

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION RULES GOVERNING
SCHOOL DISTRICT REQUIREMENTS FOR PERSONNEL POLICIES,
SALARY SCHEDULES, MINIMUM SALARIES, AND DOCUMENTS
POSTED TO SCHOOL DISTRICT AND EDUCATION SERVICE COOPERATIVE
WEBSITES**

Effective Date: _____

1.00 REGULATORY AUTHORITY

~~1.01~~ These rules shall be known as the Arkansas Department of Education Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites (Rules).

1.021 The Rules are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, §6-11-129, ~~6-13-619, 6-15-209, 6-15-1402, 6-15-1704, 6-15-2006, 6-15-2101, 6-15-2202, 6-15-2914, §6-17-201, §6-17-207, §6-17-807, §6-17-812, §6-17-2203, §6-17-2301, §6-17-2402, 6-41-611,~~ and §6-17-2403-25-15-201 et seq.

2.00 PURPOSE

2.01 The purpose of these Rules is to apprise districts and education service cooperatives of the requirements for publishing school district classified and licensed personnel policies, salary schedules, establishing minimum salaries, and other documents mandated to be posted to the district's website or the education service cooperative's website.

3.00 DEFINITIONS

~~3.01~~ **Basic Contract** means a teacher employment contract for one hundred ninety (190) days that includes no less than six (6) days of professional development, except as provided under 3.01.1 for teachers employed in a C-Step Program or the Arkansas National Guard Youth Challenge Program.

~~3.01.1~~ For the purpose of a teacher employed in the C-Step Program or the Arkansas National Guard Youth Challenge Program, a basic contract for a teacher means full-time employment for one hundred ninety (190) days that includes six (6) days of professional development and all additional days in excess of one hundred ninety (190) days paid at the daily rate under Ark. Code Ann. § 6-17-2403 that are required for full-time annual employment and subject to the policies and guidelines of the Arkansas National Guard.

~~**3.02 Classified Employee** means any employee who performs work for the school district under a written annual contract in a position that does not require a valid teaching license issued by the Arkansas State Board.~~

~~**3.03 Classified Employee Minimum Salary** is the calculation of the minimum rate listed in Ark. Code Ann. §6-17-2203 that has been adjusted by the same percentage of increase as reported in the consumer price index each year. The adjusted rate is announced prior to July 1 each year in a Commissioner's memo.~~

~~**3.04 Classified Personnel Policies** are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a classified employee's employment with the district.~~

~~**3.05 Classified Salary Schedule** is a set of matrices that are updated and published each school year, which contains the minimum salaries for all classified employees and includes ranges, steps, and rates of pay. The salary schedule is required to reflect the actual pay practices of the district.~~

~~**3.06 Full Time Classified Employee** means any classified employee contracted to work twenty (20) or more hours per week.~~

~~**3.07 Licensed Employee** is a person hired by the local school district who is compelled by law or regulation to secure a license from the State Board of Education.~~

~~**3.08 Licensed Personnel Policies** are written district policies, guidelines, regulations, and procedures that pertain to the terms and conditions of a licensed employee's employment with the district.~~

~~**3.09 Licensed Salary Schedule** is a set of matrices that are updated and published each school year that contains the minimum salary licensed employees earn based on number of years of experience, education degrees, computations for extended contracts, and salary supplements for additional duties or responsibilities. The salary schedule is required to reflect the actual pay practices of the district.~~

~~**3.10 Teacher** means an individual who is required to hold a teaching license from the Department of Education and who is engaged directly in instruction with students in a classroom setting for more than seventy percent (70%) of the individual's contracted time; a guidance counselor; or a librarian.~~

~~**3.11 Website** is a set of interconnected webpages, including a homepage, generally located on the same server. It is prepared and maintained as a collection of information by a person, group, or organization.~~

~~**4.00 LICENSED PERSONNEL POLICIES AND SALARY SCHEDULES**~~

- ~~4.01~~ School districts shall have a set of written licensed personnel policies.
- ~~4.02~~ The licensed personnel policies shall include, but are not limited to, the following:
- ~~4.02.1~~ The licensed salary schedule;
 - ~~4.02.2~~ Benefits;
 - ~~4.02.3~~ Compensation;
 - ~~4.02.4~~ Designation of workdays;
 - ~~4.02.5~~ Holidays and non-instructional days;
 - ~~4.02.6~~ The annual calendar;
 - ~~4.02.7~~ Methods of evaluations;
 - ~~4.02.8~~ Extra duties;
 - ~~4.02.9~~ Leave;
 - ~~4.02.10~~ Grievances;
 - ~~4.02.11~~ Dismissal or nonrenewal;
 - ~~4.02.12~~ Reduction in force; and
 - ~~4.02.13~~ Assignment of teacher aides.
- ~~4.03~~ The licensed personnel policies and salary schedules must be posted to the district's website no later than September 15 each year. The district must keep a copy of the licensed salary schedule and personnel policies, signed by the president of the school board and retained in a central location.
- ~~4.04~~ The district shall make licensed personnel policies and salary schedules easily accessible on its website through an easily identifiable direct link titled "State-Required Information" in accordance with 9.03.
- ~~4.05~~ The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the licensed personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be

~~entered correctly in each cycle, especially if there are changes to the website address.~~

~~4.06 A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the licensed personnel policies and salary schedules are posted to the district's website.~~

~~4.07 The Arkansas Department of Education shall not accredit a district that does not have written licensed personnel policies.~~

~~4.08 The Arkansas Department of Education will notify any school district that has not posted its licensed personnel policies and salary schedules on the district's website or provided the Department with the website address as required.~~

~~5.00 CLASSIFIED PERSONNEL POLICIES AND SALARY SCHEDULES~~

~~5.01 School districts shall have a set of written personnel policies, including the salary schedule for at least all five classifications of classified employees as listed in 3.02.~~

~~5.02 The personnel policies shall include, but are not limited to:~~

~~5.02.1 Salary schedule, fringe benefits, and other compensation issues;~~

~~5.02.2 Annual school calendar, including work days and holidays;~~

~~5.02.3 Evaluation procedures;~~

~~5.02.4 Leave;~~

~~5.02.5 Grievance procedures;~~

~~5.02.6 Termination, nonrenewal, or suspension~~

~~5.02.7 Reduction in force; and~~

~~5.02.8 Assignments.~~

~~5.03 School districts must post classified personnel policies and salary schedules to the district's website no later than September 15 each year. The district shall maintain in a central records location a written copy of the policies signed by the president of the district's board of directors.~~

~~5.04~~ The district shall make classified personnel policies and salary schedules easily accessible on its website through an easily identifiable direct link titled “State-Required Information” in accordance with ~~9.03~~.

~~5.05~~ The district is required to provide to the Arkansas Department of Education, no later than September 15 of each year, the website address where the classified personnel policies and salary schedules are located. This information is currently collected in state reporting cycles 1-9. The website address must be entered correctly in each cycle, especially if there are changes to the website address.

~~5.06~~ A district failing to meet the above requirements will not receive in any year any additional state foundation funding from the Public School Fund until the classified personnel policies and salary schedules are posted to the district’s website.

~~5.07~~ The Arkansas Department of Education shall not accredit a district that does not have written classified personnel policies.

~~5.08~~ The Arkansas Department of Education will notify any school district that has not posted its classified personnel policies and salary schedules on the district’s website or provided the Department with the website address as required.

~~6.00~~ ~~LICENSED EMPLOYEE MINIMUM SALARY~~

~~6.01~~ The district salary schedule shall provide:

~~6.01.1~~ Annual increments for education and experience.

~~6.01.2~~ A base salary for a teacher with a BA degree listing salary increments each year for at least 15 years of experience.

~~6.01.3~~ A minimum salary for a teacher with a master’s degree listing salary increments each year for at least fifteen years of experience.

~~6.02~~ Each school district shall have a salary schedule with at least the minimum levels of compensation for a basic contract as listed in Ark. Code Ann. § ~~6-17-2403(b)~~.

~~6.02.1~~ The minimum teacher compensation schedule under Ark. Code Ann. § ~~6-17-2403(b)~~ does not apply to a part-time teacher or part-time paraprofessional employed by a school district to work in an adult education program.

~~6.02.2~~ The minimum teacher compensation schedule for a part-time teacher or part-time paraprofessional employed by a school district to work in

~~an adult education program shall be established by the Adult Education Section of the Department of Career Education and approved by the State Board of Career Education.~~

~~6.03 The teaching experience is the total years of experience as a teacher with a valid Arkansas teaching license and teaching at any of the following:~~

~~6.03.1 A public school accredited by the Department of Education or a nationally recognized accrediting association;~~

~~6.03.2 Private school within the state of Arkansas accredited by a nationally recognized accrediting association;~~

~~6.03.3 An Institution of higher education within the State of Arkansas accredited by a nationally recognized higher education institution accrediting association; or~~

~~6.03.4 A facility operated by the Division of Youth Services or any facility contracting with the division to provide care for juveniles committed to the division.~~

~~7.00 ADDITIONAL PAY~~

~~7.01 If a teacher is required to work more days than listed in their contract, then the pay under the contract shall be increased proportionately so that the teacher will receive at least a daily rate of pay for each additional day worked.~~

~~7.02 Each school district shall establish a normal base contract period for teachers.~~

~~7.03 If the base contract period is increased, the teacher's pay under the contract shall be increased proportionately at no less than the daily rate for each day added to the contract.~~

~~7.04 The provisions of sections 7.01, 7.02, and 7.03 shall not apply to separate contracts for employment with a teacher to teach summer school or to perform services that do not require the teacher to hold a teaching license.~~

~~7.04.1 Such services require a separate contract and the district shall not condition initial employment of the teacher or renewal of the teacher's regular teaching contract on entering into a separate contract.~~

~~7.05 A district may employ a teacher in a part time contract to perform services in the teacher's area of certification after expiration of the normal base contract as long as the teacher is agreeable and is paid in accordance with the salary schedule, on a pro rata basis for that work.~~

~~7.06~~ If a teacher in grades seven through twelve (7-12) volunteers to teach more than the maximum number of students permitted per day under the Standards for Accreditation of Arkansas Public Schools and School Districts, then the teacher's pay under his or her contract shall be increased by an amount proportionate to the teacher's base pay and the additional number of students taught by the teacher.

~~7.07~~ A teacher in grades seven through twelve (7-12) may volunteer to use his or her conference period during the day to teach an additional class period or to teach more than the maximum number of students per day and shall be compensated at a pro-rated portion of his or her contract for both the extra class period and for every additional student her or she teaches over the maximum number of students permitted per day under the Standards for Accreditation for Arkansas Public Schools and School Districts.

~~8.00 CLASSIFIED EMPLOYEE MINIMUM SALARY~~

~~8.01~~ For the 2011-2012 school year, a full-time contracted classified employee (working 20 hours a week or more) shall receive an hourly rate of compensation of no less than \$7.74 per hour.

~~8.02~~ The minimum hourly rate is adjusted each year by increasing the previous year's minimum amount by a percentage equal to the percentage increase of the consumer price index. The new minimum rate is announced in a Commissioner's Memo before July 1 each year.

~~9.00 DATA TO BE ACCESSIBLE ON WEBSITE~~

~~9.01~~ The following data and information are required to be posted to the district's website or the district's education service cooperative website, if the education service cooperative maintains the district's website:

~~9.01.1~~ Current comprehensive financial data reports, including:

~~9.01.1.1~~ Local and state revenue sources;

~~9.01.1.2~~ Administrator and teacher salary and benefit expenditure data;

~~9.01.1.3~~ School district balances, including legal balances and building fund balances;

~~9.01.1.4~~ Minutes of regular and special meeting of the school board;

~~9.01.1.5 The school district budget for the current year must be posted on the website within thirty (30) days following the state reporting cycle 1 deadline (September 30);~~

~~9.01.1.6 A financial breakdown of monthly expenses of the school district;~~

~~9.01.1.7 Salary schedules for all employees, including extended contract and supplementary pay amounts;~~

~~9.01.1.8 Current contract information with all district employees except that social security numbers, telephone numbers, personal addresses, or signatures shall not be published.~~

~~9.01.1.9 The current year annual budget; and~~

~~9.01.1.10 The annual school district statistical report.~~

~~9.01.2 Licensed and classified personnel policies and salary schedules~~

~~9.02 The above information shall consist of actual data for the two (2) previous school years and the projected budgeted information for the current school year.~~

~~9.03 The information and data required by 9.00 shall be easily accessible through the homepage of the district’s website under an easily identifiable direct link titled “State-Required Information” to a page on the district’s website where the information may be found. Under this link, the district shall subdivide the information required by 9.00 by the categories of information.~~

3.00 ACCESSIBILITY OF REQUIRED INFORMATION ON WEBSITE

3.01 All information required to be posted on the website shall be easily accessible through the homepage of the district’s website under an easily identifiable direct link titled “State—Required Information” to a page on the district’s website where the information may be found.

3.02 On the page, the district shall subdivide the information required by these Rules by the categories of information.

4.00 POLICY, DATA, AND INFORMATIONAL DOCUMENTS TO BE ACCESSIBLE ON WEBSITE

4.01 By August 1 of each year, the following data and information are required to be posted to the school district's website:

4.01.1 The school-level improvement plans, including the literacy plan required by Ark. Code Ann. § 6-15-2914(b);

4.01.2 The written discipline policies;

4.01.3 All student handbooks;

4.01.4 The school calendar;

4.01.5 The written bullying policies adopted in accordance with Ark. Code Ann. § 6-18-514, unless the policies are contained in the student handbook;

4.01.6 The comprehensive school counseling plan as required by Ark. Code Ann. § 6-18-2005; and

4.01.7 The plan for parent, family, and community engagement including the scheduling of at least two parent-teacher conferences each year, the parental involvement plan of all public schools in the district, and informational packets required by Ark. Code Ann. § 6-15-1702.

4.02 The school district must post the annual school performance report for each school year on the website of the school district no later than ten (10) days after it is posted on the Division's website.

4.03 A public school district receiving Level 2-- Collaborative, Level 3-- Coordinated, Level 4-- Directed, or Level 5-- Intensive support shall post the public school district support plan as required by Ark. Code Ann. § 6-15-2914(d) no later than ten (10) days after submission to the Division.

4.04 When a public school district is receiving Level 5-- Intensive support, a school is identified as in need of targeted or comprehensive support, or the public school district is in fiscal distress, the district must post a parent-friendly explanation of why and what the district is doing to be removed from the classification.

4.05 By December 1, public school shall post the vaccination and immunization report required by Ark. Code Ann. § 6-18-702(b) that provides information regarding the:

4.05.1 Number and percentage of students within the public school who have been granted from the Department of Health an

exemption from the requirement to obtain one (1) or more
vaccinations as required under Ark. Code Ann. § 6-18-702;

4.05.2 Number and percentage of students within the school who
have failed to provide the school proof of the vaccinations
required under Ark. Code Ann. § 6-18-702; and

4.05.3 Number and percentage of students who have not obtained
an exemption from the Department of Health.

4.06 A school district must post all waivers granted under Ark. Code Ann. § 6-15-103
to the district's website within thirty (30) days of the State Board of Education's
approval.

**5.00 FINANCIAL DOCUMENTS REQUIRED TO BE POSTED TO THE
DISTRICT WEBSITE**

5.01 By August 1, the school district must post the following information:

5.01.1 Written policies for the fiscal operation of the school
district; and

5.01.2 Current comprehensive financial data reports including:

5.01.2.1 Local and state revenue sources;

5.01.2.2 Administrator and teacher salary and benefit
expenditure data;

5.01.2.3 School district balances, including legal balances and
building fund balances;

5.01.2.4 The school district budget for the current year;

5.01.2.4.1 The budget must also be updated on the website
within thirty (30) days following the state reporting
Cycle 1 deadline (September 30).

5.01.3 A financial breakdown of monthly expenses of the school
district;

5.01.4 Salary schedules for all employees, including extended
contract and supplementary pay amounts;

5.01.5 All current contract information with all district employees, including, but not limited to, salary, benefits, stipends, supplementary income, leave time, and all other contract terms;

5.01.5.1 Social security numbers, telephone numbers, personal addresses, and signatures shall not be published.

5.01.6 The current year annual budget; and

5.01.7 The annual school district statistical report.

5.02 The information required by this Section must consist of actual data for the two previous school years and the projected budgeted information for the current school year.

6.00 PERSONNEL DOCUMENTS REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE

6.01 Each school district is required to post district licensed and classified personnel policies and salary schedules required under Ark. Code Ann. § 6-17-201 et seq. and Ark. Code Ann. § 6-17-2301 et seq.

6.02 By August 1 of each year, a school district must provide the Division with the website where its current personnel policies and salary schedules may be found.

6.02.1 This information is currently collected in state reporting cycles 1-9.

6.02.2 The website address must be entered correctly in each cycle, especially if there are changes to the website address.

6.03 The Division will notify any school district that has not posted its personnel policies, or salary schedules, or both, on the school district website or provided the Division with the web address in accordance with these Rules.

6.04 A school district failing to meet the requirements of this Section by September 15 will not receive in any year any additional state foundation funding from the Public School Fund until the personnel policies and salary schedules are posted to the district's website.

7.00 DYSLEXIA INFORMATION REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE

7.01 The superintendent of a school district shall annually report the results of the school district screening required under Ark. Code Ann. § 6-41-603.

7.02 Before July 15 of each year, a school district shall report on the website of the school district, or in writing to the parents of each student in the school district, the following information:

7.02.1 The dyslexia intervention programs used during the previous school year that were specifically responsive to assisting students exhibiting characteristics of dyslexia;

7.02.2 The number of students during the previous school year who received dyslexia intervention; and

7.02.3 The total number of students identified with dyslexia during the previous school year.

7.02.3.1 For purposes of Section 7.02.3, “identified with dyslexia” means students exhibiting the characteristics of dyslexia through a school-based or outside evaluation and students with a formal dyslexia diagnosis.

7.03 Any school district that fails to comply with this Section shall be in violation of the Standards for Accreditation of Arkansas Public Schools and School Districts and may be placed on probationary status.

8.00 PROBATIONARY STATUS REQUIRED TO BE POSTED TO THE DISTRICT WEBSITE

8.01 When any school of a school district, or the school district, is determined by the State Board of Education to be in Accredited—Probation or Accredited—Corrective Action status for failure to meet the Standards for Accreditation, that school district, after exhausting its rights to appeal, shall:

8.01.1 Immediately after the State Board’s findings, publish the probationary status determination and findings of the State Board on the website of the school district in an understandable and uniform format.

8.02 Documentation shall be posted until the State Board removes the status.

9.00 SCHOOL BOARD INFORMATION REQUIRED TO BE POSTED ON THE DISTRICT WEBSITE

9.01 At least ten (10) days before the date of a regular meeting of its Board of Directors, a school district shall publish on the school district's website a notice of the date, time, and place of the meeting.

9.02 At least twenty-four (24) hours before a rescheduled regular meeting, a school district shall publish on the school district's website a notice of the change in the date, time, or place of the regular meeting.

9.03 The school district must post the minutes of regular and special meetings of the school board.

10.00 DOCUMENTS REQUIRED TO BE POSTED ON THE EDUCATION SERVICE COOPERATIVE WEBSITE

10.01 Each education service cooperative shall post the final evaluation, including any self-evaluation, required by Ark. Code Ann. § 6-13-1021, on the website of the education service cooperative.

SUMMARY OF RULES:
ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING SCHOOL
DISTRICT REQUIREMENTS FOR PERSONNEL POLICIES, SALARY SCHEDULES,
MINIMUM SALARIES, AND DOCUMENTS POSTED TO DISTRICT WEBSITES

Amendments to these Rules are necessary, in part, as a result of Acts 1039 and 869 of 2017, as well as Acts 190, 83, 676, and 757 of 2019. Changes were made to reflect requirements of the new Standards for Accreditation and to remove duplicative language about personnel policies, salary schedules, and minimum salaries. Information was added to these rules to reflect various website requirements contained in law.

Title changed to reflect the change in name of the Division of Elementary and Secondary Education from the Arkansas Department of Education. Throughout, changes are made to reflect the change in name of the Division of Elementary and Secondary Education from the Arkansas Department of Education. Stylistic changes are also made throughout.

Title also changed to reflect that the sections related to personnel policies, salary schedules, and minimum salaries have been removed.

Sections 3.00 Definitions, 4.00 Licensed Personnel Policies and Salary Schedules, 5.00 Classified Personnel Policies and Salary Schedules, Section 6.00 Licensed Employee Minimum Salary, 7.00 Additional Pay, and 8.00 Classified Employee Minimum Salary were deleted because they were duplicative of law.

Section 9.00 Data to be Accessible on Website was deleted so that the information could be reorganized in the new structure of the rule. New Sections 3.00 through 10.00 were added to have all website requirements that exist in law and rule in one place.

New Section 3.00 is added to explain where the information must be posted on the website.

New Section 4.00 outlines all policy, data, and informational documents required to be posted to school district websites.

New Section 5.00 outlines all financial documents required to be posted to the district website.

New Section 6.00 contains all of the personnel policy and salary schedule information related to the availability of the information on district websites that was originally contained in Sections 3.00 through 8.00.

New Section 7.00 outlines all dyslexia information required to be posted to the district website.

New Section 8.00 outlines all probationary status information required to be posted to the district website.

New Section 9.00 outlines all school board information required to be posted on the district website.

New Section 10.00 outlines all information required to be posted on the education service cooperative website.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT/AGENCY: Division of Elementary and Secondary Education, Arkansas Department of Education

DIVISION: Fiscal and Administrative Services

PERSON COMPLETING THIS STATEMENT: Mary Claire Hyatt

PHONE NO.: 501-683-0960. **FAX NO.:** 501-682-4249 **E-MAIL:** maryclaire.hyatt@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 School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites

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

General Revenue _____ 0 _____
Federal Funds _____

Next Fiscal Year

General Revenue _____ 0 _____
Federal Funds _____

Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 Total _____ 0 _____

Cash Funds _____
 Special Revenue _____
 Other (Identify) _____
 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) _____
 Total _____ 0 _____

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

Next Fiscal Year

\$ _____ 0 _____

\$ _____ 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

Next Fiscal Year

\$ _____ 0 _____

\$ _____ 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.