

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING THE ARKANSAS FISCAL ASSESSMENT AND
ACCOUNTABILITY PROGRAM**

PUBLIC COMMENTS AND AGENCY RESPONSES

Name: Lucas Harder, ASBA

Comment:

- ~~3.09:~~ I would recommend either retaining this number and changing “Department” to “Division” or reducing all following subsection numbers in Section 3 by one as they do not currently indicate a reduction from the deletion of this subsection.
- 4.01.2.5: “Division of Legislative Audit” should be changed to “Arkansas Legislative Audit”.
- 4.05.1: The “and” at the end of the subsection is on the wrong side of the semicolon.
- 6.02: “Commissioner of Education” should be changed to “Commissioner of Elementary and Secondary Education”.
- 7.01.5: “Commissioner of Education” should be changed to “Commissioner of Elementary and Secondary Education”.
- 9.01: “Commissioner of Education” should be changed to “Commissioner of Elementary and Secondary Education”.
- 9.01.~~34~~: “Commissioner of Education” should be changed to “Commissioner of Elementary and Secondary Education”.
- 10.02.2: There is a comma missing from between “annexed” and “or”.
- 10.02.3: There is a comma missing from between “annexed” and “or”.
- 10.02.5: There is a comma missing from between “annexed” and “or”.
- 10.02.9: While A.C.A. § 6-20-1910(b) grants the State Board the sole authority to set the boundary lines following the annexation or consolidation of a district due to fiscal distress, Act 757 of 2019 transferred the duty to create a map of the revised boundaries from the Division to the Arkansas Geographic Informations Systems Office.
- 10.05.3: The numbering of this subsection through 10.05.4 does not account for the deletion of subsections 10.05 through 10.05.2.7.3.
- 12.01.1: For standardization, the “ten” and “five” here are missing parenthetical Arabic numerals.
- 12.02: For standardization, the “ten”, “five”, and “three” here are missing parenthetical Arabic numerals.
- 12.02.1: For standardization, the “15” here is missing the longhand.
- 12.04: For standardization, the “two” here is missing parenthetical Arabic numerals.
- 12.04.1: For standardization, the “two” here is missing parenthetical Arabic numerals.
- 12.06: For clarity, I would recommend changing this to read “If the general business manager for a school district or education service cooperative fails to obtain certification within the designated time or fails to renew his or her certification, the school district or education service cooperative must appoint another person to the position who meets the general business manager qualifications listed above.”

Agency Response: Corrections made to all sections.

Name: Rebecca Miller-Rice, BLR

Comment: (1) Section 9.01.7 -- Is there a reason that the phrase "day-to-day governance of the public school district," as used in Ark. Code Ann. s 6-20-1909(a)(7), as amended by Act 929 of 2019, s 6, was omitted and "operation of all school district systems" was used instead?

(2) Section 9.01.10.1 -- Was there a reason that the language "and the public school district has not experienced any additional indicators of fiscal distress," as that language was added by Act 929, s 6, to Ark. Code Ann. s 6-20-1909(a)

(10)(A)(i), was omitted?

(3) Section 11.02.2 -- Should "department" be "division" in accord with Ark. Code Ann. s 6-20-1912(b)(2), as now codified?

Agency Response: (1) The phrase "operation of all school district systems" was used to more accurately reflect the role of the Commissioner when a school district is under the authority of the state. The phrase "day-to-day governance" aligns better with the duties of a superintendent or other group of individuals who may act in an advisory capacity to the Commissioner. (2) and (3) Corrections made.
