

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 UNIFORM COURSE
CREDIT FOR INSTITUTIONS OF HIGHER EDUCATION**

Effective Date:

1.00 Definitions

- 1.01 "Advanced Placement examination" means an examination administered through the Advanced Placement Program for which a student seeks to receive college credit;
- 1.02 "Alignment" means equivalent expectations, for which a student seeks to receive college credit;
- 1.02 "CLEP examination" means an examination administered through the College-Level Examination Program for which a student seeks to receive college credit; and
- 1.03 "International Baccalaureate Diploma Programme" means the curriculum and examinations leading to an International Baccalaureate Diploma awarded by the International Baccalaureate.
- 1.04 "Learning outcomes" mean measurable skills, abilities, knowledge, or values that students should be able to demonstrate as a result of successful course completion, for which a student seeks to receive college credit;
- 1.05 "Rigor" means an appropriate level of sophistication, difficulty, and challenge for which a student seeks to receive college credit;

2.00 Faculty Committee Duties & Responsibilities:

- 2.01 To determine whether a student has met the minimum criteria for award of course credit, the Division of Higher Education, in consultation with faculty committees, will determine post-secondary credit to ensure proper alignment and application of uniform credit awards across all Arkansas public institutions.
 - 2.01.1 Post-secondary credit will be awarded upon achieving the required score on:
 - 2.01.1.1 The International Baccalaureate Diploma Programme Assessment;
 - 2.01.1.2 Advanced Placement examination; or
 - 2.01.1.3 One (1) or more CLEP examinations.

2.01.2 As determined by the division, post-secondary credit will also be awarded upon successful completion of, but not limited to:

2.01.2.1 The Cambridge Advanced International Certificate of Education; or

2.01.2.2 Industry based credentials.

2.01.3 The number of faculty committees will be determined by the division, based on the disciplines being considered for uniform credit, and comprised of no less than seven (7) faculty from two-year and four-year institutions, system and non-system institutions, and representative of different state regions, each appointed by the Commissioner of Higher Education.

2.01.4 Faculty committees shall be responsible for:

2.01.4.1.1 The alignment of subject or discipline specific examinations with general education core courses from the Arkansas Course Transfer System (ACTS); and

2.01.4.1.2 Ensuring appropriate rigor for credit awards by determining performance expectations based on assessment scores.

2.01.5 Faculty committees may:

2.01.5.1 Issue recommendations to align subject or discipline specific examinations for courses outside of the general education core courses and the Arkansas Course Transfer System (ACTS).

3.00 Award of Uniform Course Credit:

3.01 For students to receive an award of course credit, upon receiving the required assessment score on the Advanced Placement Examination, International Baccalaureate Programme, or College-Level Examination Program (CLEP), the knowledge and skills assessed must align with the ACTS student learning outcomes.

3.02 In determining whether there is proper alignment, faculty committees will consider, without limitation, the following:

3.02.1 Learning outcomes; and

3.02.2 Rigor;

- 3.03 All institutions will have an opportunity to comment on the equivalency prior to the division adding the course equivalency to the Articulation Tables.
- 3.03.1 It is presumed that all courses are aligned unless the committee determines otherwise.
- 3.04 If the committee determines there are zero alignment issues found, then uniform credit for the course will be awarded.
- 3.05 Institutions may choose to award additional credit for those students who score higher than the minimum credit awards identified by the faculty committees.
- 3.05.1 Institutions receiving transfer credit given from another institution beyond the minimum requirement are encouraged to honor additional credit given by the sending institution.
- 3.06 All Advanced Placement, International Baccalaureate, or CLEP examination to course equivalencies will be publicly available online in the Division of Higher Education Credit for Prior Learning Articulation Tables annually.

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 Uniform Course Credit for Institutions of Higher Education

**Higher Education
Coordinating
Board**

PURPOSE

The Division of Higher Education is seeking the Governor's review of proposed Rules Governing Uniform Course Credit for Institutions of Higher Education.

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

BACKGROUND

Pursuant to Act 237 Section 54 of 2023, the Division is charged with promulgating rules regarding Uniform Course Credit for Institutions of Higher Education Rules, which is codified at Ark. Code Ann. § 6-60-119. The Division is charged with creating a new rule to establish uniform postsecondary criteria for awarding credit to students who have successfully completed required course or achieved required scores, for which the Department believes that rulemaking is required.

Dr. Jerry Cash
*Academic
Committee*

KEY POINTS

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

- Requires the Division of Higher Education to establish uniform postsecondary criteria for awarding credit to students who have successfully completed required course or score.
- Additionally, the Division of Higher Education may establish uniform postsecondary criteria for awarding credit to students for college-level credentials.

Mr. Chad Hooten
Finance Committee

DISCUSSION

Act 237 Section 54 of 2023 created the Uniform Course Credit for Institutions of Higher Education Act codified at Ark. Code Ann. § 6-60-119. Act 237 Section 54 requires the Division of Higher Education to establish uniform postsecondary criteria for awarding credit to students who have successfully completed the International Baccalaureate Diploma Programme or achieved required scores on one or more CLEP examinations.

**Mrs. Heather
Maxey**
Finance Committee

Dr. Kyle Miller
Finance Committee

Act 237 Section 54 further gives the Division of Higher Education the option to establish uniform postsecondary criteria for awarding credit to students who attain other nationally recognized college-level credentials, including without limitation those attained through: The Cambridge Advanced International Certificate of Education; and Industry-based credentials.

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
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 Uniform Credit for Institutions of Higher Education;
- 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: Thursday, September 12, 2024 9:52:00 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 this version, instead of any earlier version, on Fri 9/13 (just barely), Sat 9/14, and Sun 9/15.

Sunday will still be billed separately.

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

From: "Alisha N. Price, ADE" <Alisha.Price@ade.arkansas.gov>
To: "Legal Ads" <legalads@arkansasonline.com>
Cc: "Andres Rhodes (ADE)" <Andres.Rhodes@ade.arkansas.gov>, "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Daniel Shults, ADE" <Daniel.Shults@ade.arkansas.gov>
Sent: Thursday, September 12, 2024 9:10:39 AM
Subject: RE: ADHE Rules for Public Comment

Good morning,

I sincerely apologize but we need to make one last change, I promise. ADE has decided to run the original ad we sent initially, for Fri 9/13, Sat. 9/14 and Sun. 9/15. I have attached it here. Again, I am sorry for the confusion but do appreciate your assistance with this.

Have a great day!



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From: Legal Ads <legalads@arkansasonline.com>
Sent: Wednesday, September 11, 2024 1:09 PM
To: Alisha N. Price (ADE) <Alisha.Price@ade.arkansas.gov>