

**DIVISION OF ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND
TRANSPORTATION RULE GOVERNING THE TRANSPORTATION
MODERNIZATION GRANT PROGRAM
PUBLIC COMMENTS AND RESPONSES**

Commenter Name: Lucas Harder, Arkansas School Board Association, Policy Services Director, 5/10/24

Comments: 3.01.9: There is a “the” missing in front of the “Division”.

Division Response: **Comment considered. A nonsubstantive change was made.**

Commenter Name: Lucas Harder, Arkansas School Board Association, Policy Services Director, 5/10/24

Comments: 5.00: There does not appear to be a “4.00” so these should all be one number lower.

Division Response: **Comment considered. A nonsubstantive change was made.**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Section 2.00, Page 1: Provide a definition of "insufficient number of applications", such as the lesser of twenty-five percent (25%) or a smaller number to ensure that the dollars go out.

Division Response: **Comment considered. No changes made. Section 3.05 of the rule indicates that an insufficient number of applications would be less than 25%.**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Sections 3.01.7 and 3.01.8, Page 1: These groups of entities are not contained in the statute. What is the rationale for adding them as eligible entities?

Division Response: **Comment considered. No changes made. Arkansas Code § 6-20-2702(4) as well as Section 3.01.9 of the rule clearly gives the Division authority to add eligible entities. In accordance with that authority, the Division has chosen to include education service cooperatives and non-profit organizations as eligible entities in the rule.**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Sections 3.04.1 and 3.04.2, Page 2: Under what authority are these criteria listed, as they do not appear in the statute?

Division Response: **Comment considered. No changes made. Arkansas Code § 6-20-2703(d)(3) authorizes the Department to consider “other relevant criteria” when distributing grant money under the program. In accordance with that authority, the Division has chosen to include cost effectiveness and student safety as other relevant criteria in the rule.**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Section 3.06.5, Page 2: Does this mean the parents could double-dip or are they prevented from using these grant dollars?

Division Response: **Comment considered. No changes made. Arkansas Code § 6-20-2704(5)(A) and this section of the rule authorizes transportation modernization grant recipients to use grant funding in place of grants otherwise given to parents (e.g. for transporting a student using school choice).**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Section 3.06.8, Page 3: Under what authority is this criterion listed, as the language does not appear in statute?

Division Response: **Comment considered. No changes made. Arkansas Code § 6-20-2704(8) authorizes grants to be used for “other relevant grant activities as determined by the Division of Elementary and Secondary Education.” In accordance with that authority, the Division has chosen to include reducing chronic student absenteeism as a relevant grant activity in the rule.**

Commenter Name: Arkansas Public School Resource Center, 6/10/24

Comments: Sections 5.01 and 5.02, Pages 3-4: What is the basis for the language in this section, as it is not contained in statute?

Division Response: **Comment considered. No changes made. Under Arkansas Code § 6-20-2703(a)(3), the Department is required to report information about the program to the Governor and the General Assembly. To comply with that requirement, the Department needs to collect the relevant information required in the report.**
