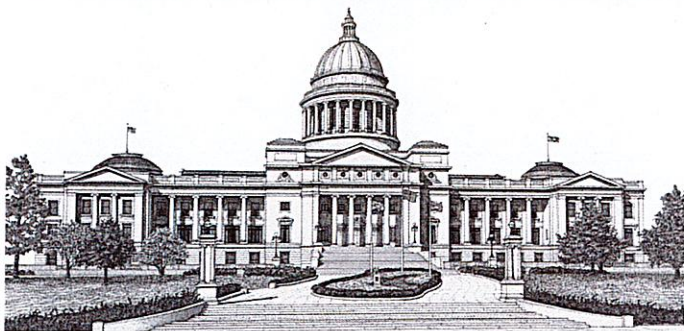


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Commission for Arkansas Public School Academic Facilities and Transportation, Division of Public School Academic Facilities and Transportation

Department Department of Education

Contact Daniel Shults E-mail daniel.shults@ade.arkansas.gov Phone 501-682-4202

Statutory Authority for Promulgating Rules Arkansas Code § 6-21-114, 6-20-2701 et seq.

Rule Title: Division of Arkansas Public School Academic Facilities and Transportation Rule Governing The Transportation Moderation Grant Program

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.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

05/03/2024

06/06/2024

12/19/2024

10/31/2024

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

LaBria Brown

LaBria.Brown@ade.arkansas.gov

12/30/2024

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.)



Signature

501-647-5939

daniel.shults@ade.arkansas.gov

Phone Number

E-mail Address

Deputy Legal Counsel

Title

12/30/2024

Date

**DIVISION OF ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND
TRANSPORTATION RULE GOVERNING THE TRANSPORTATION
MODERNIZATION GRANT PROGRAM**

Effective date: January 7, 2025

1.00 PURPOSE AND AUTHORITY

- 1.01 This rule is promulgated under the authority granted to the Commission for Arkansas Public School Academic Facilities and Transportation in Arkansas Code § 6-21-114 for the purpose of implementing the Transportation Modernization Grant Program created by Arkansas Code § 6-20-2701 et seq.

2.00 DEFINITIONS

- 2.01 “Rural” or “remote” means a United State Census-defined rural territory that is more than 25 miles from a city or town with a population of 50,000 or more and also more than 10 miles from cities or towns with a population of at least 2,500 and less than 50,000.

3.00 TRANSPORTATION MODERNIZATION GRANTS

- 3.01 There is established the Transportation Modernization Grant Program for:
- 3.01.1 Public school districts;
 - 3.01.2 Open-enrollment public charter schools;
 - 3.01.3 Early childhood care and education programs or their local early childhood coordinators;
 - 3.01.4 Cities;
 - 3.01.5 Towns;
 - 3.01.6 Counties;
 - 3.01.7 Education service cooperatives;
 - 3.01.8 Non-profit organizations; and
 - 3.01.9 Other entities deemed eligible by the Division of Public School Academic Facilities and Transportation or the Division of Elementary and Secondary Education.
- 3.02 Any one or any combination of the entities under section 3.01 may apply for a grant under this rule.

- 3.03 Entities interested in participating in the Transportation Modernization Grant Program shall complete an application developed by the division explaining how the grant applicant would use grant moneys to:
 - 3.03.1 Improve access to transportation for students attending a public school district, an open-enrollment public charter school, or a licensed childcare center serving publicly funded students; and
 - 3.03.2 Support transportation innovations and efficiency solutions;
- 3.04 The division shall rank applications for funding based on:
 - 3.04.1 Cost effectiveness;
 - 3.04.2 Student safety;
 - 3.04.3 Innovativeness of proposed solution; and
 - 3.04.4 Need and demand of the applicant;
- 3.05 At least twenty-five percent (25%) of grants under this subchapter shall be awarded to support rural and remote public school districts.
 - 3.05.1 However, section 3.05 shall not apply if an insufficient number of proposals from qualified rural and remote public school districts is submitted.
- 3.06 Grants under this rule shall be used to support appropriately insured improvements that increase access to transportation for students or support transportation innovations and efficiency solutions, including without limitation:
 - 3.06.1 Transportation resource sharing with neighboring public school districts or open-enrollment public charter schools;
 - 3.06.2 Developing or contracting with rideshare programs or engaging neighborhood carpool strategies;
 - 3.06.3 Developing options for reducing costs and improving efficiencies, including without limitation exploring the use of fleet vehicles or using technology to lead to more efficient routing;
 - 3.06.4 Developing options to address personnel shortages or challenges;
 - 3.06.5 Funding in lieu of grants given to parents;

3.06.5.1 A public school district or open-enrollment public charter school that uses funding in lieu of grants given to parents under this section shall give priority to enrolled students who:

3.06.5.1.a Meet the economic eligibility requirements established under the Child Nutrition Act of 1966, 42 U.S.C. § 1771 et seq., as in effect on January 1, 2023, and National School Lunch Act, 42 U.S.C. § 1751, as in effect on January 1, 2023, for free or reduced-price lunches; and

3.05.6.1.b Are attending a public school district or an open-enrollment public charter school through open enrollment, if such information is available.

3.06.5.2 A student who attends a school participating in a community eligibility program is eligible for priority under section 3.06.5.1;

3.06.6 Partnering with school districts and open-enrollment public charter schools and licensed childcare facilities that accept publicly funded students to reevaluate bus routes to decrease ride time for students, with a priority on routes serving elementary and middle school grades;

3.06.7 Developing collaborations with public schools, early childhood care and education programs, and community partners to identify solutions to ensure students' safe and effective passage to school and early childhood care and education programs; and

3.06.8 Reducing chronic student absenteeism;

3.07 Funding under this rule is contingent on compliance with applicable Department of Education rules and Arkansas and federal law.

4.00 REPORTING REQUIREMENTS

4.01 A recipient of a grant under this rule shall monitor a program that is funded by a grant for program efficacy.

4.02 A recipient of a grant under this rule shall report data collected by program monitoring to the Division of Public School Academic Facilities and Transportation, including without limitation:

4.02.1 Number of students served;

4.02.2 Geographic distance covered;

- 4.02.3 Use of grant funds;
 - 4.02.4 Stakeholder involvement; and
 - 4.02.5 Funds expended per student served.
- 4.03 The division shall submit an annual report by June 30 to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State, including without limitation:
- 4.03.1 Best practices used by grant recipients to transport students to public school districts, open-enrollment public charter schools, or licensed childcare centers serving publicly funded students who are located outside of traditional attendance boundaries;
 - 4.03.2 A list of the grant recipients and the amounts and purposes of the grants; and
 - 4.03.3 The number of children impacted per grant recipient.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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) _____

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

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

Total _____

Next Fiscal Year

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, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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.