

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 Department of Education

Department Division of Elementary and Secondary Education

Contact Andres Rhodes E-mail andres.rhodes@ade.arkansas.gov Phone (501) 682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. §§ 6-11-105, 6-16-156, and 25-15-201 et seq.

Rule Title: DESE Rules Governing Water Safety Information Provided by Public Schools

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published

May 10, 2024

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

Final Date for Public Comment

June 10, 2024

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

Reviewed by Legislative Council

July 30, 2024

Adopted by State Agency

Aug. 10, 2024

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

Alisha Price alisha.price@ade.arkansas.gov

July 30, 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

(501) 682-7590

alisha.price@ade.arkansas.gov

Phone Number

E-mail Address

ADE Associate Legal Counsel

Title

July 30, 2024

Date

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING
WATER SAFETY INFORMATION PROVIDED BY PUBLIC SCHOOLS
Effective date: August 10, 2024**

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, 6-16-158, and 25-15-201 et seq.

2.00 DEFINITIONS

- 2.01 “Water safety” means age-appropriate education that is intended to:

2.01.1 Promote safety in, on, and around bodies of water; and

2.01.2 Reduce the risk of injury or drowning.

3.00 INFORMATION REQUIRED FOR STUDENTS

- 3.01 Beginning with the 2023-2024 school year, each public school district and open-enrollment public charter school shall inform parents, legal guardians, or persons standing in loco parentis to a public school student on the important role that water safety education courses and swimming lessons play in saving lives.

3.01.1 The information required under this section shall:

3.01.1.1 Be provided electronically or in a hard copy format; and

3.01.1.2 Include local options for water safety education courses and swimming lessons that result in a certificate indicating the successful completion of the water safety education course or swimming lessons, including without limitation water safety education courses and swimming lessons that are offered for free or at a reduced price.

- 3.02 If a public school student is eighteen (18) years of age or older, or is under the age of twenty-one (21) and is enrolling in adult education classes, the information required under this rule shall be provided to the public school student.

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.