

# ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING PROFESSIONAL DEVELOPMENT

September 6, 2014 \_\_\_\_\_

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## 1.0 Regulatory Authority

- 1.01 These Rules shall be known as the Arkansas Department of Education Rules Governing Professional Development.
- 1.02 Arkansas law requires the following professional development be provided for educators:
  - 1.02.1 School districts shall provide ~~ten (10)~~ no less than six (6) professional development days in the basic contract for educators under Ark. Code Ann. § 6-17-2402;
  - 1.02.2 Higher education shall provide professional development within teacher preparation programs on:
    - 1.02.2.1 Child maltreatment, under Ark. Code Ann. § 6-61-133; and
    - 1.02.2.2 Dyslexia, under Ark. Code Ann. § 6-41-609.
- 1.03 The State Board of Education (SBE) enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-10-122, 6-10-123, 6-11-105, 6-15-1004, 6-15-1703, 6-17-701 et seq., 6-17-402, 6-20-2204, 6-20-2305, 6-41-609, 6-61-133, 25-

15-201 et seq., and ~~Act 2 of the First Extraordinary Session of 2013~~ Act 44 of 2015.

## 2.0 Purposes

- 2.01 It is the purpose of these Rules to develop a high quality professional development system for all educators.
- 2.02 The purpose of professional development is to improve knowledge and skills in order to facilitate individual, team, school-wide, and district-wide improvement designed to ensure that all students demonstrate proficiency on the state academic standards.

## 3.0 Definitions

- 3.01 **ADE** – means the Arkansas Department of Education.
- 3.02 **Approved Professional Development Provider** - means any organization or individual that provides content for professional development credit, whether delivered in a face-to-face or electronic mode of delivery, whose content has been approved by the ADE to meet the annual professional development credit requirements imposed upon educators by Arkansas Statutes and ADE Rules.
  - 3.02.1 The following entities and agencies are not required to obtain approval as an Approved Professional Development Provider:
    - 3.02.1.1 An Arkansas public school district that provides a professional development program solely to its own personnel;
    - 3.02.1.2 An Education Cooperative that provides professional development to districts/schools;
    - 3.02.1.3 The Arkansas Department of Education;
    - 3.02.1.4 The Arkansas Department of Career Education; and
    - 3.02.1.5 The Arkansas Department of Human Services Division of Child Care and Early Childhood Education.
- 3.03 **ArkansasIDEAS** — is Internet Delivered Education for Arkansas Schools, a partnership between the ADE and the Arkansas Educational Television Network (AETN) to provide through the AETN access to high-quality, online professional development for Arkansas licensed educators.

- 3.04 **Arkansas Comprehensive School Improvement Plan (ACSIP)**—a plan developed by a local school team based on an analysis of student performance data and other relevant data that provides a plan of action to address deficiencies in student performance and any academic achievement gap as evidenced in the Arkansas Comprehensive Assessment Program as defined in ADE rules.
- 3.05 **Educator** – any individual holding a license issued by the State Board of Education, specifically including without limitation teachers, administrators, library media specialists, and counselors.
- 3.06 **Illness** – means disorder of health of an educator or an educator’s immediate family.
- 3.07 **Immediate family** - means the educator’s:
- 3.07.1 Spouse;
  - 3.07.2 Child;
  - 3.07.3 Parent; or
  - 3.07.4 Any other relative if the other relative lives in the same household as the educator;
- 3.08 **LEADS** – the Leader Excellence and Development System.
- 3.09 **Learning Teams**—a group of educators who meet regularly as a team to identify essential and valued student learning, develop common formative assessments, analyze current levels of achievement, set achievement goals, share strategies, and then create lessons to improve upon those levels.
- 3.10 **Mentoring/coaching** – actions of support and focused feedback designed to increase the capacity for growth of instructional skills and effectiveness of colleagues.
- 3.11 **Professional Development Day** – six (6) hours of professional development equals one (1) professional development day.
- 3.12 **Professional Development Plan** - outlines the professional development program of activities for a district, school, or educator that is based on student data and is aligned to the ACSIP, and incorporates an educator’s professional growth plan.
- 3.13 **Professional Development Program (“Program”)** - means a course of instruction intended to provide content that fulfills the requirement for professional development credit for educators.
- 3.14 **Professional Growth Plan** – is an educator’s plan for professional growth that:

- 3.14.1 Identifies professional learning outcomes to advance the educator's professional skills; and
- 3.14.2 Clearly links professional development activities and the educator's individual professional learning needs identified through TESS or LEADS.
- 3.15 **Study Groups** - a group of educators who meet to learn, implement, and reflect on research-based techniques in a focus area(s). Members read and discuss current research, examine and reflect on effective instruction, or examine student work.
- 3.16 **TESS** – the Teacher Excellence and Support System.

#### 4.0 Professional Development Generally

- 4.01 Professional development is a set of coordinated planned learning activities for educators that:
  - 4.01.1 Improves the knowledge, skills, and effectiveness of teachers, including the ability to apply what is learned;
  - 4.01.2 Improves the knowledge and skills of administrators and paraprofessionals concerning effective instructional strategies, methods, and skills, including the ability to apply what is learned;
  - 4.01.3 Leads to improved student academic achievement;
  - 4.01.4 Is research-based and standards-based;
  - 4.01.5 May incorporate educational technology as a component of the professional development, including without limitation taking or teaching an online or blended course; and
  - 4.01.6 May provide educators with knowledge and skills needed to teach:
    - 4.01.6.1 Students with intellectual disabilities, including without limitation Autism Spectrum Disorder;
    - 4.01.6.2 Students with specific learning disorders, including without limitation dyslexia;
    - 4.01.6.3 Culturally and linguistically diverse students; and
    - 4.01.6.4 Gifted students.

- 4.02 The annual professional development requirement must be fulfilled between July 1 and June 30 unless the employing school district approves and documents the professional development year as between June 1 and May 31.
- 4.03 Approved professional development activities that occur during the instructional day or outside the educator's annual contract days may apply toward the annual minimum professional development requirement.
- 4.04 Any educator who misses any part of regularly scheduled professional development activities for any reason (such as illness) must make up that time in other approved professional development activities so that the hours of professional development required annually are earned during the approved time frame required under Section 4.02 of these Rules, except as provided below:
- 4.04.1 If the educator is absent because of illness of the educator or the educator's immediate family, the educator shall be allowed to make up the hours missed during the remainder of the current school year or succeeding school year.
- 4.04.2 An educator shall complete any missed hours of professional development through professional development that is:
- 4.04.2.1 Substantially similar to the professional development missed and approved by the person responsible for the educator's summative evaluation; and
- 4.04.2.2 Delivered by any method, online or otherwise, approved by ADE under these Rules.
- 4.05 Any educator who provides approved professional development may count two (2) hours professional development credit for each one (1) hour of time spent in presenting professional development content.
- 4.06 College Courses
- 4.06.1 A three-hour undergraduate or graduate-level college credit course from an accredited college or university counts as fifteen (15) hours of professional development, if the college credit:
- 4.06.1.1 Is related to and enhances the educator's knowledge of the subject area in which the educator is currently employed and is related to the educator's professional growth plan;
- 4.06.1.2 Is part of the requirement for the educator to obtain additional certification in a subject matter that has been

designated by the ADE as having a critical shortage of educators; or

4.06.1.3 Is otherwise approved by the ADE as a course eligible for professional development credit.

4.06.1.4 No more than half of the hours of professional development required annually for licensure may be met through college credit hours.

4.06.2 Graduate level courses in educational leadership are eligible for professional development credit based on approval by the ADE. The focus of the course must specifically relate to the job assignment as approved by the employing educational agency.

4.07 An educator may earn up to twelve (12) hours of professional development credit approved by the school or school district, which may be applied toward the professional development requirement for the time period at the beginning of each school year that is used to plan and prepare curriculum or develop other instructional material. Educators shall be entitled to one (1) hour of professional development credit for each hour of approved preparation under this section, provided the educator spends the time:

4.07.1 In his/her instructional classroom, office or media center at the public school;

4.07.2 Prior to the first student teacher interaction day of the school year; and

4.07.3 In the focus areas listed in Section 8.02 of these Rules, and may include but is not limited to time spent in the following areas:

4.07.3.1 Grade level and/or vertical team planning to integrate subject areas;

4.07.3.2 Team work to analyze student data;

4.07.3.3 Team work to develop academic improvement plans (AIP) or individual educational programs (IEP);

4.07.3.4 Developing and/or revising curriculum, including student-centered units and assessments aligned to state curriculum frameworks;

4.07.3.5 Professional book studies;

- 4.07.3.6 Developing intervention strategies to support remediation and/or acceleration;
- 4.07.3.7 Developing and/or revising the Arkansas Comprehensive School Improvement Plan (ACSIP);
- 4.07.3.8 Pursuing study as noted in an educator's professional growth plan;
- 4.07.3.9 ArkansasIDEAS on-line professional development related to ACSIP or the educator's professional growth plan.
  - 4.07.3.9.1 An educator who obtains professional development from ArkansasIDEAS for the purpose of this subsection 4.07.3.9 may also use ArkansasIDEAS to obtain other professional development under these Rules.
- 4.07.8 No professional development credit shall be given for activities under Section 4.07 of these Rules unless those activities meet the criteria and standard requirements under Sections 8.01 and 8.02 of these Rules. Specific activities which do not qualify include without limitation:
  - 4.07.8.1 Making and putting up bulletin boards;
  - 4.07.8.2 Clerical work associated with documents such as ACSIP, AIP and IEPs; and
  - 4.07.8.3 Administrative faculty or team administrative meetings.
- ~~4.07.9 Educators shall be entitled to earn one (1) hour of professional development credit for each hour of approved preparation under this Section 4.07, not to exceed twelve (12) hours.~~
- 4.08 Educators may count up to two (2) professional development days for attendance at instructional professional development sessions conducted by bona fide professional organizations and approved by ADE (under A.C.A. § 6-17-702.
- 4.09 Nothing in this Section 4 shall prevent or restrict a school district from requiring additional in-service training.

## 5.0 Minimum Annual Requirements

5.01 Each educator shall obtain thirty-six (36) hours of professional development annually for renewal of an educator's license.

~~5.01.1 Of the sixty (60) hours of professional development required by law or by contract annually for an educator employed with a school district, thirty-six (36) of those hours shall be credited toward renewal of the educator's license.~~

5.02 The thirty-six (36) professional development hours under this section shall include, at a minimum:

5.02.1 The professional development required in the educator's professional growth plan under the requirements of TESS or LEADS; and

5.02.2 Professional development required by law or by rule.

## **6.0 Scheduled Professional Development**

6.01 The professional development required under this Section 6 shall include content that is provided by:

6.01.1 ADE, including ArkansasIDEAS;

6.01.2 An institution of higher education;

6.01.3 A provider approved by ADE; or

6.01.4 An education service cooperative.

6.02 The two (2) hours in each area of professional development required under this Section 6 shall be counted in the school year in which the professional development is taken toward the minimum number of hours of professional development required for educators for that school year.

6.03 If an educator obtains additional hours above the minimum requirements of this Section 6, the educator may count those additional hours toward the total minimum hours of professional development required for educators for that school year.

6.04 As part of the minimum annual requirement under these Rules, a public school or school district shall make available to the appropriate educator, or an educator not employed by a public school or school district shall obtain, professional development on the following schedule:

6.04.1 Child Maltreatment Mandated Reporter



6.04.1.1 In the 2013-2014 school year and every fourth year thereafter, all educators shall obtain two (2) hours of professional development in:

6.04.4.1.1 Recognizing the signs and symptoms of child maltreatment;

6.04.4.1.2 The legal requirements of the Child Maltreatment Act, Ark. Code Ann. § 12-18-101 et seq., and the duties of mandated reporters under the Act;

6.04.4.1.3 Methods for managing disclosures regarding child victims; and

6.04.4.1.4 Methods for connecting a victim of child maltreatment to appropriate in-school services and other agencies, programs, and services needed to provide the child with the emotional and educational support the child needs to continue to be successful in school.

6.04.1.2 The child maltreatment professional development required under this section shall be based on curriculum approved by the Arkansas Child Abuse/Rape/Domestic Violence Commission and may be obtained in-person or online.

#### 6.04.2 Parent Involvement

6.04.2.1 In the 2014-2015 school year and every fourth school year thereafter, each educator shall be required to have two (2) hours of professional development designed to enhance understanding of effective parent involvement strategies.

6.04.2.2 In the 2014-2015 school year and every fourth school year thereafter, each administrator shall be required to have two (2) hours of professional development designed to enhance understanding of effective parent involvement strategies and the importance of administrative leadership in setting expectations and creating a climate conducive to parent participation.

#### 6.04.3 Teen Suicide Awareness and Prevention

6.04.3.1 In the 2015-2016 school year and every fourth school year thereafter, all educators shall obtain two (2) hours of professional development in teen suicide awareness and prevention.

6.04.3.2 The required professional development under this section may be accomplished by self-review of suitable suicide prevention materials approved by ADE.

6.04.4 Arkansas History

6.04.4.1 In the 2016-2017 school year and every fourth school year thereafter, each educator who provides instruction in Arkansas history shall obtain two (2) hours of professional development in Arkansas history.

## 7.0 Requirements for Specific Licensure Areas

### 7.01 Administrator

7.01.1 For each administrator, the annual professional development requirement shall include training in data disaggregation, instructional leadership, and fiscal management.

7.01.2 This training may include without limitation the Initial, Tier 1, ~~(twelve (12) hours)~~ and Tier 2 ~~(four (4) hours)~~ training required for superintendents and district designees by the Arkansas Department of Education Rules Governing the Arkansas Financial Accounting and Reporting System and Annual Training Requirements.

7.01.3 An applicant for a building-level administrator license shall successfully complete the teacher evaluation professional development program.

7.01.3.1 An educator who receives an initial building level administrator's license shall complete the credentialing assessment for the teacher evaluation professional development program either before or after receiving the initial building level administrator's license.

### 7.02 Athletic Coaches

At least once every three (3) years, each person employed as an athletic coach shall obtain training in recognition and management regarding each of the

following events or conditions that may be encountered by a student during athletic training and physical activities:

- 7.02.1 A concussion, dehydration, or other health emergency;
- 7.02.2 An environmental issue that threatens the health or safety of students; and
- 7.02.3 A communicable disease.
- 7.02.4 The training may include a component on best practices for a coach to educate parents of students involved in athletics on sports safety.

### 7.03 Advanced Placement

Each hour of approved training received by educators related to teaching an advance placement class for a subject covered by the College Board and Educational Testing Service shall count as professional development up to a maximum of thirty (30) hours annually.

### 7.04 Adult Education

Educators working solely part time in one of the following settings shall obtain ~~thirty (30)~~ one-half (1/2) of the required hours of professional development annually for licensure.

- 7.04.1 Adult basic education;
- 7.04.2 General adult education;
- 7.04.3 English as a second language for adults; and
- 7.04.4 General Educational Development Test examiners.

## 8.0 Professional Development Criteria

- 8.01 All approved professional development shall be aligned to the standards developed by the State Board of Education.
- 8.02 Approved professional development activities shall relate to the following Focus Areas:
  - 8.02.1 Content (K-12);
  - 8.02.2 Instructional strategies;

- 8.02.3 Assessment/data-driven decision making;
- 8.02.4 Advocacy/leadership/fiscal management;
- 8.02.5 Systemic change process;
- 8.02.6 Standards, frameworks, and curriculum alignment;
- 8.02.7 Supervision;
- 8.02.8 Mentoring/peer coaching;
- 8.02.9 Next generation learning/integrated technology;
- 8.02.10 Principles of learning/developmental stages/diverse learners;
- 8.02.11 Cognitive research;
- 8.02.12 Parent involvement/academic planning and scholarship;
- 8.02.13 Collaborative learning community;
- 8.02.14 Student health and wellness, which may include but is not limited to:
  - 8.02.14.1 Antibullying policies;
  - 8.02.14.2 Appropriate training for anticipated rescuers in the use of automated external defibrillator or cardiopulmonary resuscitation; and
- 8.02.15 The Code of Ethics for Arkansas Educators.
- 8.03 Approved professional development takes on many forms and may be earned in the following ways:
  - 8.03.1 Conferences/workshops/institutes
  - 8.03.2 Mentoring/peer coaching;
  - 8.03.3 Study groups/learning teams;
  - 8.03.4 National Board for Professional Teaching Standards Certification;
  - 8.03.5 Distance and online learning, to include ArkansasIDEAS;
  - 8.03.6 Internships;

- 8.03.7 State/district/school programs;
- 8.03.8 College/university course work;
- 8.03.9 Action research; or
- 8.03.10 Individually-guided, as noted in an educator's individual professional development plan.

8.04 Requirements for ArkansasIDEAS include:

- 8.04.1 The ADE shall determine the content and approve all professional development delivered through the Arkansas On-line Professional Development Initiative that counts toward the annual professional development required under these Rules.
- 8.04.2 The ADE shall select courses/products, which are research-based and are available from sources, with expertise in technology delivered professional development courses.
- 8.04.3 Online professional development courses shall include online registration, assessment, course evaluation, and attendance and completion documents.

**9.0 School and School District Professional Development Plans**

- 9.01 Each school district and school shall develop and implement a professional development plan.
  - 9.01.1 Teachers, administrators, and paraprofessionals shall be involved in the design, implementation and evaluation of their respective professional development offerings under the school and school district professional development plan.
  - 9.01.2 An educator may count toward the annual minimum professional development required under these rules each hour of training included in the professional development plan that is mandated by law or by rule, including without limitation in the following areas:
    - 9.01.2.1 School Fire Marshal Program under A.C.A. § 6-10-110;
    - 9.01.2.2 Tornado safety under A.C.A. § 6-10-121;
    - 9.01.2.3 Literacy assessment and/or mathematics assessment under A.C.A. § 6-15-420;

- 9.01.2.4 Test security and confidentiality under A.C.A. § 6-15-438;
- 9.01.2.5 Emergency plans for terrorist attacks under A.C.A. § 6-15-1302;
- 9.01.2.6 Anti-bullying policies under A.C.A. § 6-18-514;
- 9.01.2.7 Teacher Excellence and Support System under A.C.A. § 6-17-2804;
- 9.01.2.8 Student discipline training under A.C.A. § 6-18-502;
- 9.01.2.9 Student Services Program under A.C.A. § 6-18-1004;
- 9.01.2.10 Training required by ADE under academic, fiscal, and facilities distress laws and rules; and
- 9.01.2.11 Annual active shooter drills under ~~Act 484 of 2013~~ A.C.A. § 6-15-1303.

## 9.02 School Improvement and ACSIP

- 9.02.1 School and district professional development plans shall be included in the Arkansas School Improvement Plan (ACSIP) and shall be reviewed annually by the school/district and the ADE.
- 9.02.2 The ACSIP will include an assurance statement that each educator in the school/district shall have an individual professional development plan that has been developed in cooperation and collaboration with the educator and the school and/or district consistent with the Teacher Effectiveness and Support System.
- 9.02.3 ADE may require specific professional development programs for the district or the school designated in school improvement or academic distress.
- 9.02.4 These requirements may become part of the school district or school improvement plan.

## 10.0 Provider and Program Approval Process

- 10.01 All professional development providers and programs must be approved by the ADE in order to provide credit toward the annual professional development required under these Rules.

- 10.01.1 A person whose license has been revoked by the State Board is not eligible to be an approved provider of professional development.
- 10.02 At least thirty (30) days before a program is offered to educators, the professional development provider shall provide a detailed description of the entire program including staff qualifications to the ADE in an electronic format prescribed by ADE.
- 10.03 The ADE shall promptly review the content of the program for compliance with all applicable statutes and ADE rules to determine if any or all of the program content shall be deemed to provide professional development credit and shall establish the time period the professional development provider is approved to offer the program.
- 10.04 Upon notification by the ADE of approval of the program (or a part or parts thereof) for professional development credit, the professional development provider may enroll participants in the program and offer the program for professional development credit for the set time period.
- 10.05 The program provider shall be responsible for the preparation and dissemination of proof of completion of the program (or parts thereof) to all attendees. All such proofs, or copies thereof, shall be submitted by the attendees who are employed by an Arkansas school district to the superintendent of the district.

## **11.00 Funding**

- 11.01 Professional Development Funding provided under Ark. Code Ann. § 6-20-2305 must be directed to activities that meet the conditions described in these Rules and shall not be used for any other purpose unless otherwise allowed by law or rule.

## **12.00 Reporting, Monitoring, and Evaluation**

- 12.01 Each school district shall maintain all documents for its employees that reflect completion of professional development programs, whether such programs were provided by an outside organization or by the district itself.
- 12.02 Each school district shall report the amount of all professional development programs completed by its employees to the ADE at the time and in the manner specified by the ADE.
- 12.03 The ADE may monitor all school districts, and all educators to whom these Rules apply, for compliance with these requirements, and may administer appropriate sanctions specified in statute and Rule, including the Arkansas Department of Education Rules Governing the Code of Ethics for Arkansas Educators, to any

district or educator whom it finds to be in noncompliance or for dishonesty in reporting under these Rules.

- 12.03.1 Regular monitoring activities of the professional development requirements within these Rules shall occur when the superintendent of the school district provides written assurance to the Commissioner of Education as required by law. However, the ADE may directly monitor the professional development activities of any school or school district to determine compliance with the professional development requirements.
- 12.04 The criteria for evaluating the impact of professional development in a public school or school district ACSIP plan shall be the improvement of student achievement on state-mandated assessments, other related indicators as defined by ACTAAP and next generation assessments, and the evaluations of the professional development offerings. These data shall be used to revise ACSIP and the district, school and individual professional development plans associated with the local improvement plan.
- 12.05 All institutions of higher education shall maintain documentation for employees who wish to meet the professional development hours to maintain a license under these rules.



## FINANCIAL IMPACT STATEMENT

### PLEASE ANSWER ALL QUESTIONS COMPLETELY

**DEPARTMENT** Arkansas Department of Education  
**DIVISION** Learning Services  
**PERSON COMPLETING THIS STATEMENT** Jennifer Davis  
**TELEPHONE NO.** 501-682-4227 **FAX NO.** 501-682-4249 **EMAIL:** jennifer.davis@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 Professional Development

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                      0

Total                      0

(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                      0

Total                      0

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

**Next Fiscal Year**

\$ 0

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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

**Next Fiscal Year**

\$ 0

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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.