

**ARKANSAS DEPARTMENT OF EDUCATION
AMENDING ADMINISTRATIVE REGULATION**

NUMBER: ADE 123

TITLE: Reporting Compliance with Ark. Code Ann. § 6-13-631 and for
Withholding Aid from School Districts not in Compliance with Ark.
Code Ann. § 6-13-631

EFFECTIVE DATE: September 14, 2001

STATUTORY AUTHORITY: Ark. Code Ann. § 6-13-631

NECESSITY AND FUNCTION: To describe the reporting process that schools
must use to notify the Department of
compliance or noncompliance with Ark. Code
Ann. § 6-13-631 and to describe the process
the Department will use to withhold state aid
from school districts not in compliance with this
statute.

PAGES FILED: ADE 123-1 through ADE 123-3

Raymond Simon, Director
Arkansas Department of Education

PROMULGATION DATE: August 13, 2001

CONTACT PERSON: Scott Smith
#4 Capitol Mall, Room 404-A
Little Rock, AR 72201
501-682-4227

QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE

DEPARTMENT/AGENCY Education
DIVISION Director's Office - Attorney's Office
DIVISION DIRECTOR Ray Simon
CONTACT PERSON Scott Smith
ADDRESS #4 Capitol Mall, Room 404-A, Little Rock, AR 72201
PHONE NO. 501-682-4227 FAX NO. 501-682-4249

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after Short Title of this Rule below.
- D. Submit two (2) copies of this questionnaire attached to the front of two (2) copies of your proposed rule and mail or deliver to:

Donna K. Davis
Subcommittee on Administrative Rules and Regulations
Arkansas Legislative Council
Bureau of Legislative Research
Room 315, State Capitol
Little Rock, AR 72201

- 1. What is the short title of this rule? ***Reporting Compliance with Ark. Code Ann. § 6-13-631 and for Withholding Aid from School Districts Not in Compliance with Ark. Code Ann. § 6-13-631***
- 2. What is the subject of the proposed rule? ***To describe the reporting process that schools must use to notify the Department of Education of compliance or noncompliance with Ark. Code Ann. § 6-13-631.***
- 3. Is this rule required to comply with federal statute or regulations?
Yes _____ No XX _____

If yes, please provide the federal regulation and/or statute citation.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedures Act? Yes _____ No XX _____
If yes, what is the effective date of the emergency rule?

When does the emergency rule expire?

Will this emergency rule be promulgated under the regular provisions of the Administrative Procedure Act? Yes _____ No _____
- 5. Is this a new rule? Yes _____ No XX _____

Does this repeal an existing rule? Yes_____ No_____
If yes, please provide a copy of the repealed rule.

Is this an amendment to an existing rule? If yes, please attach a markup showing the changes in the existing rule and a summary of the substantive changes. Yes; marked up copy attached.

6. What state law grants the authority for this proposed rule? If codified, please give Arkansas Code citation. Ark. Code Ann. § 6-13-631

7. What is the purpose of this proposed rule? Why is it necessary? To describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631 and to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.

8. Will a public hearing be held on this proposed rule? Yes__XX__ No_____
If yes, please give the date, time, and place of the public hearing.
July 19, 2001, 10 a.m. - 11:00 a.m., #4 Capitol Mall, Auditorium, Little Rock, AR 72201

9. When does the public comment period expire?
August 6, 2001

10. What is the proposed effective date of this proposed rule?
September 14, 2001

11. Do you expect this rule to be controversial? Yes_____ No__XX__
If yes, please explain.

12. Please give the names of persons, groups, or organizations which you expect to comment on these rules. Please provide their position (for or against) if known.

PLEASE ANSWER ALL QUESTIONS COMPLETELY

July 28, 1995

DEPARTMENT Education
 DIVISION Director's Office - Attorney's Office
 PERSON COMPLETING THIS STATEMENT Scott Smith
 TELEPHONE NO. 501-682-4227 FAX NO. 501-682-4249

FINANCIAL IMPACT STATEMENT

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Reporting Compliance with Ark. Code Ann. § 6-13-631 and for Withholding Aid from School Districts not in Compliance with Ark. Code Ann. § 6-13-631

1. Does this proposed, amended, or repealed rule or regulation have a financial impact?
 Yes _____ No XX _____
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>2001-02 Fiscal Year</u>	<u>2002-03 Fiscal Year</u>
General Revenue _____ 0 _____	General Revenue _____ 0 _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other _____	Other _____
Total _____ 0 _____	Total _____ 0 _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

<u>2001-02 Fiscal Year</u>	<u>2002-03 Fiscal Year</u>
0	0

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>2002-02 Fiscal Year</u>	<u>2002-03 Fiscal Year</u>
0	0

July 28, 1995

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT
OF PROPOSED REGULATION
(In compliance with Acts 884 and 1253 of 1995)

Regulation Title: ***Reporting Compliance with Ark. Code Ann. § 6-13-631 and for Withholding Aid from School Districts not in Compliance with Ark. Code Ann. § 6-13-631***

Summary Description of Regulatory Proposal: ***To describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631 and to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.***

Cite Statutory Authority for this Regulatory Proposal: ***Ark. Code Ann. § 6-13-631***

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring) ***N/A***
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring) ***N/A***
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.
- III. Additional Comments.

Prepared by: (Name) ***Scott Smith***
(Title) ***Legal Counsel***
(Date) ***June 12, 2001***

ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS FOR REPORTING COMPLIANCE
WITH ARK. CODE ANN. § 6-13-631 AND FOR WITHHOLDING AID FROM SCHOOL
DISTRICTS NOT IN COMPLIANCE WITH ARK. CODE ANN. § 6-13-631
August 2001

1.00 Regulatory Authority

- 1.01 These regulations shall be known as the Arkansas Department of Education (Department) regulations for reporting compliance with Ark. Code Ann. § 6-13-631 and for withholding state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.
- 1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. § 6-13-631.

2.00 Purpose

- 2.01 The purpose of these regulations is to describe the reporting process that schools must use to notify the Department of compliance or noncompliance with Ark. Code Ann. § 6-13-631.
- 2.02 The further purpose of these regulations is to describe the process the Department will use to withhold state aid from school districts not in compliance with Ark. Code Ann. § 6-13-631.

3.00 Definition

- 3.01 For purposes of this rule and regulation, "state aid" shall be defined as any payment to be made from the Public School Fund of the State of Arkansas to a public school district.

4.00 Reporting Process

- 4.01 Each school district shall certify by written report to the Office of Legal Counsel of the Department on or before August 1, 2002 and each August 1 of the second year after each federal decennial census whether the school district meets one of the following exemptions as specified in Ark. Code Ann. § 6-13-631:
 - a. The school district is currently operating under a federal court order enforcing school desegregation or the Federal Voting Rights Act of 1965, as amended; or
 - b. The school district is operating under a preconsolidation agreement that is in compliance with the Federal Voting Rights Act of 1965, as amended; or

- c. The school district has a zoned board which meets the requirements of the Federal Voting Rights Act of 1965, as amended; or
 - d. A federal court has ruled the school district is not in violation of the Federal Voting Rights Act of 1965, as amended; and the court order is in effect.
 - e. The school district does not have a ten percent (10%) or greater minority population out of the total population of the school district.
- 4.02 If a school district does not fit within one of the exemptions described in Section 4.01 above and the school district's total population is comprised of a ten percent (10%) or greater minority population, the school district shall certify by written report by August 1 as required in Section 4.01 whether the school district has one of the following compositions for its local school board:
- a. A five single member school district board selected in compliance with Ark. Code Ann. § 6-13-631;
 - b. A seven single member school district board selected in compliance with Ark. Code Ann. § 6-13-631 or
 - c. A seven member school board selected in compliance with Ark. Code Ann. § 6-13-631 with five members elected from single member zones and with two members elected at-large.

5.00 Sanctions

- 5.01 If a school district does not certify by written report to the Department as required in Section 4.01 that the school district meets one of the exemptions in Section 4.01 above or that the school district has one of the boards described in Section 4.02 above, or that the school district's total population is not comprised of ten percent (10%) or greater minority population, then the Department must withhold twenty percent (20%) of the state aid distributed to the school district.
- 5.02 For those school districts from which the Department must withhold state aid, the Department will begin withholding twenty percent (20%) of state aid on the first business day of October immediately following August 1 in the school year the report is required to be certified to the Department and continue withholding aid until such time the school district either is exempt from Ark. Code Ann. § 6-13-631 or complies with Ark. Code Ann. § 6-13-631.