

State of Arkansas
94th General Assembly
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As Engrossed: H3/15/23

A Bill

HOUSE BILL 1529

By: Representative Ray

By: Senator B. Davis

For An Act To Be Entitled

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

Subtitle

TO ESTABLISH THE ARKANSAS ADULT DIPLOMA
PROGRAM ACT.

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

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

Subchapter 3 – Arkansas Adult Diploma Program Act

6-44-301. Title.

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

6-44-302. Definitions.

As used in this subchapter:

(1) "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) "Accredited" means an entity that holds an active accreditation from:

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



organizations in the United States:

(i) Middle States Commission on Higher Education;

(ii) New England Association of Schools and

Colleges;

(iii) Higher Learning Commission;

(iv) Northwest Commission on Colleges and

Universities;

(v) Southern Association of Colleges and Schools

Commission on Colleges;

(vi) Accrediting Commission for Schools, Western

Association of Schools and Colleges;

(vii) Accrediting Commission for Community and

Junior Colleges; or

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

(B) Cogna;

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

(A) Sourcing, recruitment, and engagement;

(B) Learning plan development;

(C) Active teaching; and

(D) Proactive coaching and mentoring;

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

(5) "Average cost per graduate" means the total amount of Arkansas Adult Diploma Program funding dispersed 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;

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

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

(8) "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;

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

(10) "Employability skills certification" means a certificate earned by a student's 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";

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

(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;

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

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

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

(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;

(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;

(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;

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

(A) Earned units of high school credit;

(B) Attainment of an employability skills certification;

(C) Attainment of a workforce credential; and

(D) Attainment of an accredited high school diploma;

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

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

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

(B) Is a resident of this state; and

(C) Has not earned a high school diploma;

(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;

(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; and

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

(A) 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

(B) A credential that:

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

(ii) Is:

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

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

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

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

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

years of age and older to:

(1) Obtain a high school diploma; and

(2) Develop employability and career technical skills.

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

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

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

(a) 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.

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

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

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

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

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

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

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

(D) Has the ability to:

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

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

(iii) Provide remediation opportunities in literacy and numeracy;

(iv) Provide an employability skills certification;

(v) Provide career pathways coursework;

(vi) Provide preparation for workforce credentials;

and

(vii) Provide career advising services.

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

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

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

6-44-305. Payment.

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

6-44-306. Invoicing process.

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

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

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

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

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

6-44-307. Annual reporting.

(a) 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:

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

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

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

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

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

(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 § 6-44-305 in the prior fiscal year of the state; and

(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 § 6-44-305.

(b) 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 § 6-44-306 for the preceding fiscal year shall report the metrics described in subdivisions (a)(1)-(5) of this section by cohort to the department.

6-44-308. Accountability.

(a) 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:

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

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

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

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

SECTION 2. DO NOT CODIFY. Rules.

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

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

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

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

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

/s/Ray

APPROVED: 4/11/23