

# 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 \_\_\_\_\_

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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  
LAW ENFORCEMENT OFFICERS' DEPENDENTS SCHOLARSHIP PROGRAM  
Effective Date:**

**1.00 Organization and Structure**

- I. 1.01 The ~~Arkansas~~ Division of Higher Education shall administer the Law Enforcement Officers' Dependents Scholarship Program within the policies set by the ~~Arkansas~~ Higher Education Coordinating Board. All formal communications shall be addressed to or signed by the Director of the ~~Arkansas Division of Higher Education~~ division or ~~his/her~~ his or her designee.
- II. 1.02 The final responsibility for determining eligibility of scholarship recipients shall rest with the Director of the ~~Arkansas Division of Higher Education~~ division pursuant to the provisions of Act 521 of 1973, Act 47 of 1983, Act 190 of 1989, Act 153 of 1993, Act 1034 of 1999, Act 113 of 2001, Act 158 of 2001, and Act 172 of 2007, Act 1217 of 2009 and any subsequent legislation.
- III. 1.03 When functioning under Act 521 of 1973, Act 47 of 1983, Act 190 of 1989, Act 153 of 1993, Act 1034 of 1999, Act 113 of 2001, Act 158 of 2001, Act 172 of 2007, Act 1217 of 2009, and any subsequent legislation, the ~~Arkansas Division of Higher Education~~ division shall follow the provisions of the Administrative Procedure Act.

**2.00 Program Definitions**

2.01 The following definitions are used in the Law Enforcement Officers' Dependents Scholarship Program:

2.01.1 “Approved Institution” means a state-supported two-year or four-year college or university or technical institute located in the State of Arkansas that is accredited by the ~~North Central Association, Commission on Higher Education~~ Higher Learning Commission, or has achieved candidacy status, and does 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.

2.01.2 “Dependent” means a spouse, natural child, adopted child, or step child of an Arkansas law enforcement officer, fireman, state correction employees, state forestry employees, certain Arkansas Department of Transportation employees, state parks employees, teacher, or Department of Community Correction employees killed or totally and permanently disabled in the line of duty.

2.01.3 “Satisfactory Progress” means satisfactory academic progress toward a degree as defined by the institution.

### **3.00 Scholarship Eligibility Criteria**

- ~~I.~~ 3.01 In order to be eligible for the Law Enforcement Officers' Dependents Scholarship, the student must be a natural child, adopted child, stepchild, or spouse of an Arkansas law enforcement officer, fireman, state highway employee, state forestry employee, state correction employee, state park employee, teacher, or Department of Community Correction employee who was killed or permanently and totally disabled as a result of injuries or wounds which occurred in the performance of duty or in the course of going to or returning from a location where a hazardous situation existed. Scholarship benefits shall not accrue to the dependents if the wounds or injuries suffered by the law enforcement officer, fireman, state highway employee, state forestry employee, state correction employee, state park employee, teacher, or Department of Community Punishment employee are self-inflicted or if death is self-induced.

#### 3.01.1 A law enforcement officer means:

- ~~A.~~ 3.01.1.1 Arkansas state highway patrolman, which includes any law enforcement officer, regardless of department or bureau, of the Division of Arkansas State Police;
- ~~B.~~ 3.01.1.2 Arkansas municipal and college or university police officers, which includes all law enforcement officers of any municipality, college, or university who are regular duty personnel on full-time status and does not include auxiliary officers or those serving on a temporary or part-time status;
- ~~C.~~ 3.01.1.3 Arkansas sheriff or deputy sheriff, which includes all law enforcement officers of full-time status on a regular basis serving the sheriff's department of any county located in Arkansas, but does not include deputy sheriffs who are engaged in administrative or civil duty or deputy sheriffs serving in a temporary capacity or part-time basis;
- ~~D.~~ 3.01.1.4 Arkansas constable, which includes all duly elected constables of any beat of any county within the State of Arkansas while actually engaged in the performance of their duties concerning the criminal laws of the county and state; and,
- ~~E.~~ 3.01.1.5 Arkansas game warden, which includes all appointed game wardens employed by the State of Arkansas on a full-time duty status while actually engaged in their duties concerning the game laws of this state.

#### 3.01.2 A fireman means:

- ~~A.~~ 3.01.2 1 Any Arkansas fireman employed on a full-time or volunteer duty status while actually engaged in the performance of his

or her duties;

3.01.3 A state highway employee means:

- ~~A.~~ 3.01.3.1 An Arkansas Department of Transportation employee, which is defined as any employee who actively engages in highway maintenance, construction, or traffic operations on the roadways and bridges of the state highway system while the roadways and bridges are open for use by the traveling public;

3.01.4 A state forestry employee means:

- ~~A.~~ 3.01.4.1 An employee of the Arkansas Forestry Commission who is actively engaged in his or her duties of fighting forest fires;

3.01.5 A state correction employee means:

- ~~A.~~ 3.01.5.1 Any employee of the Arkansas Division of Correction or the Arkansas Correctional School District who becomes subject to injury through contact with inmates or parolees of the Division of Correction;

3.01.6 A state park employee means:

- ~~A.~~ 3.01.6.1 Any employee of the Arkansas Department of Parks, Heritage, and Tourism who is a commissioned law enforcement officer or emergency response employee while actively engaged in the performance of his or her duties;

3.01.7 A teacher means:

- ~~A.~~ 3.01.7.1 Any person employed by an Arkansas public school for the purpose of giving instructions and whose employment requires state certification; and

3.01.8 A Department of Community Correction employee means:

- ~~A.~~ 3.01.8.1 Any employee of the Arkansas Department of Community Correction who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds which occurred through contact with parolees, probationers, or center residents.

~~H.~~ 3.02 To be eligible to receive the Law Enforcement Officer's Dependents Scholarship, the applicant must be:

- ~~A.~~ 3.02.1 A child must have been born prior to the date of the death or total and

permanent disability (See “Scholarship Eligibility Criteria,” Section I);

- ~~B.~~ 3.02.2 An adopted child must have been adopted prior to or the adoption process must have begun prior to the date of the death or total and permanent disability (See “Scholarship Eligibility Criteria,” Section I);
- ~~C.~~ 3.02.3 A stepchild must have been listed as a dependent on the federal and state income tax returns in each of the five (5) income tax years immediately prior to the death or total and permanent disability and must have received more than one-half (1/2) his or her financial support (See “Scholarship Eligibility Criteria,” Section I)
- ~~D.~~ 3.02.4 Enrolled or accepted for enrollment as an undergraduate student in any Arkansas state-supported college, university or technical institute;
- ~~E.~~ 3.02.5 Less than twenty-three (23) years old on or before the first day of the semester or quarter, unless the applicant is a spouse; and,
- ~~F.~~ 3.02.6 A bona fide resident of Arkansas, as defined by the ~~Arkansas~~ Division of Higher Education, for at least six (6) months prior to enrollment in an Arkansas institution.

### ~~III.~~ 3.03 Continued Eligibility

3.03.1 The scholarship will be awarded for one academic year and renewed annually up to three years (for a total of 8 semesters) so long as the student maintains a minimum of a 2.0 grade point average on a 4.0 scale and satisfactory progress toward a degree as defined by the institution.

3.03.2 For purposes of scholarship payments, “academic semester” includes summer terms, semesters, quarters, or their equivalent, at the postsecondary institution in which the student is enrolled.

- ~~IV.~~ 3.04 The spouse will not be eligible for the educational benefits if he or she re-marries. The benefits will cease at the end of the semester in which the spouse is currently enrolled at the time of the marriage.

## **4.00 Application Process**

### ~~I.~~ 4.01 Applications

- ~~A.~~ 4.01.1 Applications and brochures regarding the Law Enforcement Officers' Dependents Scholarship are mailed to the following:

- ~~I.~~ 4.01.1.1 Counselors and principals at all public and private high schools in the State; and,

- ~~2.~~ 4.01.1.2 Financial aid officers at all public colleges, universities, and public technical institutes in the state. The institutional financial aid officer is responsible for ensuring that eligible students at their institution are made aware of the Law Enforcement Officers' Dependents Scholarship Program and its benefits.
  - ~~B.~~ 4.01.2 Applications will be made available online from the ~~Arkansas~~ Division of Higher Education.
- ~~H.~~ 4.02 Submission of Applications
  - ~~A.~~ 4.02.1 The ~~Arkansas Division of Higher Education~~ division shall establish the deadline for receipt of applications. The deadline date shall be clearly printed on the application.
  - ~~B.~~ 4.02.2 Scholarship applicants shall submit to the ~~Arkansas Division of Higher Education~~ division the following:
    - ~~1.~~ 4.02.2.1 The Law Enforcement Officer's Dependents Scholarship Application;
    - ~~2.~~ 4.02.2.2 Documentation in the form of a Death Certificate;
    - ~~3.~~ 4.02.2.3 Order & Finding of Facts from the Arkansas State Claims Commission;
    - ~~4.~~ 4.02.2.4 A copy of birth certificate, if a dependent child; and,
    - ~~5.~~ 4.02.2.5 A copy of their marriage license, if a spouse.
  - ~~C.~~ 4.02.3 The applicant must apply for the scholarship prior to the published deadline in order to receive the scholarship. Reimbursement can only be made for the year in which the student is currently enrolled and has made application.

## **5.00 Award Process**

- ~~I.~~ 5.01 Applications and supporting documentation will be reviewed for completeness and to determine whether the applicant meets all the required eligibility requirements. Applicants will be notified within thirty (30) days of receipt of all required documentation of the status of their application.
- ~~II.~~ 5.02 Eligible students will receive an award notice that contains the conditions of the award, the requirements for continued eligibility, an explanation of the benefits, and the student's responsibilities.
- ~~III.~~ 5.03 The institution will also receive an award notice that contains the student's name and social security number, the award limits, the conditions of the award, the

verification process, and the payment process. The institution will be asked to complete a Reimbursement Form listing all charges covered by this program.

- IV. 5.04 The institution will be responsible for verifying the student's continuing eligibility each semester.
- V. 5.05 The award will be renewed annually as long as the student satisfies the continued eligibility requirements as "Scholarship Eligibility Criteria," Section V.

## **6.00 Scholarship Payment Policies**

- I. 6.01 A recipient may receive up to eight (8) semesters of tuition and fee waivers from the scholarship program. Payment to the scholarship recipient will be in the form of a tuition and fee waiver at the recipient's institution. The ~~Arkansas Division of Higher Education~~ will reimburse the institution upon verification of enrollment after the 11th day of classes each semester for approved charges.
- II. 6.02 The scholarship will pay the cost of tuition at the in-state rate and room in school-owned housing at any state-supported college, university or technical institute within the State of Arkansas. It does not include the cost of the following:
  - A. 6.02.1 Books
  - B. 6.02.2 Food
  - C. 6.02.3 School supplies and materials
  - D. 6.02.4 Dues and fees for extracurricular activities
- III. 6.03 ~~The Arkansas Division of Higher Education~~ division will pay the institution for tuition and fees covered by this program at the beginning of each term upon receipt of the Reimbursement Form and verification of the charges.

### ~~A. Transfer Policy~~

6.03.1 A recipient who has received a Law Enforcement Officers' Dependents Scholarship may transfer to another eligible institution provided the ~~Arkansas Division of Higher Education~~ division receives written notification of the change of status by October 1 for the Fall Term, February 1 for the Winter/Spring Terms, and May 1 for the Summer Terms.

### ~~B. Withdrawal Policy~~

6.03.2 Recipients may withdraw from the Law Enforcement Officers' Dependents Scholarship Program upon written notification to, and approval by, the ~~Arkansas Division of Higher Education~~ division. The

petition shall give the reason for withdrawal and shall be supported with documentation.

~~C.~~ ~~Revocation Policy~~

6.03.3 The award will be revoked if the recipient fails to:

- ~~1.~~ 6.03.3.1 Enroll in an eligible Arkansas institution;
- ~~2.~~ 6.03.3.2 Notify the ~~Arkansas Division of Higher Education~~ division, in writing, of transfer to another eligible institution by October 1 for the Fall term, February 1 for the Winter and/or Spring Terms, and May 1 for the Summer Terms; or,
- ~~3.~~ 6.03.3.3 Petition the ~~Arkansas Division of Higher Education~~ division, in writing, for withdrawal from an institution by October 1 for the Fall Term, February 1 for the Winter/Spring Terms, and May 1 for the Summer Terms.
- ~~4.~~ 6.03.3.4 Maintain a minimum GPA of 2.0 on a 4.0 per academic year.

6.03.4 At the discretion of the ~~Arkansas Division of Higher Education~~ Division, the award will not be revoked if the ~~ADHE~~ division determines that extraordinary circumstances prevented the student from notifying ~~ADHE~~ division by the required dates.

~~D.~~ ~~Military Service~~

6.03.5 Recipients who are members of the Arkansas National Guard or Armed Forces Reserves units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will not be penalized. They will be placed on deferred status until six (6) months after release from active duty.

**7.00 Institutional Responsibilities**

~~I.~~ 7.01 Administrative Agreement

7.02 The chief executive officer of the state-supported institution of higher education or technical institute is responsible for appointing one representative from the Financial Aid Office to act as administrator of the Law Enforcement Officers' Dependents Scholarship Program and to receive all communications and forms issued by the ~~Arkansas~~ Division of Higher Education. This representative is responsible for completing all forms, verification of data, and complying with all program rules and regulations.



7.03 The institution must comply with the following responsibilities in order to maintain continued eligibility status:

~~A.~~ ~~Verification~~

7.04 The institution shall provide verification to the ~~Arkansas Division of Higher Education~~ division at the close of each term concerning the student's continuing eligibility. This is accomplished using the Verification Form issued by the division. Reimbursement to the institution will be made after the institution has completed the Verification Form and the Reimbursement Form and returned them to the ~~Arkansas Division of Higher Education~~ division.

~~B.~~ ~~Identification of Eligible Students~~

7.05 Institutions will be responsible for publicizing the program and identifying students eligible for the program. Reimbursement can only be made for the year in which the student is currently enrolled and has made application. Applications made after May 1 of the academic year in which the student is enrolled will not be considered and the student will not be eligible for the scholarship.

~~C.~~ ~~Disbursement Records~~

7.06 The institution shall maintain information on the student indicating disbursement of these funds.

~~D.~~ ~~Deadline for Disbursement of Funds~~

7.07 The deadline for disbursement of funds is no later than 10 days after written receipt of funds. Any outstanding funds not disbursed must be returned to ~~ADHE~~ division.

~~E.~~ ~~Refund Policy~~

7.08 It is the institution's responsibility to notify ~~ADHE~~ division 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~~ division.

~~F.~~ 7.09 Act 1180 of 1999 states that students who receive scholarships from public funds may not use those funds in a financial aid package to exceed the federally recognized cost of attendance at the institution where the student enrolls. The institution must follow ~~ADHE~~ division policy in repaying public funds in the amount exceeding the total cost of attendance for any student who receives public funds in a financial aid package above the cost of attendance.

~~G.~~ ~~Due Diligence~~

7.10 The institution will exercise due diligence in providing complete, accurate, and timely information as requested by the ~~Arkansas Division of Higher Education~~ division on any scholarship recipient. In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Law Enforcement Officers' Dependents Scholarship Program.

## **8.00 Recipient Responsibilities**

I. 8.01 The recipient must notify the ~~Arkansas Division of Higher Education~~ division, in writing, of any change in status within 30 days. This includes changes in:

A. 8.01.1 Name;

B. 8.01.2 Address;

C. 8.01.3 Institution; and/or,

D. 8.01.4 Withdrawal from an institution.

8.02 Failure to notify the ~~Arkansas Division of Higher Education~~ division of a change in status may affect future eligibility.

II. 8.03 It is also the recipient's responsibility to be knowledgeable of the rules and regulations of the Law Enforcement Officers' Dependents Scholarship Program.

## **Program Definitions**

The following definitions are used in the Law Enforcement Officers' Dependents Scholarship Program:

~~Approved Institution~~ — A state-supported two-year or four-year college or university or technical institute located in the State of Arkansas that is accredited by the North Central Association, Commission on Higher Education, or has achieved candidacy status, and does 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.

~~Dependent~~ — A spouse, natural child, adopted child, or step child of an Arkansas law enforcement officer, fireman, state correction employees, state forestry employees, certain Arkansas Department of Transportation employees, state parks employees, teacher, or Department of Community Correction employees killed or totally and permanently disabled in the line of duty.

~~Satisfactory Progress~~ — ~~Satisfactory academic progress toward a degree as defined by the institution.~~

DRAFT

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH  
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT \_\_\_\_\_  
BOARD/COMMISSION \_\_\_\_\_  
BOARD/COMMISSION DIRECTOR \_\_\_\_\_  
CONTACT PERSON \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE NO. \_\_\_\_\_ EMAIL \_\_\_\_\_  
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING \_\_\_\_\_  
PRESENTER EMAIL(S) \_\_\_\_\_

**INSTRUCTIONS**

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, [miller-ricer@blr.arkansas.gov](mailto:miller-ricer@blr.arkansas.gov), for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, [garritym@blr.arkansas.gov](mailto:garritym@blr.arkansas.gov), for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

\*\*\*\*\*

1. What is the official title of this rule?  
\_\_\_\_\_
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 *federal* 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 *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

Ark. Code Ann. § 6-82-501 et al.

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: \_\_\_\_\_

*Please 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.**

**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.



## Division of Higher Education

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

Jacob Oliva  
Secretary

Ken Warden, Ed.  
Commissioner

February 22, 2024

**Dr. Jim Carr**  
Secretary

### **Proposed Rules Governing Law Enforcement Officers' Dependent Scholarship Rules**

**Higher Education  
Coordinating  
Board**

#### **PURPOSE**

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing the Law Enforcement Officers' Dependent Scholarship Rules.

**Mrs. Graycen  
Bigger**  
*Academic/Finance  
Committees  
Chair*

#### **BACKGROUND**

Pursuant to Act 413 of 2023, the Division is charged with amending the Rules Governing the Law Enforcement Officers' Dependent Scholarship, codified at Ark. Code Ann. § 6-82-501. The Division is charged with updating the existing rule to allow scholarship recipients to use funds for a summer term, for which the Department believes that rulemaking is required.

**Dr. Jerry Cash**  
*Academic  
Committee*

#### **KEY POINTS**

- Creates an additional section of the Rule to allow students to utilize scholarships during summer terms.
- Establishes that the rules shall include student eligibility and disbursement and administration of the funds.
- Defines the meaning of "scholarship" within this section in addition to "academic semester" pertaining to scholarships.

**Mr. Chad Hooten**  
*Finance Committee*

#### **DISCUSSION**

Act 413 of 2023 amended the Rules Governing Law Enforcement Officers' Dependent Scholarship, codified at Ark. Code Ann. § 6-82-501. As part of the amendment, the Act creates an additional section 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.

**Mrs. Heather  
Maxey**  
*Finance Committee*

Act 413 of 2023 establishes the rule shall include student eligibility and disbursement and administration of the funds utilized by a student to enroll in and attend courses offered during a summer term.

**Dr. Kyle Miller**  
*Finance Committee*

Act 413 of 2023 also defines "scholarship" within this section to include a scholarship program that is funded with the state funds or lottery proceeds and administered by the division. In addition, Act 413 defines "academic semester" pertaining to scholarships.

**Mr. Lucas Pointer**  
*Finance Committee*

#### **RECOMMENDATION**

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

**Mrs. Carolyn  
Rhinehart**  
*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](mailto: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](mailto:legal@ade.arkansas.gov).

**From:** [Legal Ads](#)  
**To:** [Alisha N. Price \(ADE\)](#)  
**Subject:** Re: Department of Education Rules for Public Comment  
**Date:** Friday, July 26, 2024 2:39:21 PM  
**Attachments:** [image001.png](#)

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**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](#).

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](mailto:legalads@arkansasonline.com)

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**From:** "Alisha N. Price, ADE" <[Alisha.Price@ade.arkansas.gov](mailto:Alisha.Price@ade.arkansas.gov)>  
**To:** "Legal Ads" <[legalads@arkansasonline.com](mailto: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 28<sup>th</sup>, Monday 29<sup>th</sup>, and Tuesday the 30<sup>th</sup> 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](mailto:alisha.price@ade.arkansas.gov)

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**From:** Legal Ads <[legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)>  
**Sent:** Thursday, July 25, 2024 4:40 PM  
**To:** Alisha N. Price (ADE) <[Alisha.Price@ade.arkansas.gov](mailto:Alisha.Price@ade.arkansas.gov)>

**Subject:** Re: Department of Education Rules for Public Comment

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Will run Sun 7/28.

Thank you.

Gregg Sterne, Legal Advertising  
Arkansas Democrat-Gazette  
[legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)

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**From:** "Alisha N. Price (ADE)" <[Alisha.Price@ade.arkansas.gov](mailto:Alisha.Price@ade.arkansas.gov)>  
**To:** "legalads" <[legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)>  
**Cc:** "Andres Rhodes (ADE)" <[Andres.Rhodes@ade.arkansas.gov](mailto:Andres.Rhodes@ade.arkansas.gov)>, "LaBria Brown, ADE" <[LaBria.Brown@ade.arkansas.gov](mailto:LaBria.Brown@ade.arkansas.gov)>, "Daniel Shults, ADE" <[Daniel.Shults@ade.arkansas.gov](mailto: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**

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