

ARKANSAS REGISTER

Proposed Rule Cover Sheet



Secretary of State
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Little Rock, Arkansas 72201-1094
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Name of Department _____

Agency or Division Name _____

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

Contact Person _____

Contact E-mail _____

Contact Phone _____

Name of Rule _____

Newspaper Name _____

Date of Publishing _____

Final Date for Public Comment _____

Location and Time of Public Meeting _____

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE
ARKANSAS CONCURRENT CHALLENGE SCHOLARSHIP PROGRAM**
Effective Date:

POLICY STATEMENT

These rules shall be known as the ~~Arkansas Department of Education~~, Division of Higher Education Rules Governing the Arkansas Concurrent Challenge Scholarship Program. This policy addresses the student eligibility criteria, method for recipient selection, continuing eligibility requirements and procedures for making payments to an approved institution of higher education, and other administrative procedures necessary for operation of the program.

APPLICABLE ARKANSAS CODE

~~Act 456 of 2019~~ Ark. Code Ann. § 6-85-401 et seq.

APPLICABILITY

This rule is applicable to students who are eligible for a scholarship under the Arkansas Concurrent Challenge Scholarship Program.

1.00 DEFINITIONS

1.01 “Academic year” means a measure of the academic work to be accomplished by the recipient.

1.01.1 The academic year is defined as fall, spring, and summer semesters, in that order.

1.02 ~~4~~ “Approved Institution of higher education” means an institution of higher education that:

1.02.1 ~~a.~~ Is approved by the Division of Higher Education to participate in the Arkansas Concurrent Challenge Scholarship Program;

1.02.2 ~~b.~~ Offers at least a fifty percent (50%) discount on the tuition and mandatory fees of an endorsed concurrent enrollment course or certificate program to a student who is enrolled in an endorsed concurrent enrollment course or certificate program, unless other opportunities are provided that lower the tuition and mandatory fees below fifty percent (50%); and

1.02.3 ~~c.~~ Is a:

1.02.3.1 ~~i.~~ State-supported two-year or four-year college or university;
~~or~~

1.02.3.2 ~~ii.~~ Private, nonprofit two-year or four-year college or university that has its primary headquarters located in Arkansas and that is eligible to receive Title IV federal student aid funds; or

1.02.3.3 Beginning January 1, 2025, public or private vocational-technical school or technical institute, only if its primary headquarters is located in Arkansas, and it is eligible to receive Title IV federal student aid funds.

1.03 2) "Eligible course" means any endorsed concurrent enrollment course or certificate program.

1.04 3) "Certificate program" means a program that is offered or made available to a student by an approved institution of higher education that leads to the obtainment of a certification or license.

1.04.1 This definition does not include a program operated or sponsored by a third party.

1.05 4) "Endorsed concurrent enrollment course" means a college-level course offered by an approved institution of higher education in Arkansas that upon completion would qualify for academic credit in both the approved institution of higher education and a public high school that;

1.05.1 ~~a.~~ Is in one (1) of the four (4) core areas of math, English, science, and social studies;

1.05.2 ~~b.~~ Meets the requirements of § 6-16-1204(b); and

1.05.3 ~~c.~~ Is listed in the Arkansas Course Transfer System of the division ~~Division of Higher Education~~;

1.05.3.1 This definition does not include programs operated or sponsored by a third party;

1.06 5) "Student" means a person who has sophomore, junior or senior status and who is enrolled at a:

1.06.1 ~~a.~~ Public high school in Arkansas;

1.06.2 ~~b.~~ Private high school in Arkansas; or

1.06.3 ~~c.~~ Home school, as defined in § 6-15-501 et seq.;

1.07 ~~6)~~ “Student success plan” means a plan developed by school personnel in collaboration with parents and the student that is reviewed annually.

1.07.1 The plan shall, at a minimum:

1.07.1.1 ~~a.~~ Guide the student along pathways to graduation;

1.07.1.2 ~~b.~~ Address accelerated learning opportunities;

1.07.1.3 ~~c.~~ Address academic deficits and interventions; and

1.07.1.4 ~~d.~~ Include college and career planning components;

1.08 ~~7)~~ “Third party” means a person or entity that does not receive disbursement directly from the ~~D~~ivision for this program, including a subcontractor of the institution.

2.00 ELIGIBILITY

2.01 ~~4)~~ A student is eligible to receive an Arkansas Concurrent Challenge Scholarship for an academic semester or academic year during which the student is enrolled in an endorsed concurrent enrollment course or certificate program if the student:

2.01.1 ~~a.~~ Is an Arkansas resident or, if the student is less than twenty-one (21) years of age, either the student or one (1) parent of the student is an Arkansas resident; and

2.01.2 ~~b.~~ Provides proof that a completed student success plan has been submitted to the student’s high school or home school.

2.02 ~~2)~~ The student success plan for a student who is enrolled in an endorsed concurrent enrollment course or certificate program shall:

2.02.1 ~~a.~~ Be prepared in consultation with school personnel, the student, and the student's parent or legal guardian or a college advisor.

2.02.2 ~~b.~~ Include an endorsed concurrent enrollment course or certificate program that is relevant to the student's success plan and include measures that ensure the successful completion of the endorsed concurrent enrollment course or certificate program in which the student is enrolled.

2.02.3 ~~c.~~ A student whose enrollment in a vocational center is reimbursable under § 6-51-305 is not eligible for a scholarship under this program.

2.02.4 ~~d.~~ Students must meet all established requirements for endorsed concurrent enrollment courses set by the Division of Higher Education.

3.00 CONTINUING ELIGIBILITY

3.01 ~~1)~~ A student is eligible to continue to receive the Arkansas Concurrent Challenge Scholarship if the student successfully completes an endorsed concurrent credit course or certificate program course and receives a minimum grade point average of 2.5.

3.02 ~~2)~~ A student who fails to complete an endorsed concurrent credit course or certificate program course with a minimum grade point average of 2.5 shall retain eligibility and enroll in no more than one (1) endorsed concurrent credit course or certificate program course for the first semester following the semester in which the student failed to successfully complete an endorsed concurrent credit course or certificate program course.

3.02.1 ~~a.~~ If a student fails to complete an endorsed concurrent credit course or certificate program course a second time, the student shall be ineligible to reapply or receive the scholarship again.

3.02.1.1 This also applies to a student that drops out of an endorsed concurrent credit course or certificate program course before the end of the semester.

4.00 AMOUNT OF AWARDS

4.01 ~~1)~~ If funds are available, the Division of Higher Education shall award Arkansas Concurrent Challenge Scholarships to all students eligible for the scholarship for the fall, ~~and spring~~ or summer terms.

4.02 ~~2)~~ The maximum scholarship award a student may receive in an academic year shall be the lesser of:

4.02.1 ~~a.~~ Five hundred dollars (\$500)

4.02.1.1 ~~i.~~ Eligible students shall be awarded one-hundred and twenty-five dollars (\$125) for each eligible course the student is enrolled, up to two (2) eligible courses per semester; or

4.02.2 ~~b.~~ The actual tuition and mandatory fees cost to the student for up to two (2) eligible courses per semester.

4.03 ~~3)~~ A scholarship granted under this section may be awarded in addition to any funds received for the enrollment in an endorsed concurrent enrollment course under § 6-16-1204(e)(3).

4.04 ~~4)~~ Unless a student's high school or community-based program provides financial assistance for the cost of tuition and mandatory fees for an endorsed concurrent

credit course or certificate program course, the remaining cost of tuition and mandatory fees for an endorsed concurrent enrollment course or certificate program is the responsibility of the eligible student who is enrolled in the endorsed concurrent credit course or certificate program course.

- 4.05 The division shall distribute scholarships from the funds available in an equal amount to every approved institution of higher education that has enrolled a student eligible to receive this scholarship.

5.00 INSTITUTIONAL RESPONSIBILITIES

Approved institution of higher education responsibilities.

- 5.01 ~~1)~~ Administrative agreement.

5.01.1 The chief executive officer of the approved institution of higher education is responsible for appointing one (1) representative from the financial aid office to act as administrator of the Arkansas Concurrent Challenge Scholarship Program and to receive all communications, forms, etc.

5.01.1.1 This representative is responsible for verification, data, and compliance with these rules.

5.01.2 The approved institution of higher education shall comply with all rules in order to maintain the status of an approved institution of higher education.

- 5.02 ~~2)~~ Disbursement records.

5.02.1 The approved institution of higher education shall maintain information on the student indicating disbursement of scholarship funds.

- 5.03 ~~3)~~ Verification.

5.03.1 The approved institution of higher education shall provide certification of enrollment in courses that will meet satisfactory academic progress standards, as of the eleventh day of classes, by completing a Verification Roster each semester after registration.

5.03.1.1 The Verification Roster is an alphabetical listing by an approved institution of higher education of all students receiving the award for a given academic term.

5.03.1.2 The certifying official is responsible for completing the verification rosters each semester.

- 5.04 ~~4)~~ Deadlines for disbursement of funds.

5.04.1 The deadline for disbursement of funds is no later than ten (10) days after receipt of funds.

5.04.1.1 Any outstanding funds not disbursed by this date must be returned to the division.

5.04.1.2 For those students whose applications are received by the division too late to allow disbursement by this date, disbursement will be made within ten (10) working days of receipt of the verification roster and electronic transfer of funds to the approved institution of higher education.

5.05 ➤ Due diligence.

5.05.1 The approved institution of higher education will exercise due diligence in providing complete, accurate, and timely information as requested by the division on any scholarship recipient or former scholarship recipient.

5.05.2 In addition, the approved institution of higher education will exercise due diligence in complying with these rules.

5.05.3 The division may periodically review the approved institution of higher education's records concerning this scholarship program to ensure the compliance with due diligence requirements.

5.06 ➤ Course eligibility.

5.06.1 The approved institution of higher education is responsible for verifying that the endorsed concurrent credit courses and certificate program courses meet the requirements set in Arkansas Code Ann. § 6-16-1202 and policies of the division.

6.00 HIGH SCHOOL AND HOME SCHOOL RESPONSIBILITIES

6.01 ➤ The high school or home school shall provide certification of eligibility for a student to enroll in an endorsed concurrent enrollment course or certificate program.

6.02 A high school or home school shall verify the completion of the student's student success plan before certifying that a student is eligible for the scholarship.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT _____
BOARD/COMMISSION _____
BOARD/COMMISSION DIRECTOR _____
CONTACT PERSON _____
ADDRESS _____
PHONE NO. _____ EMAIL _____
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING _____
PRESENTER EMAIL(S) _____

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

1. What is the official title of this rule?

2. What is the subject of the proposed rule? _____
3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

Ark. Code Ann. § 6-85-406

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s).

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

11. What is the reason for this proposed rule? Why is it necessary?

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____

15. What is the proposed effective date for this rule? _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT _____
BOARD/COMMISSION _____
PERSON COMPLETING THIS STATEMENT _____
TELEPHONE NO. _____ **EMAIL** _____

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE _____

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
(a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

Next Fiscal Year

General Revenue _____
 Federal Funds _____
 Cash Funds _____
 Special Revenue _____
 Other (Identify) _____

Total _____

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____

Next Fiscal Year

\$ _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Division of Higher Education

101 E. Capitol Ave., Suite 300 • Little Rock, Arkansas • 72201-3827 • (501) 371-2000 • Fax (501) 371-2001

Jacob Oliva
Secretary

Ken Warden, Ed.
Commissioner

April 3, 2024

Dr. Jim Carr
Secretary

Proposed Rules Governing the Arkansas Concurrent Challenge Scholarship

**Higher Education
Coordinating
Board**

PURPOSE

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing the Arkansas Concurrent Challenge Scholarship.

**Mrs. Graycen
Bigger**
*Academic/Finance
Committees
Chair*

BACKGROUND

Pursuant to Act 413 of 2023, the Division is charged with updating the existing rules governing the Arkansas Concurrent Challenge Scholarship to allow scholarship recipients to use funds for a summer term. Additionally, Act 539 of 2023 requires an additional amendment to this rule in which, effective January 1, 2025, institutions of higher education will now include public or private vocational-technical institutes and public or private technical institutes, for which the Department believes that rulemaking is required. Act 438 of 2023 updates the definition of student to now include sophomores in grade ten, in addition to juniors and seniors in grades eleven and twelve.

Dr. Jerry Cash
*Academic
Committee*

KEY POINTS

- Creates an additional provision of the Rule to allow students to utilize scholarships during summer terms.
- Effective January 1, 2025, institutions of higher education will now include public or private vocational-technical institutes and public or private technical institutes.
- Updates the definition of student to now include sophomores in grade ten, in addition to juniors and seniors in grades eleven and twelve.

Mr. Chad Hooten
Finance Committee

DISCUSSION

Act 413 of 2023 amended the Rules Governing the Arkansas Concurrent Challenge Scholarship, which is codified at Ark. Code Ann. § 6-85-401 et seq. As part of the amendment, the Act creates an additional provision of the Rule to allow scholarship recipient students to utilize scholarship funds for enrolling and attending courses offered during a summer term at the postsecondary institution in which the student is enrolled.

**Mrs. Heather
Maxey**
Finance Committee

Act 539 of 2023 further amends this rule effective January 1, 2025, by expanding on the definition of institutions of higher education which will now include public or private vocational-technical institutes and public or private technical institutes. Act 438 of 2023 updates the definition of student to now include sophomores in grade ten, in addition to juniors and seniors in grades eleven and twelve.

Dr. Kyle Miller
Finance Committee

Mr. Lucas Pointer
Finance Committee

RECOMMENDATION

The Division of Higher Education recommends Governor's Office approval of this rule.

**Mrs. Carolyn
Rhinehart**
*Academic
Committee*

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Higher Education is considering new administrative rules. Public comment hearings will be held for the following rules: DHE Rule Governing The Arkansas Teacher Academy Scholarship Program; DHE Rule Governing The Arkansas Concurrent Challenge Scholarship Program; DHE Rule Governing The Arkansas Future Grant Program; DHE Rule Governing The Arkansas Governor's Scholars Program; DHE Rule Governing The Arkansas Workforce Challenge Scholarship Program; DHE Rule Governing The Governor's Higher Education Transition Scholarship Program; DHE Rule Governing Productivity-Based Funding for State-Supported Institutions of Higher Education. All hearings will be held May 20, 2024, at 10:00 a.m., at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on June 6, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Higher Education's website at: <https://adhe.edu/data-publications/pending-policies>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address, via phone at (501) 683-1390, or via email at legal@ade.arkansas.gov.

FW: Notice of Rulemaking

Stephen Reynolds (ADE) <Stephen.Reynolds@ade.arkansas.gov>

Wed 5/1/2024 8:39 AM

To: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>

Stephen M. Reynolds
Attorney Specialist
Arkansas Department of Education

From: Legal Ads <legalads@arkansasonline.com>

Sent: Tuesday, April 30, 2024 5:30 PM

To: Stephen Reynolds (ADE) <Stephen.Reynolds@ade.arkansas.gov>

Subject: Re: Notice of Rulemaking

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact [ADE IT Services](#).

Will run Fri 5/3, Sat 5/4, and Sun 5/5.

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Stephen Reynolds, ADE" <Stephen.Reynolds@ade.arkansas.gov>

To: "legalads" <legalads@arkansasonline.com>

Cc: "Andres Rhodes (ADE)" <Andres.Rhodes@ade.arkansas.gov>, "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Alisha N. Price (ADE)" <Alisha.Price@ade.arkansas.gov>, "Whitney James, ADE" <Whitney.James@ade.arkansas.gov>

Sent: Monday, April 29, 2024 10:58:25 AM

Subject: Notice of Rulemaking

Good morning,

Please find attached a notice of rulemaking for several Division of Higher Education administrative rules and confirm receipt. Please run for three consecutive days, from Friday, May 3, 2024, through Sunday, May 5, 2024. Let me know if you have any questions.

Thanks,

Stephen M. Reynolds
Associate Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-4899

Confidentiality Notice: This email may contain confidential information. If you are not the intended recipient, please disregard and delete the email.