

## SUMMARY OF AMENDMENTS

### ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING EYE AND VISION SCREENING REPORT IN ARKANSAS PUBLIC SCHOOLS

#### Sections 1.0, 2.0 and 11.0

The proposed rules incorporate Act 757 of 2019, § 38, which changes the frequency of reporting by the Commission on Eye and Vision Care of School-Age Children and the Division of Elementary and Secondary Education from “two (2) times per year” to “annually.” *See* Section 11.0. Reporting is to the Governor, Legislative Council, and House/Senate Interim Committees on Public Health, Welfare, and Labor. The following de-identified data are to be included in the report: number of students screened, number re-screened, number who did not receive an eye and vision screening, number referred for a comprehensive eye examination, number who failed the screening who did not receive a comprehensive eye examination, and results of the comprehensive eye exam as either normal or treatment required.

Sections 1.0 and 2.0 change “Arkansas Department of Education” to “Division of Elementary and Secondary Education” (which change will be made throughout the Rules), and contain editorial changes.

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

**DEPARTMENT/AGENCY** Arkansas Department of Education, Division of Elementary and Secondary Education  
**DIVISION** Division of Learning Services  
**DIVISION DIRECTOR** Stacy Smith  
**CONTACT PERSON** Lori Freno, General Counsel  
**ADDRESS** Four Capitol Mall, Suite 302A, Little Rock, AR 72201  
**PHONE NO.** 501/682-4234 **FAX NO.** 501/682-4249 **E-MAIL** lori.freno@arkansas.gov  
**NAME OF PRESENTER AT COMMITTEE MEETING** Lori Freno  
**PRESENTER E-MAIL** lori.freno@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 Eye and Vision Screening, Sections 1.0, 2.0, and 11.0
2. What is the subject of the proposed rule? Eye and Vision Screening, Sections 1.0, 2.0, and 11.0
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. \_\_\_\_\_
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."**

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. Ark. Code Ann. §§ 6-15-1501 et seq., 25-15-21 et seq., and Act 757 of 2019, § 38.

7. What is the purpose of this proposed rule? Why is it necessary? To incorporate the provisions of Act 757 of 2019, § 38.

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://dese.ade.arkansas.gov/divisions/legal/rules/pending>

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

Date: November 18, 2019

Time: 1:30 p.m.

Arkansas Department of Education

Four Capitol Mall, Room 201A

Place: Little Rock, AR 72201

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

December 3, 2019

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

February 2019

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. See 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). See 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. Public school districts, public charter schools, organizations representing those entities.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT** Arkansas Department of Education, Division of Elementary and Secondary Education

**DIVISION** Division of Learning Services

**PERSON COMPLETING THIS STATEMENT** Lori Freno, General Counsel

**TELEPHONE** 501/682-4234      **FAX** 501/682-4249      **EMAIL:** lori.freno@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 Eye and Vision Screening Report in Arkansas Public Schools, Sections 1.0, 2.0, and 11.0.

- 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                \_\_\_\_\_

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

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

**Current Fiscal Year**

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

**Next Fiscal Year**

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

\$ Zero

**Next Fiscal Year**

\$ Zero

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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**

\$ Zero

**Next Fiscal Year**

\$ Zero

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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.

**ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND  
SECONDARY EDUCATION RULES GOVERNING EYE AND VISION SCREENING  
REPORT IN ARKANSAS PUBLIC SCHOOLS**  
**July 10, 2006**

**1.0 PURPOSE**

- ~~1.01~~ The purpose of these ~~rules~~ Rules is to establish the requirements and procedures for governing eye and vision screening procedures and test standards in Arkansas Public Schools.

**2.0 REGULATORY AUTHORITY**

- ~~2.01~~ These shall be known as the Arkansas Department of Education (ADE) Rules Governing Eye and Vision Screening Procedures and Test Standards in Arkansas Public Schools.
- ~~2.02~~ These ~~regulations~~ Rules are enacted pursuant to the authority of the State Board of Education under Ark. Code Ann. §§ 6-15-1501 et seq. and the Arkansas Administrative Procedure Act § 25-15-201 et seq. and Ark. Code Ann. § 6-18-1501.

**6.0 ARKANSAS COMMISSION ON EYE AND VISION CARE OF SCHOOL AGE CHILDREN**

- 11.01 The commission and the ~~Department of Education~~ Division of Elementary and Secondary Education shall report its findings and updates to the Governor, the Legislative Council, and the House and Senate Interim Committees on Public Health, Welfare, and Labor ~~two (2) times a year.~~ annually.