

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES
GOVERNING THE COURSE CHOICE PROGRAM
PUBLIC COMMENTS AND RESPONSES**

Commenter Name: Tripp Walter, APSRC

Comments:

1. Page 4, 6 CAR §108-103, Section (c)(5): This language was repealed by Act 730 of 2025, Page 3, Lines 18-19.

Division Response: Comment considered. No substantive or non-substantive changes were made. The statutory provision of Arkansas Code § 6-16-1703(b)(3) stipulates that the agreement between the State Board and course providers shall include without limitation a plan for implementing or providing the following: ... Although this language was repealed by statute, there is no provision within the statute that limits the language from being included in rule. The division included this language to ensure courses are aligned with Arkansas diploma requirements.

2. Page 5, 6 CAR §108-103, Section (e)(2)-(3): The language of Act 730 of 2025 does not provide for a Division of Elementary and Secondary Education review after the course provider's second year of operation (Ark. Code Ann. §6-16-1703(c)(2)(A)), but rather for a State Board of Education review.

Division Response: Comment considered. No substantive or non-substantive changes were made. The division's role in providing an initial review facilitates the State Board's review as required by statute.

3. Page 5, 6 CAR §108-103, Section (e)(4): The language in section (e)(4) does not comport with the language in Act 730 of 2025 (Ark. Code Ann. § 6-16-1703 (c)(2)(B)), which indicates that if the performance of the students (not the course provider) does not meet the standards set by the State Board of Education, then the course provider shall be placed on probation.

Division Response: No substantive changes made. A non-substantive change was made to include that language, thus mirroring the statute.

Commenter Name: Lucas Harder, ARSBA

Comments:

1. 102(2): I would recommend changing this to “which at least a one-half (1/2) credit is awarded” as there are references in both pay and process for a student to take a course that would only provide a half credit.

Division Response: No substantive changes made. A non-substantive change was made to clarify the applicability of the definition of “course” in § 108-102(2), to the provisions of the rule by deleting *one (1)* from the definition. This ensures that there is no confusion considering some courses receive half credit.

2. 104(f): To try and prevent confusion, I would recommend splitting this into two separate statements so that it would read something along these lines:
(f)(1) Except as required under (f)(2), schools may, but are not required to, provide transportation for a student to and from the location of the course where the student is enrolled under this part.
(2) The school shall provide transportation for a student to and from the location of the course where the student is enrolled under this part if the student has an Individualized Education Program (IEP) that entitles the student to transportation.

Division Response: The comment was considered. No substantive or non-substantive changes made.