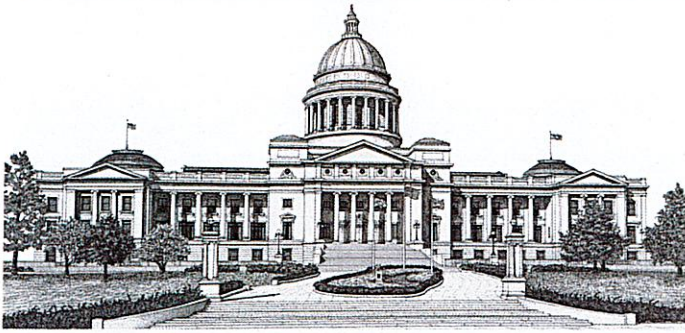


# ARKANSAS REGISTER

## 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](http://www.sos.arkansas.gov)



For Office

Use Only:

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

Name of Agency Division of Elementary and Secondary Education

Department Arkansas Department of Education

Contact Andres Rhodes E-mail Andres.Rhodes@ade.arkansas.gov Phone 501-682-4234

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-13-631 (This Section No Longer Exists)

Rule Title: ADE RULES AND REGULATIONS FOR REPORTING COMPLIANCE WITH ARK. CODE ANN. § 6-13-631 AND FOR WITHHOLDING AID FROM SCHOOL DISTRICTS NOT IN COMPLIANCE WITH A.C.A. § 6-13-631

### 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 Legislatice Council .....

Adopted by State Agency .....

Date

May 10, 2024

June 10, 2024

July 30, 2024

June 13, 2024

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

Daniel Shults

daniel.shults@ade.arkansas.gov

July 31, 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

501-682-4202

daniel.shults@ade.arkansas.gov

Phone Number

E-mail Address

Deputy Legal Counsel

Title

July 31, 2024

Date

~~ARKANSAS DEPARTMENT OF EDUCATION  
RULES AND REGULATIONS FOR REPORTING COMPLIANCE  
WITH ARK. CODE ANN. § 6-13-631 AND FOR WITHHOLDING AID FROM SCHOOL  
DISTRICTS NOT IN COMPLIANCE WITH ARK. CODE ANN. § 6-13-631  
August 2001~~

~~1.0 — Regulatory Authority~~

- ~~1.1 — These regulations shall be known as the Arkansas Department of Education (Department) regulations for reporting compliance with Ark. Code Ann. § 6-13-631 and for withholding state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.~~
- ~~1.2 — These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-13-631.~~

~~2.0 — Purpose~~

- ~~2.1 — The purpose of these regulations is to describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631.~~
- ~~2.2 — The further purpose of these regulations is to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.~~

~~3.0 — Definition~~

- ~~3.1 — For purposes of this rule and regulation, "state aid" shall be defined as any payment to be made from the Public School Fund of the State of Arkansas to a public school district.~~

~~4.0 — Reporting Process~~

- ~~4.1 — Each school district shall certify by written report to the Office of Legal Counsel of the Department on or before August 1, 2002 and each August 1 of the second year after each federal decennial census whether the school district meets one of the following exemptions as specified in Ark. Code Ann. § 6-13-631:~~
  - ~~a. — The school district is currently operating under a federal court order enforcing school desegregation or the Federal Voting Rights Act of 1965, as amended; or~~

- b. ~~The school district is operating under a preconsolidation agreement that is in compliance with the Federal Voting Rights Act of 1965, as amended; or~~
  - c. ~~The school district has a zoned board which meets the requirements of the Federal Voting Rights Act of 1965, as amended; or~~
  - d. ~~A federal court has ruled the school district is not in violation of the Federal Voting Rights Act of 1965, as amended; and the court order is in effect.~~
  - e. ~~The school district does not have a ten percent (10%) or greater minority population out of the total population of the school district.~~
- 4.2 ~~If a school district does not fit within one of the exemptions described in Section 4.01 above and the school district's total population is comprised of a ten percent (10%) or greater minority population, the school district shall certify by written report by August 1 as required in Section 4.01 whether the school district has one of the following compositions for its local school board:~~
- a. ~~A five single member school district board selected in compliance with Ark. Code Ann. § 6-13-631;~~
  - b. ~~A seven single member school district board selected in compliance with Ark. Code Ann. § 6-13-631 or~~
  - c. ~~A seven member school board selected in compliance with Ark. Code Ann. § 6-13-631 with five members elected from single member zones and with two members elected at-large.~~

## 5.0 ~~Sanctions~~

- 5.1 ~~If a school district does not certify by written report to the Department as required in Section 4.01 that the school district meets one of the exemptions in Section 4.01 above or that the school district has one of the boards described in Section 4.02 above, or that the school district's total population is not comprised of ten percent (10%) or greater minority population, then the Department must withhold twenty percent (20%) of the state aid distributed to the school district.~~
- 5.2 ~~For those school districts from which the Department must withhold state aid, the Department will begin withholding twenty percent (20%) of state aid on the first business day of October immediately following~~

~~August 1 in the school year the report is required to be certified to the Department and continue withholding aid until such time the school district either is exempt from Ark. Code Ann. § 6-13-631 or complies with Ark. Code Ann. § 6-13-631.~~

**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.