

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING PAYMENTS UNDER THE EDUCATIONAL FREEDOM ACCOUNTS
PROGRAM**

PUBLIC COMMENTS AND RESPONSES

Commenter Name: David Corless, November 10, 2023

Comments: Regarding funding, not all schools are alike when it comes to the matter of how much money they spend on each student. For example, public schools are required to provide transportation for students, while private schools are not. I think that the cost per student should be taken into account when deciding how much money should be allocated to schools. This would make the cost fair when allocating money to private schools.

Division Response: **Comment considered. No changes made.** The amount of funding for each EFA is mandated by statute and legislative changes are outside the scope of rulemaking.

Commenter Name: David Ivers, Easterseals Arkansas, VP for External Affairs & General Counsel, November 14, 2023.

Comments: Legislative intent in the LEARNS Act, particularly Ark. Code Ann. 6-18-2505 unclear. We request at a minimum that the Department not impose such a rule mid-school year, but instead make it effective for the 2024-25 school year. Also, we request the Department clarify in Ark. Code Ann. 6-18-2505 the circumstances under which funds may be credited back to a student's account and the maximum amount that can be retained in a student's account from year to year.

Division Response: **Comment considered. No changes made.** This rule will be effective for the 2024-2025 school year and prospectively. Additionally, legislative changes are outside the scope of rulemaking.

Commenter Name: Lucas Harder, Arkansas School Boards Association, Policy Services Director, November 30, 2023

Comments: I would recommend making this: “to a participating school or service provider”; “unless an expenditure is not authorized”; and “following a review and approval of”.

Division Response: **Comment considered. A nonsubstantive change was made.**

Commenter Name: Lucas Harder, Arkansas School Boards Association, Policy Services Director, November 30, 2023

Comments: I would recommend making this “during the payment submission process”.

Division Response: **Comment considered. A nonsubstantive change was made.**

Commenter Name: Marti Olesen, Retired Public School Teacher, December 6, 2023

Comments: Longterm evaluation of funding should take place before permanent rules are established. There is no place for public funds to go to private schools except in the case where special education services are unavailable at a specific public school and are available at a nearby private school. Instead of rules for funding private, for-profit, religious, and non-profit schools, this rule-making should bring those funds back to be designated to make every public school better, and pay for improvements that will focus communities on their allegiance to our constitution, and our American ideals that are founded on a free and public education for all.

Division Response: **Comment considered. No changes made.** The full EFA rule is still in the promulgation process and evaluation of funding will be addressed in that rule. Accordingly, this change would be outside the scope of this rule.

Commenter Name: Linda Crochet, Christ the King Catholic Church, Finance Office Admin Asst., December 22, 2023

Comments: **Report Options:** Education Freedom Account System dashboard should add columns to separate first name and last name of student so that sorting can be accomplished by student LAST name. **Vendor Enrollment Verification:** Need a batch verification system for schools to more efficiently confirm student enrollments at onset of each quarter. Currently the system only allows verification of one record at a time. Additionally, the system sends the verifier back to the main page rather than the next record which adds more steps to the process.

Division Response: **Comment considered. No changes made.** This change is outside the scope of rulemaking and will be addressed in the procurement process.

Commenter Name: Linda Crochet, Christ the King Catholic Church, Finance Office Admin Asst., December 22, 2023

Comments: **ADE Quarterly Installment Funding:** Darrell Smith agreed that schools could bill upfront costs, such as book fees, on the 1st quarter invoice. Christ the King LR School would like to take advantage of the first quarter invoice, building in upfront costs to help with cash flow requirements.

Division Response: **Comment considered. No changes made.** The statute is clear that the EFA funds shall be made in four equal quarterly payments per school year.

Commenter Name: Linda Crochet, Christ the King Catholic Church, Finance Office Admin Asst., December 22, 2023

Comments: ***Timelines:*** ClassWallet’s communication to families after ADE acceptance should arrive within 48 hours of ADE approval to avoid newly accepted families contacting CTKLR pertaining to why they have not received a timely email with funds available from ClassWallet.]

Division Response: **Comment considered. No changes made.** This change is outside the scope of this rule. This will be addressed in the full EFA rule or during the procurement process.

Commenter Name: Linda Crochet, Christ the King Catholic Church, Finance Office Admin Asst., December 22, 2023

Comments: ***Enrollment Application for Families:*** Improve labeling of approved schools in dropdown to avoid parents selecting the wrong school by mistake. For example, Christ the King Little Rock and Christ Little Rock are often confused.

Division Response: **Comment considered. No changes made.** This change can be addressed by working with the vendor outside of the rulemaking process.

Commenter Name: Linda Crochet, Christ the King Catholic Church, Finance Office Admin Asst., December 22, 2023

Comments: ***ClassWallet vendor funding:*** Instead of a lengthy transaction number, ClassWallet should apply a name to the payment transaction to allow schools to more readily identify the family that the tuition payment should be applied to.

Division Response: **Comment considered. No changes made.** This change is outside the scope of rulemaking.