

ARKANSAS REGISTER

Transmittal Sheet

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Secretary of State

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Division of Elementary and Secondary Education

Department Department of Education

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Statutory Authority for Promulgating Rules Arkansas Code 6-11-105

Rule Title: Division of Elementary and Secondary Education Rule Governing Arkansas Governor's School

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

5/10/2024

6/10/2024

9/20/2024

8/8/2024

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

Stephen M. Reynolds

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9/24/2024

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]
Signature

501-682-4892
Phone Number

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E-mail Address

Associate Legal Counsel
Title

9/24/2024
Date

**DIVISION OF ELEMENTARY AND SECONDARY
EDUCATION RULE GOVERNING ARKANSAS
GOVERNOR’S SCHOOL**
Effective Date: October 5, 2024

1.00 REGULATORY AUTHORITY

- 1.01 This rule shall be known as the Division of Elementary and Secondary Education Rule Governing Arkansas Governor’s School.
- 1.02 The State Board of Education enacted this rule pursuant to its authority under Arkansas Code §§ 6-42-106 and 6-11-105.
- 1.03 Pursuant to Ark. Code Ann. §§ 6-42-106, 6-42-108, and § 6-11-105, Arkansas Governor’s School is under the jurisdiction of the State Board of Education and the Division of Elementary and Secondary Education and falls under the immediate administration of the Office for the Education of Gifted and Talented Children.

2.00 PURPOSE

- 2.01 The purpose of this rule is to establish the governing operation of the Arkansas Governor’s School.

3.00 DEFINITIONS

- 3.01 “Arkansas Governor’s School (AGS)” means a summer educational program with a residential component that provides enriched educational offerings for approximately four hundred (400) rising high school seniors who have demonstrated exceptional abilities in a specific academic discipline.
 - 3.01.1 For purposes of this rule, a rising high school senior means a student who will graduate from high school during the school year immediately following their attendance at AGS.
- 3.02 “Host institution” means a four-year college or university in Arkansas that serves as the physical location of AGS and is responsible for all administrative requirements for the operation of the program.
- 3.03 “AGS director” or “AGS directors” means the individual or individuals responsible for overseeing the on-site operation and management of the school for the duration of each AGS cycle.
 - 3.03.1 One (1) or two (2) staff member(s) of the host institution shall be appointed to serve as an AGS director or AGS directors.

- 3.03.2 The host institution must indicate in its proposal who will serve as AGS director(s), and, if the host institution chooses to use two AGS directors, each of their responsibilities must be clearly outlined in the proposal.
- 3.04 For purposes of this rule, “diverse” or “diversity” means representation in a group based on one or more of the following without limitation:
 - 3.04.1 Age;
 - 3.04.2 Country of origin;
 - 3.04.3 Culture;
 - 3.04.4 Disability;
 - 3.04.5 Economic status;
 - 3.04.6 Ethnicity;
 - 3.04.7 Geographic location within the state;
 - 3.04.8 Race;
 - 3.04.9 School district student enrollment; and
 - 3.04.10 Sex.
- 3.05 “AGS student selection committee” means a committee formed annually by the division that is consistent with section 3.04 with respect to the population of the state of Arkansas.
 - 3.05.1 The committee is composed of at least fifteen (15) members, generally including:
 - 3.05.1.1 School district administrators and teachers;
 - 3.05.1.2 Coordinators of gifted programs;
 - 3.05.1.3 Members of the Advisory Council for the Education of Gifted and Talented Children; or
 - 3.05.1.4 Other comparable individuals.
 - 3.05.2 The committee is responsible for reviewing student applications and determining which students would most benefit from participation in AGS.

- 3.06 “AGS faculty selection committee” means a committee formed annually by the division that is consistent with section 3.04 with respect to the population of the state of Arkansas.
- 3.06.1 The committee is composed of no less than five (5) and no more than ten (10) members and includes:
- 3.06.1.1 Personnel from the Office for the Education of Gifted and Talented Children;
 - 3.06.1.2 The AGS director(s);
 - 3.06.1.3 Public school personnel; and
 - 3.06.1.4 Postsecondary education personnel.
- 3.06.2 The committee may also include other division personnel and members of the Governor’s Advisory Council for Gifted and Talented Education.
- 3.06.3 The Commissioner shall annually approve this committee.
- 3.07 “AGS host institution selection committee” means a committee appointed by the Commissioner that is representative of the population of the state of Arkansas.
- 3.07.1 The committee is composed of seven (7) or more members chosen from:
- 3.07.1.1 School district administrators, teachers, and coordinators of gifted programs,
 - 3.07.1.2 Members of the Advisory Council for the Education of Gifted and Talented Children,
 - 3.07.1.3 Higher education personnel,
 - 3.07.1.4 Personnel from education service cooperatives,
 - 3.07.1.5 Parents, and
 - 3.07.1.6 Community representatives.
- 3.08 “Faculty” means instructional personnel, including but not limited to educators hired to instruct in Area I, Area II, and Area III, as well as the AGS director(s).
- 3.09 “Staff” means all other personnel hired to operate AGS, this includes but is not limited to residential life assistants (RAs), security personnel, food service

specialists, recreational specialists, health services personnel, and office management personnel.

4.00 INTENT OF ARKANSAS GOVERNOR'S SCHOOL

4.01 The intent of AGS is to provide enriched offerings for students who have demonstrated exceptional abilities in a specific subject area, and to give selected students an opportunity to experience challenging concepts and theories in a collegiate setting prior to postsecondary education.

4.01.1 The emphasis of AGS is to develop an engaged community of critical thinkers through conceptual and abstract learning experiences.

4.02 AGS shall offer students the opportunity to develop and-expand their ability to think abstractly, to conceptualize, theorize, and explore the latest complex subjects in various disciplines.

5.00 PROGRAM LOGISTICS

5.01 The host institution shall designate a staff member(s) with appropriate experience, leadership capacity, and vision to serve as AGS director(s).

5.02 The program shall be in operation for a minimum of twenty-eight (28) days and a maximum of thirty-eight (38) days.

5.02.1 The host institution shall determine the length of the program and include the program length in their proposal.

5.02.2 The length shall remain the same throughout the institution's contract cycle.

5.02.3 A multi-day break may be included in the proposal; however, the duration of the break shall not exceed four (4) days and shall not count towards the program length.

5.02.4 Students shall participate in structured activities scheduled by the host institution at least six (6) out of seven (7) days each week.

5.03 A written plan developed by the host institution shall provide specific details of AGS activities and facilities usage, guaranteeing no other campus activity or its participants will interfere with any AGS activity or student.

5.04 The host institution shall provide year-round operational support for AGS, including:

5.04.1 Recruiting students to attend AGS;

- 5.04.1.1 AGS student recruitment by the host institution should aim to be representative of the population of the state of Arkansas, including increasing representation from underrepresented school districts.
 - 5.04.1.2 Traditional college or university recruitment activities by the host institution shall not be conducted during AGS, with the exception of hosting college fairs with participation from other institutions.
- 5.04.2 Recruiting candidates to serve as AGS faculty;
 - 5.04.2.1 The host institution shall actively recruit AGS faculty and staff and aim to be representative of the population of the state of Arkansas.
- 5.04.3 Developing, disseminating, and managing student and faculty applications;
 - 5.04.3.1 The applications shall be developed in consultation with the division.
 - 5.04.3.2 The host institution and the division shall disseminate and promote the applications to ensure distribution to multiple stakeholders.
 - 5.04.3.3 The host institution shall provide the student selection committee and faculty selection committee members access to the corresponding applications, while maintaining privacy and confidentiality of the contents of the applications.
- 5.04.4 Communicating program information to the public, school districts, students, and families.
 - 5.04.4.1 The host institution shall maintain an AGS website.
 - 5.04.4.2 The host institution shall host special events while AGS is in session, including events for educators, legislators, families, and alumni.
 - 5.04.4.3 The host institution shall publish and distribute an AGS yearbook to students, faculty, and the division.
- 5.05 If the State Board of Education approves a transition to another host institution, the Office for the Education of Gifted and Talented Children shall consult with the incoming host institution, including providing a review of the current host institution's student and faculty recruitment and of the committees' student and

faculty selection processes; the Division of Elementary and Secondary Education shall also assist with planning for and implementation of the next AGS session, including providing the incoming host institution with the annual evaluation reports submitted to the division for the current host institution's five-year cycle.

5.05.1 The incoming host institution shall be determined in accordance with the host institution selection process outlined in section 13.00.

5.06 The division shall annually consult with and assist the host institution in program logistics prior to the start of each session in an advisory role.

6.00 CURRICULUM

6.01 The curriculum shall be designed to:

6.01.1 Focus on topics and issues relevant to current events and future developments in academics;

6.01.2 Provoke curiosity and inquiry from the students;

6.01.3 Engage students in critical thinking and analysis;

6.01.4 Develop communication and civil discourse skills; and

6.01.5 Fulfill the intent of the program as described in section 4.00.

6.02 The curriculum is not intended to be an acceleration of high school nor anticipation of postsecondary curricula.

6.03 Curriculum and its delivery shall be free of prohibited indoctrination as defined by Arkansas Code § 6-16-156 and any related Division of Elementary and Secondary Education rules.

6.04 Curriculum content shall be age-appropriate for high school students who are under the age of eighteen (18).

6.05 The curriculum shall be divided into three (3) Areas of study and shall maintain continuity through concerted efforts of all staff persons.

6.05.1 All Areas shall employ Socratic teaching and engage students in interactive higher order thinking experiences.

6.05.2 Area I – Academic Development shall focus on the following academic disciplines: English/language arts, mathematics, natural sciences, social sciences, choral music, drama, instrumental music, and visual arts.

- 6.05.2.1 The division may require an additional academic discipline not included above.
- 6.05.2.2 Additional academic disciplines may be included in an individual institution's proposal.
- 6.05.2.3 An innovative integrated curriculum maintaining fidelity to the academic disciplines outlined in section 6.05.2 may be included in an individual institution's proposal.
- 6.05.3 Area II – General Conceptual Development shall focus on:
 - 6.05.3.1 How individuals process thinking;
 - 6.05.3.2 The assumptions that underlie thinking;
 - 6.05.3.3 Thinking that takes place within the various disciplines;
 - 6.05.3.4 Developments that influence thinking about truth and knowledge;
 - 6.05.3.5 Logic; and
 - 6.05.3.6 Means of thinking effectively.
- 6.05.4 Area III – Personal Development shall foster personal skills that help people get along with others, communicate in an effective and civil manner, and make positive contributions in their own lives and communities.
- 6.06 Materials and content shall expand the AGS experience by:
 - 6.06.1 Providing exposure to multiple perspectives;
 - 6.06.2 Acquainting students with the latest advances in each field of study; and
 - 6.06.3 Supporting the unique needs of gifted high school students.
- 6.07 Faculties of Areas I, II, and III shall collaborate to create consistent student experiences, fostering engagement in the AGS community beyond the classroom setting.
- 6.08 Investigation and inquiry of topics shall be accomplished through readings, lectures, individual studies, small group discussions, concerts, dramatic productions, exhibits, forums, films, and events in the school community.

- 6.09 No credit or grades shall be given and any work at AGS shall supplement, not supplant, the general high school curriculum.

7.00 STUDENT SELECTION

- 7.01 Rising high school seniors who are residents of Arkansas and attending any public school district, open-enrollment public charter school or private high school, or who are enrolled in a home school, are eligible for nomination.
- 7.01.1 Schools may nominate up to five (5) students or ten percent (10%) of their junior class, whichever is greater.
- 7.01.2 The list of nominated students shall be representative of the rising high school senior student population and non-discriminatory procedures shall be used to determine which students are nominated for AGS.
- 7.02 Student selection is based on multiple criteria which includes, but is not limited to student accomplishments, achievements, awards, evidence of task commitment, student responses to application prompts, student auditions if applying in arts areas, educator(s) recommendation(s), current assessment data, grades, and the student's transcript.
- 7.02.1 Public school districts, open-enrollment public charter schools, private schools, or parents or guardians of students enrolled in a home school submit applications to the AGS director(s) or their representative at the host institution.
- 7.02.1.1 Public school districts, open-enrollment public charter schools, private schools, or parents or guardians of students enrolled in a home school supply data including current transcript and assessment data that provides evidence of the suitability of the nominated student based on the criteria outlined above.
- 7.02.1.2 Nominated students complete portions of the application reflecting their interests, achievements, and commitment to AGS.
- 7.03 The AGS student selection committee shall review submitted student applications.
- 7.03.1 Each application is reviewed by multiple committee members and is considered in its totality by each reviewer.
- 7.03.2 Attention shall be given to selecting a group of qualified students that is consistent with section 3.04, including representation from all geographic regions of the state and student groups.

- 7.04 After reaching consensus regarding which students will be invited to attend AGS, the AGS student selection committee shall submit their decisions regarding the status of student applications to the AGS director(s).

7.04.1 The AGS director(s) shall communicate the status of each student's application to the student and school in writing.

8.00 FACULTY SELECTION

- 8.01 Faculty are hired for one (1) summer session, with the exception of the AGS director(s).

8.01.1 Educators and other professionals may apply for faculty positions.

8.01.2 A Commissioner's Memo announcing the availability of faculty positions shall be posted by November 1.

- 8.02 Faculty selection shall be made based on the applicant's:

8.02.1 Extensive knowledge of subject area;

8.02.2 Familiarity with theories, concepts, and practices in area(s) of expertise; and

8.02.3 Ability to communicate effectively and facilitate discussion with gifted high school students.

- 8.03 Faculty applications are previewed by the faculty selection committee to determine which applicants to interview.

8.03.1 The AGS director(s) is responsible for scheduling the interviews.

8.03.2 Once the committee has reached majority consensus on the applicants, a list of recommended faculty is sent to the Division of Elementary and Secondary Education for approval.

- 8.04 After approval of the recommended faculty list, the host institution shall ensure all recommended faculty applicants complete an annual criminal background check, including a child maltreatment registry check, paid for using AGS funds awarded to the host institution.

- 8.05 All recommended faculty applicants will be notified, and contracts will be issued by the host institution, subject to a satisfactory background check and approval by the division.

9.00 FACULTY PROFESSIONAL LEARNING

- 9.01 A representative of the division shall participate in faculty professional learning.
- 9.02 Professional learning content for all faculty shall include:
 - 9.02.1 Needs of gifted high-school students;
 - 9.02.2 Socratic teaching and higher-order-thinking engagement techniques;
 - 9.02.3 Neutral facilitation of student-led learning and conversation;
 - 9.02.4 Unbiased lesson delivery which facilitates examination of multiple perspectives and student-led discourse free of prohibited indoctrination as defined by Arkansas Code § 6-16-156 and any related Division of Elementary and Secondary Education rules;
 - 9.02.5 Role of faculty and staff in contributing to the AGS community beyond classroom instruction responsibilities;
 - 9.02.6 Ensuring the well-being of students and adherence to mandated reporting; and
 - 9.02.7 Consistent curriculum delivery across sections of each Area of instruction.
- 9.03 The AGS director(s) should attend the National Conference of Governor's Schools, paid for using AGS funds awarded to the host institution, to increase their knowledge about the functioning of governors' schools across the country.
- 9.04 Instructional staff shall be provided contracted time to collaborate within and across Areas to ensure a consistent and cohesive AGS experience for learners.
- 9.05 The AGS director(s) shall provide classroom observation and feedback to ensure high quality and appropriate instruction is occurring in each classroom.

10.00 RESIDENTIAL LIFE AND STUDENT EXPERIENCE

- 10.01 Tuition, meals, housing, activities, fees, instructional supplies, books, and school medical services shall be furnished for the students.
 - 10.01.1 Travel to and from the program and unlisted personal expenses shall be furnished by the student.
- 10.02 AGS yearbooks and program shirts shall be provided for students, faculty, and residential life personnel.

- 10.03 Recreation shall be provided by offering a well-rounded program of social and athletic activities as a part of the total school program.
 - 10.03.1 Participation in recreational activities shall be on a voluntary basis.
- 10.04 The host institution shall employ AGS residential life personnel and ensure all residential life personnel complete an annual criminal background check, including a child maltreatment registry check, paid for using AGS grant funds awarded to the host institution.
- 10.05 Professional learning content for all residential life personnel shall include:
 - 10.05.1 Needs of gifted high-school students;
 - 10.05.2 Basic first responder training;
 - 10.05.2.1 Standard procedures for responding to and reporting student needs;
 - 10.05.2.2 Ensuring the well-being of students and adherence to mandated reporting;
 - 10.05.4 Neutral and unbiased facilitation of student discussions free of prohibited indoctrination as defined by Arkansas Code § 6-16-156 and any related Division of Elementary and Secondary Education rules; and
 - 10.05.5 The role of staff in contributing to the AGS community.

11.00 FACILITIES AND SERVICES

- 11.01 The host institution shall be responsible for providing instructional and ancillary facilities, services, and personnel throughout the duration of the program and shall:
 - 11.01.1 Provide appropriate classroom, laboratory, studio (art and music), auditorium, offices, and other instructional and administrative facilities to support Area I, II, and III offerings.
 - 11.01.2 Provide dining facilities and personnel to supply three (3) meals a day for students, faculty, and residential life staff while AGS is in session.
 - 11.01.3 Provide separate housing or dormitory spaces for male and female students.
 - 11.01.4 Provide housing for residential life personnel and faculty.

- 11.01.5 Employ a media specialist(s) to provide adequate media services and access to the library collection and facilities.
- 11.01.6 Provide physical and mental health services while AGS is in session.
- 11.01.7 Provide other facilities and services including recreational facilities, technology support, security, and facility maintenance personnel.

12.00 EVALUATION

- 12.01 An annual evaluation report shall be submitted to the Division of Elementary and Secondary Education by September 30 and shall include:
 - 12.01.1 An academic summary of AGS, including:
 - 12.01.1.1 A comprehensive summary of the program from the AGS director(s);
 - 12.01.1.2 A detailed summary of Area I, Area II, and Area III including specific works read;
 - 12.01.1.3 Titles and summaries of guest speakers, lectures, concerts, dramatic productions, exhibits, forums, films, and other events in the school community;
 - 12.01.1.4 Student evaluations of faculty, staff, curriculum, special events and speakers, residential life, and the overall program;
 - 12.01.1.5 Faculty and staff evaluations of curriculum, special events and speakers, residential life, and the overall program; and
 - 12.01.1.6 A calendar of events spanning the full AGS session including the daily schedule;
 - 12.01.2 An administrative summary of AGS, including:
 - 12.01.2.1 A summary of AGS student recruitment;
 - 12.01.2.2 A summary of student applicant and attendee data;
 - 12.01.2.3 A summary of faculty recruitment;
 - 12.01.2.4 Faculty roster, including AGS teaching assignment, years of experience with AGS, and current or most recent employer;
 - 12.01.2.5 A summary of residential life;

12.01.2.6 Cumulative statistical data reports for students and faculty;
and

12.01.2.7 Copies of student, faculty, and staff codes of conduct.

12.01.2.8 A final financial summary.

12.02 The AGS director(s) shall present the annual evaluation report to representatives from the division, including the Office for the Education of Gifted and Talented Children, by November 30.

12.03 If an annual evaluation indicates the program is unsuccessful at the host institution, the division shall assist the host institution in developing action plans to help ensure success.

12.03.1 If, after reasonable assistance from the division, the host institution is unable to achieve the goals of the program, the division may petition the State Board of Education to relocate AGS to another host institution.

12.03.2 Selection of the incoming host institution shall be done in accordance with the host institution selection procedure outlined in section 13.00.

13.00 HOST INSTITUTION SELECTION PROCEDURE

13.01 The request for proposals to serve as AGS host institution shall be prepared by the Division of Elementary and Secondary Education and distributed to presidents of all four-year colleges and universities in Arkansas no later than February of the final year of the current grant cycle.

13.01.1 Grant cycles are every five (5) years.

13.01.2 In its submitted proposal, the host institution shall define a proposed budget based on availability of grant funds appropriated from the General Assembly.

13.02 The Office for the Education of Gifted and Talented Children shall facilitate the work of the host institution selection committee; however, during all substantive discussions by the committee with respect to a host institution recommendation, representatives of the division shall not be present.

13.03 The host institution selection committee shall select a chair and co-chair.

13.04 Each host institution selection committee member shall actively participate in the site selection process.

- 13.04.1 A committee member who fails to actively participate shall not vote for a host institution recommendation.
- 13.05 Each member of the host institution selection committee shall receive and review complete copies of all submitted proposals.
- 13.06 Any institution to be considered as host must receive a site visit. Site visits shall be conducted for each institution submitting a proposal, within the following provisions:
 - 13.06.1 After review of all submitted proposals, the host institution selection committee may elect to limit the number of site visits.
 - 13.06.1.1 However, if the committee receives more than one proposal, the committee shall conduct site visits for at least two institutions.
 - 13.06.2 Each institution shall provide a private space for the host institution selection committee to meet periodically throughout the visit.
 - 13.06.3 The proposed AGS director(s) shall guide the host institution selection committee throughout the course of the visit.
 - 13.06.4 Each visit shall include:
 - 13.06.4.1 Introductions of host institution selection committee members and institution personnel;
 - 13.06.4.1.a Institution personnel shall include the proposed AGS director(s) and may also include the president or chancellor of the host institution and any other university personnel, to be determined by the institution.
 - 13.06.4.2 Presentation of proposal highlights from proposed AGS director(s);
 - 13.06.4.3 Tour of facilities designated for use during AGS;
 - 13.06.4.4 A closing presentation from the host institution;
 - 13.06.4.5 Opportunity for the host institution selection committee to ask questions;
 - 13.06.4.6 Dedicated time for the host institution selection committee to meet privately after the conclusion of the visit.

13.07 The host institution selection committee shall evaluate the following elements of the proposal for host institution selection:

13.07.1 AGS program logistics, under section 5.00;

13.07.2 Curriculum, under section 6.00;

13.07.3 Faculty professional learning, under section 7.00;

13.07.4 Residential life and student experience, under section 8.00; and

13.07.5 Facilities and services, under section 9.00.

13.08 In order to determine the host institution selection committee's recommendation for the host institution, these steps shall be followed at a committee meeting after the conclusion of the site visits:

13.08.1 Each member shall individually evaluate each institution being considered using the factors in section 13.07.

13.08.2 Committee members shall collectively discuss all institutions under consideration

13.08.3 Each member shall individually vote for a host institution based on their own independent evaluations as well as the collective discussion.

13.08.4 The votes shall be tallied by the Office for the Education of Gifted and Talented Children. The institution with the most votes will be recommended as the host institution.

13.08.4.1 In the event of a tie, the steps listed above shall be repeated until a recommendation can be determined.

13.08.5 The committee shall collectively prepare a rationale that supports its recommendation for the chair and co-chair to present to the State Board of Education.

13.08.6 The committee's recommendation shall be submitted by the Office for the Education of Gifted and Talented Children to the Commissioner.

13.08.7 The division shall notify the institutions of the committee's recommendation.

13.08.8 The committee's chair and co-chair shall present the host institution recommendation to the State Board of Education for approval.

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.