

# ARKANSAS REGISTER

## Transmittal Sheet

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



Secretary of State

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For Office

Use Only:

Effective Date \_\_\_\_\_ Code Number \_\_\_\_\_

Name of Agency Arkansas Department of Education

Department Division of Elementary and Secondary Education

Contact Courtney Salas-Ford E-mail courtney.salas-ford@arkansas.gov Phone 501-682-4752

Statutory Authority for Promulgating Rules Ark. Code Ann. § 6-11-105

**Rule Title:** Repeal of ADE Rules Governing Minimum Qualifications for General Business Managers of Public School Districts

**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

5/8/2020

6/8/2020

8/21/2020

7/9/2020

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

Courtney Salas-Ford

courtney.salas-ford@arkansas.gov

10/8/2020

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

501-682-4752

courtney.salas-ford@arkansas.gov

Phone Number

E-mail Address

Chief Legal Counsel

Title

10/8/2020

Date

**Arkansas Department of Education**  
**Proposed Rules Governing Minimum Qualifications for General Business Managers**  
**of Public School Districts**  
**May 2008**

1.0 — Regulatory Authority

These rules are promulgated pursuant to Ark. Code Ann. § 6-15-2302 and Act 1591 of the 86<sup>th</sup> Arkansas General Assembly.

2.0 — Purpose

These rules shall be applied to all school districts, open enrollment charter schools and education service cooperatives for the purposes of requiring minimum qualifications for General Business Managers.

3.0 — Definitions

For purposes of these rules, the following terms shall be defined to mean:

3.01 — Arkansas Public School Computer Network (APSCN) — the Department of Education's computer network system for public school district, open enrollment charter school, and education service cooperative reporting of financial management data and student management data to the Department of Education.

3.02 — General Business Manager (GBM) — A Chief Financial Officer or Business Manager, however the position is titled, who is responsible for the fiscal operations of the public school district, open enrollment charter school, or education service cooperative and performs his or her duties under the direction of the Superintendent of the public school district or the Director of the open enrollment charter school or education service cooperative.

3.03 — Certified General Business Manager (CGBM) — A GBM who has completed the required course of study and received a certificate issued by the Arkansas Department of Education.

4.0 — Qualifications of General Business Manager

4.01 — Any general business manager hired after July 31, 2007, the effective date of Act 1591 of 2007, shall meet the minimum qualifications established by this rule of the Arkansas Department of Education.

- 4.02 — A general business manager employed prior to July 31, 2007, shall be exempt from these minimum qualifications but is encouraged to complete the requirements.
- 4.03 — School districts, open enrollment charter schools and education service cooperatives shall be required to report the name and qualification status of its general business manager in the Cycle 1 report submitted each year through APSCN.
- 4.04 — The named general business manager must either meet the qualifications of a Certified Arkansas School Business Official (CASBO) based on the requirements established by the Arkansas Association of School Business Officials (AASBO), or be enrolled in the CASBO required courses of study. The CASBO courses of study include ten required courses and five electives. Information regarding the CASBO program and courses of study can be obtained by viewing the AASBO web site at: <http://www.aaea.k12.ar.us/AAEA/AASBO/AASBO.html>.
- 4.05 — If not already certified through AASBO, the general business manager must show progress of at least five classes per year and must complete the CASBO program within three years.
- 4.06 — After having obtained certification through AASBO or having completed the CASBO program, the general business manager will receive a certificate issued by the Arkansas Department of Education with the designation of “Certified General Business Manager.”
- 4.07 — A Certified General Business Manager must renew his or her certificate by completing at least two upper level CASBO courses per year after the date of certification.
- 5.0 — Sanctions
- 5.01 — Any individual named as general business manager who fails to complete certification within the designated time or who fails to renew his or her certification will not be able to function in that role until certification requirements are met.
- 5.02 — If a school district, open enrollment charter school or education service cooperative has a general business manager who fails to obtain certification within the designated time or who fails to renew his or her certification, it must appoint another person to the position and that newly appointed person must meet the qualifications as listed above.

## **FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

DEPARTMENT \_\_\_\_\_  
DIVISION \_\_\_\_\_  
PERSON COMPLETING THIS STATEMENT \_\_\_\_\_  
TELEPHONE NO. \_\_\_\_\_ FAX NO. \_\_\_\_\_ EMAIL: \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

### **SHORT 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 an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;
- b) The reason for adoption of the more costly rule;
- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

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

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 \_\_\_\_\_

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

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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

\$ \_\_\_\_\_

\$ \_\_\_\_\_

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.