

ARKANSAS DEPARTMENT OF EDUCATION RULES GOVERNING
DISTANCE AND DIGITAL LEARNING

PUBLIC COMMENTS AND AGENCY RESPONSE
(FIRST PUBLIC COMMENT PERIOD)

Name: Lucas Harder, Arkansas School Boards Association

Comment: 409.03: Due to the posting of the application to the website, “to these Rules” between “website” and “and” is unnecessary. In addition, the paragraph about an electronic version of the application also being available that follows the submission address is unnecessary.

Agency Response: The changes were made.

Name: Rebecca Miller-Rice, Bureau of Legislative Research

Comment: Section 4.00 – Is this section being deleted based on the repeal of Ark. Code Ann. § 6-47-305 by Act 540 of 2017, § 4?

Agency Response: Comment considered. No change was necessary. Yes, this section was deleted due to the repeal of Ark. Code Ann. §6-47-305.

Comment: Section 9.01.4 – Is this section being added in light of Act 745 of 2017, § 20, which amended Ark. Code Ann. § 6-16-1405(a)(4)?

Agency Response: Comment considered. No change was necessary. Yes, this section has been added in light of Act 745 which added this language to Ark. Code Ann. §6-16-1405(a)(4).

Comment: Section 9.03 – I see in this section, and in your summary, that the application for digital learning providers is being removed from the rules and will be placed on the DESE website. Is the Division comfortable that the application does not meet the definition of rule found in Ark. Code Ann. § 10-3-309, since it had previously made it a part of the rules?

Agency Response: Comment considered. No change was made.

The application does not implement, interpret, or describe the organization, procedure, or practice of the agency and does not affect the private rights or procedures available to the public. The application merely gathers the information necessary for the agency to determine whether the applicant meets the requirements set forth in law to become a digital provider.

Name: Shannon Warren, Scranton Opportunity School

Comment: In the “Distance & Digital Learning Rules” remove the word alternative in Section 10.06

I have been teaching in our ALE program for 10 years. Students who can do all their learning in a digital fashion, ARE NOT ALE KIDS! ALE kids need more one and one and personal interaction on a daily basis in order to gain the social, emotional, behavioral, and academic skills necessary for success after high school.

Students who have the motivation and skills to complete all their assignments online or in a digital format are more flexible and already have the skills for success that the true ALE student does not possess. It may be more flexible, but it is not beneficial for students who desperately need teachers who are there for them every day, teachers who model the skills they may not see at home, and teachers who encourage at-risk students to be their best every day.

Agency Response: Comment considered. No change was made.

The language in section 10.06 is the language provided in law at Ark. Code Ann. §6-16-1406(g), as amended by Act 709 of 2019. The statute requires districts and charter schools that expel a student to offer the expelled student digital learning courses or other alternative educational courses.

Name: Col. Don Berry, Arkansas Veterans Coalition

Comment: Please find a proposed amendment to Rules Governing Distance and Digital Learning incorporating authority for districts to offer and teach distance learning courses to military dependent students transferring to the district. (The full text of Col. Berry's email and accompanying attachments are attached to this document).

Agency Response: Comment considered. No change was made. Ark. Code Ann. § 6-18-232 specifically provides for homeschool and private school students to enroll part time in public schools and provides for foundation funding to be applied. Because the statute does not provide for military dependent students, the Division believes the proposed change would require a change in the law.

Comment: 7.01 Add "or a military dependent student transferring to the district" to the end of the line.

Agency Response: See previous response.

Comment: Add a new section at 7.01.2 as follows and renumber the remaining sections:

7.01.2 The parents/guardian of the military dependent student have contacted the receiving public school district notifying them of their intention to reside in the district due to military assignment notice. The student's parents/guardian comply with DESE rules for enrollment of transitioning military dependent students.

Agency Response: See previous response.

Comment: 7.01.3.1 Add "or inbound military dependent student" as follows:

7.01.23.1 Section 7.01.23 shall not be construed to require a home-schooled student, ~~or~~ private school student, or inbound military dependent student to take any test or assessment not specifically required for completion of the course for which the student is enrolled.

Agency Response: See previous response.