

**ADMINISTRATIVE RULES SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

Thursday, August 14, 2025

10:00 a.m.

Room A, MAC

Little Rock, Arkansas

- A. **Call to Order**
- B. **Report on the Acts of the 2025 Regular Session Specifically Requiring New Rulemaking**
- C. **Report from the Executive Subcommittee Concerning an Emergency Rule**
- D. **Reports on Administrative Directives Pursuant to Act 1258 of 2015, for Quarter Ending June 30, 2025 (Tawnie Rowell)**
 - 1. **Department of Corrections**
 - 2. **Post-Prison Transfer Board**
- E. **Rules Filed Pursuant to Arkansas Code § 10-3-309**
 - 1. **Arkansas Department of Transportation, State Highway Commission, State Aid Street Committee (Steve Morgan, Steve Napper)**
 - a. **Rules of Procedure for the State Aid Street Committee, 27 CAR pt. 160**

DESCRIPTION: The State Aid Street Committee, in conjunction with the State Aid Division of the Arkansas Highway and Transportation Department, has statutory authority over the awarding of funding to municipalities for street improvements from the State Aid Street Fund. The Committee has approved proposed amendments to the Project Criteria Rules that are used to determine funding for projects. The substantive amendments to the Rules will (1) increase available funding for overlays from \$300,000 to \$400,000 and (2) increase available funding for design projects from \$400,000 to \$500,000.

Since the 2021 construction season, prices for asphalt have risen significantly with some areas of the state experiencing a 50% increase. Increasing construction funding from \$300,000 to \$400,000 for overlays and from \$400,000 to \$500,000 for design projects will allow the Committee to meet its goal of at least one mile or more of a city street to be improved with each project.

PUBLIC COMMENT: A public hearing was not held for this matter. The public comment period expired March 31, 2025. The agency indicated that it received no public comments.

The proposed effective date of this rule is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicated that this rule has no financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 27-72-405(c)(2) the state aid engineer who heads the State Aid Division, under the direction of the Arkansas Department of Transportation, shall promulgate uniform and reasonable rules as deemed necessary to effectuate a proper designation of state aid streets to be constructed in each municipality and develop methods for determining priority of construction, the making of surveys, and the preparation of plans and specifications for the construction of state aid streets. Further authority can be found in Arkansas Code Annotated § 27-72-413(d), which states that the State Aid Street Committee may establish a formula or criteria to facilitate the identification and selection of state aid street projects, subject to the approval of the state aid engineer and consistent with the provisions of Subchapter 4 – State Aid Streets.

2. Department of Commerce, Arkansas Economic Development Commission (Jake Windley, Becca Caldwell, Clint O’Neal, Jennifer Emerson)

a. Community Assistance Grant Program, 15 CAR pt. 181

DESCRIPTION: The objective of the Rule is to further the Arkansas Economic Development Commission’s goal to create economic opportunity by attracting higher paying jobs, expanding and diversifying our state and local economies, increasing incomes and investment, and generating positive growth throughout Arkansas by providing grant funds to nonprofit organizations in good standing with the Secretary of State’s office, cities of the first class, cities of the second class, incorporated towns, unincorporated communities, counties, or governmental entities of the State of Arkansas for eligible community and economic development projects and eligible nonprofit organization projects. Eligible project examples include but are not limited to: repair or construction of government buildings, community centers, transportation infrastructure, parks, libraries, fire-protection equipment, public health facilities, police equipment, emergency shelters, county fairs, childcare centers and/or senior centers. The Amended Rule increases the grant awards from \$50,000 maximum to \$1,500,000 maximum per year and also expands the program to include nonprofit entities thereby increasing economic development and growth in the eligible communities.

PUBLIC COMMENT: A public hearing was held on April 29, 2025. The public comment period expired on May 15, 2025. The commission indicated it received no public comments.

An emergency rule on this subject went into effect April 14, 2025. The agency indicated that the emergency rule expired on August 12, 2025.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that the amended rules do not have a financial impact.

LEGAL AUTHORIZATION: The Arkansas Economic Development Commission within the Department of Commerce has the authority under Arkansas Code § 15-4-209(b)(5) to “[p]romulgate rules necessary to implement the programs and services offered by the commission”. Arkansas Code § 15-4-

209(a)(1) provides that the commission shall “[a]dminister grants . . . to assist with economic development in the state”. Arkansas Code § 15-4-209(a)(5) further provides that the commission shall “[a]ssist rural communities and agencies with funding, educational opportunities, and technical assistance to enhance the quality of life in rural areas of Arkansas”.

3. Department of Education, Division of Elementary and Secondary Education (Courtney Salas-Ford)

a. First Connections Program Under Part C of the Individuals with Disabilities Education Act (IDEA), 20 CAR pt. 1002

DESCRIPTION: The Department of Education, Office of Early Childhood, proposes its First Connections Program Under Part C of the Individuals with Disabilities Education Act rule.

Purpose

The Division of Elementary and Secondary Education (“Division”) Office of Early Childhood (OEC) is seeking approval of the proposed amendments to the First Connections Program Under Part C of the Individuals with Disabilities Education Act (IDEA) rule.

Background

Pursuant to Ark. Code § 20-14-503 et seq. and Part C of the IDEA, the Division shall adopt the necessary rules to implement these code sections. Act 237 of 2023 moved the Office of Early Childhood from the Division of Childcare and Early Childhood Education to the Arkansas Department of Education. This amendment changes the rule language to reflect that change.

Summary of Amendments

The rules are amended to state the regulatory authority as the Arkansas Department of Education, Office of Early Childhood instead of the Division of Childcare and Early Childhood Education.

Discussion

This draft amendment is an update primarily driven by Act 237 of 2023, which moved the Office of Early Childhood from the Division of Childcare and Early Childhood Education to the Arkansas Department of Education.

Post Public Comment

No public comments were received.

PUBLIC COMMENT: A public hearing was held on May 7, 2025. The public comment period closed on June 5, 2025. The agency indicated that it received no public comments.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency has indicated that the amended rule has no financial impact.

LEGAL AUTHORIZATION: The Office of Early Childhood, within the Department of Education, shall be responsible for all programs funded through state or federal resources that provide early childhood care or educational services, including among other programs, the Individuals with Disabilities

Education Act, Pub. L. No. 101-476: Part C for infants and toddlers.¹ *See* Arkansas Code § 6-87-101(b). The State Board of Education shall promulgate rules to implement the provisions of Act 237 of 2023, the LEARNS Act, § 58, related to the Unified Early Childhood Care and Education System. *See* Ark. Code Ann. § 6-87-101(i). Additional authority for the rulemaking can be found in Ark. Code Ann. § 20-14-503(a), which provides that a statewide system of coordinated, comprehensive, multidisciplinary, interagency programs providing appropriate early intervention services to all developmentally delayed infants and toddlers and their families shall include the minimum components under Ark. Code Ann. § 20-14-503(b). The statewide system required by Ark. Code Ann. § 20-14-503(a) shall include, at a minimum, a single line of responsibility in a lead agency designated or established by the Governor for carrying out the general administration and supervision of programs and activities receiving assistance under [the Individuals with Disabilities Education Act] and the monitoring of programs and activities used by the state to carry out Part H of [the Act], whether or not such programs or activities receive Part H assistance, to ensure that the state complies with the requirements of Part H of [the Act]. *See* Ark. Code Ann. § 20-14-503(b).

According to the agency, these rules are also required to comply with federal law, namely the Individuals with Disabilities Education Act (IDEA), Part C, which concerns infants and toddlers with disabilities. *See* 20 U.S.C. §§ 1431 – 1444.

The rule implements Act 237 of 2023, § 58, sponsored by Senator Breanne Davis, which created the LEARNS Act and amended various provisions of the Arkansas Code as they relate to early childhood through grade twelve (12) education in the State of Arkansas.

b. Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program, 6 CAR pt. 64

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education, proposes its Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program.

Purpose

Pursuant to Act 474 of 2025, the Department is required to establish a new accountability system pursuant to rulemaking authority established in Arkansas Code Annotated § 6-15-2106. This rule will ensure improvements are made to the accountability system to better agency priority and the LEARNS Act’s goals of improving k-12 education in Arkansas.

Key Points

- Updates the rule governing school ratings to set defined parameters with technical minutiae removed consistent with the Code of Arkansas Rules style.

¹ Pursuant to Act 237 of 2023, § 58, the administration of programs funded through Part C of the Individuals with Disabilities Education Act that were previously overseen by the Division of Child Care and Early Childhood Education within the Department of Human Services was transferred to the Office of Early Childhood within the Department of Education. *See also* Act 237 of 2023, § 71.

- Updates the rule to reflect the combination of the Arkansas School for the Blind and the Arkansas School for the Deaf and Hearing Impaired to the Arkansas School for the Deaf and Blind.
- Complies with the statutory requirements and allows the division to better tailor the rating system to ensure fair and accurate information to Arkansans regarding the state of Arkansas Schools.

Discussion

This rule is promulgated to allow the agency to comply with Act 474 of 2025, which requires that the ADE establish an accountability system for public schools. In addition, rulemaking will allow important updates to the school rating system to better reflect the relative academic growth and achievement in Arkansas Schools.

PUBLIC COMMENT: A public hearing was held on May 22, 2025. The public comment period closed on June 10, 2025. The agency provided the following summary of public comments:

Commentor Name: Dr. Nancy Churchwell, Chief Financial Officer, Newport School District

COMMENTS: Good morning. For Title 6. Education Chapter I. Division of Elementary and Secondary Education Subchapter C. Educational Quality, Standards, and Assessment Part 64. Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program Subpart 1. Generally, **6 CAR § 64-102. School rating system. Item 2)** (2) The Division shall implement an “Automatic Grading Scale Increase” in any year in which 65 percent or more of the school statewide aggregate earn a grade of A or B, and raise the scale required to earn a school grade by five percent until the scale reaches 90-100 = A, 80-89 = B, 70-79 = C, 60-69 = D, and 0-59 = F. This section sets 59% of school districts up for receiving a grade of F and another 10% of districts to receive a grade of D. When giving a test in a classroom, you do not grade based on rank, you give a grade based on individual performance on each item. This automatic grading scale increase is unfair to districts working to improve their letter grade. Furthermore, this means that the rest of the country will see that more than half of Arkansas School Districts are failing. I do not believe this is the image we want to promote, when school districts across the state are working exceptionally hard to improve academic success of all students. Furthermore, with the school choice laws currently in effect, this requirement is a violation of Lake View School District No. 25 v. Huckabee. School funding is based on student enrollment. Students will leave these “Failing” schools and flee to the “A” & “B” schools. This will lead to inadequate and inequitable funding for these districts. If each school has a fair opportunity to reach “A” or “B” status, I believe this proposed rule would be in compliance with the Lake View standard. Thank you for taking the time to consider this comment.

RESPONSE: Comments considered; No changes made. All schools do still maintain the ability to reach an A or B letter grade by increasing the percentage of students who meet the criteria for each indicator. The automatic escalator does not prevent a school from earning points. If 65% are earning an A or B then that would leave 35% in C, D or F.

Commenter Name: Christy Hovantez, Ph.D., Senior Policy Fellow, ExcelinEd

COMMENTS: Dear Secretary Oliva, Chair Moore and members of the Arkansas Board of Education: I am writing to submit the Foundation for Excellence in Education's (ExcelinEd) comments regarding the proposed "*DESE Rules Governing the Public-School Rating System on Annual School Performance Reports and the School Recognition Program*." ExcelinEd has close to two decades of experience working with states across the nation on school accountability systems and we respectfully offer the following recommendations to improve Arkansas' current proposal. School grades should provide transparent, objective and easily understood data to parents, educators and the public to spur improvement and student learning to prepare them for the challenges of college, career and civic life. Pioneered in Florida and in use in 11 other states across the country, A-F school grading remains a proven and effective accountability tool. The proposed rules streamline and improve Arkansas' A-F school accountability calculation in many ways:

- Moving to a straight percent proficient/advanced calculation for ELA, math and science increases transparency and focuses on a meaningful outcome for students—proficiency.
- The added focus on the lowest performing students ensures no student will be left behind.
- Using only the four-year graduation rate signals the expectation to graduate on time.
- The overall A-F grading scale is aspirational, yet attainable with the inclusion of an automatic grading scale increase to raise the bar when schools demonstrate success to ensure performance will not stagnate.

However, one policy approach is preventing the Arkansas school grading calculation from being exceptional: the use of a normative value-added model to measure student growth. **ExcelinEd strongly encourages the use of a criterion-based growth calculation** to measure each student's growth towards mastery of the state standards. The current value-added model makes judgments about growth using a normative approach that compares a student's performance to their peers instead of a set standard. Using a criterion-based calculation rewards schools for moving students from a lower achievement level to a higher achievement level and is meaningful to the student's quest to reach proficient and advanced achievement. Criterion-based growth benefits include:

- Educators can compute and replicate growth calculations;
- Individual student learning expectations are set and measured; None of these outcomes can be accomplished with value-added growth because it is a normative measure. Drawbacks of value-added models include:
- Statisticians compute growth generally using a black-box proprietary formula that cannot be replicated without statewide student level data;
- Individual student learning expectations are determined after the student's state assessment results are back;
- Not all students can demonstrate growth—there will always be winners and losers no matter how much state results improve;
- Criteria for determining individual student growth is determined after the test results are back so students, parents, educators and policymakers do not know how much a student must improve to demonstrate growth until after the school year is over;

- The improvement needed for demonstrating growth is different for each student;
- Expectations for demonstrating growth change from year to year making longitudinal comparisons impossible;
- Growth expectations, even if they are met each year, may not result in proficient or advanced student achievement.

Arkansas' neighbors, Louisiana and Mississippi, are exemplars when it comes to strong A-F grading models. Both states have demonstrated improved student outcomes as a result of their commitment to meaningful school accountability systems. Arkansas has the opportunity to create an exceptional school grading model that will spur action within the walls of each school and make a difference for students. We encourage the state to continue and strengthen its commendable efforts to disrupt the status quo and transform education on behalf of each and every Arkansas student. **RESPONSE:** Comments considered; No changes made. There are various methods and formulas for calculating growth scores. In Arkansas, a comprehensive working group consisting of educators from Arkansas and technical experts was established to address this issue. The committee recommended continuing with the Value-Added Model (VAM) to calculate growth. Stakeholders concluded that the VAM model effectively accounts for individual student growth scores and aligns well with the overall performance metrics at the teacher, school, and district levels.

Commenter Name: Amanda Dawson, Senior Director State and District Partnerships, College Board

COMMENTS: Good afternoon, we appreciate the opportunity to submit the attached comments regarding the pending rules governing Arkansas's Public School Rating System on Annual School Performance Reports and the School Recognition Program. Dear Secretary Oliva, on behalf of the College Board, a nonprofit mission-driven organization that connects students to college success and opportunity, I'm writing to provide feedback on the proposed rulemaking for the *Rules Governing the Public School Rating System*. Our comments focus on:

- The high school indicator in proposed (b)(2)(E), the number of students earning a diploma of merit or distinction that lead to enrollment, enlistment, or employment; and
- The annual Public School Rating Business Rules in proposed (d).

We appreciate the opportunity to provide meaningful feedback and are pleased to see the state's continued commitment to rigorous educational standards and meaningful student outcomes.

Feedback on the High School Indicator (b)(2)(E)

College Board commends and congratulates Arkansas for its unwavering dedication to ensuring that every student graduates "success ready." The state's commitment to high educational standards and requirements that are meaningful, relevant, and rigorous – which also strongly align to College Board's mission – is a sound investment in the well-being and economic vitality of the state. We support the inclusion of the indicator for the number of students earning a diploma of merit or distinction that lead to enrollment, enlistment, or employment.

Feedback on the Annual Public School Rating Business Rules (d)

Per the current Success-Ready Pathway Guide¹, to earn a merit or distinction demonstration for a high school diploma, a student must complete a success-ready pathway and meet additional postsecondary criteria.

In alignment with Arkansas’s dedication to student success, we encourage the state, as it considers the business rules to implement the ratings system, to:

- **Incorporate current and future AP courses into additional “Success-Ready Pathways” and**
- **Add AP Career Kickstart employer-endorsed credentials to the state’s identified high wage, high demand industry-recognized credential list.**

Success-Ready Pathway Options

College Board is pleased to see that the current guide for “Success-Ready Pathway” options include AP Scholar, AP Scholar with Honor, AP Scholar with Distinction, and AP Capstone Diploma paths. These selections further enhance student choice and readiness for college and career. We also are pleased that several AP courses – AP Computer Science Principles, AP Computer Science A, AP Spanish Language, AP French Language, and AP German Language – are included different pathway options.

We encourage Arkansas to evaluate on a regular basis whether current and future AP courses could be positioned in other pathways to ensure maximum opportunity for students to earn college credit while working towards a diploma demonstration.

AP Career Kickstart Credentials

College Board is building new AP Career Kickstart courses to accelerate high school students on their paths to in-demand careers. AP Career Kickstart exams will not only certify college-level work and result in college credit (like traditional AP Exams) but will also certify skills valued by industry through an employer-endorsed credential. These credentials are made with and for industry to ensure they validate skills that companies value and seek. College Board is growing in industry recognition from leaders like Wells Fargo, Eli Lilly, and Nissan, and we are building robust partnership with intermediaries like the US Chamber of Commerce and YearUp United to help strengthen the connection to opportunities to credential earners. In Arkansas, College Board has received support from local industry and employers, reflecting their confidence in the quality and relevance of our credentials. AP Business Principles/Personal Finance and AP Cybersecurity will be launching nationally in the 2026- 2027 school year and AP Networking will follow in the 2027-2028 school year. **We strongly encourage the state to add AP Career Kickstart credentials to the state’s “H2 Credentials” to ensure districts and schools are recognized for helping students meet qualifying criteria for ratings purposes.** College Board welcomes the opportunity to work with Arkansas on this effort. College Board thanks the state for the opportunity to provide meaningful feedback on the proposed rulemaking for the *Rules Governing the Public School Rating System*. We are hopeful our recommendations will be included to ensure Arkansas students, districts, and schools are recognized for their success.

Sincerely, David Gupta, Vice President, State and District Partnerships College Board. **RESPONSE:** Comments considered; No changes made.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following agency response:

1) In 6 CAR § 64-103(a), which concerns the school recognition program, why did the agency remove the language “which includes high school graduation rate comparisons for secondary schools” from the description of “high student performance and high student academic growth”? **RESPONSE:** The Arkansas Graduation rate has been steady for a number of years with minimal change. We felt that shifting to a focus on other measures that drive higher student performance would lead to better overall student success.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicates that the proposed rules do not have a financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 6-15-2108(d), the Division of Elementary and Secondary Education shall promulgate rules to implement Ark. Code Ann. § 6-15-2108, which concerns a school rating system. Further authority for the rulemaking can be found at Ark. Code Ann. § 6-15-2106(a), which provides that the State Board of Education shall adopt rules necessary to implement Ark. Code Ann. § 6-15-2101 et seq., which concerns a school rating system and annual reports, pursuant to the Arkansas Administrative Procedure Act, Ark. Code Ann. § 25-15-201 et seq. Finally, the state board may, by rules adopted under the Arkansas Administrative Procedure Act, and reviewed and approved under Ark. Code Ann. § 10-3-309, redesignate the levels of performance categories and improvement categories under Ark. Code Ann. § 6-15-2101 et seq., to be consistent with: (1) the Arkansas academic standards; (2) assessments that correlate with Arkansas academic standards; and (3) rules adopted under the requirements of a law enacted by the United States Congress for general education, including without limitation the Elementary and Secondary Education Act of 1965, Pub. L. No. 89-10, as reauthorized by the Every Student Succeeds Act, Pub. L. No. 114-95, or any supplementary federal regulations, directives, or decisions of the United States Department of Education pertaining to that legislation. *See* Ark. Code Ann. § 6-15-2106(b).

The proposed amendments are those made in light of Act 474 of 2025, sponsored by Representative Keith Brooks, which required the Department of Education to establish a new accountability system for public schools and removed public schools from school ratings for certain school years.

c. Rules Governing Child Sexual Abuse and Human Trafficking Prevention, 6 CAR pt. 107

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education, proposes its Rules Governing Child Sexual Abuse and Human Trafficking Prevention.

Purpose

The Division of Elementary and Secondary Education is seeking review of the proposed Rules Governing Child Sexual Abuse and Human Trafficking Prevention as a result of Section 16 of Act 237 of 2023.

Background

The Division is promulgating rules for the development of child sexual abuse and human trafficking prevention standards pursuant to Arkansas Code § 6-16-157. The purpose of this rule is to obligate the incorporation of academic standards for health and safety into public school districts and open enrollment public charter schools. The rule implements the statutory provision governing the implementation of the Child Sexual Abuse and Human Trafficking Prevention Program.

Key Points

- Implements statutory provision governing the implementation of the child sexual abuse and human trafficking prevention program.
- Adds language regarding Health and Safety Standards, reporting requirements, and definitions.

Discussion

Act 237 indicated that each public school district and open-enrollment public charter school shall implement a child sexual abuse and human trafficking prevention program that meets the standards and requirements established by the division and provide training for teachers employed by the public school district or open enrollment public charter school on child sexual abuse and assault and human trafficking.

PUBLIC COMMENT: A public hearing was held on May 22, 2025. The public comment period closed on June 10, 2025. The agency has indicated that it received no public comments.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1) The “Authority” section of the proposed rule references Arkansas Code Annotated § 6-21-120, which concerns public school restrooms and designation based upon sex. Does this rule deal with that topic in any way?

RESPONSE: Because the rule was placed on the Agency’s mandatory rule making list but the code section did not explicitly authorize rulemaking, the authority section was not as straight forward as is sometimes the case. The statutory text relevant to this rule was in the same section of the Act as the section addressing restrooms. If “section” is read to refer to act section rather than code section then this grant of authority is relevant. It is on this theory that the reference is included.

2) Arkansas Code Annotated § 6-16-157(a)(1)(A), which concerns child sexual abuse and human trafficking prevention, provides that the division “shall enhance or adapt curriculum materials to assist public school personnel in providing instruction through a multidisciplinary approach on the detection, intervention, prevention, and treatment of child sexual abuse and human trafficking.” Are the proposed rules intended to serve as the “curriculum materials” contemplated in the referenced Code section?

RESPONSE: While curriculum itself is not included in the rulemaking process, the incorporation of the relevant academic standard is the tool used to shape the curriculum used in schools on a mandatory basis.

3) Arkansas Code Annotated § 6-16-157(a)(2), which concerns child sexual abuse and human trafficking prevention, provides that the division “shall ensure that curriculum materials developed under [Ark. Code Ann. § 6-16-157(a)(1)(A)] are incorporated into the Health and Safety and Physical Education Standards developed by the Department of Education in an age-appropriate manner. Will the incorporation of materials contemplated in the referenced Code section require an amendment to any of the division’s current rules? **RESPONSE:** No, Academic standards are not set in rule.

The proposed effective date is pending legislative review and approval.

FINANCIAL IMPACT: The agency indicates that the proposed rules do not have a financial impact.

LEGAL AUTHORIZATION: The Division of Elementary and Secondary Education shall enhance or adapt curriculum materials to assist public school personnel in providing instruction through a multidisciplinary approach on the detection, intervention, prevention, and treatment of child sexual abuse and human trafficking. *See* Arkansas Code Annotated § 6-16-157(a)(1)(A). The curriculum materials developed under Ark. Code Ann. § 6-16-157(a)(1)(A) shall be geared toward a sequential program of instruction from kindergarten through grade twelve (K-12) and include strategies for utilizing the curriculum in schools. *See* Ark. Code Ann. § 6-16-157(a)(1)(B). Further, the division shall ensure that curriculum materials developed under Ark. Code Ann. § 6-16-157(a)(1)(A) are incorporated into the Health and Safety and Physical Education Standards developed by the Department of Education in an age-appropriate manner. *See* Ark. Code Ann. § 6-16-157(a)(2). Finally, each public school district and open-enrollment charter school shall implement a child sexual abuse and human trafficking prevention program that meets the standards established by the division. *See* Ark. Code Ann. § 6-16-157(b)(1).

The proposed rule implements Act 237 of 2023, § 16, sponsored by Senator Breanne Davis, which created the LEARNS Act and amended various provisions of the Arkansas Code as they relate to early childhood through grade twelve (12) education in the state of Arkansas.

4. **Department of the Military, Arkansas National Guard (Bryan Christian)**
a. **Arkansas National Guard Tuition Waiver Program, 6 CAR pt. 530**
DESCRIPTION: The Department of the Military, Arkansas National Guard proposes amendments to its Arkansas National Guard Tuition Waiver Program, 6 CAR pt. 530.

The Arkansas National Guard Tuition Waiver Program (NGTW) provides financial support for eligible Arkansas Army and Air National Guard members to attend state-supported or certain private institutions of higher education in Arkansas tuition-free. The program now includes postsecondary credential or certificate programs, in addition to traditional undergraduate degrees.

Key Changes Made to the Rule:

1. Expanded Eligibility and Coverage

Current Rule: Focused primarily on traditional two and four-year degree programs.

Proposed Rule: Now includes postsecondary credential and certificate programs, expanding access to high-skill, high-wage employment training aligned with workforce needs. It also allows access to certain private schools for traditional two and four-year degree programs.

2. Institutional Scope Expansion

Current Rule: Covered only state-supported colleges/universities.

Proposed Rule: Now includes private institutions and trade schools offering postsecondary credentials or certificates that are eligible to receive Title IV federal aid and located in Arkansas.

Reasons for Change:

Primarily to comply with Act 2025, Nos. 14 and 826. Further, to expand availability of the benefit to private institutions and trade schools offering postsecondary credentials or certificates that are eligible to receive Title IV federal aid and located in Arkansas.

Post Public Comment:

Following the close of the public comment period, the agency made the following change to the proposed rule: Add to 6 CAR § 530-103(g) “All tuition and fees may not be covered at a private institution.”

PUBLIC COMMENT: A public hearing was held on June 17, 2025. The public comment period closed on July 8, 2025. The agency indicated that it received no public comments during the public comment period. The agency further stated that it received the following comment after the expiration of the comment period:

Commentor Name: Andy Goodman

COMMENTS: Thank you for your efforts to update the Military Department’s rules for the National Guard Tuition Waiver program. If I may, I would like to point out that Act 826 did not dictate that private four-year institutions would waive all tuition for guardsmen in the program. Rather, it states that the beneficiary may receive a tuition benefit under this section up to an amount equal to the amount that the soldier or airman would have received if he or she were attending a state supported institution. In some cases, with this grant, guardsmen/women will be able to attend private institutions tuition free. In some cases, they may not. They will have a guarantee that their tuition benefit will be at least the greatest amount offered at a state college. Item (a) under the ‘Entitlements’ section will need to be changed, so that it does not guarantee a full tuition waiver at private institutions.” **RESPONSE:** The Agency’s response was to add to 6 CAR § 530-103(g) “All tuition and fees may not be covered at a private institution.”

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following question and was provided with the following agency response:

1) Does the agency expect the language brought up in its public comment to be an issue, and is the agency comfortable that the “tuition-free” language in 6 CAR

§ 530-103(a) is in harmony with Acts 14 and 826 of 2025? **RESPONSE:** [We] do not anticipate that being an issue. We are in complete harmony with the Acts referenced.

The proposed effective date is August 15, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact.

LEGAL AUTHORIZATION: The Adjutant General, in coordination with the Division of Higher Education, shall promulgate rules for the implementation of Arkansas Code Annotated § 6-60-214, which concerns tuition benefits for soldiers and airmen of the Arkansas National Guard, including without limitation rules for the eligibility of soldiers and airmen. *See* Ark. Code Ann. § 6-60-214(h)(1). Further authority for the rulemaking can be found in Ark. Code Ann. § 6-60-211(b)(1), which provides that the Adjutant General of Arkansas shall establish and publish rules for the eligibility and implementation of tuition assistance programs sponsored by the armed services.

The proposed amendments include those made in light of the following Acts from the 2025 Regular Session:

Act 14, sponsored by Representative David Ray, which amended the law regarding tuition waivers for Arkansas National Guard soldiers and airmen to include programs of studies leading to a postsecondary certificate or credential; and

Act 826, sponsored by Representative Keith Brooks, which amended the law concerning tuition benefits for soldiers and airmen of the Arkansas National Guard and provided eligibility for a tuition benefit to soldiers and airmen attending certain private two-year and four-year colleges and universities.

F. Agency Updates on the Status of Outstanding Rulemaking from the 2023 Regular Session Pursuant to Act 595 of 2021²

1. Department of Commerce, Arkansas Economic Development Commission (Jake Windley)

Rules Outstanding as of August 1, 2025, as Reported and Updated by the Agency

- **Consolidated Incentive Act Rules (Act 834 of 2023)**

- The Arkansas Economic Development Commission is reviewing whether changes are necessary to the Consolidated Incentive Act rule based on Act 834 of 2023 and two incentives adopted during the 2025 General Session, specifically the Corporate Headquarters Relocation Incentive (Act 881) and the Modernization and Automation Incentive (Act 882). Since the Consolidated Incentive Act's rulemaking authority is permissive, AEDC is currently reviewing whether the existing rules should be amended or repealed in their entirety. Due to the fact that these internal discussions are ongoing, no anticipated date for the rule being on the subcommittee's agenda can be provided.

² Outstanding rules that are on the current agenda for legislative review and approval are designated by an asterisk (*).

2. **Department of Corrections (Tawnie Rowell)**

Rules Outstanding as of August 1, 2025, as Reported and Updated by the Agency Secretary of Corrections

- **Visitation (Act 659, § 112 of 2023)**
 - This rule will be promulgated by the Secretary of Corrections, who has approved it. We have incorporated an amended definition and intend to present it for review at the August 2025 board of corrections meeting for approval.

Post-Prison Transfer Board

- **Transfer to Post-Release Supervision (Act 659, § 2 of 2023)**
 - This rule is being promulgated by the Post-Prison Transfer Board, a draft has been circulated to stakeholders and staff is working to incorporate changes from the 2025 legislative session. We anticipate it being reviewed by the Post-Prison Transfer Board in September 2025.

3. **Department of Education (Courtney Salas-Ford)**

Rules Outstanding as of August 1, 2025, as Reported and Updated by the Agency Arkansas State Library

- **Rules Governing the Standards for State Aid to Public Libraries (Act 566, § 11 of 2023)**
 - Rulemaking regarding Act 566 of 2023 is temporarily suspended due to the passage of Act 903 of 2025. The agency anticipates rulemaking to occur following the appointment of a new slate of library board members.

Division of Career and Technical Education

- **Rules Governing the Approval of Computer Science-Related Career and Technical Education Course (Act 654, § 4 of 2023)**
 - This rule is being redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted for ALC review in November.
- **Rules Governing the Vocational Start-Up Grant Program (Act 867, § 7 of 2023)**
 - This rule is being redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted for ALC review in November.

Division of Elementary and Secondary Education

- ***Rules Governing the Child Sexual Abuse and Human Trafficking Prevention Program (Act 237, § 16 of 2023)**
 - This rule has been approved by the State Board of Education on June 12, 2025, and has been submitted for ALC review in August.
- **Rules Governing School District Waivers (Act 347, § 1 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 304 of 2025. The rule will be a top priority for the current round of rulemaking. With a final rule anticipated in November.
- **Rules Governing Grading and Course Credit (Act 654, §§ 2, 4 of 2023)**
 - This rule has been released by the State Board of Education to be released for a public comment; however, the agency is redrafting this rule due to the enactment of Act 341 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in November.

State Board of Education

- **Rules Governing the Course Choice Program (Act 237, § 20 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 730 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in November.
- **Rules Governing Public Charter Schools (Act 237, § 49 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 800 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in November.

Division of Higher Education

- **Rules Governing Universal Academic Credit (Act 237, § 54 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 341 of 2025. The rule will be a top priority for the current round of rulemaking with a final rule anticipated in November.

G. Adjournment