

**ARKANSAS DEPARTMENT OF EDUCATION DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION RULES GOVERNING THE CODE OF ETHICS FOR
ARKANSAS EDUCATORS**

**PUBLIC COMMENTS AND RESPONSES OF THE DIVISION OF ELEMENTARY AND
SECONDARY EDUCATION**

Commenter Name: Rebecca Miller-Rice, Bureau of Legislative Research (10/31/2019)

Comment:

I have finished looking over the above-referenced rules, and I just had the following questions:

- (1) Section 5.15 – Where the rule provides for “an impartial Arkansas licensed attorney,” does this mean an Arkansas attorney who holds a license (which could include a license from another state) or does it mean an attorney licensed by the State of Arkansas?
- (2) Section 5.33 – Are the changes to this section premised upon Act 628 of 2019? Also, should it read “An Educator whose license” rather than “licensed”?
- (3) Standard 6 – While not a proposed change, is the title of the rules referenced as “Arkansas Department of Education Rules Governing Testing Improprieties” changing? Is this a reference to what will be the “Division of Elementary and Secondary Education Rules Governing Test Security, Testing Violations, and Alleged Testing Improprieties,” rules that are currently pending legislative review and approval?

Division Response:

- 1) This section refers to an attorney that is licensed by the State of Arkansas to be able to serve as a hearing officer.
- 2) This section is based on ACT 628 of 2019. It should be “license” instead of “licensed”. **Non-substantive change made.**
- 3) Yes, updated the Code of Ethics draft to reflect this change. **Non-substantive change made.**

Commenter Name: Lucas Harder Arkansas School Board Association (10/28/2019)

Comment:

- 2.02: The references to the “Administrative Procedure Act” has an extra “s” at the end of “Procedure”.
- 5.03: I would recommend moving this to be 5.05 and move the current 5.04 and 5.05 up so that the definitions continue to be in alphabetical order and the “DESE” here should be referring to the “Division” instead of the “Department”.
- 5.28: There is a “the” missing after the “be” at “cannot be basis”.
- 5.39: “Mean” should be “means”.
- 11.03: While the “and” was correctly struck between items 2 and 3, there is a missing conjunction for the list between item 3 and the new item 4.

Division Response:

Comments considered: All non-substantive changes made.