

005.04.02--001

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS WITH THE  
ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY – Department of Education  
DIVISION – Public School Finance and Administrative Support  
DIVISION DIRECTOR – Patricia Martin  
CONTACT PERSON – Annette Berry  
ADDRESS – #4 Capitol Mall, Room 202-A – Little Rock, AR 72201  
PHONE NO. – 501/682-5124 FAX NO. – 501/682-9035

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 attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201

FILED  
SA. REGISTER DIV.  
02 JAN 18 AM 10:29  
BY  
STATE OF ARKANSAS  
SECRETARY OF STATE

- \*\*\*\*\*
1. What is the short title of this rule?  
*56 Percent Rule Exemption*
2. What is the subject of the proposed rule?  
*Repealing this Rule and Regulations because the 56% Rules has been eliminated.*
3. Is this rule required to comply with federal statute or regulations?  
Yes \_\_\_\_\_ No X \_\_\_\_\_  
If yes, please provide the federal regulation and/or statute citation.
4. Was this rule filed under the emergency provisions of the Administrative Procedures Act?  
Yes \_\_\_\_\_ No X \_\_\_\_\_  
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 regular provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_
5. Is this a new rule? Yes \_\_\_\_\_ No X \_\_\_\_\_  
Does this repeal an existing rule? Yes X \_\_\_\_\_ No \_\_\_\_\_  
If yes, please provide a copy of the repealed rule.  
Is this an amendment to an existing rule? If yes, please attach a marked changes in the existing rule and a summary of the substantive changes
- no -  
efihs  
???

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation.  
*Act 594 of 1987*
7. What is the purpose of this proposed rule? Why is it necessary?  
*Repealing this Rule and Regulations because the 56% Rules has been eliminated.*
8. Will a public hearing be held on this proposed rule? Yes ☒ No ☐  
If yes, please give the date, time, and place of the public hearing.  
*January 10, 2002 – 3:15 PM – ADE Board Room 201-A*
9. When does the public comment period expire?  
*January 25, 2002*
10. What is the proposed effective date of this proposed rule?  
*March 2002*
11. Do you expect this rule to be controversial? Yes ☐ No ☒  
If yes, please explain.
12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.  
*School Districts of Arkansas*

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Education  
DIVISION Public School Finance and Administrative Support  
PERSON COMPLETING THIS STATEMENT Annette Berry  
TELEPHONE NO. 501/682-5124 FAX NO. 501/682-9035

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

*56 Percent Rule Exemption*

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?  
Yes \_\_\_\_\_ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

2001-02 Fiscal Year

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

2002-03 Fiscal Year

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

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

2001-02 Fiscal Year

N/A

2002-03 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

2001-02 Fiscal Year

N/A

2002-03 Fiscal Year

FILED  
AR. REGISTER DIV.  
02 JAN 18 AM 10:29  
ST. ALBANS  
SECRETARY OF STATE  
STATE OF ARKANSAS

July 28, 1995

DEPARTMENT OF EDUCATION  
FISCAL IMPACT STATEMENT  
OF PROPOSED REGULATION  
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title:  
*56 Percent Rule Exemption*

Summary Description of Regulatory Proposal:  
*Repealing this Rule and Regulations because the 56% Rules has been eliminated.*

Cite Statutory Authority for this Regulatory Proposal:

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring)  
N/A  
A. Resources Required - Personnel, equipment, office space.  
B. Time Required for Implementation.  
C. Procedural Changes.  
D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring)  
N/A  
A. Resources Required - Personnel, equipment, office space.  
B. Time Required for Implementation.  
C. Procedural Changes.  
D. Other.
- III. Additional Comments.

FILED  
AR. REGISTER DIV.  
02 JAN 18 AM 10:29  
SHARON PRUST  
SECRETARY OF STATE  
STATE OF ARKANSAS  
BY \_\_\_\_\_

Prepared by: Patricia Martin  
Assistant Director, Public School Finance  
December 12, 2001

## ~~56 Percent Rule Exemption~~

~~Act 594 of 1987 authorized the State Board of Education to approve guidelines under which school districts may be granted exemptions from the requirements of paying to certified staff 80 percent (80%) of 70 percent (70%) of the increase in net current revenue over the net current revenue of the previous year when the district can demonstrate extenuating circumstances resulting from an extraordinary one-time increase in net current revenue such as the conversion of debt service millage to maintenance and operation.~~

### ~~REGULATION~~

- ~~1. Applications for consideration for relief from the requirements of amounts of increases in net current revenues to be paid to certified personnel shall be on forms provided by the State Department of Education.~~
- ~~2. The applications will be reviewed by a committee of State Department of Education personnel.~~
- ~~3. In order to be granted relief from teacher salary fund requirements under these guidelines, districts must meet all of the following criteria:~~
  - ~~(a) The district must be able to show that its unrestricted fund balances will be greatly reduced or depleted in the future as a result of having to meet the 56% requirements.~~
  - ~~(b) The school district must have met the certified salary requirements of Act 34 of the First Extraordinary Session of 1983 and Act 594 of 1987 in the previous year.~~
  - ~~(c) The district must have an existing tax rate of at least 19 mills or must at the next election ask for a millage rate of at least 19 mills.~~
- ~~4. The Department of Education may require follow up and/or additional information before the end of the fiscal year from those districts being granted relief.~~
- ~~5. Relief shall not be granted beyond the amount necessary to prevent the district from greatly reducing or depleting its' balances. Certified staff must be paid at least as much as they received the previous year unless there is a corresponding reduction of duties.~~
- ~~6. Relief shall be granted on an annual basis.~~