatt@arkansas.gov  
NAME OF PRESENTER AT COMMITTEE MEETING Mary Claire Hyatt  
PRESENTER E-MAIL MaryClaire.Hyatt@arkansas.gov

**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 Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis**  
**Administrative Rules Review Section**  
**Arkansas Legislative Council**  
**Bureau of Legislative Research**  
**One Capitol Mall, 5<sup>th</sup> Floor**  
**Little Rock, AR 72201**

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1. What is the short title of this rule? Rules Governing Student Permanent Records

2. What is the subject of the proposed rule? District requirements for maintenance of student records

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. N/A

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? N/A

When does the emergency rule expire? N/A

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 regulation. \_\_\_\_\_

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."** See attached summary.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. §§ 6-11-105, 618-208, 6-18-214, 6-18-901, 25-15-201, and Act 936 of 2017

7. What is the purpose of this proposed rule? Why is it necessary? To incorporate provisions of Act 936 of 2017.

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). <http://www.arkansased.gov/divisions/legal/rules>

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

Date: July 27, 2018

Time: 1:30pm

Arkansas Department of Education  
Four Capitol Mall, Auditorium

Place: Little Rock, AR 72201

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

August 15, 2018

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

November 1, 2018

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. Attached.

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



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. The rules will be of interest to parents, teachers, school administrators, and school district administrators.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education

**DIVISION** Public School Accountability

**PERSON COMPLETING THIS STATEMENT** Mary Claire Hyatt, Staff Attorney

**TELEPHONE** 501-683-0960 **FAX** None **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** Rules Governing Student Permanent Records

- 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;  
N/A

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

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

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

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 N/A

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total N/A

General Revenue N/A

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total N/A

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

**Current Fiscal Year**

General Revenue  N/A   
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total  N/A

**Next Fiscal Year**

General Revenue  N/A   
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total  N/A

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**

\$  Zero

**Next Fiscal Year**

\$  Zero

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**

\$ \_\_\_\_\_  
 Zero

**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.