

ARKANSAS REGISTER

Transmittal Sheet

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



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency _____

Department _____

Contact _____ E-mail _____ Phone _____

Statutory Authority for Promulgating Rules _____

Rule Title: _____

Intended Effective Date

(Check One)

Date

☐

Emergency (ACA 25-15-204)

Legal Notice Published _____

☐

10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐

Other _____

(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____

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

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

Phone Number

E-mail Address

Title

Date

Arkansas Department of Education
Rules Governing the Calculation of Arkansas Smart Core Incentive Funding
October 2009

1.00 Authority

- 1.01 — The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105 and 6-15-215 and Act 1481 of the 2009 Regular Session.
- 1.02 — These Rules shall be known as the Arkansas Department of Education Rules Governing the Calculation of Arkansas Smart Core Incentive Funding (Rules).

2.00 Purpose

- 2.01 — The purpose of these Rules is to provide the calculation method for Smart Core Incentive Funding for public school districts.

3.00 Definitions

- 3.01 — Eligible High School means each public high school in a school district that meets the criteria to receive Smart Core Incentive Funding under Act 1481 of the 2009 Regular Session and these Rules.
- 3.02 — Smart Core means the curriculum established by the Arkansas Department of Education (ADE) under the Standards for Accreditation of Arkansas Public Schools and School Districts that is part of Smart Future, a state initiative focused on improving Arkansas public high schools for all students.
- 3.03 — Smart Core Graduate means a student who graduated from an Arkansas public high school after having successfully completed the Smart Core curriculum.

4.00 Smart Core Incentive Funding Calculation Method

- 4.01 — A school district that receives funding under Act 1481 of the 2009 Regular Session shall provide the incentive funding to each eligible high school in the school district.
- 4.02 — The eligible high school shall spend the incentive funding only for the purposes listed below, as identified in Act 1481 of the 2009 Regular Session:
- 4.02.1 — Assist with a public high school's efforts to encourage public high school students to complete the Smart Core curriculum; and
- 4.02.2 — Promote programs that contribute to student success, including without limitation:
- 4.02.2.1 — Tutoring;
- 4.02.2.2 — Quality after school and summer programs that may include the

~~College Preparatory Enrichment Program (CPEP), literacy, math, and science specialists in elementary school; and~~

~~4.02.2.3 Professional development for mathematics, science, literacy, foreign language, and Advanced Placement instruction; and~~

~~4.02.3 Provide support to school counselors to improve student services.~~

~~4.03 A school district that receives incentive funding under this program shall not use the incentive funding to provide increases to the salary schedule of the school district.~~

~~4.04 The ADE shall make the calculation based on a student record analysis conducted annually by the ADE beginning with a student record analysis of the graduation class of 2010.~~

~~4.05 The ADE shall exclude from the student record analysis a student with an individualized education program that does not require the student to complete the Smart Core curriculum.~~

~~4.06 By June 30 of each year, the ADE shall pay Smart Core Incentive Funding as follows:~~

~~4.06.1 In the preceding school year, if one hundred percent (100%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred twenty-five dollars (\$125) per Smart Core graduate.~~

~~4.06.2 In the preceding school year, if at least ninety-five percent (95%) but less than one hundred percent (100%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive one hundred dollars (\$100) per Smart Core graduate.~~

~~4.06.3 In the preceding school year, if at least ninety percent (90%) but less than ninety-five percent (95%) of a public high school's graduates completed the Smart Core curriculum, the school district where the public high school is located shall receive fifty dollars (\$50) per Smart Core graduate.~~

~~4.06.4 In the preceding school year, if less than ninety percent (90%) of a public high school's graduates completed the Smart Core curriculum, the school district is not eligible to receive Smart Core Incentive Funding.~~

~~4.07 In the preceding school year, if a public high school's graduation rate falls below the average graduation rate for the public high school for the previous three (3) school years, the school district is not eligible to receive the full incentive award under the program for the public high school. The incentive funding will be reduced by the percentage that the high school's graduation rate in the preceding school year fell below the average of its graduation rate for the previous three (3) school years.~~

- ~~4.08 — Participation in the Arkansas Smart Core Incentive Funding Program is voluntary.~~
- ~~4.09 — The first annual funding calculation, based on the student record analysis of the graduation class of 2010, will be made by June 30, 2011.~~
- ~~4.10 — Subject to an appropriation and available funding for the program, the Smart Core Incentive Funding Program is effective from July 1, 2009 through June 30, 2020.~~

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.