

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING FEDERAL PROGRAM COMPLAINT RESOLUTION**

**PUBLIC COMMENTS AND AGENCY RESPONSE  
(FIRST PUBLIC COMMENT PERIOD)**

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**Name:** Lucas Harder, Arkansas School Boards Association

**Comment:** 1.02: “Annotated” could be changed to “Ann.” To standardize it with other rules.

**Agency Response:** The change was made.

**Comment:** 2.09: As it is abbreviated both before and afterwards in this same section, there is no need to write out the complete name of the Division here.

**Agency Response:** The change was made.

**Comment:** 3.01: As it is previously abbreviated, there is no need to write out the full name of the Division here.

**Agency Response:** The change was made.

**Comment:** 3.10: As it is previously abbreviated and abbreviated later in the same section, there is no need to write out the full name of the Division.

**Agency Response:** The change was made.

**Comment:** 4.03.1: I believe that this should be a statement that the LEA has violated a requirement as 4.01 states that the private school’s complaint is against an LEA’s action or inaction.

**Agency Response:** The change was made.

**Comment:** 4.05: Forty-five is not written longhand here and it should be, along with the parenthetical numerals, to match the occurrences of other double-digit numbers.

**Agency Response:** The change was made.

**Comment:** 4.06: As it is abbreviated both before and afterwards in this same section, there is no need to write out the complete name of the Division here.

**Agency Response:** The change was made.

**Comment:** Forty-five is not written longhand here and it should be, along with the parenthetical numerals, to match the occurrences of other double-digit numbers.

**Agency Response:** The change was made.

**Name:** Rebecca Miller-Rice, Arkansas Bureau of Legislative Research

**Comment:** Section 1.03 -- Could you please direct me to where the titles of each of the programs set forth in the rule can be found?

When I looked at 34 CFR § 299.11(b), I found the following programs listed:

- (1) Part A of title I (Improving Basic Programs Operated by Local Educational Agencies).
- (2) Part C of title I (Education of Migratory Children).
- (3) Part D of title I (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk).
- (4) Part A of title II (Supporting Effective Instruction).
- (5) Part A, subpart 1 of title III (English Language Acquisition, Language Enhancement, and Academic Achievement), except for section 3112.
- (6) Part A of title IV (Student Support and Academic Enrichment Grants).
- (7) Part B of title IV (21st Century Community Learning Centers).
- (8) Part B, subpart 2 of title V (Rural and Low-Income School Program).
- (9) Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, Education for Homeless Children and Youth Program.

I have also looked at the US Code cites provided. Some of these programs above and in 20 USC § 7881 match those in the rule, but I may be looking at the wrong provisions because I could not find all of them.

**Agency Response:** Comment considered. No change made. The title of each program is the name of that subpart contained within the relevant subchapter of 20 U.S.C. Chapter 70, as amended by the Every Student Succeeds Act. For example, Title I (subchapter), Part A (subpart) covers 20 U.S.C. §§6311-6322 and the name of Part A is “Improving Basic Programs Operated by Local Education Agencies.” McKinney-Vento is addressed through separate guidance and as such is not part of this rule.