

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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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 _____

ARKANSAS DEPARTMENT OF EDUCATION
~~PROPOSED RULES AND REGULATIONS~~
~~To Implement the Braille and Large Print Textbook Appropriation~~
~~June 2018~~

RULES GOVERNING THE IMPLEMENTATION OF THE
BRaille AND LARGE PRINT TEXTBOOK APPROPRIATION

1.0 REGULATORY AUTHORITY

- 1.1 These ~~regulations~~ rules shall be known as Arkansas Department of Education ~~Regulations to~~ Rules Governing the ~~Implement~~ Implementation of the Braille and Large Print Textbook Appropriation.
- 1.2 These ~~regulations~~ rules are enacted pursuant to the State Board of Education's authority under ~~Act 174 of 2017~~ Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 6-21-105.

2.0 PURPOSE

- 2.1 It is the purpose of these ~~regulations~~ rules to set forth the criteria for determining student eligibility for adaptive textbooks (i.e. braille and large print).
- 2.2 These ~~regulations~~ rules define the process for local school district access to such adaptive textbooks for students with visual impairments.

3.0 DEFINITIONS

- 3.1 For the purpose of these ~~regulations~~ rules, adaptive textbooks are defined to mean braille and large print.
- 3.2 IDEA refers to the Individuals with Disabilities Education Act.
- 3.3 IEP is the individualized education program for a student with disabilities under the IDEA.
- 3.4 Learning Media Assessment refers to a structured systematic assessment used to determine the appropriate literacy media and/or functional learning materials for students with visual impairments.
- 3.5 Braille Skills Inventory is a comprehensive assessment used to assess the braille reading and writing proficiency of students who receive braille instruction.
- 3.6 Informal Reading Inventories (IRIs) as used in these ~~regulations~~ rules refers to commercially available IRIs which are adapted into braille and large print and used as a part of continuing assessment to determine student progress in reading as measured by reading comprehension and reading rate.

- 3.7 Reading rates are measured using informal reading inventories and content texts and are one component of the data needed to determine efficiency in a student's current literacy media.
- 3.8 Informal functional vision assessment as used in these ~~regulations~~ rules refers to teacher observations which provide evidence of a student's use of visual ability in near and distance tasks.

4.0 ADMINISTRATION

- 4.1 The braille and large print textbook program for students with visual impairments shall be administered by the Arkansas School for the Blind in conjunction with the Arkansas Department of Education's designee from internal administration.

5.0 ELIGIBILITY FOR ADAPTIVE TEXTBOOKS

- 5.1 The following criteria should be considered when determining the appropriate reading medium for students with visual impairment.
 - 5.1.1 Observations made by, but not limited to, the classroom teacher, parent, certified teacher of students with visual impairments (TVI), and an ESVI regional vision consultant.
 - 5.1.2 Assessment by an ESVI regional vision consultant, certified teacher of students with visual impairments (TVI).
 - 5.1.2.1 Learning Media Assessment
 - 5.1.2.2 Braille Skills Inventory
 - 5.1.2.3 Informal functional vision assessment
 - 5.1.2.4 Reading rates
 - 5.1.3 Eye specialist medical report detailing acuity, pathology and prognosis.
 - 5.1.4 Student's IEP team recommendation.

6.0 SCHOOL DISTRICT ACCESS TO ADAPTIVE TEXTBOOKS

- 6.1 Local school districts must assess any student whose visual impairment adversely affects his and, or, or her educational performance as to the student's need for adaptive textbooks.
- 6.2 For the purpose of these ~~regulations~~ rules, the criteria stated in Section 5.00 shall be the minimum criteria for determining student eligibility.
- 6.3 Local school districts may seek assistance for assessing a student's need for adaptive textbooks by contacting the Educational Services for the Visually Impaired (ESVI).

- 6.4 Following a determination that a student is eligible for adaptive textbooks, the regional vision consultant serving the local school district will approve the purchase of textbooks for each student determined eligible.
- 6.5 The regional vision consultant will complete an ESVI textbook order form and transmit the form to the Instructional Resource Center at the Arkansas School for the Blind.

7.0 COSTS

- 7.1 There shall be no charge to local school districts for large print or braille textbooks, unless a book is lost or is severely damaged.
- 7.2 Should a textbook be lost or sustain such damage as to render the book unusable, the district will be billed for the costs associated with replacing the book.

7.3

7.3.1 The Arkansas School for the Blind may use funds from the School for the Blind Fund Account for Costs associated with providing braille and large print textbooks as authorized under this section.

7.3.2 If Funding allows and a need is present, the Arkansas School for the Blind may use funds from the School for the Blind Fund Account to purchase electronic textbooks, adaptive technology, and library media.

7.4

7.4.1 The state board may negotiate directly with publishers of braille and large print textbooks for the purchase of braille and large print textbooks.

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 RULE AMENDMENT

DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULE GOVERNING THE IMPLEMENTATION OF THE BRAILLE AND LARGE PRINT TEXTBOOK APPROPRIATION

Pursuant to Act 869 of 2023, the Division is charged with promulgating rules regarding the Rules Governing the Implementation of the Braille and Large Print Textbook Appropriation, which is codified at Ark. Code Ann. § 6-11-105 and Ark. Code Ann. § 6-21-105. This proposed amendment allows the Arkansas School for the Blind to use funds from the School for the Blind Fund Account to purchase braille and large print textbooks for public school districts who have blind and visually impaired students when needed.

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 the following new administrative rules or amendments to administrative rules: the DESE Rule Governing the Implementation of the Braille and Large Print Textbook Appropriation. Public comment hearings will be held for the forgoing rules on August 12, 2024 at 10:00am at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201 in the ADE Auditorium. The public comment period for these rules ends on August 19, 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.

From: [Legal Ads](#)
To: [Stephen Reynolds \(ADE\)](#)
Subject: Re: Notice of Rulemaking -- Department of Education
Date: Thursday, July 18, 2024 9:39:25 AM

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Will run Sat 7/21, Sun 7/21, and Mon 7/22.

You will receive two invoices: One for Sunday, the other for Sat & Mon

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Stephen Reynolds, ADE" <Stephen.Reynolds@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "Daniel Shults, ADE" <Daniel.Shults@ade.arkansas.gov>, "Andres Rhodes (ADE)" <Andres.Rhodes@ade.arkansas.gov>, "Brienne Franks, ADE" <Brienne.Franks@ade.arkansas.gov>
Sent: Thursday, July 18, 2024 9:05:36 AM
Subject: Notice of Rulemaking -- Department of Education

Good morning Gregg,

Please find attached a notice of rulemaking and confirm receipt. Please run for three consecutive days beginning Saturday, July 20, 2024.

Thanks,

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-4899

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