

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING GRADING AND COURSE CREDIT
2019

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CHAPTER 1:
REGULATORY AUTHORITY AND DEFINITIONS

1.00 REGULATORY AUTHORITY

1.01 These Rules are enacted pursuant to the State Board of Education’s authority under Ark. Code Ann. §§ 6-15-216, 6-15-902, 6-16-801 et seq., 6-16-1201 et seq., 6-18-223, Acts 745 and 1118 of 2017, and Acts 429, 456, and 632 of 2019.

2.00 DEFINITIONS

2.01 “Additional Training Plan” (ATP) requires Advanced Placement (AP) and Pre-AP teachers to attend appropriate College Board training. Teachers in the plan have up to three (3) years to complete this requirement.

2.02 "Advanced Placement (AP)" courses are those courses taught following guidelines as provided for Advanced Placement courses by The College Board. Advanced Placement courses provide the opportunity for students to take a national examination through which they may qualify for college/university level credit.

2.03 “Advanced Placement Course” means a high school preparatory course for a College Board Advanced Placement test that incorporates all topics specified by the College Board and the Educational Testing Service on its standard syllabus for a given subject area and is approved by the College Board and Educational Testing Service.

2.04 “Approved institution of higher education” means an institution of higher education that meets the requirements of the definition under Ark. Code Ann. § 6-85-402.

2.05 “College Board” means the College Board and Educational Testing Service.

2.06 “College Board Advanced Placement Test” means the Advanced Placement test administered by the College Board and Educational Testing Service.

2.07 "College Courses" are courses that are offered and taught under the direction of an accredited institution of higher education. Students may qualify for concurrent credit for such courses. For a concurrent college course to receive a weighted grade, it must be approved through the process described in these rules and regulations.

2.08 "Division" means the Division of Elementary and Secondary Education.

2.09 "Elementary school" is a school having any combination of one or more grades from kindergarten through grade 6.

2.10 "Endorsed concurrent enrollment course" means a college level course offered by an institution of higher education in this state, that upon completion would qualify for academic credit in both the institution of higher education and a public high school that:

2.10.1 Is one of the four core areas of math, English, science, and social studies; and

2.10.2 Meets the requirements of Chapter 5, Section 8.01 of these Rules; and

2.10.3 Is listed in the Arkansas Course Transfer System of the Division of Higher Education.

2.10.4 This definition does not affect the ability of school districts to award concurrent credit for those courses which comply with the requirements of Ark. Code Ann. § 6-18-223.

2.11 A "Home-schooled student" means a student legally enrolled in an Arkansas home school.

2.12 "International Baccalaureate Diploma Program (IB)" means an international education program offered by the International Baccalaureate Organization (IBO).

2.13 "International Baccalaureate (IB) Diploma Program Courses" are those taught following guidelines as provided for IB courses by the IB Organization. IB courses provide the opportunity for students to take a national examination.

- 2.14 “National School Lunch Student” means those students from low socioeconomic backgrounds as indicated by eligibility for free or reduced-price meals under the National School Lunch Act, 42 U.S.C. § 1751 et seq. and Ark. Code Ann. § 6-20-2303.
- 2.15 “Pre-Advanced Placement” course means a middle school, junior high school, or high school level course that specifically prepares students to enroll and to participate in an Advanced Placement course.
- 2.16 “Private institution” is defined as an institution of higher education accredited by the Western Association of Schools and Colleges, Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, or North Central Association of Colleges and Schools.
- 2.17 "Secondary school" is any school containing one or more grades from 7 through 12 or any middle school having any combination of grades 5-8 with the exception of a school having only grade 5, grade 6, or the combination of grades 5-6.
- 2.17.1 A student in grades 9-12 is considered "enrolled" in a public secondary school so long as he/she is counted for average daily membership of the school pursuant to Ark. Code Ann. § 6-20-2303(3)(C).
- 2.18 “Special education" refers to the designation of a student who has been through the identification and selection process and has an approved Individualized Education Plan that guides placement in instruction.
- 2.19 “Weighted Credit” means additional quality points for designated AP and IB courses that will be contingent upon meeting the requirements set forth in Chapter 6 of this rule. “Weighted Credit” also means additional quality points for courses approved by the Division that meet or exceed the standards of a comparable AP course or for approved career and technical education (CTE) courses, as set forth in Chapter 4 of this rule.

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CHAPTER 2:
UNIFORM GRADING SCALES

1.00 PURPOSE

- 1.01 The purpose of this Chapter is to establish the uniform grading scales to be used by all public secondary schools in the state for regular courses.
- 1.02 This Chapter establishes the numeric value given to each letter grade for the purpose of determining grade average in all public secondary schools in the state for regular courses.
- 1.03 This Chapter provides an optional grading scale for public elementary schools.

2.00 GRADING SCALE AND NUMERICAL VALUES

- 2.01 The following scale is to be the Uniform Grading Scale and numeric values for secondary schools and the optional Uniform Grading Scale for elementary schools. Grades earned in courses will be assigned the following numeric values when such courses are used to compute student grade point average.
- A 90 – 100 = 4 points
- B 80 – 89 = 3 points
- C 70 – 79 = 2 points
- D 60 – 69 = 1 point
- F 0 – 59 = 0 points
- 2.02 Student grades should reflect the knowledge and skills demonstrated by the student through class assignments, tests, presentations, and projects that reflect the Arkansas Academic Standards. The purpose of grading is to communicate how well a student has achieved the learning objectives or criteria for a class.
- 2.03 A public school district may use the grading scale in this section in the public school district's elementary schools or standards-based grading.

2.04 Standards-based grading and reporting may be used for secondary schools as long as the district has established criteria to equate to the Uniform Grading Scale in 2.01

MARK UP

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
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CHAPTER 3:
FLEXIBILITY IN AWARDING HIGH SCHOOL COURSE CREDIT

1.00 AWARDING CREDIT BY DEMONSTRATED MASTERY

1.01 Credit by Demonstrated Mastery is the process by which a student may earn credit for a high school course by demonstrating a deep understanding of the content without course enrollment or the minimum of 120 clock hours required by the Standards for Accreditation of Arkansas Public Schools and School Districts.

1.02 A public school district may submit a Credit by Demonstrated Mastery (CDM) application for approval to the Division of Elementary and Secondary Education to award units of high school course credit based on a demonstration of subject matter competency instead of, or in combination with, completing hours of classroom instruction.

1.02.1 Weighted credit is not available for CDM.

1.03 Students shall demonstrate mastery through a multi-phase assessment, consisting of:

1.03.1 Phase 1: A standard examination assessing course standards, and

1.03.2 Phase 2: At least one artifact which requires the student to apply knowledge and skills relevant to the content standards.

1.03.3 Students who are unable to meet the established minimum score in Phase I shall not progress to Phase 2.

1.04 The CDM process is designed to allow students to demonstrate competency of a required graduation credit and provide the opportunity for the student to take additional courses. The CDM process is not designed for whole groups of students and shall not replace the general accelerated pathways provided for advanced students.

1.05 Each public school district shall form a committee to review submissions of work to determine if the student has demonstrated sufficient competency to meet the standards for credit in the course.

1.06 Upon approval, a public school district shall not be in violation of any requirement in the Standards for Accreditation of Arkansas Public Schools and School Districts that units of credit be awarded for a minimum number of clock hours if the public school district awards units of credit based on a demonstration of subject matter competency instead of, or in combination with, completing hours of classroom instruction if the awarding of credit is in compliance with the public school district's approved plan.

1.07 The Department of Education and its Divisions shall monitor schools offering CDM to ensure compliance with these rules.

MARKUP

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
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CHAPTER 4:
COURSES FOR WEIGHTED CREDIT

1.00 GENERAL PROVISIONS

1.01 The following weighted scale is to be used for Advanced Placement courses, courses offered under the International Baccalaureate Diploma Program, and Division approved weighted courses.

A = 90-100= 5 points;

B = 80-89= 4 points;

C = 70-79= 3 points;

D = 60-69= 2 points;

F = 59 and below=0 points.

1.02 Courses approved by the Division for weighted credit must meet or exceed the standards of a comparable Advanced Placement class.

1.03 The Division in collaboration with the Division of Career and Technical Education may approve a career and technical course for weighted credit if the course:

1.03.1 Exceeds the curriculum standards for non-weighted course in a pathway;
and

1.03.2 Leads to an approved industry recognized certification.

2.00 SCHOOL DISTRICT WEIGHTED CREDIT POLICIES FOR COLLEGE COURSES

2.01 A local school district board of directors may adopt a policy to allow high school students in the public school district to take college courses for weighted credit equal to the numeric grade awarded in Advanced Placement courses, courses offered under the International Baccalaureate program, and approved weighted classes.

2.02 If a local school board adopts such a policy, the district must apply to the Division of Elementary and Secondary Education for approval of concurrent enrollment college courses to be designated as a weighted course, under Chapter 5 of these rules.

2.03 An application shall be reviewed for approval to assign a numeric grade value, which may include weighted credit, based on the following:

2.03.1 A letter from the superintendent of the public school district or principal of the public school describing how the course exceeds expectations for coursework required under the Standards for Accreditation of Arkansas Public Schools and School Districts;

2.03.2 The grade level or levels of public school students who will be enrolled in the course; and

2.03.3 Clear evidence that the concurrent credit course is substantially the same as an Advanced Placement Course.

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CHAPTER 5:
CONCURRENT CREDIT

1.00 ENROLLMENT GUIDELINES FOR STUDENTS ENROLLED IN GRADES 9-12

1.01 Any student who is enrolled in grades 9-12 in an Arkansas public school shall be eligible to enroll in a publicly supported community college, technical college, four-year college or university, or private institution in accordance with the rules and regulations adopted by the college or university.

1.01.1 If an Arkansas public college or university or private institution requires a college course placement score greater than a score of 19 on the ACT or an equivalent measure, the public school student must meet that institution's concurrent admissions and course placement requirements. Districts are encouraged to consider the ACT benchmark readiness scores in addition to the minimum requirement for proper identification and placement of students in college coursework.

1.01.2 A student in grade 12 who possesses at least an ACT sub-score of 17 in English, reading or mathematics (or an equivalent measure) may enroll in remedial/developmental education courses in English, reading and mathematics at a publicly supported community college, technical college, four-year college or university, or private institution.

1.01.3 Any institution of higher education offering a remedial/developmental education course(s) must inform the public school student, verbally and in writing, that successful completion of remedial/developmental education courses in English, reading and mathematics at one college or university does not guarantee college course placement at another Arkansas college or university, unless there is a written/signed college course placement agreement with the other Arkansas college or university. A list of the institutions of higher education with a signed college course placement agreement must be 1) included in the signed Memorandum of Agreement between the school district and college/university, 2) published in the current college/university catalog, and 3) posted on the college/university website.

- 1.02 Any public school student in grades 9-12 who enrolls in and successfully completes a course(s) offered by a publicly supported community college, technical college, four-year college or university, or private institution shall be entitled to receive both high school and college grades and credit (credit earned by CLEP examination may not be counted as high school credit) toward graduation, as outlined in these regulations. Participation in the concurrent high school and college credit program must be documented by a written agreement between:
- 1.02.1 The public school student, and his or her parent(s) or guardian(s) if the public school student is under the age of eighteen (18);
- 1.02.2 The public school or public school district where the student is enrolled; and
- 1.02.3 The publicly supported community college, technical college, four-year College or university, or private institution.
- 1.03 Students must comply with applicable enrollment or graduation requirements of the public high school the student attends while the student participates in the concurrent credit program. Public school students who previously earned high school credit through the concurrent credit program shall maintain the earned credit through graduation, regardless of whether the student subsequently transfers to a public school or school district that opts not to participate in the concurrent credit program.
- 1.04 Three semester hours of college credit taken by a student in grades 9-12 at a publicly supported community college, technical college, four-year college or university, or private institution shall be the equivalent of one unit of high school credit in the same subject area. A three-semester hour remedial/developmental education course shall be the equivalent of one-half unit of credit for a high school career focus elective. A remedial/developmental education course cannot be used to meet the core subject area/unit requirements in English and mathematics.
- 1.05 College credit earned at a publicly supported community college, technical college, four-year college or university or private institution by an eligible student shall be counted by the high school toward graduation, including credit earned through summer terms.

1.06 Public school students in grade 12 who are enrolled in remedial/developmental education courses will not be counted for public higher education funding purposes.

1.07 Nothing in these rules shall be construed to require Arkansas public schools, publicly supported community colleges, technical colleges, four-year colleges or universities, or private institutions to participate in a concurrent credit program.

1.08 Any public school district and publicly supported or private institution of higher education that chooses to participate in a concurrent credit program shall implement and carry out the concurrent credit program in accordance with the rules of the Arkansas State Board of Education and the policies of the Arkansas Higher Education Coordinating Board.

2.00 ELIGIBILITY

2.01 To be eligible to enroll in an endorsed concurrent enrollment course, the student must:

2.01.1 Be admitted by the institution of higher education as a non-degree or non-certificate seeking student; and

2.01.2 Meet all of the prerequisites for the course in which he or she is enrolled; and

2.01.3 Credit for the endorsed concurrent enrollment course may only be awarded by the institution of higher education offering the course.

2.02 All accelerated or advanced course work shall be reflected in a student success plan, including but not limited to AP and International Baccalaureate courses, CTE courses and endorsed concurrent credit courses.

3.00 TUITION

3.01 A state-supported two-year or four-year institution of higher education may offer a reduced tuition rate for endorsed concurrent enrollment courses offered by the institution of higher education to high school students.

3.02 A student who qualifies under the National School Lunch Act (NSLA) shall not be required to pay any of the costs up to a maximum of six credit hours of endorsed concurrent enrollment courses that are taught:

3.02.1 On the grounds of the public school district in which the student is enrolled; and

3.02.2 By a teacher employed by the public school district in which the student is enrolled who meets the requirements of Section 4.03 of this Chapter.

3.03 The costs for endorsed concurrent enrollment courses for a student who qualifies under NSLA shall be paid:

3.03.1 By the public school district in which the student is enrolled;

3.03.2 By the institution of higher education offering the course; or

3.03.3 Through a cost-sharing agreement between the public school district and the institution of higher education.

3.04 The student shall be responsible for all costs of higher education courses taken for concurrent college credit, unless the costs for these courses are paid by the public school district, a college/university scholarship, a grant, or a private foundation. If the costs for a higher education course(s) are paid by the public school district, a college/university scholarship, a grant, or a private foundation, a signed agreement must exist between the public school district, the external entity or foundation, and the publicly-supported or private institution of higher education.

3.05 A student who attends a private school or a home school and enrolls in an endorsed concurrent enrollment course shall not be charged unless the public school district also charges public school students for the endorsed concurrent enrollment course. A public school district may provide transportation to a private school or home-schooled student to or from the location of the academic course.

4.00 ENDORSED CONCURRENT ENROLLMENT COURSE REQUIREMENTS

4.01 The course must be a course offered by an institution of higher learning in this state that is:

4.01.1 Approved through the institution of higher learning's normal process; and

4.01.2 Listed in the institution of higher learning's catalog.

4.02 The course content and instruction must meet or exceed the same standards and adopt the same learning outcomes as those developed for a course taught on the campus of the institution of higher education, including without limitation:

4.02.1 The administration of any departmental exams applicable to the course; and

4.02.2 The use of substantially the same book and syllabus as is used at the college level.

4.03 An Instructor of an endorsed concurrent enrollment course shall have:

4.03.1 No less than a master's degree that includes at least eighteen (18) hours of completed course work in the subject area of the endorsed concurrent enrollment course;

4.03.2 The instructor's credentials shall be approved by the academic unit or chief academic officer of the institution of higher education offering the endorsed concurrent enrollment course; and

4.03.3 The relevant credentials and experience necessary to teach from the syllabus approved by the institution of higher education granting the course credit.

4.04 The institution of higher education offering the course must:

4.04.1 Provide to the course instructor staff development, supervision and evaluation; and

4.04.2 Provide the students enrolled in the course with:

4.04.2.1 Academic guidance counseling; and

4.04.2.2 The opportunity to utilize the on-campus library or other academic resources of the institution of higher education.

4.05 To be eligible to enroll in an endorsed concurrent enrollment course, the student must:

4.05.1 Be admitted by the institution of higher education as a non-degree or non-certificate seeking student; and

4.05.2 Meet all of the prerequisites for the course in which he or she is enrolled.

4.06 Credit for the endorsed concurrent enrollment course may only be awarded by the institution of higher education offering the course and, when subject to an agreement with the college offering the course, must be accepted by the high school which the student attends.

4.07 Institutions of higher education may collaborate to provide the course and award course credit.

4.08 Concurrent credit shall be reflected in a student success plan.

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CHAPTER 6:
ADVANCED PLACEMENT AND THE INTERNATIONAL BACCALAUREATE
DIPLOMA INCENTIVE PROGRAM

1.00 PURPOSE

1.01 The purpose of these Rules is to establish, organize, and administer a program designed to improve the course offerings available to middle school, junior high school and high school students throughout the state. The program established under this act will provide advanced educational courses that are easily accessible and will prepare students for admission to and success in a postsecondary educational environment.

1.02 To ensure that each school district provides high school students with the opportunity to enroll in at least one (1) College Board Advanced Placement course in the four (4) core areas of English, math, science, and social studies, and to outline teacher training requirements.

2.00 TEACHER TRAINING

2.01 A teacher of an AP course must meet Arkansas Teacher Licensure requirements and meet the requirements of either Section 2.01.1 or 2.01.2:

2.01.1 Attend at least one (1) of the following trainings no less than one (1) time every five (5) years:

2.01.1.1 College Board Advanced Placement Summer Institute;

2.01.1.2 College Board-endorsed training; or

2.01.1.3 Other similarly rigorous training approved by a committee comprised of Division program directors and advisors with AP and content expertise.

2.01.2 Complete an Additional Training Plan (ATP) for Advanced Placement within three (3) years of commencing the ATP.

- 2.01.2.1 The ATP must be filed with the Division’s Office of Gifted and Talented and Advanced Placement in the first year of the teaching assignment, and an update must be filed in the additional years the teacher is in need of the plan, for up to two additional years.
- 2.01.2.2 When a teacher completes the requirements of the ATP, completion documentation must be submitted to the Division’s Office of Gifted and Talented and Advanced Placement.
- 2.01.2.3 Districts that do not have a teacher who completes the ATP within 3 years may be found in violation of the Standards for Accreditation of Public Schools and School Districts and may be held responsible for the cost of the associated AP exams.
- 2.02 Students enrolled in classes of teachers on an ATP earn the weighted credit contingent upon taking the appropriate AP exam.
- 2.03 A teacher of a Pre-AP course must meet Arkansas Teacher Licensure requirements and meet the requirements of either Section 2.03.1 or 2.03.2:

 - 2.03.1 Attend at least one (1) of the following trainings no less than one (1) time every five (5) years:

 - 2.03.1.1 College Board-endorsed training in the teacher’s content area; or
 - 2.03.1.2 Other similarly rigorous training approved by a committee comprised of Division program directors and advisors with AP and content expertise.
 - 2.03.2 Complete an Additional Training Plan (ATP) for Advanced Placement within three (3) years of commencing the ATP.

 - 2.03.2.1 The ATP must be filed with the Division’s Office of Gifted and Talented and Advanced Placement in the first year of the teaching assignment, and an update must be filed in the

additional years the teacher is in need of the plan, for up to two additional years.

2.03.2.2 When a teacher completes the requirements of the ATP, completion documentation must be submitted to the Division's Office of Gifted and Talented and Advanced Placement.

2.04 A teacher of a course offered under the International Baccalaureate Diploma Program must meet Arkansas Teacher Licensure requirements and attend the training required by the International Baccalaureate Organization (IBO).

2.05 Weighted Credit for designated AP and IB courses will be contingent upon the AP teacher obtaining training as outlined in Sections 2.01 and 2.02 of this Chapter and the IB teacher obtaining training as outlined in Section 2.04 of this Chapter; the student taking the entire AP or the entire IB course offered in a particular subject; the student completing the applicable test offered by the College Board for AP courses at the end of the AP course or the applicable test offered by the IBO at the time prescribed by the IBO.

3.00 TEACHER TRAINING SUBSIDY

3.01 Teachers of Advanced Placement Courses, Pre-Advanced Placement Courses, or International Baccalaureate Diploma courses, must meet Arkansas Teacher Licensure requirements and participate in training program(s) outlined in 2.01, 2.02, 2.03, and 2.04 of these Rules.

3.02 For a teacher designated by a local school district as an instructor of an Advanced Placement course, Pre-Advanced Placement Course, or an International Baccalaureate Diploma course, training costs may be covered by a grant administered by the host of the Advanced Placement Summer Institute to cover the cost of tuition, expenses and materials of approved training programs, not to exceed six hundred fifty dollars (\$650) per teacher contingent upon appropriated funding. Priority for training will be given to teachers who have not been previously trained. Training not covered by grant funds will be the responsibility of the district, if training is required as a part of the teacher's job requirements.

3.03 A teacher who is assigned to teach more than one Advanced Placement, Pre-

Advanced Placement, or International Baccalaureate course (i.e., biology, chemistry, etc.) may apply for more than one teacher training stipend, contingent upon appropriated funding.

4.00 EQUIPMENT GRANT

- 4.01 Contingent upon appropriated funding, the Division of Elementary and Secondary Education may annually set aside funds from which schools providing Advanced Placement courses or International Baccalaureate Diploma courses may apply for one-time equipment and materials grant.
- 4.02 Equipment and materials grants will be administered by the Division of Elementary and Secondary Education. The Division will establish a request for proposal form and disseminate it to each local school district each year that funds are available.
- 4.03 A school may apply for a one-time equipment grant for each Advanced Placement course or International Baccalaureate course (Two sections of a course such as Advanced Placement American History are considered one course).
- 4.04 School districts with more than one high school providing Advanced Placement courses or International Baccalaureate courses, may apply for the one-time equipment grants for each high school.

5.00 FEES FOR STUDENTS

- 5.01 Contingent upon legislative appropriation and the availability of funding, the state may pay in full or on a pro-rata basis the cost of the Advanced Placement Exam fee or the equivalent test fee under the International Baccalaureate Diploma Program, or both, for students who have successfully completed an associated Advanced Placement course that meets the requirements of this Chapter.
- 5.02 Each school requesting fee payment of students taking Advanced Placement Exams and/or International Baccalaureate exams must submit to the Division a copy of the invoice as generated and submitted to either the College Board or the International Baccalaureate Organization upon completion of the exams. The Division will contract with the College Board and Educational Testing Services for payment of AP exams contingent upon legislative approval and the availability of funds.

6.00 SCHOOL AWARD FOR EXAM SCORES

- 6.01 Depending on the availability of funds, schools may be awarded up to fifty dollars (\$50.00) for each score of a three (3) or better earned by a student on any Advanced Placement test or the equivalent on any International Baccalaureate Program Exam.
- 6.02 Schools must utilize the funds awarded from students' scores on the Advanced Placement test in the schools' Advanced Placement program and funds awarded from students' scores on the International Baccalaureate tests in the schools International Baccalaureate program.
- 6.03 An annual report with detailed expenditures of funds awarded to schools from students' scores on the Advanced Placement exam(s) and International Baccalaureate tests will be submitted to the Office of Gifted and Talented, Division of Elementary and Secondary Education by July 1 of each school year.

7.00 DISTRICT REQUIREMENTS

- 7.01 Districts are required to offer a minimum of one course per year in each of the four (4) core courses of English, math, science, and social studies.
- 7.02 All accelerated or advanced course work shall be reflected in a student success plan, including but not limited to AP and International Baccalaureate courses, CTE courses and endorsed concurrent credit courses.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Department of Education, Division of Elementary and Secondary Education

DIVISION Learning Services

PERSON COMPLETING THIS STATEMENT Jennifer Dedman

TELEPHONE NO. 501-682-4585 **FAX NO.** 501-682-4249 **EMAIL:** Jennifer.Dedman@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 DESE Rules Governing Grading and Course Credit

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

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 X 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 X 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.

3. 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

General Revenue 0
Federal Funds 0
Cash Funds 0
Special Revenue 0
Other (Identify) 0

Total 0

Next Fiscal Year

General Revenue 0
Federal Funds 0
Cash Funds 0
Special Revenue 0
Other (Identify) 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

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

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 X

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.