

# ARKANSAS REGISTER

## Proposed Rule Cover Sheet



Secretary of State  
John Thurston  
500 Woodlane Street, Suite 026  
Little Rock, Arkansas 72201-1094  
(501) 682-5070  
[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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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 \_\_\_\_\_

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Name of Rule \_\_\_\_\_

Newspaper Name \_\_\_\_\_

Date of Publishing \_\_\_\_\_

Final Date for Public Comment \_\_\_\_\_

Location and Time of Public Meeting \_\_\_\_\_

# Proposed Rulemaking

## Title

**Promulgated by:**  
**Division of Career and Technical Education**

### **Title 6. Education**

#### **Chapter II. Division of Career and Technical Education, Department of Education**

#### **Subchapter A. Generally**

#### **Part 301. Rule Governing the Arkansas Adult Diploma Program**

#### **Subpart 1. Generally**

#### **6 CAR § 301-101. Definitions.**

As used in this part:

(1) "Academic skill intake assessment" means a criterion-referenced assessment of numeracy and literacy skills with high reliability and validity as determined by third-party research that is administered in person or online;

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

(A) One (1) of the following regional accrediting organizations in the United States:

(i) Middle States Commission on Higher Education;

(ii) New England Association of Schools and Colleges;

(iii) Higher Learning Commission;

(iv) Northwest Commission on Colleges and Universities;

(v) Southern Association of Colleges and Schools Commission on  
Colleges;

(vi) Accrediting Commission for Schools Western Association of

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Schools and Colleges;

(vii) Accrediting Commission for Community and Junior Colleges; or

(viii) Any successor entities or consolidation or merger of any of the

regional accreditors in the United States; or

(B) Cogna;

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

(A) Sourcing, recruitment, and engagement;

(B) Learning plan development;

(C) Active teaching; and

(D) Proactive coaching and mentoring;

(4) "Approved program provider" means a public, nonprofit, or other entity that satisfies the requirements of 6 CAR § 301-102(b);

(5) "Average cost per graduate" means the:

(A) Total amount of Arkansas Adult Diploma Program funding disbursed to an approved program provider for a cohort through the end of the measurement period; divided by

(B) Total number of graduates from the cohort during the measurement period;

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

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

(8) "Coaching" means proactive communication between an approved program provider and a student related to the student's pace and progress throughout his or her learning plan;

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

(10) "Employability skills certification" means a certificate earned by students

demonstrating professional nontechnical skills through assessment, including without limitation the program standards of the United States Department of Labor's "Skills to Pay the Bills: Mastering Soft Skills for Workplace Success";

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

(12) "Graduation rate" means the:

(A) Total number of graduates from a cohort who graduated during a measurement period; divided by

(B) Total number of students included in the same cohort;

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

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

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

(15) "Learning plan" means a documented plan for courses or credits needed for each individual in order to complete the program and to fulfill the graduation requirements of an approved program provider;

(16) "Measurement period" means the two-year period beginning July 1 of the year the cohort begins through June 30 of the subsequent state fiscal year;

(17) "Mentoring" means a direct relationship between a coach and a student to facilitate the completion of the student's learning plan designed to prepare the student to succeed in the program and the student's future endeavors;

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

(A) Earned units of high school ~~credit~~ credits whereby a unit of high school credit equals one half (1/2) credit;

(B) Attainment of an employability skills certification;

(C) Attainment of a workforce credential that requires less than fifty (50)

hours of training; and

(D) Attainment of a workforce credential that requires between fifty (50) and one hundred (100) hours of training;

(E) Attainment of a workforce credential that requires over one hundred (100) hours of training; and

~~(F)~~ Attainment of an accredited high school diploma;

(19) "Request for qualifications" means a request for interested public, nonprofit, or other entities to submit evidence that the entity meets the qualifications in 6 CAR § 301-102(b), and if confirmed by the Department of Education, that the requestor is an approved program provider;

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

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

(B) Is a resident of the State of Arkansas; and

(C) Has not earned a high school diploma;

(21) "Transcript evaluation" means a documented summary of credits earned in previous public or private accredited high schools compared with the program and approved program provider graduation requirements;

(22) "Unit of high school credit" means one half (1/2) high school credit awarded based on a student's demonstration that he or she has successfully met the content expectation for the credit area as defined by subject area standards, expectations, or guidelines; and

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

(A) Part of a sequence of credentials that can be accumulated over time to build an individual's qualifications to advance along a career pathway; or

(B) A credential that:

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

(ii) Is:

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

(b) Aligned with high-wage, high-growth jobs in Arkansas as

defined by the Arkansas Workforce Development Board.

**6 CAR § 301-102. Approved program providers.**

(a) Annually by August 15, the Department of Education shall issue a request for qualifications for public, nonprofit, or other entities to apply to become approved program providers and participate in the Arkansas Adult Diploma Program.

(b) To become an approved program provider, the entity must:

(1) Be a regionally accredited high school diploma-granting entity;

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

(3) Provide a course catalog that includes all courses necessary to meet Arkansas graduation requirements; and

(4) Have the ability to:

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

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

(C) Provide remediation opportunities in literacy and numeracy;

(D) Provide an employability skills certification;

(E) Provide career pathways coursework;

(F) Provide preparation for workforce credentials; and

(G) Provide career advising services.

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

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

(3)(A) Approved program providers who have operated adult education programs for two (2) years or more shall submit to the department a roster for the previous two (2) years of enrolled students, as defined by 6 CAR § 301-101(20).

(B) Approved program providers who have operated for fewer than two (2) years shall submit documentation for relevant experience.

**6 CAR § 301-103. Funding and payments.**

~~(a) An approved program provider may receive reimbursement for an enrolled, eligible student who meets the milestones as defined in 6 CAR § 301-101(18), according to the chart listed in Appendix A.~~

(ba) An approved program provider shall not receive funding for a student under this part if the approved program provider also receives federal or state funding or private tuition specifically for the student.

~~(b) An approved program provider shall:~~

~~(1) Receive reimbursement for an enrolled, eligible student who meets the milestones defined in Arkansas Code § 6-44-302 and this part; and~~

~~(2) Invoice only for course and credit requirements needed to earn a high school diploma from an approved program provider that may include additional courses that meet workforce credential requirements.~~

~~(c) The Department of Education shall pay an approved program provider the following amounts for each student who completes the following milestones:~~

~~(1) Two hundred fifty dollars (\$250) for each:~~

~~(A) Completed one-half (1/2) high school credit;~~

~~(B) Completed employability skills certification; and~~

~~(C) Earned workforce credential that requires less than fifty (50) hours of training;~~

~~(2) Five hundred dollars (\$500) for each earned workforce credential that requires at least fifty (50) hours but no more than one hundred (100) hours of training;~~

~~(3) Seven hundred fifty dollars (\$750) for each earned workforce credential that requires more than one hundred (100) hours of training; and~~

~~(4) One thousand dollars (\$1,000) for each earned high school diploma.~~

(c)(1) Once a program provider enrolls a student into its program, it shall provide the Department of Education an anticipated cost of completion of the program for that student.

(2) The program provider shall provide the department with an updated

anticipated cost of completing the program after each year the student completes.

(3) The department will reserve funds for that student while the student is enrolled in a program with an approved program provider.

(d)(1) An approved program provider shall submit requests for reimbursement invoices to the department no later than the tenth calendar day of each month for milestones met in the previous calendar month under the Arkansas Adult Diploma Program.

(2) An approved program provider shall include with its reimbursement request a roster of students who received services in the previous calendar month for which reimbursement was requested.

(e)(1) The department shall pay approved program providers in the order in which invoices are submitted until all available funds are exhausted.

(2) Once all available funds are exhausted under subdivision (e)(1) of this section:

(A) The department shall notify all approved program providers that funds are exhausted; and

(B) Approved program providers shall immediately stop enrolling new students.

(3) Once all available funds are exhausted, an approved program provider can no longer request reimbursement for enrolled students.

(4) For purposes of this part, "exhausted funds" includes funds that have been expended and funds reserved that are necessary for the anticipated cost of completion of the program per student.

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

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

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

#### **6 CAR § 301-104. Accountability.**

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

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

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

(b)(1)(A) The department shall place an approved program provider that does not meet the minimum program performance standards in 6 CAR § 301-102(b) and subsection (a) of this section on probationary status for the remainder of the fiscal year.

(2B) An approved program provider placed in probationary status under this subsection (b)(1)(A) will be required to submit an improvement plan to the department.

(c) An approved program provider that does not meet the minimum performance standards and fails to improve performance under its improvement plan for two (2) consecutive years shall be removed from the approved program provider list.

### **6 CAR § 301-105. Reporting requirements.**

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

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

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

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

(4) Total number of workforce credentials earned, and the number and type of credential earned by each student, for each type of funding under 6 CAR § 301-103(a)

by students for whom the approved program provider is receiving payments under the program;

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

(6) Average cost per graduate for the cohort for which the measurement period ended in the prior fiscal year of the state and an updated average cost per graduate for any previous cohort for which the measurement period has ended but a student from the cohort achieved one (1) of the milestones described in 6 CAR § 301-104(a) in the prior fiscal year of the state; and

(7) Graduation rates for the cohort for which the measurement period ended in the prior fiscal year of the state and updated graduation rates from any previous cohort for which the measurement period has ended but a student from the cohort achieved one (1) of the milestones described in 6 CAR § 301-104(a).

(b) On or before August 15 after the conclusion of the first measurement period of the program and each year thereafter in which payments under the program were dispersed for the prior fiscal year of this state, each approved program provider that received payments under 6 CAR § 301-103 for the preceding fiscal year shall report the metrics in this section by cohort to the Department of Education.

### ~~Appendix A. Milestone Reimbursement Rates~~

~~Link:~~

~~<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/164/6CARpt.301Appendix.pdf>~~

**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 Elementary and Secondary Education

*Transforming Arkansas to lead the nation in student-focused education*

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**Jacob Oliva**  
Secretary

November 14, 2025

**Stacy Smith**  
Deputy  
Commissioner

## **Proposed Amendment to the Rules Governing the Arkansas Adult Diploma Program**

### **Purpose**

**State Board of  
Education**

The Division of Career and Technical Education of The Department of Education is seeking Governor's Office review and approval of the proposed amendments to the Division of Career and Technical Education's Rules Governing the Arkansas Adult Diploma Program.

**Adrienne Woods**  
Bentonville  
Chair

### **Background**

**Lisa Hunter**  
White Hall  
Vice Chair

The Arkansas Adult Diploma Program was established in 2023 and directed the division to establish the payment amount for the completion of milestones. Act 502 of 2023 increased the amounts established by the ADE and set those amounts in statute.

**Dr. Gary Arnold**  
Little Rock

### **Summary of Amendments**

**Randy Henderson**  
Blytheville

This amendment to the Arkansas Adult Diploma Program updates the text of the rule to implement the changes made by Act 502 of 2023. The only deviation from the statutory text is to address an ambiguity in the statutory language. This was necessary because in Section 2, the definition of milestone, the statutory text provided for a milestone for workforce services credentials that is less than 50 hours and another that is between 51 hours and 100 hours. This left a 50 hour workforce credential omitted from the definition. In Section 4 of the act the opposite issue pertained in that a 50 hour workforce credential was defined as both a \$250 milestone and a \$500 milestone. The language of the rule harmonized the definition and the payment structure with a 50 hour workforce credential compensated at \$500. There were no other deviations from the statutory text.

**Jeff Wood**  
Little Rock

**Ken Bragg**  
Sheridan

**Leigh Keener**  
Little Rock

**Dr. Aaron Abbott**  
Springdale

## Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Department of Education is considering new administrative rules or amendments to administrative rules. The Division of Elementary and Secondary Education is considering amendments to the Rules Governing the Arkansas Children's Educational Freedom Account Program and the Division of Career and Technical Education is considering amendments to the Rules Governing the Adult Diploma Program. Public comment hearings will be held for the forgoing rules on December 2, 2025, at 10:00am and on December 2, 2025, at 5:00pm at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201 in the ADE Auditorium. The public comment period for these rules ends on December 16, 2025. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to [ADE.RulesComments@ade.arkansas.gov](mailto:ADE.RulesComments@ade.arkansas.gov). A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's website at: <https://dese.ade.arkansas.gov/Offices/legal/rules/pending>. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 683-1390.

**From:** [Legal Ads](#)  
**To:** [Daniel Shults \(ADE\)](#)  
**Subject:** Re: APA Rule Promulgation Notice  
**Date:** Wednesday, November 12, 2025 10:38:47 AM  
**Attachments:** [image001.png](#)

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**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](#).

Scheduled for Sat 11/15, Sun 11/16, and Mon 11/17. Thank you.

Gregg Sterne, Legal Advertising  
Arkansas Democrat-Gazette  
[legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)

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**From:** "Daniel Shults, ADE" <[Daniel.Shults@ade.arkansas.gov](mailto:Daniel.Shults@ade.arkansas.gov)>  
**To:** "legalads" <[legalads@arkansasonline.com](mailto:legalads@arkansasonline.com)>  
**Cc:** "Brienne Franks, ADE" <[Brienne.Franks@ade.arkansas.gov](mailto:Brienne.Franks@ade.arkansas.gov)>, "Julia Raney (ADE)" <[Julia.Raney@ade.arkansas.gov](mailto:Julia.Raney@ade.arkansas.gov)>, "Caitlynn Cochran (ADE)" <[Caitlynn.Cochran@ade.arkansas.gov](mailto:Caitlynn.Cochran@ade.arkansas.gov)>  
**Sent:** Wednesday, November 12, 2025 10:20:42 AM  
**Subject:** APA Rule Promulgation Notice

To Whom it may Concern;

The ADE is requesting the attached notice of rulemaking appear in the Democrat Gazette on Saturday Nov. 15<sup>th</sup>, Sunday Nov. 16<sup>th</sup>, and Monday Nov. 17<sup>th</sup>.

Thanks you,



**Daniel Shults**  
Chief Legal Counsel I  
Department of Education | Chief of Staff  
Email: [Daniel.Shults@ade.arkansas.gov](mailto:Daniel.Shults@ade.arkansas.gov)  
Telephone: 501-682-4202