

**ADMINISTRATIVE RULES SUBCOMMITTEE
OF THE
ARKANSAS LEGISLATIVE COUNCIL**

Thursday, September 25, 2025

10:00 a.m.

Room A, MAC

Little Rock, Arkansas

- A. Call to Order**
- B. Report from the Executive Subcommittee Concerning Emergency Rules**
- C. Rules Filed Pursuant to Arkansas Code § 10-3-309**
 - 1. Department of Education, Division of Elementary and Secondary Education (Courtney Salas-Ford)**
 - a. Rules Governing Public School Choice, 6 CAR pt. 30**

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education, seeks to amend its Rules Governing Public School Choice.

Background

Pursuant to Arkansas Code § 6-18-1901 et seq. and § 6-18-227, the Division is charged with promulgating rules for public school choice. The purpose of this amended rule is to set forth the process and procedures necessary to administer the Public School Choice Act of 2015 and the Arkansas Opportunity Public School Choice Act.

Key Points

- Clarifies that a student may transfer from his or her resident district to a nonresident district or another public school within the resident district.
- Adds language for the process and procedure for receiving a student's transfer application.
- Adds language for the hearing of a student whose application has been rejected.
- Requires the school district to report annually to the Secretary of the Department the number of transfer applications, acceptances, denials, and reasons for each denial.

Discussion

This rule is promulgated per Act 913 of 2025, codified at Ark. Code Ann. § 6-18-1901 and Ark. Code Ann. § 6-18-227, for the Department to set

forth the process and procedures to administer the Acts. The rule in its amended form expounds upon the circumstances under which a district may claim lack of capacity, requires that a school district establish a student transfer policy and publicly post the policies and procedures to apply for a transfer, adds language for the proper process and procedure for receiving an application for transfer, and provides that a student may transfer from his or her resident district to a nonresident district or another public school within his or her resident school district.

Post-Public Comment

Clarifying language was added to page four of the rule consistent with the original provision regarding the capacity of a grade level. An edit was made to page six of the rule which caused the rule to directly mirror the statutory provision. Finally, language was added on page 24 consistent with the original provision which directs schools to utilize an available electronic mail address for military families.

PUBLIC COMMENT: A public hearing was held on July 18, 2025. The public comment period closed on August 11, 2025. The agency provided the following public comment summary:

Commenter Name: Don K. Berry, Military Officer Association of America – Arkansas Council

COMMENTS: Subpart 4. School Choice for Uniformed Service Members 6 CAR § 30-401. School choice for students of uniformed service members. (f)(1) For each application received under this subpart, the district shall notify the applicant in writing as to whether the student's application has been accepted or rejected within fifteen (15) calendar days of the district's receipt of the application. (2) The notification shall be sent via first-class mail to the address by the means identified for this purpose on the application. Justification: A transferring military family will more likely make a school choice application ahead of leaving their prior duty station. While in transit families are unable to receive first class mail service until they establish a new address. Email is more reliable to timely communicate with military families than first class mail. The application should ask by what means the family requests to be notified in writing. DoD recognizes Arkansas leadership of their 'Open Enrollment Flexibility' priority. DoD's Best Practices document places Arkansas first on its list:

<https://download.militaryonesource.mil/StatePolicy/pdfs/2025/best-practices-open-enrollmentflexibility.pdf>

RESPONSE: Comment considered, a non-substantive change was made consistent with the comment. The added language directs the school to utilize an email address that is provided in addition to the physical address currently required by the rule.

Commenter Name: Tina Seidel, CPS Admin Assistant – Student Services

COMMENTS: I am writing in opposition to the additional wording that would include inter-district school to school transfers in the School Choice Law that currently applies to district to district transfers. I am the Admin Assistant for Student Services in Cabot School District and as part of my duties I help oversee the School Choice process for district-to-district transfers and our parent request process for in-district school-to-school transfers. Over my years in this position, our district has worked diligently on our inter-district transfer requests to get our process where it is today. I would invite any officials considering this change to the law to first visit with us and see our process first hand. After years of fine-tuning our process, we currently fulfill nearly all the requirements that the new wording requests. We have an automated system for a parent to submit a google form in order to be added to our parent request list. For the last two years we have allowed students who are attending a school on an approved waiver to remain in that school and to simply roll up with their peers. We have prioritized siblings and approved them to attend the schools that their elder sibling is currently attending. We have continually had a placement success rate of 90 – 95%. The use of the school choice form would negatively impact our current process. It would increase our workload from the very beginning of the process. The school choice application would not self-populate our request spreadsheets as our current system does. The specific wording in the revision that the district cannot “discriminate based on an applicant’s residential address” would mean that we could no longer use our parent waiver requests to help balance our building numbers over the summer. Currently when a school fills up in a grade level we can refer to our parent requests and use them to move students around to make space for incoming families. If we cannot make moves based on residential addresses, we would not be able to prioritize moves that help with overall numbers.

Also, under this wording no priority could be given to families that live and pay property taxes to the district over families that are coming to us from outside of our district. This situation in itself would cause more friction with our in-district parents. While school choice families are welcome to the district, we do currently prioritize in-district parent requests where slots are limited. Currently school choice for out-of-district families opens in January. This is before families in the district are thinking about new student enrollments which typically starts in March. If no priority can be given based on residential address, then based on the timing alone, out-of-district families would end up with an advantage.

Finally, while we do allow for parent waivers and have a process in place, the expectation is that students will usually attend their zoned school. Typically, parents reach out that have an issue with attending their zoned school due to daycare etc. and are directed to the parent waiver request

process that is linked to our main web page. The process is not heavily advertised, as would be required by the school choice wording. We found in prior years before we allowed students to remain in their approved school for subsequent years, that the number of parent waiver requests had risen from the initial 30-40 requests to process over the summer to over 150 and increasing each year. The amount of time and effort to process these requests was fast becoming unattainable. As we now allow students to remain in their approved building for subsequent years, we anticipate that the number of requests this year will remain similar to last summer which was in the 60-70 range. If this process were to be advertised, as required in the new wording, we anticipate it would encourage parents to submit requests for reasons that were not a necessity. If the number of requests again reached into the hundreds it could again become more than could be reasonably maintained by district staff. Again, we as a district are currently achieving the intent behind the proposed wording for school to school transfers. Our parents are for the most part happy with the process and we have a very high success rate for placements. I ask again that you visit with a district that is successfully working the issues and consider that your proposed changes would significantly impact our current process and would result in more manhours, less efficiency and potentially more unhappy parents. **RESPONSE:** Comment considered, no changes made. This comment raises policy concerns which are governed by the controlling statute and are outside the scope of rulemaking.

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 4, Section (c)(2)(B)(i), Line 3: Add the words “in which the student would be assigned” after the word “grade level”.

RESPONSE: Comment considered, a non-substantive change was made consistent with the comment which added clarity to the provision of the rule.

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 4: Add “Each school district shall determine for each school within the school district the capacity of each school and grade level” after Section (c)(2)(B)(ii).

RESPONSE: Comment considered, no changes made.

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 5, Section (d)(2)(B): Insert the letter “a” between “include” and “provision”.

RESPONSE: Comment considered, a non-substantive change was made consistent with the comment.

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 14, Section (a)(1)(B): Add “and state board rules” after “6-15-2106”. **RESPONSE:** Comment considered, no changes made. This change was not made on the basis that the rules are created and referenced by the code which is referenced in the rule.

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 15, Section (b)(2): Keep the stricken language in (A) and (B); it is the language in the statute. **RESPONSE:** Comment considered, no changes made. Prior to the 2025 session, this statutory language established an exception to the general rule which prohibited intradistrict transfer. Because the general prohibition to intra-district transfers has been removed, the language establishing the exception is enveloped by the general authority to transfer to any school with capacity. The deviation in language made by the rule clarifies the implications of A.C.A. 6-18-227(b)(1)(A)(iii).

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENTS: Page 15, Section (c): Keep the stricken language in (1) and (2); it is the language in the statute. **RESPONSE:** Comment considered, no changes made. Prior to the 2025 session, this statutory language established an exception to the general rule which prohibited intradistrict transfer. Because the general prohibition to intra-district transfers has been removed, the language establishing the exception is enveloped by the general authority to transfer to any school with capacity. The deviation in language made by the rule clarifies the implications of A.C.A. 6-18-227(b)(1)(A)(iii).

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1. Is there a reason why the language of 6 CAR § 30-202(a)(1), as proposed, does not mirror the language of Arkansas Code Annotated § 6-18-1904(a), as amended by Act 913 of 2025? **RESPONSE:** This incongruity identified is a reference to a repealed statute referenced in the rule but not in the code. The logic of Act 913 suggests that it should be deleted but the proposed amendment only makes the change reflected in Act 913. The ADE has amended the rule in the final draft to reflect the statute word for word.

2. Is there a reason why 6 CAR § 30-203(a)(3), as proposed, sets an application deadline of June 1, when Arkansas Code Annotated §§ 6-18-

1905(a)(1) and (a)(3)(C) provide for a deadline of May 1? **RESPONSE:** This change is required by Act 563 of 2025.

3. Is there a reason why 6 CAR § 30-301(a)(2), as proposed, sets a transfer notification deadline of June 1, when Arkansas Code Annotated § 6-18-227(b)(1)(B) provides for a deadline of May 1? **RESPONSE:** This change is required by Act 563 of 2025.

4. Is there a reason why 6 CAR § 30-301(a)(2), as proposed, inserts the language “if applicable” into the notification requirement, when Arkansas Code Annotated § 6-18-227(b)(1)(B), which this provision of the rule appears to track, does not contain that qualifying language? **RESPONSE:** This clarification is added to better contextualize the statutory language. Changes made by Act 913 create the probability of a school choice process where only the resident school district is involved. The addition of “if applicable” signals that the provision may not apply to every situation and is designed to increase clarity for the reader consistent with statutory intent.

5. Is there a reason why 6 CAR § 30-301(b)(2), as proposed, sets an application deadline of June 1, when Arkansas Code Annotated § 6-18-227(b)(3)(A)(ii)(a) provides for a deadline of May 1? **RESPONSE:** This change is required by Act 563 of 2025.

6. Is there a reason why the language in 6 CAR § 30-301(c)(1) and 6 CAR §§ 30-301(c)(2)(A) and (c)(2)(B), which concern transfer options for students enrolled in a school in need of Level 5 — Intensive support or that has an “F” rating, does not mirror the language found in Arkansas Code Annotated §§ 6-18-227(b)(3)(B)(i)(a) and 6-18-227(b)(3)(B)(i)(b), which these provisions of the rule appear to track? **RESPONSE:** Prior to the 2025 session, this statutory language established an exception to the general rule which prohibited intra-district transfer. Because the general prohibition to intra-district transfers has been removed, the language establishing the exception is enveloped by the general authority to transfer to any school with capacity. The deviation in language made by the rule clarifies the implications of A.C.A. 6-18-227(b)(1)(A)(iii).

The proposed effective date is October 1, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact.

LEGAL AUTHORIZATION: The State Board of Education shall adopt any rules necessary for the implementation of Arkansas Code Annotated § 6-18-227, which concerns the Arkansas Opportunity Public School Choice Act, under the Arkansas Administrative Procedure Act, including

rules pertaining to the consideration of a school district's enrollment capacity. *See* Ark. Code Ann. § 6-18-227(k). Further authority for the rulemaking can be found in Ark. Code Ann. § 6-18-227(d)(5), which provides that the Division of Elementary and Secondary Education shall promulgate rules governing the use of school capacity as a basis for denying admission under the Act. Finally, Ark. Code Ann. § 6-18-1907(a) provides that the state board may promulgate rules to implement the Public School Choice Act of 2015, codified at Ark. Code Ann. § 6-18-1901 et seq.

The proposed changes include those made in light of the following Acts from the 2025 Regular Session:

Act 913, sponsored by Representative Austin McCollum, which amended the Arkansas Opportunity Public School Choice Act, amended the Public School Choice Act of 2015 and allowed a student to transfer to another public school within his or her resident district; and

Act 563, sponsored by Senator Alan Clark, which amended the dates by which applications for a transfer under the Arkansas Opportunity Public School Choice Act and Public School Choice Act of 2015 shall be submitted and amended the date by which a foster child shall submit a request to transfer schools.

b. Rules Governing Maternity Leave Cost Sharing, 6 CAR pt. 193

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education, seeks to amend its Rules Governing Maternity Leave Cost Sharing.

Background

The amendment updates the rule to reflect changes enacted by Act 904 and Act 905 of the 2025 session. The primary change is that the ADE is now required to cover 100% of the costs of maternity leave where prior law allowed the costs to be shared.

Key Points

- ADE will cover 100% of the costs of maternity leave.
- Enhances definition to provide other clarity pursuant to statutory changes.
- Provides added detail to statutory provision consistent with statutory intent.

Discussion

The effect of the statutory changes as implemented by this proposed rule amendment is to require the ADE to fully reimburse the school district for

the actual costs of replacing a district employee on maternity leave. Twelve weeks is defined as an 84 calendar day period with added days possible for school holidays and cancelled school days pursuant to Act 905 of 2025. Implementation is designed to ensure that a public school will experience no additional costs than the district would have experienced had the employee not taken maternity leave but also to ensure that the district cannot experience a financial windfall under the program at the expense of the employee.

Post-Public Comment

No changes were made following the public comment period.

PUBLIC COMMENT: A public hearing was held on July 18, 2025. The public comment period closed on August 11, 2025. The agency provided the following public comment summary:

Commenter Name: Alexis Williams Love, Fort Smith School District
COMMENT: Good morning. My name is Alexis Williams Love and I work for the Fort Smith School District. I had my baby this summer and will be beginning my Maternity Leave on August 13th. Will the paid leave apply to my situation? I have been discussing with my district but they have not been able to provide an answer. Please let me know as soon as possible if we can apply or if there is someone else I need to contact. Thank you. Alexis Williams Love. **RESPONSE:** Comment considered, no changes made. While more of a question than a comment, the division's response to Ms. Williams is that she will be eligible for paid leave to the extent that the number of days to which Ms. Love is entitled under this rule, beginning to be counted on August 13, overlaps with the fall semester.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1. 6 CAR § 193-104(b), as proposed, provides for reimbursement for “one hundred percent (100%) of the total incurred cost of the substitute staff for the period of time that an eligible employee is on maternity leave.” Arkansas Code Annotated § 6-17-122(c)(2), as amended by Act 904 of 2025, provides that the Division of Elementary and Secondary Education is obligated to “pay one hundred percent (100%) of incurred costs for approved maternity leave.” Are these two categories of costs the same and, if not, does the division anticipate that there will be any difference between the amounts of those costs? **RESPONSE:** Yes, the two are understood as the same cost. By using this language, the rule is essentially clarifying that the “incurred costs for approved maternity leave” is the “cost of the substitute staff” for the time that the employee is on leave.

The proposed effective date is October 1, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule has no financial impact.

LEGAL AUTHORIZATION: The Division of Elementary and Secondary Education shall promulgate rules outlining management of the agreement required under Arkansas Code Annotated § 6-17-122(c)(1), reimbursement processes, and other related procedures required to implement Ark. Code Ann. § 6-17-122, which concerns paid maternity leave. *See* Ark. Code Ann. § 6-17-122(c)(3).

The amendments include those made in light of the following legislative Acts from the 2025 Regular Session:

Act 904, sponsored by Representative Andrew Collins, which amended the law regarding paid maternity leave for public school employees and required the Division of Elementary and Secondary Education to pay for all incurred costs for approved paid maternity leave for public school employees; and

Act 905, sponsored by Representative DeAnn Vaught, which amended the days included in the total number of maternity leave days approved by a school that offers maternity leave.

c. Rules Governing Student Discipline and School Safety, 6 CAR pt. 234

DESCRIPTION: The Department of Education, Division of Elementary and Secondary Education, seeks to amend its Rules Governing Student Discipline and School Safety.

Background

Pursuant to Arkansas Code §§ 6-18-515, 6-18-511, 6-18-514, and 6-16-1406 et seq., the Division shall adopt necessary rules to implement these code sections. Three important Acts passed in the 2025 legislative session require that this rule be amended to reflect the changes. Those acts are: Act 122 – the Bell to Bell, No Cell Act; Act 565 – the Teacher and Student Protection Act; and Act 805, which updates antibullying policies. In addition, Act 725 of 2023 is now added to reflect changes for expelled students.

Summary of Amendments

- Act 122 of 2025 protects students from the harmful consequences of unlimited cell phone use. This act restricts cell phone use during school hours and limits cell phone use to emergencies during the school day.

- Act 565 of 2025 protects teachers and students from students who become violent or abusive in the classroom. It allows the teacher to remove a violent or abusive student until a conference has been held with parents to address the behavior. This rule provides guidelines for students with disabilities under IDEA and allows schools to suspend or place the student in an alternative learning environment until the conference can be held.
- Act 805 of 2025 amended the definition of bullying and created a process for schools to conduct multiple simultaneous investigations into the same allegation of bullying under certain circumstances.
- Act 725 of 2023 removed the requirement that public school districts offer digital learning courses or other alternative educational courses for which a student may receive academic credit to a student who is expelled.

Post Public Comment

One non-substantive change was made on page 14 to correct a drafting error and correctly reflect the statutory provisions.

PUBLIC COMMENT: A public hearing was held on July 18, 2025. The public comment period closed on August 11, 2025. The agency provided the following public comment summary:

Commenter Name: Tripp Walter, Arkansas Public School Resource Center

COMMENT: There is no basis in law for adding open-enrollment charter schools to the rules governing student discipline as the statute does not apply directly to charter schools, or the rule should acknowledge the charter school's ability to seek a waiver of this rule per Ark. Code Ann. § 6-23-101 et seq. **RESPONSE:** Comment considered, no changes made. While the original language on which the student discipline rule was based did not reference charter schools, many of the obligations reflected in the rule are based on statutory provision which would have applicability to charter schools. As with almost all provision of law pertaining to public schools, charter schools are eligible to seek a waiver from this rule. An explicit reference was not included because the division was concerned if we begin stating what rules can be waived it could give the impression that rules without an explicit reference cannot be waived in the charter authorization process.

Jason Kearney, an attorney with the Bureau of Legislative Research, asked the following questions and was provided with the following agency responses:

1. The Financial Impact Statement states, on Question #1, that the amended rule has no financial impact. However, the response to Question #6 indicates some financial impact as a result of this rule. Are these the

responses that the agency intended? **RESPONSE:** The rule has no financial impact. The ADE's note in this section is intended to disclose that the agency has expended funds prior to the enactment of the Act which requires the rule. The funds already expended were used to purchase equipment which would fulfill the requirements of the Act that is implemented by the rule. The rule establishes no relevant requirements beyond those established by the Act.

2. Is there a reason why the language in 6 CAR § 234-104(r)(2)(A), which concerns placement of a student who is removed from a class, does not mirror the language found in Arkansas Code Annotated § 6-18-511(c)(1), as amended by Act 565 of 2025, which provides that school personnel may "place the student into another appropriate learning environment"? **RESPONSE:** While the rule draft does reorder the language slightly, the rule does reflect the statute in substance.

The proposed effective date is October 1, 2025.

FINANCIAL IMPACT: The agency has indicated that the amended rule does not have a financial impact. The agency further states that the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule is \$0 for both the current fiscal year and next fiscal year. The agency adds that the fiscal impact associated with this rule is attributable to the relevant Acts, the implementation of the program in this rule amendment will not cause any additional costs not obligated under the Acts, and the total program cost to the agency is estimated at \$3 million.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code Annotated § 6-18-502(a), the Division of Elementary and Secondary Education shall establish rules for the development of school district student discipline policies. In developing the state rules for school district discipline policies, the division shall involve parents, students, teachers, and administrators. *See* Ark. Code Ann. § 6-18-502(h). Additionally, Ark. Code Ann. § 6-18-503(a)(1)(A) provides that each school district in this state shall develop written student discipline policies in compliance with the rules established by the division and shall file the policies with the division. Further authority for the rulemaking can be found in Ark. Code Ann. § 6-18-504(a), which provides that the division shall monitor compliance with the requirements of Ark. Code Ann. § 6-18-502 and § 6-18-503, which concern rules for the development of student discipline policies and written discipline policies respectively, and the State Board of Education shall adopt rules for the administration of the requirements thereof.

Additionally, the division shall promulgate rules necessary to implement Ark. Code Ann. § 6-18-515, which concerns the use of personal electronic

devices, including without limitation rules that: 1) Govern the process for monitoring compliance with Ark. Code Ann. § 6-18-515; and 2) Establish the process for approving or disapproving a policy submitted to the division by a public school district or an open-enrollment public charter school as required under Ark. Code Ann. § 6-18-515(b)(2). *See* Ark. Code Ann. § 6-18-515(i). Furthermore, the division shall promulgate rules defining what constitutes a special event that occurs during the school day. *See* Ark. Code Ann. § 6-18-515(d)(2).

Finally, the state board may promulgate rules to implement Ark. Code Ann. § 6-16-1406, which concerns digital learning courses. *See* Ark. Code Ann. § 6-16-1406(f).

The proposed amendments include those made in light of the following Acts from the 2025 Regular Session:

Act 122, sponsored by Senator Tyler Dees, which created the Bell to Bell, No Cell Act, and amended the requirements for public school discipline policies with regard to student use of personal electronic devices;

Act 565, sponsored by Representative R. Scott Richardson, which created the Teacher and Student Protection Act of 2025, and prohibited a student who is removed from a classroom due to violent or abusive behavior against a teacher or another student from being placed in a class with the teacher or student against whom the violent or abusive behavior was directed; and

Act 805, sponsored by Representative Paul Childress, which amended the definition of “bullying” with respect to public school antibullying policies, and created a process whereby a public school may conduct multiple, simultaneous investigations into the same allegation of bullying under certain circumstances.

2. Department of Health, Arkansas State Board of Pharmacy (John Kirtley, Matt Gilmore)

a. Arkansas State Board of Pharmacy Rules, 17 CAR pt. 160

DESCRIPTION: The Arkansas State Board of Pharmacy proposes amendments to its Arkansas State Board of Pharmacy Rules, 17 CAR pt. 160. Proposed changes to this rule will give greater regulatory flexibility by allowing pharmacies and pharmacists to utilize up to four (4) support staff members per supervising pharmacist. Currently, a pharmacist can supervise up to three (3) pharmacy technicians and one (1) pharmacy student intern. Under this framework, only the pharmacies near the colleges of pharmacy can generally employ student pharmacists

consistently which results in those pharmacies being able to have four (4) support staff members whereas other parts of the state are generally limited to three (3) support staff members.

Additionally, pharmacies that are employing pharmacy student interns are currently limited to one (1) intern per supervising pharmacist whereas these amendments would allow them to staff however they want with the flexibility to utilize interns or technicians collectively up to the 4:1 support staff ratio.

Proposed changes also cleanup outdated language regarding continuing education requirements and test scores to be deleted as the national board exam is a pass/fail exam versus a scored test now, as well as deletion of the continuing education and supervised work caps for pharmacists that have not had an active license or been in practice for many years.

PUBLIC COMMENT: A public hearing was held on August 13, 2025. The public comment period expired on August 13, 2025. The agency provided the following summary of public comments:

Commentor Name: Michael Lindsey, Director of Public Affairs and Government Relations, Walmart

COMMENTS: Dear Arkansas Board of Pharmacy Members, On behalf of Walmart Inc. (Walmart), I am submitting this letter in support of the proposed changes to 17 CAR § 160-907, which would allow pharmacies and pharmacists to utilize up to four (4) support staff members (pharmacy technicians, licensed interns or externs) per supervising pharmacist. Amending the support staff ratio will better enable pharmacies to meet patients' unique and specific needs. Pharmacies are one of the most accessible locations for health care. Community-based pharmacists, pharmacy technicians, and other pharmacy personnel are integral members of the community that bring significant value to the individuals they serve. We believe the proposed changes to the regulation will maximize the use and value of pharmacy support staff without compromising patient safety. Adjusting the ratio will allow pharmacists to focus more of their time on counseling patients, performing medication therapy management, providing disease management programs, engaging in other important pharmaceutical patient care services, and collaborating with other health care professionals. These services help patients better adhere to their medication regimens, ultimately improving health outcomes and reducing our nation's health care costs. We strongly support the Arkansas Board of Pharmacy's proposal to allow pharmacies and pharmacists to utilize up to four support staff members per supervising pharmacist. This regulatory change will help pharmacies provide high-quality care to the people of Arkansas. Thank you for your consideration.

RESPONSE: The Board accepted these comments and voted to adopt the proposed changes as presented without any changes from the previous filing.

Grant Wise, an attorney with the Bureau of Legislative Research, asked the following questions and received the following responses:

(1) 17 CAR § 160-203(c)(1) — What does a return to practice plan consist of? Is there a set of guidelines the applicant pharmacist must adhere to or documentation they must produce, or is it more of an informal statement of their intentions? **Response:** In this update the approval is for consideration and approval of their application and return to practice plan. Under the current rules, return to practice includes an application process where the individual must show proof of continuing education and may include supervised practice after inactivity. The application and plan are a combined issue for us and would want the Board to sign off on it for someone who has been out of practice for years. We have some pharmacies that are not deemed suitable for intern training and would therefore not be suitable to help with the checkoff and supervision of a return to practice. In some ways this is modeled after the Medical Board approach of having a prescriber appear with a supervising physician for their work. The plan would be a laid-out plan for the required supervised work or any other requirements that were laid out.

(2) Formerly 17 CAR § 160-402(c) — What is the reasoning behind deleting this subdivision? **Response:** Our state does not maintain the list of states that are participating in NAPLEX or what their fees or requirements may be. You generally have to check with any other state to see their current requirements at this point. NAPLEX fees are set by the test itself not our agency so that is available via their application. If we list fees that are incorrect it causes a conflict for applicants so we simply point to them. Our fees are clearly laid out by statute and in our applications regardless of the rule. With these facts the choice was made to delete this section as it was not meaningful and could cause conflicts.

(3) 17 CAR § 160-907(a) & (b) — Practically speaking, what is the difference between a licensed intern and a licensed intern working as part of an experiential learning experience? **Response:** There are licensed interns that are working in pharmacies as a job vs interns that are on a school assigned rotation as part of their required experiential learning. If on a rotation from the school, there is a different level of oversight from the rotation site and the college of pharmacy and the student intern is working on a specific plan of education. Since they are not working for pay and it is part of their required educational training the Board has never counted those individuals in ratios. This language already exists in the current rule and is simply being restructured in this proposed change.

FINANCIAL IMPACT: The agency has indicated that the proposed amendments do not have a financial impact.

LEGAL AUTHORIZATION: Pursuant to Arkansas Code § 17-92-205(a)(1), the Arkansas State Board of Pharmacy shall have authority to make reasonable rules, not inconsistent with law, to carry out the purposes and intentions of the pharmacy laws of this state that the board deems necessary to preserve and protect public health.

D. Agency Request to Be Excluded from Reporting Requirements of Act 595 of 2021
1. Department of Energy and Environment, Oil and Gas Commission (Act 149 of 2025, § 1) (Kesia Morrison, Lauren Ballard)

E. Agency Updates on the Status of Outstanding Rulemaking from the 2023 Regular Session Pursuant to Act 595 of 2021

1. Department of Commerce, Arkansas Economic Development Commission (Jake Windley)

Rules Outstanding as of September 1, 2025, as Reported and Updated by the Agency

- **Consolidated Incentive Act Rules (Act 834 of 2023)**

- The Arkansas Economic Development Commission is reviewing whether changes are necessary to the Consolidated Incentive Act based on Act 834 of 2023 and two incentives adopted during the 2025 General Session, specifically the Corporate Headquarters Relocation Incentive (Act 881) and the Modernization and Automation Incentive (Act 882). Since the Consolidated Incentive Act's rulemaking authority is permissive, AEDC is currently reviewing whether the existing rules should be amended or repealed in their entirety. Due to the fact that these internal discussions are ongoing, no anticipated date for the rule being on the subcommittee's agenda can be provided.

2. Department of Corrections (Tawnie Hughes)

Rules Outstanding as of September 1, 2025, as Reported and Updated by the Agency

Secretary of Corrections

- **Visitation (Act 659, § 112 of 2023)**

- This rule will be promulgated by the Secretary of Corrections, who has preliminarily approved it. There was a stakeholder request for a definition change. The updated rule is being reviewed.

Post-Prison Transfer Board

- **Transfer to Post Release Supervision (Act 659, § 2 of 2023)**

- This rule is being promulgated by the Post-Prison Transfer Board and has been submitted for review by the executive.

3. **Department of Education (Courtney Salas-Ford)**

Rules Outstanding as of September 1, 2025, as Reported and Updated by the Agency

Arkansas State Library

- **Rules Governing the Standards for State Aid to Public Libraries (Act 566, § 11 of 2023)**
 - Rulemaking regarding Act 566 of 2023 is temporarily suspended due to the passage of Act 903 of 2025. The agency anticipates rulemaking to occur following the appointment of a new slate of library board members.

Division of Career and Technical Education

- **Rules Governing the Approval of Computer Science-Related Career and Technical Education Courses (Act 654, § 4 of 2023)**
 - This rule has been redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted to ALC for review in December.
- **Rules Governing the Vocational Start-Up Grant Program (Act 867, § 7 of 2023)**
 - This rule is being redrafted in compliance with the Code of Arkansas Rules. It is anticipated that the final rule will be submitted to ALC for review in December.

Division of Elementary and Secondary Education

- **Rules Governing School District Waivers (Act 347, § 1 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 304 of 2025. The rule will be a top priority for the current round of rulemaking. It is anticipated that the final rule will be submitted to ALC for review in December.
- **Rules Governing Grading and Course Credit (Act 654, §§ 2, 4 of 2023)**
 - This rule has been released by the State Board of Education to be released for a public comment; however, the agency is redrafting this rule due to the enactment of Act 341 of 2025. The rule will be a top priority for the current round of rulemaking. It is anticipated that the final rule will be submitted to ALC for review in December.

State Board of Education

- **Rules Governing the Course Choice Program (Act 237, § 20 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 730 of 2025. The rule will be a top priority for the current round of rulemaking. It is anticipated that the final rule will be submitted to ALC for review in December.

- **Rules Governing Public Charter Schools (Act 237, § 49 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 800 of 2025. The rule will be a top priority for the current round of rulemaking. It is anticipated that the final rule will be submitted to ALC for review in December.

Division of Higher Education

- **Rules Governing Universal Academic Credit (Act 237, § 54 of 2023)**
 - The agency is redrafting this rule due to the enactment of Act 341 of 2025. The rule will be a top priority for the current round of rulemaking. It is anticipated that the final rule will be submitted to ALC for review in December.

F. Adjournment