

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
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Name of Department \_\_\_\_\_

Agency or Division Name \_\_\_\_\_

Other Subdivision or Department, If Applicable \_\_\_\_\_

Previous Agency Name, If Applicable \_\_\_\_\_

Contact Person \_\_\_\_\_

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

Contact Phone \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

## Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Arkansas State Library is considering revisions to the following ASL Rules and are releasing them for public comment: State and Federal Documents Depository Programs and Distribution of Scholarship Assistance. A public hearing regarding these rules will be held on Monday, December 12, at 10:00 a.m. at the Arkansas State Library, 900 W Capitol Avenue, Little Rock, AR 72201.

Written comments regarding these proposed rules may be mailed to the Office of Legal Services at Four Capitol Mall, Room 302A, Little Rock, AR 72201. Comments also may be emailed to [ADE.RulesComments@ade.arkansas.gov](mailto:ADE.RulesComments@ade.arkansas.gov). A copy of the proposed rules can be found on the Department's website at: <https://www.library.arkansas.gov/events/public-meeting-for-pending-rule-changes/>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 682-4227.

**Subject:** Re: Notice of Rulemaking

**Date:** Wednesday, November 30, 2022 at 9:46:48 AM Central Standard Time

**From:** legalads@arkansasonline.com

**To:** Shastady Wagner (ADE)

**Caution:** This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Thanks. Will run Fri 12/2, Sat 12/3, and Sun 12/4.

Gregg Sterne, Legal Advertising  
Arkansas Democrat-Gazette  
legalads@arkansasonline.com

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**From:** "Shastady Wagner (ADE)" <Shastady.Wagner@ade.arkansas.gov>

**To:** legalads@arkansasonline.com

**Cc:** "Chilcoat, Jennifer (ASLIB)" <Jennifer.Chilcoat@ade.arkansas.gov>

**Sent:** Tuesday, November 29, 2022 7:56:35 AM

**Subject:** Notice of Rulemaking

Good Morning,

Please see attached the notice of rulemaking for the Arkansas State Library. I request that this notice run for three consecutive days and request notification of the dates of publication.

Thank you,

Shastady R. Wagner  
Attorney Specialist  
Arkansas Department of Education  
Four Capitol Mall, Room 302-A  
(501)682-1958  
shastady.wagner@ade.arkansas.gov

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

DEPARTMENT \_\_\_\_\_  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ EMAIL: \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

### **SHORT TITLE OF THIS RULE**

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

Next Fiscal Year

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

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) \_\_\_\_\_

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

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.

## SUMMARY OF AMENDMENTS

### ARKANSAS STATE LIBRARY RULES GOVERNING DISTRIBUTION OF SCHOLARSHIP ASSITANCE

The rules were amended to state that scholarship requirements are consistent, and no additional requirement can be imposed by individual libraries.

The rules currently require the completion of twelve (12) semester hours before being eligible for the scholarship. The rules were amended to allow applicants that already serve as library directors to seek a waiver of the completed twelve (12) semester hours. This amendment serves to eliminate a financial barrier to seeking a master's degree in library and information science.

The rules were amended to limit the funding obligation to only the semester hours and courses necessary to receive a master's degree in library and information science.

## **Title 13. Libraries, Archives, and Cultural Resources**

### **Chapter I. Arkansas State Library, Department of Education**

#### **Part 2. Arkansas State Library — Distribution of Scholarship Assistance**

**Authority.** Arkansas Code § 13-2-207.

**BLR Note.** This part as promulgated prior to codification into the Code of Arkansas Rules 2024 provided as follows: “Approved by the Arkansas State Library Board, August 12, 2005”.

This part as promulgated prior to codification into the Code of Arkansas Rules 2024 was titled “Arkansas State Library Rules Governing Distribution of Scholarship Assistance”.

This part as promulgated prior to codification into the Code of Arkansas Rules 2024 provided as follows: “These rules are enacted pursuant to the Arkansas State Library’s authority under Act 489, Acts of Arkansas 1979, Arkansas Code Anno. 13-2-201 et seq.”

##### **13 CAR § 2-101. Purpose.**

(a) It is the purpose of these rules to formalize a process already in existence and set reasonable guidelines to make scholarship assistance available to every public library in the state of Arkansas to address the education needs of public library staff working toward the ultimate goal of obtaining a master’s degree in library and information science as defined in 13 CAR § 2-103(d) 102(3).

(b) These rules are specifically for the purpose of establishing standards for distributing funds available through the State Aid to Public Libraries fund administered by the Arkansas State Library.

##### **13 CAR § 2-102. Definitions.**

As used in this part:

- (1) “ASL” means the Arkansas State Library.
- (2) “ALA” means the American Library Association.
- (3) “Master’s degree” means the educational award given by a library school whose program is accredited by the American Library Association.
- ~~(4) “Public Library” means the applying institution must be a “public library” located in Arkansas which is duly established and recognized pursuant to Arkansas Code §§ 13-2-401 et seq., 13-2-501 et seq., and 13-2-901 et seq., and those libraries which have been determined by the Arkansas State Library to be functioning as a “public library”.~~

- ~~(5)~~ (4) “State Aid” means State Aid to Public Libraries.

##### **13 CAR § 2-103. Focus area.**

To aid Arkansas public libraries in employing master’s degree librarians by providing educational opportunities for public library staff members through traditional, on-campus, or distance learning.

##### **13 CAR § 2-104. Eligibility standards.**



(a) Scholarship funds will be distributed to a public library that submits a scholarship application to the State Library Board.

(b) Priority will be given as follows:

(1) Public libraries eligible for State Aid whose personnel are employed as library directors;

(2) Public libraries eligible for State Aid whose personnel are employed in positions other than library director; and

(3) Public libraries not eligible for State Aid but recognized by the Arkansas State Library as public libraries.

(c) The applying institution, or its governing body, must be able to accept and administer the scholarship on behalf of the employee. Applying institutions may neither add to nor subtract from the scholarship eligibility requirements imposed on the employee.

(d) Individuals upon whose behalf the library is applying must meet the following standards:

(1) Unless employed as a library director and granted a waiver from the Arkansas State Library Board, show evidence of completion of twelve (12) semester hours toward the master's degree as evidenced by submitting an official transcript;

(2) Provide a copy of the agreement with the public library concerning employment in a public library for at least one (1) year after completion of the master's degree;

(3)(A) After each semester, furnish an official transcript proof of completion of coursework which shows the individual received a minimum course grade, based upon an "A-F" grading scale, of "B", or if applicable, a "Credit" for a credit/no credit course.

(B) "Incompletes" do not qualify for reimbursement; ~~and~~

(4) Show evidence of conferral of degree by submitting an official transcript which indicates the date of conferral;

(4) Agree to remain employed by a public library in the state of Arkansas for a duration of one (1) year upon completion of degree;

(6) Complete all required coursework and obtain the Master's degree within three (3) years of acceptance to the scholarship program. This requirement may be waived by written appeal to, and approval by, the Arkansas State Library Board.

### **13 CAR § 2-105. Administration.**

The scholarship will be administered by the State Library Board.

### **13 CAR § 2-106. Scholarship proposals.**

(a) The proposals shall include an application from the applicant library.

(b) The State Library Board shall review the proposals for approval.

(c) Proposals shall be consistent with the Arkansas Code and existing Arkansas State Library rules regarding an American Library Association accredited library program.

(d) Funding may include but is not limited to:

- (1) Tuition;
- (2) Materials;
- (3) Travel;
- (4) Lodging; and
- (5) Other items associated with educational costs.

(e) Funding shall not be provided for hours in excess of the required number for the degree, nor for required courses not completed within the set number of hours required for the degree.

**13 CAR § 2-107. Distribution of funds.**

(a) The State Library Board will budget and distribute funds appropriated for each biennium from the General Assembly according to the following:

(1) The total amount of funds to be distributed will be determined by the board each year at a minimum of one percent (1%) of the appropriated State Aid to Public Libraries;

(2)(A) Funds may provide as many scholarships as are requested each year.

(B) All moneys not disbursed shall be returned to the State Aid fund for distribution;

(3) Funds may be disbursed to the applicant library at the completion of each semester; and

(4)(A) Funds will be distributed via scholarship for each individual as identified by the board in accordance with eligibility.

(B) Each scholarship will include a set of assurances and provisions required in the eligibility standards.

(b) The board reserves the right to approve ~~and~~/or deny any scholarship applications.