



# Division of Elementary and Secondary Education

*Transforming Arkansas to lead the nation in student-focused education*

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**Jacob Oliva**  
Secretary

**Stacy Smith**  
Deputy  
Commissioner

**State Board of  
Education**

**Dr. Sarah Moore**  
*Stuttgart*  
Chair

**Kathy Rollins**  
*Springdale*  
Vice-Chair

**Adrienne Woods**  
*Rogers*

**Randy Henderson**  
*Blytheville*

**Lisa Hunter**  
*White Hall*

**Jeff Wood**  
*Little Rock*

**Ken Bragg**  
*Sheridan*

**Leigh Keener**  
*Little Rock*

June 16, 2025

Ms. Rebecca Miller-Rice  
Rules Administrator  
Bureau of Legislative Research  
One Capitol Mall, Fifth Floor  
Little Rock, AR 72201

**Re: For Legislative Council review: Division of Elementary and Secondary  
Education Rule Governing Child Sexual Abuse and Human Trafficking  
Prevention**

Dear Ms. Miller-Rice:

Attached is a copy of the proposed amendment to the Division of Elementary and Secondary Education Rule Governing Child Sexual Abuse and Human Trafficking Prevention. This filing also contains the Legislative Council questionnaire, financial impact statement, markup version of the rule, post-public comment summary, and public comments with division responses. The Division respectfully requests that this proposed rule be placed on the ALC Administrative Rules Subcommittee agenda for August.

The Governor's Office approved the rule for public comment and the State Board of Education released the rule in its May 22, 2025 meeting. The public comment period ran from May 10, 2024, to June 10, 2024. A public comment hearing was held on May 31, 2024, at the Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. On June 12, 2025, the State Board gave final approval for this rule.

Thank you for your assistance. If you have any questions or require further information, please do not hesitate to call me at (501) 682-4234.

Respectfully submitted,

/s/ Daniel Shults  
Chief Legal Counsel  
Arkansas Department of Education

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY.**

**DEPARTMENT** \_\_\_\_\_  
**BOARD/COMMISSION** \_\_\_\_\_  
**PERSON COMPLETING THIS STATEMENT** \_\_\_\_\_  
**TELEPHONE NO.** \_\_\_\_\_ **EMAIL** \_\_\_\_\_

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

**TITLE OF THIS RULE** \_\_\_\_\_

1. Does this proposed, amended, or repealed rule have a financial impact?  
Yes                      No
  
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?  
Yes                      No
  
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes                      No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:  
(a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
 Federal Funds \_\_\_\_\_  
 Cash Funds \_\_\_\_\_  
 Special Revenue \_\_\_\_\_  
 Other (Identify) \_\_\_\_\_

Total \_\_\_\_\_

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ \_\_\_\_\_

**Next Fiscal Year**

\$ \_\_\_\_\_

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes      No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and
  - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
  - (a) the rule is achieving the statutory objectives;
  - (b) the benefits of the rule continue to justify its costs; and
  - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



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**Jacob Oliva**  
Secretary

June 16, 2025

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Deputy  
Commissioner

## **Proposed Rule – Rules Governing Child Sexual Abuse and Human Trafficking Prevention**

**State Board of  
Education**

### **PURPOSE**

The Division of Elementary and Secondary Education is seeking the Governor's review of the proposed DESE Rules Governing Child Sexual Abuse and Human Trafficking Prevention as a result of Section 16 of Act 237 of 2023.

**Dr. Sarah Moore**  
*Stuttgart*  
Chair

### **BACKGROUND**

The Division is promulgating rules for the development of child sexual abuse and human trafficking prevention standards pursuant to Arkansas Code § 6-16-157. The purpose of this rule is to obligate the incorporation of academic standards for health and safety into public school districts and open-enrollment public charter schools. The rule implements statutory provision governing the implementation of the Child Sexual Abuse and Human Trafficking Prevention

**Kathy Rollins**  
*Springdale*  
Vice-Chair

### **KEY POINTS**

- Implements statutory provision governing the implementation of the child sexual abuse and human trafficking prevention.
- Adds language regarding Health and Safety Standards, reporting requirements, and definitions.

**Dr. Gary Arnold**  
*Little Rock*

**Adrienne Woods**  
*Rogers*

**Randy Henderson**  
*Blytheville*

### **DISCUSSION**

Act 237 indicated that each public school district and open enrollment public charter school shall implement a child sexual abuse and human trafficking prevention program that meets the standards and requirements established by the division and provide training for teachers employed by the public school district or open enrollment public charter school on child sexual abuse and assault and human trafficking.

**Lisa Hunter**  
*White Hall*

**Jeff Wood**  
*Little Rock*

### **Public Comment Period**

No Public Comments were received.

**Ken Bragg**  
*Sheridan*

**Leigh Keener**  
*Little Rock*

# Proposed Rulemaking

## Title

### Promulgated by:

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter --.

Part --. Rules Governing the Child Sexual Abuse and Human Trafficking Prevention

### **6 CAR --. Authority.**

The State Board of Education enacted these rules pursuant to its authority as set forth in Arkansas Code Ann. 6-11-105, 6-21-120 and 25-15-201 et seq.

### **6 CAR --. Child Sexual Abuse and Human Trafficking Prevention Programs.**

(a) Each public school district and open-enrollment charter school shall:

- (1) Implement a child sexual abuse and human trafficking prevention program that meets the Arkansas Academic Standard for Health and Safety;
- (2) Provide training for teachers employed by the public school district or open-enrollment public charter school on child sexual abuse and assault and human trafficking;
  - (A) Awareness;
  - (B) Reporting requirements; and
  - (C) Prevention;

**DRAFT**

- (3) Notify parents, legal guardians, and persons standing in loco parentis to a student when child sexual abuse and assault and human trafficking prevention education occurs in the public school district or open-enrollment public charter school;
  - (4) Allow parents, legal guardians, and persons standing in loco parentis to a student to preview curriculum material before classroom instruction; and
  - (5) Allow parents, legal guardians, and person standing in loco parentis to a student to exempt their child from the child sexual abuse and assault and human trafficking prevention program.
- (b) Before grade five (5), a public school teacher shall not provide classroom instruction on the following topics:
- (1) Sexually explicit materials;
  - (2) Sexual reproduction;
  - (3) Sexual intercourse;
  - (4) Gender identity; or
  - (5) Sexual orientation.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING THE CHILD SEXUAL ABUSE AND HUMAN TRAFFICKING  
PREVENTION**

**PUBLIC COMMENTS**

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*No Public Comments were Received*