ARKANSAS REGISTER



Proposed Rule Cover Sheet

Secretary of State John Thurston 500 Woodlane Street, Suite 026 Little Rock, Arkansas 72201-1094 (501) 682-5070 www.sos.arkansas.gov



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

DIVISION OF HIGHER EDUCATION RULES GOVERNING THE WASHINGTON CENTER SCHOLARSHIP Effective Date:

1.00 Program Definitions

- <u>"Approved Institution" means aA</u> public-supported or private non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds and will grant academic credit for participation in The Washington Center Internship Program located in Washington, D.C.
- <u>Professional Judgment. Authority of ADHE professional staff that allows for the special consideration of applications when extraordinary circumstances occur beyond the applicant's control that may prohibit the student from meeting the exact guidelines as stated.</u>
 - <u>1.02.1</u> The student must provide documentation, as required by ADHE, to demonstrate that circumstances were beyond the student's control.
- 1.03 <u>"The Washington Center" means The Washington Center the center</u> for Internships and Academic Seminars <u>which</u> is an educational nonprofit organization that provides selected students' opportunities to work and learn for academic credit.

2.00 RULE 1 - Organization and Structure

- 2.01 I. The Arkansas Department <u>Division</u> of Higher Education (ADHE) shall administer The Washington Center Scholarship Program within the policies set by the Arkansas Higher Education Coordinating Board.
 - 2.01.1 All formal communications shall be addressed to or signed by the Director Commissioner of the Arkansas Department of Higher Education board or his/her his or her designee.
- 2.02 H. The Director Commissioner of the division Arkansas Department of Higher Education has the final responsibility for selecting scholarship recipients pursuant to the provisions of Act 1046 of 2007 and subsequent legislation, and program rules and regulations.
- 2.03 III. The Arkansas Department of Higher Education division shall follow the provisions of the Administrative Procedures Act when functioning under Act 1046 of 2007 and subsequent legislation.

3.00 RULE 2 - Scholarship Eligibility Criteria

- 3.01 An applicant must meet the following requirements to be eligible to receive The Washington Center Scholarship:
 - 3.01.1 A. The applicant must be a citizen of the United States or a permanent resident alien.
 - 3.01.1.1 If the recipient is not a U.S. citizen, but a permanent resident alien, the recipient must attach a copy of the permanent resident alien card to the application.
 - 3.01.2 B. The applicant must be an bona fide Arkansas resident, as defined by the Arkansas Department Division of Higher Education, for at least six (6) months prior to the application deadline.
 - 3.01.3 C. The applicant must be enrolled in an approved Arkansas institution that will grant academic credit for participation in The Washington Center Internship Program located in Washington D.C.
 - 3.01.4 D. The applicant must meet The Washington Center (TWC) admission requirements and be selected by TWC the center to participate in their internship program.
 - 3.01.5 E. The applicant must be enrolled in a program of study, which leads to or is creditable towards a baccalaureate degree.
 - 3.01.5.1 These programs include baccalaureate degree programs and associate degree programs.

4.00 **RULE 3 - Application Process**

- 4.01 **L.** Application
 - 4.01.1 Students must submit an application to The Washington Center for Internships and Academic Seminars and be accepted for participation in The Washington Center's internship program.
 - 4.01.1.1 The application and program information can be obtained from The Washington Center the center at:
 - 4.01.1.1.1 www.twc.edu-or;
 - 4.01.1.1.2 By calling (800) 486-8921-; or

- 4.01.1.1.3 Students can also contact the campus coordinator at the institution he/she he or she attends.
- 4.02 II. Submission of Application and Application Deadline
 - 4.02.1 Students must submit an application to The Washington Center (TWC) the center by the established deadline dates.
 - 4.02.1.1 The student is responsible for submitting the application and all supporting documentation to TWC the center in a timely manner.
 - 4.02.1.2 TWC The center will provide a list of all eligible applicants to the Arkansas Department Division of Higher Education.
- 4.03 HH. Amount of Scholarship
 - 4.03.1 The amount of the scholarship for each recipient will be up to \$6,000 for one-time participation in The Washington Center the center's internship program.
 - 4.03.1.1 This includes participating during summer terms, semesters, quarters, or their equivalent, at the postsecondary institution in which the student is enrolled.
- 4.04 IV. Award Notification and Prioritization of Awards
 - 4.04.1 The Washington Center center will select the students that are eligible to participate in the internship program for each applicable academic period.
 - 4.04.1.1 Of those selected students, ADHE the division will determine the number of students to be awarded the scholarship based on the amount of funds available.
 - 4.04.1.2 In the event there are more eligible applicants than funds available, awards will be determined on a first-come, first-serve basis.
 - 4.04.1.3 Those not awarded will be given priority for participation in a subsequent term.
 - 4.04.2 The Arkansas Department of Higher Education division shall notify each eligible applicant of his/her his or her award.
 - 4.04.2.1 The award notice includes:

- 4.04.2.1.1 The student's name;
- 4.04.2.1.2 Address;
- 4.04.2.1.3 Last four (4) digits of the sSocial security number; and
- 4.04.2.1.4 The scholarship amount the student is eligible to receive.
- 4.04.2.2 The award notice also explains the Arkansas Department of Higher Education's division's disbursement procedures and conditions.
- 4.04.3 The division shall have the authority to exercise professional judgment in the determination of awards when special circumstances exist.
 - 4.04.3.1 The division may give special consideration of applications when extraordinary circumstances occur beyond the applicant's control that may prohibit the student from meeting the exact guidelines as stated.
 - 4.04.3.2 For such special consideration, the student must provide documentation, as required by the division, to demonstrate that circumstances were beyond the student's control.

5.00 RULE 4 - Scholarship Payment Policies

- 5.01 A. Limits of Payment
 - 5.01.1 The Arkansas Department <u>Division</u> of Higher Education shall disburse scholarship funds to The Washington Center (TWC) located in Washington, D.C.
 - 5.01.2 Scholarship funds will be disbursed upon receipt of <u>an invoice</u> from TWC the center.
 - 5.01.2.1 Invoices from TWC the center will be accepted by ADHE the division no later than ten (10) days after the beginning of each term.
 - 5.01.2.2 The Arkansas Department of Higher Education division shall send funds to TWC the center via electronic funds transfer or state warrant.

5.02 B. Refunds

- 5.02.1 The Washington Scholarship Program may be entitled to a refund of the scholarship amount if the recipient of the scholarship:
 - 5.02.1.1 Withdraws;
 - <u>5.02.1.2</u> Drops out;
 - 5.02.1.3 Is expelled; or
 - 5.02.1.4 Does not meet the terms of the internship program outlined by The Washington Center (TWC) the center during the payment period.
 - 5.02.1.4.1 If this situation occurs, the student will owe funds to TWC the center, who in turn shall return the refund to the Arkansas Department of Higher Education division.

5.03 C. Overpayment

- 5.03.1 The Arkansas Department of Higher Education division will report the amount of the scholarship each student receives to the Arkansas institution where the student is enrolled.
- 5.03.2 If the award of a Washington Scholarship results in an overpayment to the student according to the state law governing the stacking of scholarships, the institution shall follow the ADHE division policy in reducing the student's financial package to prevent the student from receiving funds above the federally recognized cost of attendance.

6.00 RULE 5 - Scholarship Recipient's Responsibilities

- 6.01 It is the recipient's responsibility to notify the <u>Division</u> Arkansas Department of Higher Education of any change in status within 21 days.
- 6.02 Changes in status will include, but not limited to, the following:
 - <u>6.02.1</u> Change in name;
 - 6.02.2 Change in permanent address; or
 - 6.02.3 Change in institution.
- 6.03 Failure to notify the Arkansas Department of Higher Education division of a change of status may affect future eligibility.

RULE 6 - Program Definitions

Approved Institution

A public-supported or private non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds and will grant academic credit for participation in The Washington Center Internship Program located in Washington, D.C.

Professional Judgment Authority of ADHE professional staff that allows for the special consideration of applications when extraordinary circumstances occur beyond the applicant's control that may prohibit the student from meeting the exact guidelines as stated. The student must provide documentation, as required by ADHE, to demonstrate that circumstances were beyond the student's control.

The Washington Center

The Washington Center for Internships and Academic Seminars is an educational nonprofit organization that provides selected students' opportunities to work and learn for academic credit. The Washington Center is located at 1333 16th Street, NW, Washington, D.C. 20036.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE ARKANSAS LEGISLATIVE COUNCIL

	ARTMENT
	ARD/COMMISSION
BOA	RD/COMMISSION DIRECTOR
CON	VTACT PERSON
ADD	ORESS
	ONE NO EMAIL
NAN	ME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
PRE	SENTER EMAIL(S)
	<u>INSTRUCTIONS</u>
Ques what	rder to file a proposed rule for legislative review and approval, please submit this Legislative stionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing the rule does, the rule changes being proposed, and the reason for those changes; (2) both a kup and clean copy of the rule; and (3) all documents required by the Questionnaire.
of Re	e rule is being filed for permanent promulgation, please email these items to the attention ebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative s Subcommittee.
Dire	e rule is being filed for emergency promulgation, please email these items to the attention of ctor Marty Garrity, garritym@blr.arkansas.gov , for submission to the Executive committee.
Pleas	se answer each question completely using layman terms.
**** 1.	**************************************
2.	What is the subject of the proposed rule?
3.	Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No
	If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).
	If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4.	Is this rule being filed for permanent promulgation? Yes No
	If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No
	If yes, what was the effective date of the emergency rule?
	On what date does the emergency rule expire?
5.	Is this rule required to comply with a <i>federal</i> statute, rule, or regulation? Yes No
	If yes, please provide the federal statute, rule, and/or regulation citation.
6	Is this rule required to comply with a <i>state</i> statute or rule? Yes No
6.	Is this rule required to comply with a <i>state</i> statute or rule? Yes No
	If yes, please provide the state statute and/or rule citation.
7.	Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No
	If yes, please list the rules being repealed.
	If no, please explain.
8.	Is this a new rule? Yes No
	Does this repeal an existing rule? Yes No If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.
	Is this an amendment to an existing rule? Yes No If yes, all changes should be indicated by strikethrough and underline. In addition, please be

sure to label the markup copy clearly as the markup.

9.	What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).
10.	Is the proposed rule the result of any recent legislation by the Arkansas General Assembly? Yes No
	If yes, please provide the year of the act(s) and act number(s).
11.	What is the reason for this proposed rule? Why is it necessary?

12.	Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).	
13.	Will a public hearing be held on this proposed rule? Yes No	
	If yes, please complete the following:	
	Date:	
	Time:	
	Place:	
Pleas	re be sure to advise Bureau Staff if this information changes for any reason.	
14.	On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date.	
15.	What is the proposed effective date for this rule?	
16.	Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.	
17.	Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).	
18.	Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.	
19.	Is the rule expected to be controversial? Yes No If yes, please explain.	

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEP	PARTMENT
	ARD/COMMISSION
PER	SON COMPLETING THIS STATEMENT
TEL	EPHONE NO. EMAIL
emai	omply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and l it with the questionnaire, summary, markup and clean copy of the rule, and other documents. se attach additional pages, if necessary.
TITI	LE 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 <i>federal</i> 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	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
Special Revenue	Special Revenue
Other (Identify)	Other (Identify)
Total	Total
(b) What is the additional cost of the st	rate rule?
Current Fiscal Year	Next Fiscal Year
General Revenue	General Revenue
Federal Funds	Federal Funds
Cash Funds	Cash Funds
Special Revenue	Special Revenue
Other (Identify)	Other (Identify)
Total	Total
	al year to any private individual, private entity, or private aded, or repealed rule? Please identify those subject to the l. Next Fiscal Year
\$	\$
What is the total estimated cost by fisca implement this rule? Is this the cost of is affected.	\$al year to a state, county, or municipal government to the program or grant? Please explain how the government
What is the total estimated cost by fisca implement this rule? Is this the cost of	\$

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.



Division of Higher Education

101 E. Capitol Ave., Suite 300 • Little Rock, Arkansas • 72201-3827 • (501) 371-2000 • Fax (501) 371-2001

Jacob Oliva Ken Warden, Ed.
Secretary Commissioner

March 15, 2024

Dr. Jim Carr Secretary

Proposed Rules Governing the Washington Center Scholarship

Higher Education Coordinating Board

PURPOSE

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing the Washington Center Scholarship.

Mrs. Graycen Bigger

BACKGROUND

Academic/Finance
Committees
Chair

Pursuant to Act 413 of 2023, the Division is charged with updating the existing rules to allow scholarship recipients to use funds for a summer term, for which the Department believes that rulemaking is required. Act 870 of 2023 Section 6 creates The Washington Center Scholarship.

Dr. Jerry Cash

KEY POINTS

Academic Committee

• Creates an additional provision of the Rule to allow students to utilize scholarships during summer terms.

Dr. Katherine Dudley

DISCUSSION

Academic Committee

Act 413 of 2023 amended the Rules Governing the Washington Center Scholarship, which is created by Act 870 of 2023 Section 6. As part of the amendment, the Act creates an additional provision of the Rule to allow scholarship recipient students to utilize scholarship funds for enrolling and attending courses offered during a summer term at the postsecondary institution in which the student is enrolled.

Mr. Chad Hooten *Finance Committee*

RECOMMENDATION

Mrs. Heather Maxey Finance Committee

Dr. Kyle Miller

Finance Committee

The Division of Higher Education recommends Governor's Office approval of this rule.

Mr. Lucas Pointer
Finance Committee

Mrs. Carolyn

Rhinehart Academic

Academic Committee

Notice of Rulemaking Public Comment Period: July 28-August 28

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering new administrative rules. Public comment hearings will be held for the following rules:

- DHE Rule Governing Military Dependents Scholarship;
- DHE Rule Governing Sustainable Buildings Loan Fund;
- DHE Rule Governing Financial Aid Appeals Committee;
- DHE Rule Governing State Teacher Education Program;
- DHE Rule Governing Teacher Opportunity Program;
- DHE Rule Governing Washington Center Scholarship;
- DHE Rule Governing Law Enforcement Dependents Scholarship.

All hearings will be held August 21, 2024, at 10 a.m. at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on August 28, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201.

Comments 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://adhe.edu/data-publications/pending-policies. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address, via phone at (501) 683-1390, or via email at legal@ade.arkansas.gov.

From: <u>Legal Ads</u>

To: <u>Alisha N. Price (ADE)</u>

Subject: Re: Department of Education Rules for Public Comment

Date: Friday, July 26, 2024 2:39:21 PM

Attachments: <u>image001.png</u>

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 <u>ADE IT</u> <u>Services</u>.

Done, but just barely (deadline was 12 noon today).

You will receive separate bills: one for Sun 7/28, the other for Mon 7/29 & Tues 7/30.

Thank you.

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

From: "Alisha N. Price, ADE" <Alisha.Price@ade.arkansas.gov>

To: "Legal Ads" <legalads@arkansasonline.com>

Sent: Friday, July 26, 2024 2:21:47 PM

Subject: RE: Department of Education Rules for Public Comment

Good afternoon,

Can we please have this run Sunday the 28th, Monday 29th, and Tuesday the 30th rather than just Sunday?

Thanks!



Alisha Price

Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201

Office: (501) 682-7590

Email: alisha.price@ade.arkansas.gov

From: Legal Ads <legalads@arkansasonline.com>

Sent: Thursday, July 25, 2024 4:40 PM

To: Alisha N. Price (ADE) < Alisha. Price@ade.arkansas.gov>

Subject: Re: Department of Education Rules for Public Comment

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 <u>ADE IT Services</u>.

Will run Sun 7/28.

Thank you.

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

From: "Alisha N. Price (ADE)" < Alisha.Price@ade.arkansas.gov>

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

Cc: "Andres Rhodes (ADE)" < Andres.Rhodes@ade.arkansas.gov >, "LaBria Brown,

ADE" < LaBria.Brown@ade.arkansas.gov >, "Daniel Shults, ADE"

<Daniel.Shults@ade.arkansas.gov>

Sent: Thursday, July 25, 2024 11:52:11 AM

Subject: Department of Education Rules for Public Comment

Good morning,

Please see the attached regarding ADE's rules going for public comment. Please let me know if you have any questions or need anything else from us.

Thanks, and have a great day!



Alisha Price

Associate Legal Counsel Arkansas Department of Education 4 Capitol Mall, Suite 302 Little Rock, Arkansas 72201

Office: (501) 682-7590

Email: alisha.price@ade.arkansas.gov