

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 _____

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING COMMUNITY SERVICE AND DIPLOMA REQUIREMENTS

Effective date:

1.00 AUTHORITY

1.01 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-16-120, 6-16-1901 et seq. and 25-15-201 et seq.

2.00 DEFINITIONS

2.01 “Activity” is the service done by the student through school programs or partnering organizations.

2.02 “Certify” means the process of a partnering organization verifying and submitting to a school appropriate documentation that a student successfully completed the community service required, and the student has submitted to the school appropriate documentation documenting their experience performing community service.

2.03.1 Community hours may be certified if also used for part of a grade or for club or honor requirements

2.03 “Division” means the Division of Elementary and Secondary Education within the Arkansas Department of Education.

2.04 “Grade 9” as it relates to community service learning, begins on the first day after the last day of a student’s 8th grade year to include the summer immediately preceding the school year.

2.04 “Partnering organization” is a entity or community organization that receives local school board approval to verify community service hours. School districts are automatically approved partnering organizations. Partnering organizations include but are not limited to 501(c)(3) nonprofit entities.

2.01 “Public school” and “public school district” includes a traditional public school district or an open-enrollment public charter school.

3.00 COMMUNITY SERVICE REQUIREMENT

3.01 Beginning with the graduating class of 2026-2027, a public high school student shall complete a minimum of seventy-five (75) clock hours of documented community service in grades nine through twelve (9-12), as certified by the partnering organization with which the public school student volunteers, in order to graduate.

3.02 The community service required under this rule shall:

3.02.1 Be in programs or activities, either in Arkansas or outside of Arkansas, before, during, or after school hours, that meet the requirements established by these rules;

3.02.2 Be completed in accordance with the public school district board of directors adopted policy on community service credit;

3.02.2.1 The school district policy in Section 3.02.2 must: (a) require an adult to sign off on the student's community service hours; (b) be posted on the school district's website; and (c) include preparation, action, and reflection components required for a student to receive community service credit.

3.02.3 When designing community service programs or activities, a public school district shall explicitly address student safety and ensure that any partnering organization has the infrastructure to accommodate students, including that the partnering organization an:

3.02.3.1 Ensure student safety and privacy, which may include background checks and ethical conduct protocols; and

3.02.3.2 Provide any necessary equipment, training, or both.

3.03 Students transferring into a public school district after grade nine (9) or students graduating early may receive a diploma provided that the minimum requirement for each year they attend the public school district is met.

3.03.1 The minimum number of community service hours for each grade level for transferring students shall be:

3.03.1.1 Fifteen (15) hours for students in grade nine (9);

3.03.1.2 Twenty (20) hours for students in grade ten (10);

3.03.1.3 Twenty (20) hours for students in grade eleven (11); and

3.03.1.4 Twenty (20) hours for students in grade twelve (12).

3.04 A public school district board of directors or the governing body of an open enrollment public charter school may grant a waiver of this requirement for extenuating circumstances on a case-by-case basis.

3.04.1 The parent, legal guardian, or person standing in loco parentis of a public school student, or the public school student if the student is eighteen (18)

years of age, may petition the public school district board of directors or the governing body of an open enrollment public charter school for a waiver of this requirement in writing.

3.04.1.1 The public school district board of directors shall take up the waiver request at its next board meeting and determine whether a waiver should be granted via board vote;

3.04.1.2 The chief executive official of an open enrollment public charter school, or his or her designee, shall take up the waiver request within fifteen (15) days of receipt and determine whether a waiver should be granted in writing.

3.04.2 Extenuating circumstances may include without limitation:

3.04.2.1 A major illness associated with a student or a family member of a student;

3.04.2.2 A student who is medically fragile or has a disability under the IDEA;

3.04.2.3 Student homelessness or housing insecurity; and

3.04.2.4 Notice to the public school district board of directors if the student is a major contributor to family income.

3.05 School districts are responsible for maintaining a system to record student community service hours.

3.05.1 A public school district shall report to the Division annually, through the State's electronic transcript system, the number of community service hours obtained by each student and if a student was granted a waiver and the reason for the waiver.

4.00 ACADEMIC CREDIT FOR COMMUNITY SERVICE

4.01 Ending with the graduating class of 2025-2026, a student who has completed a minimum of seventy-five (75) clock hours of documented community service in grades nine through twelve (9-12), as certified by the service agency or organization to the school, shall be eligible to receive one (1) academic credit that may be applied toward graduation.

4.02 The community service shall be in programs or activities approved by the local school district board of directors and shall include preparation, action, and reflection components that may occur in or out of school campuses and during or after school hours.

4.03 School districts are responsible for maintaining a system to record student community service hours.

MARKUP DRAFT

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

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

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 no, please explain:

(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 reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

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

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

Total _____

Next Fiscal Year

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

Total _____

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

Current Fiscal Year

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

Total _____

Next Fiscal Year

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

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or 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.

SUMMARY OF NEW RULE

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULE GOVERNING COMMUNITY SERVICE

This rule is being promulgated to implement Acts 720 and the relevant provisions of Act 237, otherwise known as the LEARNS Act. Act 237 requires that each public-school student complete seventy-five (75) clock hours of community service in order to graduate from high school. This rule provides additional clarification of requirements for community service programs including program design by school districts, parental approval, program safety and background checks for any third-party providers. The rule also provides for additional extenuating circumstances to justify a waiver of the requirement by a school district. Finally, the rule establishes reporting requirements for school districts on the effectiveness of community service programs.

POST-PUBLIC COMMENT

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Elementary and Secondary Education is considering new administrative rules. Public comment hearings will be held for the following rules: DESE Rule Governing Public School Choice on April 17, 2024, at 10:00 a.m.; DESE Rule Governing Petitions for Student Transfers on April 17, 2024 at 1:00 p.m.; DESE Rule Governing Public School Policies Relating to Overnight Trips and Use of Public School Lavatories on April 18, 2024 at 10:00 a.m.; DESE Rule Governing the Student Protection Act on April 18, 2024 at 1:00 p.m.; DESE Rule Governing Educator Performance on April 19, 2024 at 10:00 a.m.; DESE Rule Governing Community Service on April 19, 2024 at 1:00 p.m.; DESE Rule Governing the Right to Read Act on April 19, 2024 at 3:00 p.m. All hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on April 24, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's website at: <https://dese.ade.arkansas.gov/Offices/legal/rules/pending>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 683-1390.