



Hugh McDonald  
SECRETARY OF COMMERCE

Charisse Childers, Ph.D.  
DIRECTOR  
DIVISION OF WORKFORCE SERVICES

October 12, 2023

Senator Kim Hammer  
Representative Brian Evans  
Chairs of Administrative Rules Subcommittee  
Arkansas Legislative Council

Re: Acts of the 2023 Regular Session Requiring New Rulemaking –  
Notice of Intent Not to Adopt a Rule.

Dear Sen. Hammer/Rep. Evans,

In its Report on the Acts of the 2023 Regular Session Requiring New Rulemaking, the Bureau of Legislative Research identified Act 237 of 2023 as an act requiring action that could fall within the scope of rulemaking for the Arkansas Division of Workforce Services (ADWS), specifically, the Arkansas Workforce Development Board (AWDB), which is placed within ADWS.

Act 237 of 2023 amended Ark. Code Ann. § 6-16-1806 to require that "... [AWDB], in consultation with the Arkansas Department of Education (ADE), develop a system for collecting, analyzing, and reporting the public school student outcomes associated with the completions of ... career-ready pathways ..." (pg. 37, line 27, to pg. 38, line 9).

Upon review, on behalf of the AWDB, ADWS has determined that developing a system for ADWB as described in Act 237 of 2023 does not necessitate a rulemaking. Additionally, the Act does not specifically require the adoption of a rule by AWDB, and the agency has determined that a rule is not necessary in this instance. Thus, in accordance with Ark. Code Ann. § 25-15-216(c)(1), ADWS respectfully provides notice of its intent to not adopt a rule and requests that it be excluded from the requirements of Ark. Code Ann. § 25-15-216(b)(3)-(5).

According to Ark. Code Ann. § 25-25-216(c)(2), the Legislative Council or its appropriate subcommittee may exclude an agency from further reporting requirements if it determines that a rule is not necessary regarding the actions required under a newly enacted law.

Thank you for your consideration.

Sincerely,

David A.F. McCoy  
General Counsel

cc: Charisse Childers, Ph.D., Director