

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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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 _____

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering the repeal of the Emergency Secondary Education Loan Rules and Regulations. A public hearing regarding these rules will be held on December 20, 2021 at 10:00 a.m. at the Arkansas Division of Higher Education board room, 423 Main St., Little Rock, AR, 72201. 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 Higher Education's website at: <https://www.adhe.edu/data-publications/higher-education-policies/pending-policies>. Copies also may be obtained by contacting ADE's Legal Services at the above address or via phone at (501) 682-4227.

~~EMERGENCY SECONDARY EDUCATION LOAN RULES AND REGULATIONS~~

~~RULE 1—ORGANIZATION AND STRUCTURE~~

~~I. The Arkansas Department of Higher Education (ADHE) shall administer the Emergency Secondary Education Loan (ESEL) Program within the policies set by the State Board of Higher Education. All formal communications shall be addressed to or signed by the Director of the Arkansas Department of Higher Education or his/her designee. The Emergency Secondary Education Loan Program Advisory Council shall provide advice to ADHE regarding the administration of the program.~~

~~H. Emergency Secondary Education Loan Program Advisory Council~~

~~A. The Emergency Secondary Education Loan Program Advisory Council shall consist of three members appointed by the Director of the Arkansas Department of Higher Education and three members appointed by the Director of the Arkansas Department of Education, General Education Division. They will be appointed annually on July 1.~~

~~B. The ESEL Advisory Council shall provide advice to ADHE in the establishment of program rules, regulations, procedures, and selection criteria, and shall recommend individuals to be awarded loans.~~

~~C. The Director of ADHE or his/her designee shall serve as presiding officer of the ESEL Advisory Council and shall ensure that staff services for the Advisory Council are provided.~~

~~III. The final responsibility for selecting loan recipients shall rest jointly with the Directors of the Arkansas Department of Higher Education and the Arkansas Department of Education, General Education Division.~~

~~IV. When functioning under Act 390 of 1983, Act 509 of 1985, and any subsequent legislation, ADHE shall follow provisions of the Administrative Procedures Act.~~

~~RULE 2 – LOAN ELIGIBILITY CRITERIA~~

~~I. Eligibility Criteria~~

- ~~A. Applicants must be bona fide Arkansas residents, as defined by the Arkansas Department of Higher Education, for at least six months prior to the application deadline.~~
- ~~B. Applicants must be citizens of the United States or permanent resident aliens.~~
- ~~C. Applicants must be enrolled full-time in an Arkansas public or independent college or university which is regionally accredited, has been approved by ADHE and has a teacher education program, or enrolled full-time in a regionally accredited two-year Arkansas institution whose courses are directly creditable toward a teacher education program in a baccalaureate-granting institution. Full-time is defined as a minimum of twelve college-semester hours, or the equivalent, excluding correspondence courses.~~
- ~~D. Applicants must be enrolled:~~
 - ~~1. As a major in a program leading to secondary teacher certification in math or science, or any other teaching field that has been determined to be a shortage field in Arkansas; or,~~
 - ~~2. Must have received a baccalaureate degree in such field as a major and be enrolled full-time in a program leading to Arkansas teacher certification; or,~~
 - ~~3. Must have received a baccalaureate degree or teacher certification in another field and be enrolled to complete course work in a shortage field that is the equivalent to that required for a major in a field and teacher certification.~~
- ~~E. Applicants must plan to teach the approved subject(s) in an Arkansas public or private secondary school.~~
- ~~F. Applicants must have a minimum 2.50 cumulative grade point average on a 4.0 scale.~~
- ~~G. Applicants must have completed their freshman year of college.~~
- ~~H. In addition to the minimum 2.50 cumulative grade point average, sophomore applicants must have a minimum composite score of 18 on the ACT. Juniors, seniors, and others must have a minimum grade point average of 3.0 in their major area of study.~~
- ~~I. Loan recipients must maintain a cumulative grade point average of at least a 2.50 on a 4.0 scale and complete a minimum of 24 semester credit hours, or the equivalent, per academic year.~~

~~RULE 3 – LOAN PROCESS~~

~~I. Applications~~

~~A. Solicitation of Applicants~~

~~1. Program information and applications are mailed to the following:~~

- ~~a. Department chairs of shortage areas in approved institutions of higher education;~~
- ~~b. Financial Aid Directors/Officers;~~
- ~~c. Deans of Schools of Educations;~~
- ~~d. Deans of Continuing Education; and~~
- ~~e. Teacher Certifying Officials.~~

~~f. Applications are also available upon request from the Arkansas Department of Higher Education.~~

~~2. The Arkansas Department of Higher Education staff will disseminate program information through workshops, meetings, press releases, and in the Departmental newsletter.~~

~~3. Solicitation efforts to institutions of higher education and high school counselors will include special emphasis for the recruitment of minorities.~~

~~B. The application deadline is April 1 each year.~~

~~C. Upon receipt by ADHE, applications are reviewed to ensure that all pertinent data is included. A letter is mailed to each applicant confirming the receipt and completeness of the application. For those whose application is either incomplete or ineligible, a notice will be sent identifying the reason for incompleteness or ineligibility. The applicant will then have the opportunity to provide the missing information or correct any inaccurate information. Before an applicant can be considered for an award, the corrected/missing information must be received by the Department of Higher Education by the deadline indicated in the Incomplete/Ineligible Notice.~~

~~II. Ranking of Applicants~~

~~Applications are ranked according to a combination of components including cumulative grade-point average, major grade point average, ACT score, area of study, and whether or not the applicant is a prior recipient. If a prior recipient remains fully qualified, he/she will be given priority for any future awards.~~

~~III. Selection and Notification of Loan Recipients~~

- A. ~~The ESEL Advisory Council shall review ranked applicants and make recommendations for loan recipients.~~
- B. ~~The final responsibility for selecting loan recipients shall rest jointly with the Directors of the Arkansas Department of Higher Education and Arkansas Department of Education, General Education Division.~~
- C. ~~Consideration will be given to assuring the inclusion of minority students in this program.~~
- D. ~~Priority in the awarding of loans shall be given to those applicants who have demonstrated the greatest academic ability.~~
- E. ~~In cases where two (2) or more applicants receive the same priority rating, the advantage shall be given to the student who can become certified in the shortest period of time.~~
- F. ~~Selected loan recipients will be mailed award notices stating their eligibility for the program and the conditions for continued eligibility. This award, when combined with the recipient's other sources of financial aid, may not exceed the total cost of education. Prior to the disbursement of funds, loan recipients will receive promissory notes for the purpose of entering into a loan agreement with ADHE. The terms of the loan agreement will include the general purpose, repayment and deferment procedures, interest calculations, and a schedule of advances. The promissory note shall be signed by the loan recipient and by a co-maker of eligible age. Modifications to any award amounts will be confirmed through the issuance of a new promissory note.~~

IV. ~~Disbursement of Loan~~

~~The loan will be divided equally according to the number of terms at the institution: three payments for those institutions on trimesters and two payments for those institutions on semesters. Warrants payable to individual recipients will be sent by certified mail to the approved institution of their choice as indicated on their accepted award notices. After verification of full-time enrollment for the loan recipient, funds will be disbursed in accordance with the institution's disbursement policy.~~

V. ~~Follow Up and Verification~~

- A. ~~Questionnaires are mailed to the institutions at the close of each term to verify the number of semester hours completed for that term and cumulative grade point average of each loan recipient.~~
- B. ~~Students determined to be ineligible for further awards will be notified and contacted for repayment. Graduating students will be contacted to determine repayment/forgiveness status.~~

~~RULE 4 – LIMITATIONS OF LOAN AWARDS~~

- ~~I. — Students may receive loans up to but not in excess of one-half (1/2) of the cost of student fees, room, board, books, and instructional supplies at the institution to be attended, or \$2,500 per academic year, whichever is less.~~

~~A survey of educational expenses at each college or university will be taken annually to facilitate the determination of awards.~~

- ~~II. — No student shall receive a loan that, when totaled with all other sources of student financial assistance, shall exceed the total cost of education at the institution to be attended. Other sources of student financial assistance include: scholarships, grants, college work study, and other loans. Institutional financial aid officers are responsible for ensuring that awards do not exceed the cost of education.~~

~~The Arkansas Department of Higher Education will mail a list of loan awards and amounts of loans to the institutional financial aid officers for them to calculate each student's financial aid package to ensure that awards do not exceed the total cost of education. If a loan award results in a overpayment to a student, the institutional financial aid officer will notify ADHE of the amount of overpayment four (4) months prior to the Department's disbursement deadline. The loan award will be adjusted for the amount of the overpayment.~~

- ~~III. — Students may receive loans for a maximum of four academic years or until such time as they have completed certification requirements, as determined by teacher certifying officials, to teach in Arkansas, whichever comes first.~~
- ~~IV. — Loan awards will be disbursed pursuant to the loan limitations above and ranking status based on the availability of program funds. Each recipient must maintain eligible status to receive funds.~~

RULE 5 – REPAYMENT OF LOAN

I. — Terms of Repayment

- A. — ~~Loan recipients who teach full time in an approved shortage area in a public or private Arkansas secondary school following certification in the appropriate subject field shall have 20% of the total loan and related interest forgiven for each full academic year employed in such capacity, up to a maximum of five (5) years, when the total loan and accumulated interest will be forgiven.~~

~~A verification of the loan recipient's employment will be conducted twice a year, in September and June, through the school superintendent's office in the recipient's employment district.~~

- B. — ~~Loan recipients who do not teach full time in a approved shortage area in a public or private Arkansas secondary school following certification, or who discontinue their studies prior to completing their program of study shall, within a maximum of five (5) years, repay the full remaining loan balance, plus accrued interest according to an interest and repayment schedule.~~

~~The repayment schedule will be 20% of the total loan, plus interest, paid in twelve monthly installments for each year of service not completed. Repayment will be completed within a maximum of five years from the completion of study.~~

II. — Interest on Loan

- A. — ~~Interest will accrue from the beginning of the repayment period and will be at the annual percentage rate of ten percent (10%) on the unpaid balance, except that no interest will accrue during any deferment period. Interest will be calculated as a simple, per annum interest charge on the outstanding principal.~~

- B. — ~~Interest will not accrue and installments need not be paid when an official deferment has been approved by the Arkansas Department of Higher Education. Any recipient who wishes a deferment must submit an application for deferment to ADHE for approval.~~

III. — Deferment of Loan

- A. — ~~At the discretion of ADHE scheduled loan repayments may be deferred if it is determined by ADHE that extraordinary circumstances prevent the recipient from making such repayments. Deferments may be granted for the following conditions:~~

1. — ~~The recipient is engaged in a full time course of undergraduate or graduate study at an institution of higher education. This must be verified by the registrar.~~
2. — ~~The recipient is seeking and unable to find employment as a secondary teacher in an approved shortage field for a single period not to exceed twelve (12) months. The loan recipient must submit a list of schools contacted for employment. ADHE will verify this information with the superintendent's office in that school district.~~

3. ~~The recipient is temporarily totally disabled, for a period not to exceed three years, as established by sworn affidavit from a licensed physician. ADHE reserves the right to require a second opinion by an ADHE approved physician.~~
 4. ~~The recipient is unable to secure employment for a period not to exceed twelve (12) months by reason of the care of a spouse who is disabled, as established by the signature of a licensed physician. ADHE reserves the right to require a second opinion by an ADHE approved physician.~~
 5. ~~Other extraordinary circumstances which would prevent the recipient from repaying the debt within the contractual obligations of the note may be considered.~~
- B. ~~To qualify for any of the deferments, recipients must notify ADHE of their claim to the deferment and provide supporting documentation on a **Request for Deferment** which will be supplied by ADHE upon request. The Request for Deferment must be completed and returned to ADHE by the recipient. The recipient will be notified within ten (10) days of approval or disapproval of any application for a deferment.~~

IV. ~~Cancellation of Loan~~

~~ADHE will cancel a recipient's repayment obligations if it determines:~~

- A. ~~On the basis of a sworn affidavit of a licensed physician, that the recipient is unable to teach on a full time basis because of an impairment that is expected to continue indefinitely or result in death. ADHE reserves the right to require a second opinion by an ADHE approved physician;~~
- ~~or~~
-
- B. ~~On the basis of a death certificate or other evidence of death, that is conclusive under state law, that the recipient has died.~~

V. ~~Prepayment of Loan~~

~~There shall be no penalty for prepayment or repayment of all or any portion of the principal.~~

~~VI. Grace Period~~

~~There will exist a nine-month grace period following graduation before the recipient must either take employment in a public or private secondary school in Arkansas in an approved subject field specified for this program or begin repayment of the loan.~~

~~VII. Failure to Repay~~

~~Loan recipients who fail to meet their repayment obligations may have added to their total obligation any costs for collection of the debt and shall have their teaching certification in Arkansas revoked.~~

~~RULE 6 – INSTITUTIONAL RESPONSIBILITIES~~

~~I. College/University Responsibilities~~

~~A. Administrative Agreement~~

~~An Administrative Agreement outlining all of the requirements of the institutions participating in the various state aid programs will be obtained from each institution and kept on file at ADHE. This document will be updated as necessary. The institution must comply with the responsibilities set out in the rule in order to maintain continued eligibility status. The chief executive officer of the eligible institution is responsible for appointing one representative from the financial aid office to act as administrator of the Emergency Secondary Education Loan Program and to receive all communications, forms, etc. This representative is responsible for program disbursement, completing all forms, verification data, and complying with all program rules and regulations.~~

~~B. Disbursement Records~~

~~In addition to maintaining records, it is the responsibility of the institution to ensure that a loan recipient's signature acknowledging the amount of the loan received is maintained at the institution. The institution shall maintain information on the student indicating disbursement of these funds.~~

~~C. Institutional Information Sheet~~

~~The institution is required to complete annually the Institutional Information Sheet for all financial aid programs administered by ADHE. The institutional representative must record the refund policy governing all students who completely withdraw from the institution and those who drop below full-time enrollment. The administrator is responsible for the disbursement of the Emergency Secondary Education Loan Program checks. This information sheet is due annually on July 1. Any changes in tuition and other institutional information after submission of the sheet shall be reported to ADHE within ten (1) days of institutional or Board of Trustees action.~~

~~D. Institutional Verification~~

~~The institution shall provide certification to ADHE each semester after registration, giving the names of the program loan recipients who are officially enrolled as full-time students. This information is reported on a verification roster. The person responsible for verification of full-time enrollment and grade point average is the registrar or the registrar's designee. The certifying official is responsible for completing the verification roster two times a year for those schools on the semester system and three times a year for those schools on the trimester system. The verification roster will be mailed to the financial aid director at the time of registration for each term. The signed ESEL verification roster should be returned to ADHE by November 1 for the Fall term, March 15 for the Winter and/or Spring term, and May 1 the Spring term for three-term institutions. The verification roster is an alphabetical listing by institution of all persons~~

~~receiving ESEL loans for a given academic semester or trimester. Students who are not enrolled full time in the current term shall not receive loan benefits in that term.~~

~~F. _____ Deadlines for Check Disbursement~~

~~All checks must be disbursed by November 1 for the Fall term, March 1 for the Winter term, and May 1 for the Spring term. Any outstanding checks after May 1 must be returned to ADHE for cancellation within ten (10) days.~~

~~G. _____ Refund Policy~~

~~It is the institution's responsibility to notify ADHE of the names of any persons owing a refund, the date of the withdrawal, and the refund amount. This information should be placed on the institution's verification roster before returning it to ADHE.~~

~~H. _____ Due Diligence~~

~~The institution will exercise due diligence in providing complete, accurate, and timely information as requested by ADHE on any current or former loan recipient. In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Emergency Secondary Education Loan Program. The Arkansas Department of Higher Education will periodically review the institution's records concerning this program in an effort to exercise its due diligence requirements as a steward of state funds.~~

~~RULE 7 – LOAN RECIPIENT'S RESPONSIBILITY~~

~~I. Recipient's Responsibility~~

~~It is the recipient's responsibility to notify the Arkansas Department of Higher Education of any change in status within 21 days. This will include:~~

~~Change in name;~~

~~Change in residence;~~

~~Change in institution;~~

~~Change in full-time status (below twelve college credit hours or its equivalent per semester or trimester);~~

~~Change in course of study; and/or~~

~~Change in employment.~~

~~Failure to notify the Arkansas Department of Higher Education of a change in status will affect future eligibility or collection status.~~

~~RULE 8 – COLLECTION OF LOAN~~

~~I. Collection of Loan~~

~~Accounts will be retained by ADHE in the Financial Aid Division until the individual is no longer eligible for forgiveness or deferment. The account will be turned over to a vendor for repayment. The student will be notified by mail that their account is being placed with a vendor for collections and they will be sent a loan amortization schedule along with the letter. The account will remain with the vendor until repaid or 120 days past due. Loan recipients who are determined by ADHE to be 120 days delinquent will be mailed their first letter of notification ten (10) days after the installment payment is due. The co-signer will be notified at the same time. If payment is not forthcoming within 60 days from the original payment due date, a second letter of notification will be sent to the loan recipient and the co-signer declaring their account is delinquent and requesting that the account be immediately brought up to date. If the loan recipient has not responded within 90 days from the original payment due date, the third and final letter of notification will be sent to the recipient and co-signer informing them that the account will officially be in default in outstanding payments are not made within 30 days.~~

~~II. Skip Tracing Mechanisms~~

~~If letters are returned as undeliverable, the Department of Finance and Administration's Motor Vehicle Division can be used to perform skip tracing activities. Motor Vehicle Division's records are updated in March and September each year. To get this information, mail name, current address, and social security number on Arkansas Department of Higher Education~~

letterhead to:

Department of Finance and Administration

Motor Vehicle Division

P. O. Box 1272

Little Rock, AR 72202

ATTENTION: Correspondence Desk

A response from the Motor Vehicle Division should be received within ten (10) working days.

Additionally, ADHE will use these steps to locate recipients and/or co-signers if communications are returned as undelivered:

1. _____ Contact references listed on the recipient's application;
2. _____ Utilize telephone directory or check with directory assistance in the area of the recipient and/or co-signer's last known address;
3. _____ Contact institutional offices (alumni office, admissions office, registrar's office, fraternity or sorority, and the department that the recipient majored in) at the campus where the recipient last attended;
4. _____ Contact creditors, such as credit card companies, credit bureaus, or GSL lender;

5. ~~Contact recipient's field of study, professional organization, union, or licensing board;~~

6. ~~Contact post office;~~

7. ~~Contact utility companies; and,~~

8. ~~Contact Chamber of Commerce.~~

III. ~~Credit Reporting Agencies~~

~~Defaulted recipients and/or co-signers will be reported to the following Credit Reporting Agencies:~~

1. ~~CSC Credit Reporting Services, Inc.~~

2. ~~T R W Credit Data~~

3. ~~Trans Union Credit Reporting~~

~~Forms for reporting defaulted loan recipients and/or co-signers are located in the collections file. ADHE will also respond promptly to any inquiries it receives from credit reporting agencies concerning delinquent or defaulted loan recipients and/or co-signers.~~

~~IV. State Income Tax Setoff~~

~~By the authority of Act 345 of 1993, the Department of Higher Education has been included as a claimain agency for the setoff of debts against state tax refunds. To access the Set-Off Section of the State Tax Administration Office, ADHE must submit name, address, social security number, and amount of debt via computer magnetic tape by December 1 to intercept taxes for the next year.~~

~~V. Litigation~~

~~No sooner than 30 days after sending the third letter of notification, ADHE shall institute a civil suit against the recipient and co-signer for repayment of the loan. Small Claims Courts will be used to satisfy debts of accounts up to \$3,000.00. If over \$3,000.01, ADHE must use Circuit Court. If the account is \$3,000.01 or above, ADHE may choose to use Small Claims Courts and waive the difference because of the expense involved in going to Circuit Court. If ADHE chooses to waive the difference, it cannot later try to collect the difference. Forms to take the receipient and/or co-signer to Small Claims Courts are requested from the recipient's and/or co-signer's county of residence.~~

~~VI. Write-Offs~~

~~Emergency Secondary Education Loans may be written off as uncollectible if ADHE shows due diligence to satisfy the collection of the debt, and documents in the recipient's file that:~~

~~A. the cost of litigation would exceed the likely recovery if litigation were commenced; or~~

~~B. the recipient and/or co-signer does not have the means to satisfy a judgment on the debt,
or a substantial portion thereof.~~

~~Proof of due diligence collections activities must be submitted to the Administrator of the
Department of Finance and Administration and approval from the Administrator must be
received before ESEL accounts may be written off.~~

~~VII. Nonpayment Penalties~~

~~A. Loan recipients who fail to meet their repayment obligations may have added to their total
obligation any costs for collection of the debt.~~

~~B. Loan recipients who fail to meet their repayment obligations shall have their Arkansas teaching
certification revoked.~~

~~RULE 9 -- PROGRAM DEFINITIONS~~

~~The following definitions are used in the Emergency Secondary Education Loan Program:~~

Academic Year	A measure of the academic work to be accomplished by the recipient. The academic year is defined as at least two semesters, two trimesters, or three quarters.
Approved Institution	An Arkansas postsecondary public or private college or university school that is currently accredited by a nationally recognized accrediting agency or association that has a teacher education program or a regionally accredited two-year Arkansas institution where those courses are directly creditable toward teacher education in a baccalaureate institution. The institution must not discriminate against applicants, or employees on the basis of race, color, religion, sex, age, handicap, or national origin, consistent with the provisions of applicable state and federal laws. The institution must have a signed administrative agreement with ADHE.
Award Year	The award year begins on July 1 of one calendar year, and extends to June 30 of the next calendar year.
Cancellation	ADHE shall cancel a recipient's repayment obligation if it

determines:_____

~~on the basis of a sworn affidavit of a licensed physician,
that the recipient is unable to teach on a full-time basis
because of an impairment that is expected to continue
indefinitely or result in death. ADHE reserves the right to
require a second opinion by an ADHE approved physician;
or~~

~~on the basis of a death certificate or other evidence of
death, that is conclusive under State law, that the scholar
has died.~~

~~Cost of Attendance_____The student's cost of attendance as defined by statute. It
includes tuition and fees, books and supplies, room and
board and other student's living expenses while attending
school.~~

~~Default_____Failure to repay the ESEL in accordance with the terms of
the Promissory Note provided that this failure persists for
180 days for monthly payments.~~

~~Deferment_____This is a postponement of repayments and interest does not~~

accrue while in this status. ADHE shall not consider that the recipient has violated the repayment schedule if he or she does not meet the payments during the time he or she is in deferment status.

Due Diligence — This process refers to those steps ADHE takes to collect ESEL funds when a recipient enters repayment status. It includes: billing the scholar, sending overdue notices, conducting address searches if the recipient cannot be located, reporting the account to credit bureaus, collection, and litigation. Due diligence also includes keeping the recipient informed of all changes in the ESEL Program that affect his or her rights and responsibilities and responding promptly to the recipient's inquiries.

Full-time Student — A student enrolled in an approved Arkansas institution who is enrolled for a minimum of 12 semester credit hours per semester. Students must complete 24 credit hours each academic year to remain eligible for the Emergency Secondary Education Loan.

Grace Period — A nine-month period of time following the graduation of a recipient before the recipient must either take employment

in a public or private secondary school in Arkansas in an approved field specified for this program or begin repayment of the loan.

Permanent Resident Alien — An individual who can provide documentation from the Immigration and Naturalization Service (INS) that he or she is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident. Valid documentation is an I-551, I-151, I-181, I-94, or passport stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence".

A completed Form G-641 can also be used to document permanent resident status.

Promissory Note — The Promissory Note is a legal document obligating the recipient to repay the loan if he or she does not teach for five (5) full years on a full-time basis in a public or private Arkansas secondary school in an approved subject area. The recipient's rights and responsibilities will be stated on the promissory note.

Satisfactory Academic Progress — To be maintaining satisfactory academic progress the

recipient must have a minimum 2.50 cumulative grade-point average on a 4.0 scale. Juniors, seniors and others must have a minimum grade point average of 3.0 in their major area of study.

Skip Tracing — A process for locating a recipient who is in repayment status. ADHE's efforts may include contacting relatives, friends, references, and other individuals or entities in the recipient's file.

Teach on a Full-time Basis — Teach the same number of hours required of teachers who have full-time contracts, as determined by the institution or agency in which an individual is teaching, for a minimum of one academic term, as defined by the institution or agency in which an individual is teaching.

U.S. Citizen or National — The term "U.S. citizen" includes persons born or who have become naturalized citizens of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and Trust Territory — Palau. The term "national" includes citizens of American Samoa or Swain's Island.

Mark-Up Copy

SUMMARY OF AMENDMENTS

DIVISION OF HIGHER EDUCATION EMERGENCY SECONDARY EDUCATION LOAN RULES AND REGULATIONS

These rules are being repealed because they are no longer needed. The scholarship program is no longer in existence and all repayments have been satisfied.

Subject: Re: Notices of Publication

Date: Wednesday, December 1, 2021 at 12:08:59 PM Central Standard Time

From: legalads@arkansasonline.com

To: Whitney James (ADE)

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](#).

All three have been rescheduled to run on Sun 12/5, Mon 12/6, and Tues 12/7.

Thanks!

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

From: "Whitney James" <Whitney.James@ade.arkansas.gov>

To: legalads@arkansasonline.com

Sent: Wednesday, December 1, 2021 12:00:46 PM

Subject: Re: Notices of Publication

It does not matter as long as they are consecutive. If Sunday 12/5 is the first possible date, can they run 12/5, 12/6, and 12/7?

From: "legalads@arkansasonline.com" <legalads@arkansasonline.com>

Date: Wednesday, December 1, 2021 at 11:57 AM

To: "Whitney James (ADE)" <Whitney.James@ade.arkansas.gov>

Subject: Re: Notices of Publication

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](#).

Which days?

Thank you.

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

From: "Whitney James" <Whitney.James@ade.arkansas.gov>
To: legalads@arkansasonline.com
Sent: Wednesday, December 1, 2021 11:53:39 AM
Subject: Re: Notices of Publication

Forgive me but I should have mentioned that we need all three to run for three consecutive days. Thanks!

From: "legalads@arkansasonline.com" <legalads@arkansasonline.com>
Date: Wednesday, December 1, 2021 at 11:43 AM
To: "Whitney James (ADE)" <Whitney.James@ade.arkansas.gov>
Subject: Re: Notices of Publication

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](#).

All three will run Sun 12/5.

Thank you.

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

From: "Whitney James" <Whitney.James@ade.arkansas.gov>
To: legalads@arkansasonline.com
Sent: Wednesday, December 1, 2021 9:50:50 AM
Subject: Notices of Publication

Hello. Attached please find three notices of publication. At your earliest convenience, please respond and let me know the dates that the notices will be published.

Thank you very much.

Whitney B. James
Attorney Specialist
Arkansas Department of Education
(501) 683-1876

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Division of Higher Education

PERSON COMPLETING THIS STATEMENT Whitney James

TELEPHONE NO. (501) 683-1876 FAX NO. _____ EMAIL: Whitney.James@ade.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Emergency Secondary Education Loan Rules and Regulations

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 an agency is proposing a more costly rule, please state the following:

- 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 more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

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

Next Fiscal Year

General Revenue \$ 0.00
 Federal Funds \$ 0.00
 Cash Funds \$ 0.00
 Special Revenue \$ 0.00
 Other (Identify) \$ 0.00
 Total \$ 0.00

General Revenue \$ 0.00
 Federal Funds \$ 0.00
 Cash Funds \$ 0.00
 Special Revenue \$ 0.00
 Other (Identify) \$ 0.00
 Total \$ 0.00

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

Current Fiscal Year

Next Fiscal Year

General Revenue \$ 0.00
 Federal Funds \$ 0.00
 Cash Funds \$ 0.00
 Special Revenue \$ 0.00
 Other (Identify) \$ 0.00
 Total \$ 0.00

General Revenue \$ 0.00
 Federal Funds \$ 0.00
 Cash Funds \$ 0.00
 Special Revenue \$ 0.00
 Other (Identify) \$ 0.00
 Total \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$0

\$0

6. What is the total estimated cost by fiscal year to state, county, and 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

\$0

\$0

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.