

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 Division of Elementary and Secondary Education

Department 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. 6-16-1901

Rule Title: DESE Rules Governing Community Service and Diploma Requirements

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

June 14, 2024

July 14, 2024

09/20/24

08/08/2024

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

LaBria Brown

LaBria.Brown@ade.arkansas.gov

9/24/24

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.)

Brianne Franks
Signature

501-683-0960

brianne.franks@ade.arkansas.gov

Phone Number

E-mail Address

Legal Counsel

Title

9/24/24

Date

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

Effective date: October 4, 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. §§ 6-16-1901 et seq.

2.00 DEFINITIONS

- 2.01 “Certify” means the process of a service agency or organization, and a student, verifying and submitting documentation required by a public school district to show that the student successfully completed community service hours.
- 2.02 “Community Service” means work that is done for the benefit and betterment of the community.
- 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.

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) 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;
- 3.02.1.1 Community service hours completed, voluntarily or as required, for a grade, as part of a club or organization, or for honors or other recognition, without limitation, may also count for community service hours required for graduation, pursuant to these rules.
- 3.02.2 Be certified by the service agency, entity, or organization with which the student volunteers; and

3.02.3 Be completed in accordance with the policy adopted by the public school district board of directors or the governing body of an open enrollment public charter school regarding community service.

3.02.2.1 The school district policy in Section 3.02.2 must include:

3.02.2.1.a The process or criteria for determining whether community service counts towards the seventy-five (75) hours required;

3.02.2.1.b A process for student waivers; and

3.02.2.1.c Any preparation, action, or reflection components the board requires for a student to count community service toward the required hours.

3.02.2.2 Public school districts may allow students to count community service hours completed as a singular organized community service opportunity and routinely scheduled community service opportunities.

3.03 Community service organizations may include, without limitation:

3.03.1.1 Schools;

3.03.1.2 Churches;

3.03.1.3 Non-profit organizations;

3.03.1.4 Government offices; and

3.03.1.5 Other entities recognized by the public school district board of directors or open enrollment public charter school governing body.

3.04 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.

3.04.1 The minimum number of community service hours for each grade level for transferring students and students graduating early shall be:

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

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

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

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

- 3.05 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 to individual students for extenuating circumstances, pursuant to its policy.
 - 3.05.1 Extenuating circumstances justifying the need for a waiver may include, without limitation:
 - 3.05.1.1 A major illness associated with a student or a family member of a student;
 - 3.05.1.2 A student who is medically fragile or has an identified disability pursuant to IDEA that prevents them from completing the required number of hours;
 - 3.05.1.3 Student homelessness or housing insecurity;
 - 3.05.1.4 Notice to the public school district board of directors that the student is a major contributor to family income; or
 - 3.05.1.5 Documentation, including without limitation an Individualized Education Program (IEP), that the student has extenuating circumstances that will prevent them from meeting the full community service requirements.
 - 3.05.2 A public school district board of directors or the governing body of an open enrollment public charter school may consider paid employment and work-based service as community service hours for purposes of these rules, in lieu of granting a waiver to a student who is unable to complete the required community service hours.
- 3.08 School districts are responsible for maintaining a system to record student community service hours.
 - 3.08.1 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.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Department of Education

BOARD/COMMISSION State Board of Education

PERSON COMPLETING THIS STATEMENT Brianne Franks

TELEPHONE NO. (501) 683-0960 **EMAIL** brianne.franks@ade.arkansas.gov

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 DESE Rules Governing Community Service And Diploma Requirments

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 \$ 0.00 _____

Next Fiscal Year

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

Total \$ 0.00 _____

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

Current Fiscal Year

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

Total \$ 0.00 _____

Next Fiscal Year

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

Total \$ 0.00 _____

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

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

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

\$ 0.00 _____

Next Fiscal Year

\$ 0.00 _____

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.