

1 State of Arkansas
2 94th General Assembly
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4
5 By: Representative Ray
6 By: Senator B. Davis
7

A Bill

HOUSE BILL 1529

For An Act To Be Entitled

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

Subtitle

14 TO ESTABLISH THE ARKANSAS ADULT DIPLOMA
15 PROGRAM ACT.

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

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

24 6-44-301. Title.

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

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 (a) The Department of Education shall pay an approved program provider
 16 participating in the Arkansas Adult Diploma Program for the completion of the
 17 following milestones by each student:

18 (1) Two hundred fifty dollars (\$250) for the completion of each
 19 one-half (1/2) unit of high school credit;

20 (2) Two hundred fifty dollars (\$250) for the attainment of an
 21 employability skills certification;

22 (3) Two hundred fifty dollars (\$250) for the attainment of a
 23 workforce credential requiring up to fifty (50) hours of training;

24 (4) Five hundred dollars (\$500) for the attainment of a
 25 workforce credential requiring between fifty-one (51) hours and one hundred
 26 (100) hours of training;

27 (5) Seven hundred fifty dollars (\$750) for the attainment of a
 28 workforce credential requiring more than one hundred (100) hours of training;

29 and

30 (6) One thousand dollars (\$1,000) for the attainment of a high
 31 school diploma.

32 (b) An approved program provider shall not receive funding for a
 33 student under this section if the approved program provider also receives
 34 federal or state funding or private tuition for the student.

35
 36 6-44-306. Invoicing process.

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

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

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

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

12 (2) Estimated number of enrollments still available for the
13 program year.

14
15 6-44-307. Annual reporting.

16 (a) On or before August 15 of the second fiscal year of the Arkansas
17 Adult Diploma Program and each year thereafter, each approved program
18 provider participating in the program shall report the following metrics to
19 the Department of Education:

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

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

24 (3) Total number of employability skills certifications issued
25 to students for whom the approved program provider is receiving payments
26 under the program;

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

30 (5) Total number of students for whom the approved program
31 provider is receiving payments under the program who receive high school
32 diplomas;

33 (6) Average cost per graduate for the cohort for which the
34 measurement period ended in the prior fiscal year of the state and an updated
35 average cost per graduate for any previous cohort for which the measurement
36 period has ended but a student from the cohort achieved one (1) of the

1 milestones described in § 6-44-305 in the prior fiscal year of the state; and

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

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

13
14 6-44-308. Accountability.

15 (a) After the close of the second fiscal year of the Arkansas Adult
16 Diploma Program and each year thereafter, the Department of Education shall
17 review data from each approved program provider to ensure that each approved
18 program provider is achieving minimum performance standards under the
19 program, including:

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

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

24 (b)(1) The department shall place an approved program provider that
25 does not meet the minimum program performance standards identified in § 6-44-
26 304 and subsection (a) of this section on probationary status for the
27 remainder of the fiscal year.

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

31
32 6-44-309. Consumer price index.

33 (a) Annually by July 1 of each year, the Department of Education shall
34 adjust the amount of the payments for milestones to approved program
35 providers described in § 6-44-305 according to the Consumer Price Index for
36 All Urban Consumers, as determined by the United States Department of Labor.

1 (b) The Department of Education shall publish the adjusted amount on
2 its website on or before July 15 of each year.

3
4 SECTION 2. DO NOT CODIFY. Rules.

5 (a)(1) The Department of Education shall promulgate rules necessary to
6 implement this act.

7 (2) When adopting the initial rules to implement this act, the
8 final rule shall be filed with the Secretary of State for adoption under §
9 25-15-204(f):

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

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

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