

**DIVISION OF CAREER AND TECHNICAL EDUCATION RULES GOVERNING THE
ARKANSAS ADULT DIPLOMA PROGRAM**

Effective Date:

1.00 AUTHORITY

1.01 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-11-105, 6-44-303, and 25-15-201 et seq.

2.00 DEFINITIONS

2.01 “Academic skill intake assessment” means a criterion-referenced assessment of numeracy and literacy skills with high reliability and validity as determined by third-party research that is administered in person or online.

2.02 “Accredited” means an entity that holds an active accreditation from:

2.02.1 One (1) of the following regional accrediting organizations in the United States:

2.02.1.1 Middle States Commission on Higher Education;

2.02.1.2 New England Association of Schools and Colleges;

2.02.1.3 Higher Learning Commission;

2.02.1.4 Northwest Commission on Colleges and Universities;

2.02.1.5 Southern Association of Colleges and Schools Commission on Colleges;

2.02.1.6 Accrediting Commission for Schools, Western Association of Schools and Colleges;

2.02.1.7 Accrediting Commission for Community and Junior Colleges;
or

2.02.1.8 Any successor entities or consolidation or merger of any of the regional accreditors in the United States; or

2.02.2 Cognia.

2.03 “Adult dropout recovery services” means any type of assistance provided to a student, including without limitation:

2.03.1 Sourcing, recruitment, and engagement;

2.03.2 Learning plan development;

2.03.3 Active teaching; and

2.03.4 Proactive coaching and mentoring.

- 2.04 “Approved program provider” means a public, nonprofit, or other entity that satisfies the requirements of section 3.02.
- 2.05 “Average cost per graduate” means the total amount of Arkansas Adult Diploma Program funding disbursed to an approved program provider for a cohort through the end of the measurement period divided by the total number of graduates from the cohort during the measurement period.
- 2.06 “Career advising services” means services designed to assist a student in obtaining employment, including without limitation resume development and mock interviews.
- 2.07 “Career pathways coursework” means one (1) or more courses that help a student enter into or advance within a specific occupation or occupational cluster.
- 2.08 “Coaching” means proactive communication between an approved program provider and a student related to the student's pace and progress throughout his or her learning plan.
- 2.09 “Cohort” means the group of students who enter the program between July 1 and June 30 of each program year.
- 2.10 “Employability skills certification” means a certificate earned by students demonstrating professional nontechnical skills through assessment, including without limitation the program standards of the United States Department of Labor’s “Skills to Pay the Bills: Mastering Soft Skills for Workplace Success”.
- 2.11 “Graduate” means a student who has successfully completed all of the approved program provider requirements in order to obtain a high school diploma.
- 2.12 “Graduation rate” means the total number of graduates from a cohort who graduated during a measurement period divided by the total number of students included in the same cohort.
- 2.13 “Graduation requirements” means Arkansas course and credit requirements needed to earn a high school diploma from an approved program provider.
- 2.14 “High school diploma” means a diploma issued by an accredited institution.

- 2.14.1 A high school diploma issued under this subchapter is recognized as a secondary school diploma by this state.
- 2.15 “Learning plan” means a documented plan for courses or credits needed for each individual in order to complete the program and to fulfill the graduation requirements of an approved program provider.
- 2.16 “Measurement period” means the two-year period beginning July 1 of the year the cohort begins through June 30 of the subsequent state fiscal year.
- 2.17 “Mentoring” means a direct relationship between a coach and a student to facilitate the completion of the student's learning plan designed to prepare the student to succeed in the program and the student's future endeavors.
- 2.18 “Milestones” means the objective measures of progress for which payment is made to an approved program provider under this subchapter, including:
- 2.18.1 Earned units of high school credit;
 - 2.18.2 Attainment of an employability skills certification;
 - 2.18.3 Attainment of a workforce credential; and
 - 2.18.4 Attainment of an accredited high school diploma.
- 2.19 “Request for qualifications” means a request for interested public, nonprofit, or other entities to submit evidence that the entity meets the qualifications in section 3.02, and if confirmed by the Department of Education, that the requestor is an approved program provider.
- 2.20 “Student” means a participant in the program who:
- 2.20.1 Is twenty-one (21) years of age or older;
 - 2.20.2 Is a resident of the state of Arkansas; and
 - 2.20.3 Has not earned a high school diploma.
- 2.21 “Transcript evaluation” means a documented summary of credits earned in previous public or private accredited high schools compared with the program and approved program provider graduation requirements.
- 2.22 “Unit of high school credit” means credit awarded based on a student's demonstration that he or she has successfully met the content expectation for the credit area as defined by subject area standards, expectations, or guidelines.

2.23 “Workforce credential” means a third-party credential that is:

2.23.1 Part of a sequence of credentials that can be accumulated over time to build an individual's qualifications to advance along a career pathway; or

2.23.2 A credential that:

2.23.2.1 Verifies an individual's qualification or competence; and

2.23.2.2 Is:

2.23.2.2.a Issued by a third party with the relevant authority to issue the credential; or

2.23.2.2.b Aligned with high-wage, high-growth jobs in Arkansas, as defined by the Arkansas Workforce Development Board.

3.00 APPROVED PROGRAM PROVIDERS

3.01 Annually by August 15, the Department of Education shall issue a request for qualifications for public, nonprofit, or other entities to apply to become approved program providers and participate in the Arkansas Adult Diploma Program.

3.02 To become an approved program provider, the entity must:

3.02.1 Be a regionally accredited high school diploma-granting entity;

3.02.2 Have a minimum of two (2) years of experience providing adult dropout recovery services;

3.02.3 Provide a course catalog that includes all courses necessary to meet Arkansas graduation requirements; and

3.02.4 Have the ability to:

3.02.4.1 Provide academic skill intake assessments and transcript evaluations;

3.02.4.2 Develop a learning plan for each student that integrates graduation requirements and career goals;

3.02.4.3 Provide remediation opportunities in literacy and numeracy;

3.02.4.4 Provide an employability skills certification;

3.02.4.5 Provide career pathways coursework;

3.02.4.6 Provide preparation for workforce credentials; and

3.02.4.7 Provide career advising services.

3.03 The department shall announce the approved program providers no later than October 15 annually.

3.03.1 Upon the announcement of approval, an approved program provider may begin enrolling students starting no later than November 15 each year.

3.03.2 Approved program providers who have operated adult education programs for two years or more shall submit to the department a roster for the previous two years of enrolled students, as defined by Section 2.20.

3.03.2.1 Approved program providers who have operated for less than two (2) years shall submit documentation for relevant experience.

4.00 FUNDING AND PAYMENTS

4.01 An approved program provider may receive reimbursement for an enrolled, eligible student who meets the milestones as defined in 2.18, according to the chart listed in Appendix A.

4.02 An approved program provider shall not receive funding for a student under this rule if the approved program provider also receives federal or state funding or private tuition specifically for the student.

4.03 Once a program provider enrolls a student into its program, it shall provide the Department of Education an anticipated cost of completion of the program for that student.

4.03.1 The program provider shall provide the department with an updated anticipated cost of completing the program after each year the student completes.

4.03.2 The department will reserve funds for that student while the student is enrolled in a program with an approved program provider.

4.04 An approved program provider shall submit request for reimbursement invoices to the department no later than the tenth (10th) calendar day of each month for milestones met in the previous calendar month under the Arkansas Adult Diploma Program.

- 4.04.1 An approved program provider shall include with its reimbursement request a roster of students who received services in the previous calendar month for which reimbursement was requested.
- 4.05 The department shall pay approved program providers in the order in which invoices are submitted until all available funds are exhausted.
 - 4.05.1 Once all available funds are exhausted, the department shall notify all approved program providers that funds are exhausted and approved program providers shall immediately stop enrolling new students.
 - 4.05.2 Once all available funds are exhausted, an approved program provider can no longer request reimbursement for enrolled students.
 - 4.05.3 For purposes of this rule, “exhausted funds” includes funds that have been expended and funds reserved that are necessary for the anticipated cost of completion of the program per student.
- 4.06 The department shall provide a written update to an approved program provider by the last calendar day of each month, including without limitation the:
- 4.07 Aggregate total dollars per student that have been paid to the approved program provider to date; and
- 4.08 Estimated number of enrollments still available for the program year.

5.00 ACCOUNTABILITY

- 5.01 After the close of the second fiscal year of the Arkansas Adult Diploma Program and each year thereafter, the Department of Education shall review data from each approved program provider to ensure that each approved program provider is achieving minimum performance standards under the program, including:
 - 5.01.1 Minimum of fifty percent (50%) graduation rate for each cohort's measurement period; and
 - 5.01.2 Average cost per graduate of seven thousand dollars (\$7,000) or less for each cohort's measurement period.
- 5.02 The department shall place an approved program provider that does not meet the minimum program performance standards in sections 3.02 and 5.01 on probationary status for the remainder of the fiscal year.
 - 5.02.1 An approved program provider placed in probationary status under section 5.02 will be required to submit an improvement plan to the department.

5.03 An approved program provider that does not meet the minimum performance standards and fails to improve performance under its improvement plan for two (2) consecutive years shall be removed from the approved program provider list.

6.00 REPORTING REQUIREMENTS

6.01 On or before August 15 of the second fiscal year of the Arkansas Adult Diploma Program and each year thereafter, each approved program provider participating in the program shall report the following metrics to the Department of Education and to the Department of Commerce, Office of Skills Development:

6.01.1 Total number of students for whom the approved program provider has received payments under the program;

6.01.2 Total number of high school credits earned by students for whom the approved program provider is receiving payments under the program;

6.01.3 Total number of employability skills certifications issued to students for whom the approved program provider is receiving payments under the program;

6.01.4 Total number of workforce credentials earned, and the number and type of credential earned by each student, for each type of funding under section 4.01 by students for whom the approved program provider is receiving payments under the program;

6.01.5 Total number of students for whom the approved program provider is receiving payments under the program who receive high school diplomas;

6.01.6 Average cost per graduate for the cohort for which the measurement period ended in the prior fiscal year of the state and an updated average cost per graduate for any previous cohort for which the measurement period has ended but a student from the cohort achieved one (1) of the milestones described in section 5.01 in the prior fiscal year of the state; and

6.01.7 Graduation rates for the cohort for which the measurement period ended in the prior fiscal year of the state and updated graduation rates from any previous cohort for which the measurement period has ended but a student from the cohort achieved one (1) of the milestones described in section 5.01.

6.02 On or before August 15 after the conclusion of the first measurement period of the program and each year thereafter in which payments under the program were dispersed for the prior fiscal year of this state, each approved program provider

that received payments under section 4.00 for the preceding fiscal year shall report the metrics in this section by cohort to the department.

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Appendix A

<p><u>A student who attains an workforce credential requiring between fifty and one hundred (50–100) hours of training.</u></p>	<p style="text-align: right;"><u>\$125.00</u></p>
<p><u>A student who completes an employability skills certification program equal to at least one unit of high school credit obtained through classroom or online instruction.</u></p>	<p style="text-align: right;"><u>\$250.00</u></p>
<p><u>A student who earns a unit of high school credit.</u></p>	<p style="text-align: right;"><u>\$250.00</u></p>
<p><u>A student who attains an workforce credential requiring more than one hundred (100) hours of training.</u></p>	<p style="text-align: right;"><u>\$375.00</u></p>
<p><u>A student who attains a high school diploma.</u></p>	<p style="text-align: right;"><u>\$1000.00</u></p>
<p><u>A student who graduates and is placed in a job within an in-demand career pathway.</u></p>	<p style="text-align: right;"><u>\$1,250.00</u></p>

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H3/15/23

A Bill

HOUSE BILL 1529

5 By: Representative Ray
6 By: Senator B. Davis
7

For An Act To Be Entitled

8
9 AN ACT TO ESTABLISH THE ARKANSAS ADULT DIPLOMA
10 PROGRAM ACT; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO ESTABLISH THE ARKANSAS ADULT DIPLOMA
15 PROGRAM ACT.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 6, Chapter 44, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 3 – Arkansas Adult Diploma Program Act
23

24 6-44-301. Title.

25 This subchapter shall be known and may be cited as the "Arkansas Adult
26 Diploma Program Act".
27

28 6-44-302. Definitions.

29 As used in this subchapter:

30 (1) "Academic skill intake assessment" means a criterion-
31 referenced assessment of numeracy and literacy skills with high reliability
32 and validity as determined by third-party research that is administered in
33 person or online;

34 (2) "Accredited" means an entity that holds an active
35 accreditation from:

36 (A) One (1) of the following regional accrediting



1 organizations in the United States:

2 (i) Middle States Commission on Higher Education;

3 (ii) New England Association of Schools and

4 Colleges;

5 (iii) Higher Learning Commission;

6 (iv) Northwest Commission on Colleges and

7 Universities;

8 (v) Southern Association of Colleges and Schools

9 Commission on Colleges;

10 (vi) Accrediting Commission for Schools, Western

11 Association of Schools and Colleges;

12 (vii) Accrediting Commission for Community and

13 Junior Colleges; or

14 (viii) Any successor entities or consolidation or
15 merger of any of the regional accreditors in the United States; or

16 (B) Cogna;

17 (3) "Adult dropout recovery services" means any type of
18 assistance provided to a student, including without limitation:

19 (A) Sourcing, recruitment, and engagement;

20 (B) Learning plan development;

21 (C) Active teaching; and

22 (D) Proactive coaching and mentoring;

23 (4) "Approved program provider" means a public, nonprofit, or
24 other entity that satisfies the requirements of § 6-44-304;

25 (5) "Average cost per graduate" means the total amount of
26 Arkansas Adult Diploma Program funding dispersed to an approved program
27 provider for a cohort through the end of the measurement period divided by
28 the total number of graduates from the cohort during the measurement period;

29 (6) "Career pathways coursework" means one (1) or more courses
30 that help a student enter into or advance within a specific occupation or
31 occupational cluster;

32 (7) "Career advising services" means services designed to assist
33 a student in obtaining employment, including without limitation resume
34 development and mock interviews;

35 (8) "Coaching" means proactive communication between an approved
36 program provider and a student related to the student's pace and progress

1 throughout his or her learning plan;

2 (9) "Cohort" means the group of students who enter the program
3 between July 1 and June 30 of each program year;

4 (10) "Employability skills certification" means a certificate
5 earned by a student's demonstrating professional nontechnical skills through
6 assessment, including without limitation the program standards of the United
7 States Department of Labor's "Skills to Pay the Bills: Mastering Soft Skills
8 for Workplace Success";

9 (11) "Graduate" means a student who has successfully completed
10 all of the approved program provider requirements in order to obtain a high
11 school diploma;

12 (12) "Graduation rate" means the total number of graduates from
13 a cohort who graduated during a measurement period divided by the total
14 number of students included in the same cohort;

15 (13) "Graduation requirements" means course and credit
16 requirements needed to earn a high school diploma from an approved program
17 provider;

18 (14)(A) "High school diploma" means a diploma issued by an
19 accredited institution.

20 (B) A high school diploma issued under this subchapter is
21 recognized as a secondary school diploma by this state;

22 (15) "Learning plan" means a documented plan for courses or
23 credits needed for each individual in order to complete the program and to
24 fulfill the graduation requirements of an approved program provider;

25 (16) "Measurement period" means the two-year period beginning
26 July 1 of the year the cohort begins through June 30 of the subsequent state
27 fiscal year;

28 (17) "Mentoring" means a direct relationship between a coach and
29 a student to facilitate the completion of the student's learning plan
30 designed to prepare the student to succeed in the program and the student's
31 future endeavors;

32 (18) "Milestones" means the objective measures of progress for
33 which payment is made to an approved program provider under this subchapter,
34 including:

35 (A) Earned units of high school credit;

36 (B) Attainment of an employability skills certification;

1 (C) Attainment of a workforce credential; and

2 (D) Attainment of an accredited high school diploma;

3 (19) "Request for qualifications" means a request for interested
4 public, nonprofit, or other entities to submit evidence that the entity meets
5 the qualifications established in § 6-44-304, and if confirmed by the
6 Department of Education, that the requestor is an approved program provider;

7 (20) "Student" means a participant in the program who:

8 (A) Is twenty-one (21) years of age or older;

9 (B) Is a resident of this state; and

10 (C) Has not earned a high school diploma;

11 (21) "Transcript evaluation" means a documented summary of
12 credits earned in previous public or private accredited high schools compared
13 with the program and approved program provider graduation requirements;

14 (22) "Unit of high school credit" means credit awarded based on
15 a student's demonstration that he or she has successfully met the content
16 expectation for the credit area as defined by subject area standards,
17 expectations, or guidelines; and

18 (23) "Workforce credential" means a third-party credential that
19 is:

20 (A) Part of a sequence of credentials that can be
21 accumulated over time to build an individual's qualifications to advance
22 along a career pathway; or

23 (B) A credential that:

24 (i) Verifies an individual's qualification or
25 competence; and

26 (ii) Is:

27 (a) Issued by a third party with the relevant
28 authority to issue the credential; or

29 (b) Aligned with high-wage, high-growth jobs
30 in Arkansas, as defined by the Arkansas Workforce Development Board.

31

32 6-44-303. Arkansas Adult Diploma Program established – Purpose –
33 Administration – Funding.

34 (a) There is established the Arkansas Adult Diploma Program within the
35 Department of Education.

36 (b) The purpose of the program is to assist adults twenty-one (21)

1 years of age and older to:

2 (1) Obtain a high school diploma; and

3 (2) Develop employability and career technical skills.

4 (c) The department shall develop and administer the program to provide
5 for a modality that is campus-based, online, or blended.

6 (d) The department shall promulgate rules necessary to implement this
7 subchapter.

8
9 6-44-304. Approved program provider – Qualifications – Notice.

10 (a) Annually by August 15, the Department of Education shall issue a
11 request for qualifications for public, nonprofit, or other entities to apply
12 to become approved program providers and participate in the Arkansas Adult
13 Diploma Program.

14 (b)(1) The department shall promulgate rules necessary to establish
15 the:

16 (A) Criteria as described under subdivision (b)(2) of this
17 section under which an entity becomes an approved program provider; and

18 (B) Performance standards as specified under this
19 subchapter for an approved program provider to continue to participate in the
20 program.

21 (2) The criteria to become an approved program provider
22 described under subdivision (b)(1) of this section shall include that the
23 entity:

24 (A) Is a regionally accredited high school diploma-
25 granting entity;

26 (B) Has a minimum of two (2) years of experience providing
27 adult dropout recovery services;

28 (C) Provides a course catalog that includes all courses
29 necessary to meet graduation requirements; and

30 (D) Has the ability to:

31 (i) Provide academic skill intake assessments and
32 transcript evaluations;

33 (ii) Develop a learning plan for each student that
34 integrates graduation requirements and career goals;

35 (iii) Provide remediation opportunities in literacy
36 and numeracy;

- 1 (iv) Provide an employability skills certification;
2 (v) Provide career pathways coursework;
3 (vi) Provide preparation for workforce credentials;
4 and
5 (vii) Provide career advising services.

6 (c)(1) The department shall announce the approved program providers no
7 later than October 15 annually.

8 (2) Upon the announcement of approval, an approved program
9 provider may begin enrolling students starting no later than November 15 each
10 year.

11 (d) An approved program provider shall not be removed from the list of
12 approved program providers except as provided under § 6-44-308.

13
14 6-44-305. Payment.

15 An approved program provider shall not receive funding for a student
16 under this subchapter if the approved program provider also receives federal
17 or state funding or private tuition for the student.

18
19 6-44-306. Invoicing process.

20 (a) An approved program provider shall submit monthly invoices to the
21 Department of Education no later than the tenth calendar day of each month
22 for milestones met in the previous calendar month under the Arkansas Adult
23 Diploma Program.

24 (b) The department shall pay an approved program provider in the order
25 in which invoices are submitted until all available funds are exhausted.

26 (c) The department shall provide a written update to an approved
27 program provider by the last calendar day of each month, including without
28 limitation the:

29 (1) Aggregate total dollars that have been paid to the approved
30 program provider to date; and

31 (2) Estimated number of enrollments still available for the
32 program year.

33
34 6-44-307. Annual reporting.

35 (a) On or before August 15 of the second fiscal year of the Arkansas
36 Adult Diploma Program and each year thereafter, each approved program

1 provider participating in the program shall report the following metrics to
2 the Department of Education:

3 (1) Total number of students for whom the approved program
4 provider has received payments under the program;

5 (2) Total number of high school credits earned by students for
6 whom the approved program provider is receiving payments under the program;

7 (3) Total number of employability skills certifications issued
8 to students for whom the approved program provider is receiving payments
9 under the program;

10 (4) Total number of workforce credentials earned for each level
11 of funding described in § 6-44-305 by students for whom the approved program
12 provider is receiving payments under the program;

13 (5) Total number of students for whom the approved program
14 provider is receiving payments under the program who receive high school
15 diplomas;

16 (6) Average cost per graduate for the cohort for which the
17 measurement period ended in the prior fiscal year of the state and an updated
18 average cost per graduate for any previous cohort for which the measurement
19 period has ended but a student from the cohort achieved one (1) of the
20 milestones described in § 6-44-305 in the prior fiscal year of the state; and

21 (7) Graduation rates for the cohort for which the measurement
22 period ended in the prior fiscal year of the state and updated graduation
23 rates from any previous cohort for which the measurement period has ended but
24 a student from the cohort achieved one (1) of the milestones described in §
25 6-44-305.

26 (b) On or before August 15 after the conclusion of the first
27 measurement period of the program and each year thereafter in which payments
28 under the program were dispersed for the prior fiscal year of this state,
29 each approved program provider that received payments under § 6-44-306 for
30 the preceding fiscal year shall report the metrics described in subdivisions
31 (a)(1)-(5) of this section by cohort to the department.

32
33 6-44-308. Accountability.

34 (a) After the close of the second fiscal year of the Arkansas Adult
35 Diploma Program and each year thereafter, the Department of Education shall
36 review data from each approved program provider to ensure that each approved

1 program provider is achieving minimum performance standards under the
2 program, including:

3 (1) Minimum of fifty percent (50%) graduation rate for each
4 cohort's measurement period; and

5 (2) Average cost per graduate of seven thousand dollars (\$7,000)
6 or less for each cohort's measurement period.

7 (b)(1) The department shall place an approved program provider that
8 does not meet the minimum program performance standards identified in § 6-44-
9 304 and subsection (a) of this section on probationary status for the
10 remainder of the fiscal year.

11 (2) An approved program provider that does not meet the minimum
12 performance standards for two (2) consecutive years shall be removed from the
13 approved program provider list.

14
15 SECTION 2. DO NOT CODIFY. Rules.

16 (a)(1) The Department of Education, in consultation with the Office of
17 Skills Development, shall promulgate rules necessary to implement this act.

18 (2) When adopting the initial rules to implement this act, the
19 final rule shall be filed with the Secretary of State for adoption under §
20 25-15-204(f):

21 (A) On or before January 1, 2024; or

22 (B) If approval under § 10-3-309 has not occurred by
23 January 1, 2024, as soon as practicable after approval under § 10-3-309.

24 (b) The department shall file the proposed rule with the Legislative
25 Council under § 10-3-309(c) sufficiently in advance of January 1, 2024, so
26 that the Legislative Council may consider the rule for approval before
27 January 1, 2024.

28
29 /s/Ray

30
31
32 **APPROVED: 4/11/23**