

**REPORT OF THE
ADMINISTRATIVE RULES AND REGULATIONS SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

March 16, 2012

Co-Chairs:

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Friday, January 27, 2012, in Room 171 of the State Capitol. The following committee members attended: Representative James Word, Co-Chair; Senator Randy Lavery, Vice Co-Chair; Senators Jimmy Jeffress, Jack Crumbly, Johnny Key, and Michael Lamoureux; Representatives Terry Rice, Tommy Lee Baker, Johnnie Roebuck, Randy Stewart, Les “Skip” Carnine, and Kelley Linck. Other legislators attended, as follows: Senator Gene Jeffress; Representatives Gary Deffenbaugh, Robert Dale, David Branscum, Nate Bell, Donna Hutchinson, Nate Steel, Duncan Baird, Garry Smith, David “Bubba” Powers, Mike Patterson, John Vines, John Burris, Stephanie Malone, Ann Clemmer, and Justin Harris.

- 1. The Subcommittee reviewed the following Department of Education rules and adopted the attached report of the House Interim Committee on Education and Senate Interim Committee on Education dated January 27, 2012. The subcommittee referred these rules to the House Interim Committee on Education and the Senate Committee on Education at the subcommittee’s January 11, 2011 meeting.**

DEPARTMENT OF EDUCATION (Mark White, Jeremy Lasiter)

- a. Public Charter Schools
- b. Public School End-of-Course Assessments and Remediation
- c. Issuance of Subpoenas by the Arkansas State Board of Education
- d. Physical Education Course Credit for Organized Physical Activity Courses
- e. Guidelines for the Development, Review and Revision of School District Student Discipline and School Safety Policies
- f. Rules to Establish a School Superintendent Mentoring Program
- g. Rules Governing Instructional Materials
- h. Rules Governing Distance Learning

- i. Rules Governing School District Requirements for Personnel Policies, Salary Schedules, Minimum Salaries, and Documents Posted to District Websites
- j. Repeal of Rules Governing School District Filing Requirements of Personnel Policies dated January 2002
- k. Repeal of Rule Titled Implementing Ark. Code Ann. §§ 6-17-201(b)(1), 6-17-201(b)(2), 6-17-201(c) and 6-20-319
- l. Rules Governing the Guidelines, Procedures, and Enforcement of the Arkansas Opportunity Public School Choice Act
- m. Supplemental Transportation Funds
- n. Rules Governing the School Worker Defense Program and the School Worker Defense Program Advisory Board

February 8, 2012 Meeting

The Administrative Rules and Regulations Subcommittee met on Wednesday, February 8, 2012 at 10:00 a.m. in Room 171 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair; Representative James L. Word, Co-Chair; Senator Randy Laverty, Vice Co-Chair; Representative Jonathan Barnett, Vice Co-Chair; Senators Jimmy Jeffress, Kim Hendren, Jack Crumbly, Johnny Key, and Michael Lamoureux; Representatives Terry Rice, Eddie Cheatham, Toni Bradford, Tommy Lee Baker, Johnnie Roebuck, Randy Stewart, and Les "Skip" Carnine. Other legislators attended as follows: Senators David Wyatt, Bill Sample, Paul Bookout, Jonathan Dismang, Mike Fletcher, and Jeremy Hutchinson; Representatives Duncan Baird, Betty Overbey, Lori Benedict, Mike Patterson, Sheilla Lampkin, Tommy Thompson, Jeff Wardlaw, Nate Bell, Ann Clemmer, David L. Branscum, Jody Dickinson, and Jerry Brown.

1. The Subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. 10-3-309.

DEPARTMENT OF EDUCATION (Mark White, Jeremy Lasiter)

- a. Administration of Glucagon to Arkansas Public School Students Suffering from Type I Diabetes
- b. Background Checks and License Revocation
- c. Eligibility and Financial Incentives for Certified Speech-Language Pathologists
- d. Incentives for Teacher Recruitment and Retention in High Priority Districts with an Average Daily Membership of 1,000 or Fewer

DEPARTMENT OF AGRICULTURE, STATE PLANT BOARD (Terry Walker)

- a. 2012 Rice Regulations (Contained in Plant Board Circular 11)
- b. Phytosanitary Certificate Inspection Fee (Contained in Plant Board Circular 11)
- c. 2012 Boll Weevil Eradication Rule

ALTERNATIVE DISPUTE RESOLUTION COMMISSION (Jennifer Taylor)

- a. Requirements for the Conduct of Mediation and Mediators

CAPITOL ZONING DISTRICT COMMISSION (Boyd Maher)

- a. Amendment to Capitol Area Master Plan

STATE BOARD OF EMBALMERS AND FUNERAL DIRECTORS (Amy Goode, Tony Smith)

- a. Rule Changes

DEPARTMENT OF HEALTH, APPLIED EPIDEMIOLOGY BRANCH (Robert Brech)

- a. Health Facility Infection Disclosure

HEALTH SERVICES PERMIT AGENCY (Deborah Frazier)

- a. Increase in Permit of Approval Fee

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)

- a. Revisions to Policy and Publications
- b. Revisions to Policy and Publications (Deferred from the 1/11/12 Meeting)

DEPARTMENT OF HUMAN SERVICES, DEVELOPMENTAL DISABILITIES (Shelley Lee)

- a. Standards for Conducting Criminal Record Checks for Employees of Developmental Disabilities Service Providers
- b. Mortality Review of Deaths of Persons Receiving Alternative Community Services (ACS) Waiver Services

DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Jeff Wood, Marilyn Strickland)

- a. Arkansas Long Term Care Facility Nursing Assistant Training Program
- b. Conducting Criminal Record Checks for Employees of Long Term Care Facilities
- c. Rehabilitative Services for Persons with Mental Illness (RSPMI) 7-11
- d. Rehabilitative Services for Persons with Mental Illness (RSPMI) 6-11

March 14, 2012 Meeting

The Subcommittee on Administrative Rules and Regulations met at 10:00 a.m. on Wednesday, March 14, 2012, in Room 171 of the State Capitol. The following committee members attended: Senator Percy Malone, Co-Chair; Representative James L. Word, Co-Chair; Representative Jonathan Barnett, Vice Chair; Senators Jimmy Jeffress, Jack Crumbly, and Johnny Key; Representatives Terry Rice, Toni Bradford, Tommy Lee Baker, Johnnie Roebuck, Randy Stewart, Les "Skip" Carnine and Kelley Linck. Other legislators attended as follows: Representatives James Ratliff, Jeff Wardlaw, Andrea Lea, Betty Overbey, David L. Branscum, Linda Collins-Smith, Mike Patterson, and James McLean.

1. The Subcommittee reviewed the following rules filed pursuant to Ark. Code Ann. 10-3-309.

ARKANSAS BUILDING AUTHORITY (Floyd Farmer, Doran White, Paul Ehenger, Catherine Mulkey, Susan Wilson, Anne Laidlaw)

- a. ABA Minimum Standards and Criteria – Section Two, Design Review
- b. ABA Minimum Standards and Criteria – Section Three, Construction Section
- c. ABA Minimum Standards and Criteria – Section Four, Building Operations
- d. ABA Minimum Standards and Criteria – Section Five, Real Estate Services

ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Bev Lambert)

- a. Plans and Policies for ADFA's 2012 Qualified Energy Conservation Bonds (QECB) Volume Cap Allocation

DEPARTMENT OF EDUCATION (Mark White)

- a. Nutrition and Physical Activity Standards and Body Mass Index for Age Assessment Protocols in Arkansas Public Schools
- b. Professional Development and Repeal of Rules and Regulations Governing Attendance at Instructional Professional Development Sessions Toward Fulfillment of the Five (5) Days of Required Staff Development
- c. Highly Qualified Teachers Pursuant to the No Child Left Behind Act of 2001

DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY SERVICES (Christin Harper)

- a. Federal Title IV-E Plan Amendments and Addition of Subsidized Guardianship Recommendation Form

DEPARTMENT OF HUMAN SERVICES, FINANCE AND ADMINISTRATION (Jeff Wood)

- a. Policy #1069; Recruitment Program

STATE MEDICAL BOARD (Bill Trice)

- a. Amendment to Regulation No. 17; Continuing Medical Education Requirement.

OIL AND GAS COMMISSION (Lawrence Bengal)

- a. Rule B-17; Well Drilling Pits and Completion Pits Requirements

STATE BOARD OF OPTICIANS (Lonnie Burrow, Amy Ford)

- a. Proposed Rules Changes

- 2. **The following rule was deferred to the April agenda so that the agency can provide additional information, including details on the fee to be charged to the offenders.**

DEPARTMENT OF COMMUNITY CORRECTION (Veter Howard)

- a. Electronic Monitoring after 120 Days Served

- 3. **The following rule was referred to the Senate Interim Committee on Public Health, Welfare and Labor and the House Interim Committee on Public Health, Welfare and Labor for its review.**

STATE BOARD OF DENTAL EXAMINERS (Bill Trice)

- a. Amendment to Article XI Governing the Functions of a Dental Hygienist

Respectfully submitted,

Senator Percy Malone, Co-Chair

Representative James Word, Co-Chair