

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Arkansas Division of Higher Education
Rules Governing Arkansas Academic Challenge Scholarship Program
(Effective Date: ~~May 2, 2022~~)

Policy Statement 1.00 PURPOSE AND AUTHORITY

~~These rules shall be known as the Arkansas Division of Higher Education Rules Governing the Arkansas Academic Challenge Scholarship Program. This policy 1.01~~ This rule is promulgated by the Higher Education Coordinating Board under its authority in Arkansas Code § 6-61-202 and § 6-85-202 and addresses the student eligibility criteria, method for recipient selection, continuing eligibility requirements, procedures for making payments to an approved institution of higher education, and other administrative procedures necessary for operation of the program.

Applicable Arkansas Code

~~Ark. Code Ann. 6-85-202 ET. Seq.~~

2.00 DEFINITIONS

- ~~(1)~~ 2.01 “Academic ~~Year~~ year” means fall, spring, ~~first and second~~ summer semesters in that order, ~~or as defined by the Division of Higher Education;~~
- ~~(2)~~ 2.02 "ACT" means the ~~ACT~~ American College Testing college readiness assessment administered by ACT, Inc.;
- ~~(3)~~ 2.03 "ACT equivalent" means the Scholastic Aptitude Test (SAT), COMPASS, ACCUPLACER, Asset or other nationally normed test that is correlated with the ACT and approved by the ~~Division of Higher Education~~ division for use by institutions of higher education to assess a person's college readiness;
- ~~(4)~~ 2.04 "Approved institution of higher education" means an institution of higher education approved by the ~~Division of Higher Education~~ division to participate in the Arkansas Academic Challenge Scholarship Program and that is:
 - ~~(a)~~ 2.04.1 A state-supported two-year or four-year college or university;
 - ~~(b)~~ 2.04.2 A private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds; ~~or~~
 - ~~(c)~~ 2.04.3 An approved school of nursing, subject to the provisions of Arkansas Code § 6-85-213(c);
- ~~(5)~~ 2.05 "Approved school of nursing" means a school of nursing with its primary headquarters located in Arkansas that:

- ~~(a)~~ 2.05.1 Prepares students as registered nurses;
 - ~~(b)~~ 2.05.2 Grants nursing diplomas;
 - ~~(c)~~ 2.05.3 Is eligible to participate in the Higher Education Act of 1965, Title IV federal student aid programs;
 - ~~(d)~~ 2.05.4 Is approved by the Arkansas State Board of Nursing;
 - ~~(e)~~ 2.05.5 Has been approved by the Division of Higher Education as eligible to participate in the Arkansas Academic Challenge Scholarship Program; and
 - ~~(f)~~ 2.05.6 Is not a two-year or four-year college or university;
- ~~(6)~~ 2.06 "Arkansas resident" means a natural person who provides evidence deemed sufficient by the Division of Higher Education that:
- ~~(a)~~ 2.06.1 For the twelve-month period required under basic eligibility requirements the person:
 - ~~(b)~~ 2.06.1.1 Maintained a permanent home in Arkansas where the person resides for an average of no less than four (4) days and nights per calendar week; and
 - ~~(c)~~ 2.06.1.2 Either:
 - ~~(a)~~ 2.06.1.2.a Is an Arkansas registered voter;
 - ~~(b)~~ 2.06.1.2.b Holds a valid Arkansas motor vehicle driver's license;
 - ~~(c)~~ 2.06.1.2.c Receives benefits under an Arkansas public assistance program;
 - ~~(d)~~ 2.06.1.2.d Uses an Arkansas residence address for federal or state tax purposes; or
 - 2.06.1.2.e Claims Arkansas as a residence to hold public office or for judicial actions; or
 - ~~(d)~~ 2.06.2 Before the deadline for filing a scholarship application under this rule the applicant:
 - ~~(e)~~ 2.06.2.1 Is on active military status;
 - ~~(f)~~ 2.06.2.2 Qualifies for in-state tuition and fees if the student is a:

2.06.2.2.a Veteran who was honorably discharged or released from a period of not less than ninety (90) days of active duty in the military, naval, or air service within three (3) years before the date of enrollment in a program of study;

2.06.2.2.b Dependent of a veteran under subdivision (1) of this section;

2.06.2.2.c Member of the armed forces; or

2.06.2.2.d Spouse of a member of the armed forces; and,

~~(g)~~ 2.06.2.3 Meets one (1) of the conditions under ~~subdivision (6)(A)(ii) of this section~~ 2.06.1.2;

~~(7)~~ 2.07 "Continuously enrolled" means:

~~(a)~~ 2.07.1 For a traditional student, he or she successfully completes at an approved institution of higher education twenty-seven (27) semester hours in the first academic year as a recipient and, except while the recipient is enrolled as a part-time student if the recipient is enrolled in the number of credit hours necessary to complete the recipient's degree program, successfully completes thirty (30) semester hours each academic year thereafter;

~~(b)~~ 2.07.2 For a full-time nontraditional student, he or she successfully completes at an approved institution of higher education at least fifteen (15) semester hours of courses in consecutive semesters;

~~(c)~~ 2.07.3 For a part-time nontraditional student, he or she successfully completes at an approved institution of higher education at least six (6) semester hours of courses in consecutive semesters; and

~~(d)~~ 2.07.4 For a student who is enrolled in a degree plan that has a maximum number of semester hours in a semester that is less than the requirements of subdivisions (7)(A)-(C) of this section, he or she successfully completes at an approved institution of higher education the maximum number of hours required by the degree plan for the semester;

~~(8)~~ 2.08 "Cost of attendance" means the recognized cost of attendance of an institution of higher education calculated under rules established by the Division of Higher Education;

~~(9)~~ 2.09 "Full Time Student" means a student enrolled in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this rule, or the equivalent as defined by the Division of Higher Education;

- ~~(10)~~ 2.10 "Enrolled" means that the approved institution of higher education where the student is attending class counts the student as enrolled for the hours claimed on the last day to add or drop a class at the approved institution of higher education;
- ~~(11)~~ 2.11 High school grade point average" means the numbered grade average on a student's high school transcript calculated:
- ~~(a)~~ 2.11.1 For a traditional student, using the first seven (7) of the last eight (8) semesters the student completed prior to graduating high school; or
 - ~~(b)~~ 2.11.2 For a nontraditional student, using the last eight (8) semesters the student completed before graduating high school;
- ~~(12)~~ 2.12 "Incarcerated" means a person who has been convicted of a crime and is imprisoned for that crime or is being held in custody for trial or sentencing. Incarceration will result in applicant or recipient being ineligible for the Academic Challenge Scholarship;
- ~~(13)~~ 2.13 "Lawful permanent resident" means a non-United States citizen who resides in the United States under a legally recognized and lawfully recorded permanent residence and who may receive state public benefits under 8 U.S.C. § 1622;
- ~~(14)~~ 2.14 "Qualified certificate program" means a program:
- ~~(a)~~ 2.14.1 That is offered by an approved institution of higher education;
 - ~~(b)~~ 2.14.2 For which credit hours are awarded that are creditable toward an associate degree or baccalaureate degree; and
 - ~~(c)~~ 2.14.3 Recognized by the United States Division of Education for financial aid purposes;
- ~~(15)~~ 2.15 "Recipient" means an applicant awarded a scholarship funded through the program;
- ~~(16)~~ 2.16 "Semester" means one-half (1/2) of a traditional academic year at an institution of higher education, or an equivalent approved by the Division of Higher Education, in which a student enrolls for not less than:
- ~~(a)~~ 2.16.1 Fifteen (15) credit hours as a full-time student, except that in the first semester as a first-time full-time freshman, a traditional student shall enroll in not less than twelve (12) credit hours; ~~or~~
 - ~~(b)~~ 2.16.2 Six (6) credit hours as a part-time student; or
 - 2.16.3 For purposes of summer courses at an institution of higher

education, "semester" means between six (6) and fifteen hours (15) of credit across traditional first and second summer terms, combined.

~~(17)~~ 2.17 "State-supported student financial assistance" means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement funded with state funds or net proceeds from the state lottery awarded by:

~~(a)~~ 2.17.1 The Division of Higher Education; or

~~(b)~~ 2.17.2 A scholarship or grant awarded by an institution of higher education in this state in whole or in part by state funds, including without limitation:

~~i.~~ 2.17.2.1 Scholarships awarded on the basis of entrance exam scores or high school academic achievement;

~~ii.~~ 2.17.2.2 Tuition waivers based on age, military service, occupation, or other factors;

~~iii.~~ 2.17.2.3 Out-of-state tuition waivers for undergraduate students from contiguous states in close proximity to a college or university;

~~iv.~~ 2.17.2.4 Scholarships for transfers from two-year institutions;

~~v.~~ 2.17.2.5 Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and

~~vi.~~ 2.17.2.6 Any other publicly funded program under which students are not charged or are reimbursed by the institution of higher education for tuition, fees, books, or other costs of attendance;

~~(18)~~ 2.18 "Superscore" means the final composite score that is calculated according to a combination of the highest individual section scores across all of the ACT tests taken by an individual.

~~(19)~~ -2.19 "Traditional student" means a student who:

~~(a)~~ 2.19.1 Will enter postsecondary education as a full-time first-time freshman on or before the fall semester of the academic year that begins immediately following:

~~(a)~~ 2.19.1.1 The student's graduation from high school; or

~~(b)~~ 2.19.1.2 The last day of the school year:

~~(1)~~ 2.19.1.2.a That would have been the student's junior or senior year of high school; and

~~(2)~~ 2.19.1.2.b In which the student completes the requirements for high school graduation and obtains a General Educational Development certificate instead of receiving a diploma; and

~~(ii)~~ 2.19.2 Remains continuously enrolled as a full-time student;

~~(B)~~ 2.20 “Traditional student” includes a student who otherwise meets this definition but delays entering postsecondary education under a scholarship hold approved by the Division of Higher Education.

2.21 “Verification roster” means an alphabetical listing by institution of all persons receiving the award for a given academic term.

Procedures

3.00 Basic Eligibility Requirements-

3.01 The basic requirements for an applicant to be eligible for an award from the Arkansas Academic Challenge Scholarship Program are:

~~(1)~~ ~~(A)~~ 3.01.1 The applicant has been an Arkansas resident for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

~~(B)~~ 3.01.2 If the applicant is less than twenty-one (21) years of age, either the applicant or a parent or guardian of the applicant shall have maintained Arkansas residency for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

~~(C)~~ ~~(i)~~ 3.01.2.1 To be considered an Arkansas resident, an applicant shall demonstrate residency by evidence deemed sufficient to the Division of Higher Education.

~~(ii)~~ 3.01.2.2 Evidence of residency may include without limitation information provided by the applicant on the Free Application for Federal Student Aid or a subsequent application required by the United States Division of Education for federal financial aid.

~~(D)~~ 3.01.3 During the twelve (12) months immediately preceding the date an applicant will enroll in an approved institution of higher education if the person for whom the twelve-month period is calculated under subdivision (1)(A) or (1)(B) of this section is deployed outside of Arkansas under military orders, the Division of Higher Education shall calculate the twelve (12) months by:

- ~~(i)~~ 3.01.3.1 Excluding months of military deployment outside of Arkansas that are within the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education; and
- ~~(ii)~~ 3.01.3.2 Including months the person maintained Arkansas residency immediately preceding the military deployment outside of Arkansas;
- ~~(2)~~ 3.01.4 The applicant is a citizen of the United States or is a lawful permanent resident;
- ~~(3)~~ ~~(A)~~ 3.01.5 The applicant is accepted for admission as a full-time student or part-time student at an approved institution of higher education in a program of study that leads to or is creditable toward:
 - ~~(a)~~ 3.01.5.1 A baccalaureate degree;
 - ~~(b)~~ 3.01.5.2 An associate degree;
 - ~~(c)~~ 3.01.5.3 A certificate from a qualified certificate program; ~~or~~
 - ~~(d)~~ 3.01.5.4 A graduate-level or professional degree; or
 - ~~(ii)~~ 3.01.5.5 An approved school of nursing in a program of study that leads to a nursing diploma under § 6-85-213.
 - ~~(B)~~ 3.01.5.6 A full-time student shall enroll in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this rule, or the equivalent as defined by the Division of Higher Education.
 - ~~(C)~~ 3.01.5.7 A part-time student shall complete at least six (6) semester hours but less than the minimum number of semester hours for a full-time student, as defined by the Division of Higher Education.
- ~~(4)~~ 3.01.6 The applicant has not met the maximum continuing education eligibility requirements under Arkansas Code § 6-85-210;
- ~~(5)~~ 3.01.7 The applicant does not owe a refund on a federal or state student financial aid grant for higher education;
- ~~(6)~~ 3.01.8 The applicant is not in default on a state or federal student financial aid loan for higher education;
- ~~(7)~~ 3.01.9 The applicant has not borrowed, as determined by the approved

institution of higher education to be attended, in excess of the annual loan limits under the Federal Family Educational Loan Program Systems, William D. Ford Federal Direct Loan Program, Income Contingent Loan Demonstration Program, Stafford Loan Program, Parent Loan for Undergraduate Students Program, or Supplemental Loan for Students Program in the same academic year for which the student has applied for assistance under this rule;

- ~~(8)~~ 3.01.10 The applicant is not incarcerated at the time of the application for or during the time the applicant receives a scholarship under this rule;
- ~~(9)~~ 3.01.11 The applicant has complied with United States Selective Service System requirements for registration;
- ~~(10)~~ 3.01.12 The applicant has completed and submitted to the United States Division of Education a Free Application for Federal Student Aid or a subsequent application required by the United States Division of Education for federal financial aid; and
- ~~(11)~~ 3.01.13 The applicant certifies that he or she is drug-free and pledges in writing on the application form to refrain from the use or abuse of illegal substances in order to become eligible and maintain eligibility for this program.

4.00 Additional Eligibility Requirements for Traditional Students.

4.01 In addition to the basic eligibility requirements an applicant is eligible as a traditional student if the applicant:

- ~~(1)~~ 4.01.1 Graduated from an Arkansas public high school and has a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent;
- ~~(2)~~ 4.01.2 Has a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C § 1400 et seq., as it existed on July 1, 2009, and graduated from an Arkansas public high school, and either:
 - ~~(A)~~ 4.01.2.1 Had a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent;
- ~~(3)~~ 4.01.3 Achieved a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; and
 - ~~(B)~~ 4.01.3.1 Graduated from a private high school, an out-of-state high school, or a home school high school; or
 - ~~(C)~~ 4.01.3.2 In the year in which the student would have been a junior or senior in high school, completed the requirements for

high school graduation and obtained a high school equivalency diploma approved by the Division of Workforce Services instead of receiving a diploma; or

~~(4)~~ 4.01.4 Meets the following criteria:

- ~~(D)~~ 4.01.4.1 Was enrolled at an institution of higher education in the immediately preceding academic year as a full-time, first-time freshman;
- ~~(E)~~ 4.01.4.2 Did not receive a scholarship under this rule as a first-time, full-time freshman;
- ~~(F)~~ 4.01.4.3 Successfully completed with the equivalent of a minimum letter grade of “D” at least twenty-seven (27) semester hours of courses as a full-time, first-time freshman; and
- ~~(G)~~ 4.01.4.4 Achieved a postsecondary grade point average of at least 2.5 on a 4.0 scale as a full-time, first-time freshman.

5.00 Additional eligibility requirements for a nontraditional student.

5.01 In addition to the basic eligibility requirements an applicant is eligible as a nontraditional student if the applicant meets one (1) of the following requirements:

- ~~(5)~~ 5.01.1 If the applicant has not been enrolled in an approved institution of higher education, has graduated from an Arkansas public high school, a private high school, an out-of-state high school, a home school high school, or obtained a high school equivalency diploma approved by the Division of Workforce Services and had a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or
- ~~(6)~~ 5.01.2 If the applicant has been enrolled in an approved institution of higher education, has earned a postsecondary grade point average of at least 2.5 on a 4.0 scale.

6.00 Continuing eligibility.

- ~~(a)~~ ~~(1)~~ ~~(A)~~ 6.01 A recipient who meets continuing eligibility criteria under this rule shall receive a scholarship for one (1) academic year renewable annually until the recipient has earned one hundred twenty (120) semester credit hours.
- ~~(B)~~ 6.02 A recipient may continue to receive a scholarship after he or she has earned one hundred twenty (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, if the student is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120)

semester credit hours as provided under Arkansas Code § 6-61-232.

~~(1)~~ 6.03 A semester in which a student withdraws or fails to complete the number of credit hours for which the student first enrolled is counted toward the maximum number of semesters for which the student may receive a scholarship award under this rule.

~~(2)~~ 6.04 The maximums under ~~this subsection~~ section 6.00 apply to any degree program, regardless of whether or not the degree program requires additional semesters.

~~(3)~~ 6.05 A recipient may attend summer terms at the student's own expense to earn credit hours necessary to maintain eligibility for a scholarship under this rule.

6.05.1 A student may use a scholarship under this program for a summer term if the student maintained continuing eligibility for the program during the immediately preceding spring semester.

6.05.1.1 However, the institution at which a student who is a recipient of a scholarship under this rule is enrolled shall advise the recipient that if he or she chooses to utilize a scholarship under this rule for a summer term:

6.05.1.1.a That Arkansas Code § 6-85-212 provides that a recipient shall receive no more than one (1) year of a scholarship under this rule; and

6.05.1.1.b That if the student does not earn the maximum number of credit hours during the summer semester, the student will be at a shortfall for potential scholarship funds for a traditional academic semester.

~~(4)~~ 6.06 For each eligible term, all required hours for continuing eligibility must be taken at one approved institution.

~~(5)~~ 6.07 To maintain eligibility for an Arkansas Academic Challenge Scholarship under this rule, a recipient shall:

~~(6)~~ 6.07.1 Continue to meet the relevant eligibility requirements of this rule while a recipient of a scholarship under this rule;

~~(2) (A)~~ 6.07.2 Meet the satisfactory academic progress standards required to receive other financial aid at the approved institution of higher education where the recipient is enrolled, as determined by the Division of Higher Education in conjunction with the institution of higher education where the recipient is enrolled.

~~(H)~~ ~~(i)~~ 6.07.2.1 A recipient who does not successfully complete any

credit hours toward degree completion in a semester in which he or she received a scholarship under this rule immediately forfeits the remainder of the scholarship award for that academic year.

~~(ii)~~ 6.07.2.2 The Division shall notify the recipient of the loss of eligibility under this subdivision.

~~(C)~~ 6.07.2.3 By accepting scholarship funds under this rule, the receiving institution certifies that students will be enrolled in courses that will meet satisfactory academic progress standards leading toward a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree.

~~(7)~~ 6.07.3 If enrolling in one (1) or more remedial courses, complete all remedial courses required by the approved institution of higher education by the time the student completes the first thirty (30) semester hours attempted after receiving the scholarship;

~~(8)~~ 6.07.4 Earn a postsecondary grade point average of 2.5 or higher on a 4.0 scale at an approved institution of higher education;

~~(9)~~ 6.07.5 Enroll in courses that lead toward a baccalaureate degree or graduate-level or professional degree after attempting the lesser of:

~~(A)~~ 6.07.5.1 Five (5) semesters; or

~~(B)~~ 6.07.5.2 The completion of an associate degree program; and

~~(10)~~ 6.07.6 Meet any other continuing eligibility criteria established by the Division of Higher Education.

~~(b)~~ 6.08 A traditional student recipient who loses eligibility for a scholarship may apply as a first-time nontraditional student.

~~(2)~~ 6.08.1 A recipient under subdivision ~~(c)(1)~~ of this section 6.08 who loses eligibility for the nontraditional student scholarship is not eligible to apply for a scholarship under any eligibility provision of this rule.

~~(e)~~ 6.09 If a recipient is subject to losing a scholarship under subsection ~~(e)~~ of this section 6.08 due to a catastrophic event experienced by the recipient or a family member of the recipient, the Division may waive the requirements of this section and determine the appropriate requirements for the recipient to either retain or regain the scholarship.

7.00 Scholarship award amounts.

~~(a)~~ The General Assembly may use net proceeds from the state lottery to fund the scholarships awarded under this rule and to supplement the state-supported student financial assistance that

~~the General Assembly determines is necessary to meet the state's objective for broadening and increasing access of Arkansas citizens to higher education.~~

~~(b) Net proceeds from the state lottery used to fund scholarships under this rule shall:~~

~~(1) Be used exclusively for the purposes set out in Arkansas Constitution, Amendment 87, and this rule; and~~

~~(2) Supplement and shall not supplant nonlottery state educational resources.~~

~~(c) The scholarships established under this rule are subject to available funding and do not create for any student an entitlement to financial assistance to enable the student's attendance at an approved institution of higher education.~~

~~(d)(1)(A)~~ 7.01 Subject to the availability of net revenue, the scholarship award amount under this rule for an academic year for a full-time recipient enrolled in a four-year approved institution of higher education is:

~~(i)~~ 7.01.1 One thousand dollars (\$1,000) for a recipient who has earned less than twenty-seven (27) semester credit hours;

~~(ii)~~ 7.01.2 Four thousand dollars (\$4,000) for a recipient who has earned at least twenty- seven (27) semester credit hours but less than fifty-seven (57) semester credit hours;

~~(iii)~~ 7.01.3 Four thousand dollars (\$4,000) for a recipient who has earned at least fifty- seven (57) semester credit hours but less than eighty-seven (87) semester credit hours; and

~~(iv)(a)~~ 7.01.4 Five thousand dollars (\$5,000) for a recipient who has earned at least eighty-seven (87) semester credit hours but no more than one hundred twenty (120) semester credit hours, unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, ~~as provided under Arkansas Code § 6-61-232~~, then up to the number of credit hours required to complete the baccalaureate program.

~~(b)~~ 7.01.4.1 A recipient shall receive no more than one (1) year of the scholarship provided under ~~subdivision (d)(1)(A)(iv)(a) of this section~~ 7.01.4 unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred (120) semester credit hours as provided under Arkansas Code § 6-61-232.

~~(c)(1)~~ 7.01.4.2 A recipient who is eligible to receive the scholarship under ~~subdivision (d)(1)(A)(iv)(a) of this section~~ 7.01.4 may receive the scholarship while enrolled in a semester as a part-time student.

~~(2)~~ 7.01.4.3 The scholarship amount for the semester in which a recipient is enrolled as a part-time student ~~under subdivision (d)(1)(A)(iv)(c)(1) of this section~~ 7.01.4.2 shall be prorated by the number of credit hours in which the recipient is

enrolled.

~~(B)(i)~~ 7.02 To determine the correct scholarship award amount based on credit hours, a first-time recipient shall submit a current college or university transcript if the first-time recipient has earned any semester credit hours to the Division of Higher Education no later than a date determined by the division prior to the academic year for which the first-time recipient will receive an initial scholarship award.

~~(ii)~~ 7.02.1 _____ A first-time recipient who does not submit a transcript to the Division on or before the date determined by the division shall receive the award amount under ~~subdivision (d)(1)(A)(i) of this section~~ 7.01.1.

~~(C)(i)~~ 7.03 An applicant may elect for the earned semester credit hours under ~~subdivision (d)(1)(A) of this section~~ 7.01 to be only those semester credit hours earned after graduating from high school or obtaining a high school equivalency diploma approved by the Division of Workforce Services.

~~(ii)~~ 7.03.1 _____ If the applicant makes the election under ~~subdivision (d)(1)(C)(i) of this section~~ 7.03, any semester credit hours earned through concurrent credit or any other method before graduating high school or obtaining a high school equivalency diploma approved by the Division of Workforce Services shall not be counted as earned semester credit hours for the purposes of determining a recipient's scholarship award amount under ~~subdivision (d)(1)(A) of this section~~ 7.01.

~~(2)(A)~~ 7.04 An aggregate amount of scholarship awards to nontraditional students of up to fifteen million dollars (\$15,000,000) shall be awarded to nontraditional students.

~~(B)(i)~~ 7.04.1 _____ Any excess funding that the Division of Higher Education receives for scholarship awards ~~the Division received under Arkansas Code § 23-115-801~~ shall be returned to the Office of the Arkansas Lottery.

~~(ii)~~ 7.04.2 _____ Priority for scholarships awarded to nontraditional students is based on:

~~(i)~~ 7.04.2.1 _____ The applicant's level of progress toward completion of a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree; or

~~(ii)~~ 7.04.2.2 _____ Other criteria established by the ~~Division of Higher Education~~ division.

~~(3)~~ 7.04.3 Subject to the availability of net revenue, the scholarship award for an academic year for a full-time student enrolled in one (1) of the following institutions of higher education is one thousand dollars (\$1,000) for the first year and three thousand dollars (\$3,000) for the second year:

~~(A)~~ 7.04.3.1 A two-year approved institution of higher education;

~~(B)~~ 7.04.3.2 A branch campus of a four-year approved institution of higher education; or

~~(C)~~ 7.04.3.3 An approved school of nursing.

~~(4)~~ 7.04.4 Subject to the availability of net revenue, the scholarship award amount for a part-time student recipient shall be:

~~(A)~~ 7.04.4.1 One-half (1/2) of the award amount for a full-time student recipient, if the recipient is enrolled in at least six (6) semester hours but less than nine (9) semester hours; or

~~(B)~~ 7.04.4.2 Three-quarters (3/4) of the award amount for a full-time student recipient, if the recipient is enrolled in at least nine (9) semester hours but less than the number of hours required for a full-time student recipient.

~~(5)~~ 7.04.5 A current recipient who maintains eligibility for the scholarship under this rule shall continue to receive the scholarship award amount first awarded to the recipient.

~~(6)~~ 7.04.6 The division shall give priority for a scholarship award to a full-time or part-time student:

~~(A)~~ 7.04.6.1 Who meets the eligibility requirements under this rule; and

~~(B)~~ 7.04.6.2 Whose parent, by birth or legal adoption:

~~(i)~~ 7.04.6.2.a Was a resident of the State of Arkansas at the time that person entered the service of the United States Armed Forces or whose official residence is in Arkansas; and

~~(ii)~~ 7.04.6.2.b Was a member of the United States Armed Forces who was killed while performing military duty:

~~(a)~~ 7.04.6.2.b.i In a status identified under 32 U.S.C. § 101 et seq. or 10 U.S.C. § 101 et seq. as they existed on January 1, 2011; or

~~(b)~~ 7.04.6.2.b.ii In state active duty status.

~~(e)~~ Annually by December 15, the Legislative Council shall provide to the General Assembly its—
—recommendations for any changes to the:

~~(1)~~ Award amounts;

~~(2)~~ Number or type of scholarships; and

~~(3)~~ Eligibility requirements.

~~(f)~~ It is the intent of the General Assembly that in determining award amounts under this rule, the General Assembly will consider whether sufficient funds will be available to pay for scholarship awards through the anticipated completion of the degree or certificate a recipient is seeking.

~~(g)~~ 7.05 All awards under this subchapter rule are subject to the prohibition under Arkansas Code § 6-80-105 against using public funds in a student financial package in excess of the recognized cost of attendance at the institution where the student is enrolled.

~~(h)(1)~~ 7.06 If the division has less than a sufficient amount from net proceeds from the state lottery to provide for the scholarship commitments under this rule, ~~the division shall give priority for continued financial support under this rule to a student with continuing eligibility superior to first-time applicants~~ students with continuing eligibility shall have priority for continued financial support over first-time applicants.

~~(2)~~ 7.06.1 If the funding is insufficient to fully fund the scholarships for students with continuing eligibility—~~created under this rule~~, the division shall award scholarships based upon the following criteria to students with continuing eligibility as follows:

~~(A)~~ 7.06.1.1 First, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study that is:

~~i.~~ 7.06.1.1.a In an area of critical workforce need as determined by the division; or

~~ii.~~ 7.06.1.1.b In a science, technology, engineering, or mathematics field;

~~(B)~~ 7.06.1.2 Second, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study other than

those listed in ~~subdivision (h)(2)(A) of this section~~ 7.06.1.1; and

~~(C)~~ 7.06.1.3 Last, in the event funding is insufficient to fully fund students under ~~subdivision (h)(2)(A) or (h)(2)(B) of this sections~~ 7.06.1.1 or 7.06.1.2, to students who have the highest postsecondary grade point average.

~~(3)(A)~~ 7.06.2 If after funding all students with continuing eligibility under this ~~section~~ rule funding is insufficient to fund all qualified first-time applicants, ~~the division shall award~~ scholarships will be awarded to first-time applicants in order of priority based upon the applicants' ACT superscore or ACT-equivalent superscore.

~~(B)~~ 7.06.3 If after prioritizing first-time applicants based upon the applicants' ACT or ACT equivalent scores funding is insufficient to fund all applicants with like ACT or ACT equivalent scores, ~~the division shall determine who receives an award by random drawing~~ scholarships will be determined by lot from the remaining pool of applicants with like ACT or ACT equivalent scores.

8.00 Payments of Scholarships.

~~(A)~~ 8.01 The Arkansas Division of Higher Education shall disburse scholarships to the approved institution of higher education of the student's choice. ~~The Arkansas Division of Higher Education shall send funds to the institution~~ via electronic funds transfer or state warrant.

8.02 After ~~verification of full time enrollment~~, the institution of higher education verifies that the student is enrolled, the institution of higher education will disburse the scholarship to the student according to the institution's disbursement procedures.

8.02.1 The scholarship payment ~~will~~ shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institution of higher education. ~~In no instance may however~~, the entire amount of the scholarship disbursement for an ~~educational~~ academic year shall not be paid ~~to or on behalf of such student~~ in advance.

~~(B) Transfer of Scholarships to another Approved Institution~~

8.03 A recipient who has received an Academic Challenge Scholarship may transfer the scholarship to another approved Arkansas institution of higher education, provided that:

~~1-~~ 8.03.1 The student notifies the ~~Arkansas Division of Higher Education~~ division of the change of status by October 1 for the fall term and by February 1 for the ~~winter and/or winter term~~, spring term, or summer term by changing the college on the student's ~~ADHE YOUNIVERSAL~~ financial aid account managed by the division;

~~(C)~~ Repayment of Scholarships

8.04 If the recipient of a scholarship withdraws, drops out, or is expelled on or after the first day of class of a payment period, the institution of higher education ~~will~~ shall determine whether the student received an overpayment of financial aid funds for non-institutional expenses, and recover any overpayments.

8.04.1 Overpayment is the difference between the amount received as cash disbursements and the amount incurred for non-institutional costs during the portion of the payment period that the student was actually enrolled. ~~It is the institution's responsibility to contact students and recover overpayments.~~

~~(D)~~ Refunds

~~The Arkansas Academic Challenge Scholarship Program is entitled to a refund of the scholarship or loan amount, for that semester, if the~~ 8.05 ~~If a recipient of a scholarship or loan withdraws, drops out, or is expelled on or after his or her first day of class of the payment period a semester and the situation falls under the refund policy of the institution. The scholarship is required to be refunded to the institution under the institution's refund policy, then the institution shall pay remit the refund to the Arkansas Division of Higher Education division.~~

~~(E)~~ Overpayment

8.06 If the award of an Arkansas Academic Challenge Scholarship results in an overpayment to the student ~~according to the state law (Arkansas Code § 6-80-105) governing the stacking of scholarships,~~ the institution shall follow the ADHE Scholarship Stacking Policy in reducing the student's financial package to prevent the student from receiving funds above the federally recognized cost of attendance.

9.00 Institutional Responsibilities.

I. College/University Responsibilities

~~A.~~ Administrative Agreement

9.01 The chief executive officer of ~~the~~ an eligible institution ~~is responsible for appointing one~~ shall appoint a representative from the institution's financial aid office to act as administrator of the Arkansas Academic Challenge Scholarship Program and to receive all communications, forms, etc.

9.01.1 This representative is responsible for student eligibility verification, data management and compliance with all program rules ~~and regulations. The institution must comply with all rules and regulations~~ in order to maintain continued eligibility status.

~~B.~~ ~~Disbursement Records~~

9.02 The institution shall maintain information on the student indicating disbursement of scholarship funds.

~~C.~~ ~~Institutional Verification~~

9.03 The institution shall provide certification of full-time enrollment and 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.

~~The Verification Roster is an alphabetical listing by institution of all persons receiving the award for a given academic term. The certifying official is responsible for completing the verification rosters each semester or trimester. The Arkansas Division of Higher Education shall provide electronic~~ 9.03.1 Electronic verification rosters will be provided to the Financial Aid Administrator institutions for each semester or trimester as needed.

9.03.2 The electronic verification rosters shall be returned to the ~~Arkansas Division of Higher Education~~ by November 1 for the fall term and by March 15 for the spring term. ~~Students who are enrolled less than full time in the current term shall not receive scholarship benefits in that term.~~

~~The Arkansas Division of Higher Education shall also provide electronic~~ 9.03.3 Electronic continuing eligibility rosters will be provided to the Financial Aid Administrator institutions before the end of the spring term.

9.03.4 The continuing eligibility rosters shall be returned to the ~~Arkansas Division of Higher Education~~ division no later than June 1 to ensure that adequate time is provided to notify students of their status in the program.

~~D.~~ ~~Deadlines for Disbursement of Funds~~

~~The deadline for disbursement of funds is no later than 10 days after receipt of funds. Any outstanding funds not disbursed by these dates must be returned to the Arkansas Division of Higher Education.~~ 9.04 Institutions shall disburse funds to students no fewer than ten (10) days after receipt of the funds from the division.

9.04.1 For those students whose applications are received by ~~ADHE~~ the division too late to allow disbursement by these dates, disbursement will be made within 10 working days of receipt of the verification roster and electronic transfer of funds.

~~E.~~ ~~Due Diligence~~

The 9.05 Each institution will exercise due diligence in providing shall provide

complete, accurate, and timely information as requested by the ~~Arkansas Division of Higher Education~~ division on any Arkansas Academic Challenge Scholarship recipient or former recipient. ~~In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Arkansas Academic Challenge Scholarship Program.~~

9.05.1 ~~The Arkansas Division of Higher Education shall~~ division will periodically review the institution's records concerning ~~this the program in an effort to exercise its due diligence requirements as a steward of state funds.~~

II. Recipient's Responsibilities

~~It is the recipient's responsibility to~~ 9.06 Each recipient shall notify the ~~Arkansas Division of Higher Education~~ division of any change in status within 21 days. ~~This will include:~~ including without limitation:

- 9.06.1 Change in name;
- 9.06.2 Change in address;
- 9.06.3 Change in institution;
- 9.06.4 Change in full-time status ~~(twelve college credit hours for those students who are in their first fall semester following high school graduation, fifteen college credit hours for those students who are beyond the first fall semester following high school graduation)~~

9.07 ~~Failure to notify the Arkansas Division of Higher Education~~ division of a change of status may affect future eligibility.

10.00 Scholarship hold - Leave of absence.

~~(a)~~ 10.01 The Division of Higher Education may approve a scholarship hold or a leave of absence for a traditional student for a period of twenty-four (24) months or less.

~~(b)~~ 10.02 The reasons for a scholarship hold or a leave of absence may include without limitation:

~~(1)~~ 10.02.1 A medical condition of the student or a member of the student's immediate family that, on the basis of a physician's good-faith judgment, necessitates the student or the student's immediate family member to be hospitalized or receive outpatient or home-based medical care or to recuperate until released by the attending physician;

~~(2)~~ 10.02.2 A personal or family emergency that requires the student to:

~~(A)~~ 10.02.2.1 Attend the funeral of an immediate family member; or

~~(B)~~ 10.02.2.2 Visit a relative of the student if the relative has a medical condition in which death is possible or imminent; or

~~(3)~~ 10.02.3 Military service under § 6-61-112; or

~~(4)(A)~~ 10.02.4 A commitment of twelve (12) to twenty-four (24) months for service in a national or international humanitarian project sponsored by a nonprofit corporation organized with a charitable or educational purpose.

~~(B)~~ 10.02.4.1 The student's commitment shall be expressed in a written agreement with the nonprofit organization including the terms of completion for the student's service on the related project.

~~(C)~~ 10.02.4.2 The Division shall release a scholarship hold or a leave of absence, whichever is applicable, if the Division determines that the student did not complete the commitment under the written agreement.

11.00 ARKANSAS CHALLENGE PLUS SCHOLARSHIP

11.01 A student is eligible to receive an Arkansas Challenge Plus Scholarship for an academic semester or academic year if the student:

11.01.1 Applies for and maintains eligibility for a scholarship under the Arkansas Academic Challenge Scholarship Program; and

11.01.2 Demonstrates financial need as determined by the Free Application for Federal Student Aid (FAFSA).

11.02 An Arkansas Challenge Plus Scholarship shall be awarded to eligible applicants:

11.02.1 In addition to a scholarship awarded under the Arkansas Academic Challenge Scholarship Program;

11.02.2 Based on the amount of financial need as determined by the Free Application for Federal Student Aid (FAFSA);

11.02.3 As determined by the Division of Higher Education if sufficient funds are available; and

11.02.4 In increments of one thousand dollars (\$1,000) per eligible student per academic year, with a maximum of four thousand dollars (\$4,000) per eligible student per academic year, as determined by the division.

11.03 The sum of an Arkansas Challenge Plus Scholarship and an Arkansas Academic Challenge Scholarship shall not exceed five thousand dollars (\$5,000) total per eligible student per academic year.

11.04 Scholarship amounts awarded may vary each year depending on the amount of funding available.

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

September 11, 2024

Dr. Jim Carr
Secretary

Proposed Rules Governing the Arkansas Academic Challenge Scholarship

**Higher Education
Coordinating
Board**

PURPOSE

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing the Arkansas Academic 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 Academic 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 386 of 2023 created the Arkansas Academic Challenge Plus Scholarship as an additional award for students in the Academic Challenge Scholarship Program.

Dr. Jerry Cash
*Academic
Committee*

KEY POINTS

- Allows students to utilize scholarships during summer terms.
- Includes public or private vocational-technical institutes and public or private technical institutes as institutions that scholarship recipients may attend.
- Implements the Academic Challenge Plus Program.
- Makes technical corrections in advance of the Code of Arkansas Rules.

**Dr. Katherine
Dudley**
*Academic
Committee*

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

Dr. Kyle Miller
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 386 of 2023 created the Arkansas Academic Challenge Plus Scholarship as an additional award for students in the Academic Challenge Scholarship Program; this rule is amended to implement that program.

Mr. Lucas Pointer
Finance Committee

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

RECOMMENDATION

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

Notice of Rulemaking
Public Comment Period: September 13 – October 13

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 Osteopathic Rural Medical Practice Student Loan and Scholarship Program;
- DHE Rule Governing the Arkansas Geographical Critical Needs Scholarship Program;
- DHE Rule Governing Emergency Response Equipment at Institutions of Higher Education;
- DHE Rule Governing the Student Undergraduate Research Fellowship Program;
- DHE Rule Governing the Arkansas Academic Challenge Scholarship;
- DHE Rule Governing the Graduate Medical Education Residency Expansion Board.

All hearings will be held October 8, 2024, at 10 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 October 13, 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.

From: [Legal Ads](#)
To: [Alisha N. Price \(ADE\)](#)
Subject: Re: ADHE Rules for Public Comment
Date: Tuesday, September 10, 2024 8:36:07 AM
Attachments: [image001.png](#)

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 9/13, Sat 9/14, and Sun 9/15. Sunday will be billed separately.

Thank you,

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

From: "Alisha N. Price, ADE" <Alisha.Price@ade.arkansas.gov>
To: "legalads" <legalads@arkansasonline.com>
Cc: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>
Sent: Monday, September 9, 2024 1:52:32 PM
Subject: ADHE Rules for Public Comment

Good afternoon,

Please see the attached list of Arkansas Division of Higher Education rules that we would like to run a notice for public comment on. We request that the attached notice run this Friday, September 13, 2024, through Sunday, September 15, 2024.

Please let me know if you have any questions or need anything else from us.

Thanks, and have a great day!



Alisha Price
Associate Legal Counsel
Arkansas Department of Education
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Little Rock, Arkansas 72201
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Email: alisha.price@ade.arkansas.gov