Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter D. Student Instruction and Learning

Part 108. Rules Governing the Course Choice Program

Subpart 1. Generally

6 CAR § 108-101. Title.

This part shall be known and may be cited as the "Rules Governing the Course Choice Program".

6 CAR § 108-102. Definitions.

As used in this part:

(1)(A) "Adult facilitator" means the person responsible for supervising and assisting the students at a brick-and-mortar location.

(B) The adult facilitator shall be an adult approved by the resident school district;

(2) "Course" means a unit of instructional material for which credit is awarded;

(3)(A) "Course provider" means an entity that offers individual courses in person or online, including without limitation:

(i) An online or virtual education provider that is not a public school district or an open-enrollment public charter school;

(ii) A postsecondary education institution;

(iii) A business or entity that offers vocational or technical course work in its field and has been authorized to provide such courses by the State Board of Education;

(iv) Arkansas School for Mathematics, Sciences, and the Arts; and

(v) An educational entity that is not a public school district or an open-enrollment public charter school.

(B)(i) "Course provider" does not include a public school district or an open-enrollment public charter school.

(ii)*(a)* Except as provided under subdivision (3)(B)(ii)*(b)* of this section, a public school district or an open-enrollment public charter school may make one (1) or more courses available to eligible students under this part.

(b) A public school district or an open-enrollment public charter school with a rating of "D" or "F" under Arkansas Code §§ 6-15-2105 and 6-15-2106 and state board rules shall not be eligible to offer courses to eligible students under this part;

(4) "Eligible student" means any student in grades six through twelve (6-12) who resides in Arkansas and meets at least one (1) of the following criteria:

(A) Is attending a public school district or an open-enrollment public charter school that does not offer the course in which the student desires to enroll, as determined by the Division of Elementary and Secondary Education; or

(B) Is attending a public school district or an open-enrollment public charter school that has a letter grade of "D" or "F", or any variation thereof, under Arkansas Code §§ 6-15-2105 and 6-15-2106 and state board rules and would like to take a course required for graduation at the eligible student's school through the Course Choice Program;

(5) "Non-completion" means that an enrolled student does not receive a passing grade or credit for the course; and

(6)(A) "Per-course amount for a course provider" means the standard market rate as determined by a course provider and reported to the division that is up to eight percent (8%) of the per-pupil amount each year as determined by the foundation funding amount, established under Arkansas Code § 6-20-2305, allotted per student to each public school district or open-enrollment public charter school in which an eligible student resides.

(B) "Per-course amount for a course provider" shall include required materials, including textbooks, for participation in the course.

(C) The per-course amount for a public school district or an open-enrollment public charter school shall be the amount of foundation funding generated by including an eligible student in the public school district's or open-enrollment public

charter school's average daily membership under Arkansas Code § 6-20-2305 for one (1) or more courses.

(D) A course that awards one half (1/2) credit is eligible to receive one half (1/2) of the per-course amount.

6 CAR § 108-103. Course Choice Program.

(a) Course providers seeking participation in the Course Choice Program shall provide the following without limitation to the Division of Elementary and Secondary Education:

(1) An attestation by the proposed course provider stating they will comply with Arkansas law and applicable Division of Elementary and Secondary Education rules;

(2) A proposal that is valid, complete, financially well-structured, and educationally sound;

(3) A proposal that provides a plan for collecting data; and

(4) A proposal offering the potential for fulfilling the purposes of this part.

(b) The Division of Elementary and Secondary Education shall ensure an independent evaluation is conducted of each proposal submitted by a proposed course provider by a third party that has educational, organizational, legal, and financial expertise.

(c) An agreement is required between the State Board of Education and all course providers that shall include without limitation a plan for implementing or providing the following:

(1) Administration of state assessments by the course provider or an eligible student's resident public school district or open-enrollment public charter school as determined by the Division of Elementary and Secondary Education, and as required by the school rating system under Arkansas Code § 6-15-2101 et seq.;

(2) The public school district or open-enrollment public charter schools in which the course provider operates;

(3) Information about courses the provider intends to offer that includes:

(A) The name and course code;

(B) Alignment of the courses with the Arkansas academic standards;

(C) Designated length of each course offered;

(D) Required materials, including textbooks, that the course provider will provide for students enrolled in a course; and

(E) Necessary supplies or equipment that parents, guardians, or a person standing in loco parentis need to provide for students enrolled in a course;

(4) Total student enrollment capacity for each proposed course offered;

(5) Alignment of the courses offered by the course provider with approved Arkansas graduation requirements; and

(6) Assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district or an open-enrollment public charter school in which an eligible student is enrolled full time, including to assist with implementation of a student's individualized education program (IEP) when applicable.

(d)(1) Public and private Arkansas colleges and universities accredited by the National Alliance of Concurrent Enrollment Partnerships or by the Division of Higher Education to offer concurrent credit courses shall qualify as a course choice provider.

(2) All state-supported institutions of higher education providing concurrent credit courses shall:

(A) Adhere to the Arkansas Higher Education Coordinating Board concurrent enrollment policy; and

(B) Agree to a memorandum of understanding for course choice providers offering concurrent credit.

(e)(1) The initial authorization of a course provider shall be for a period of three (3) years.

(2) After the second year of the initial authorization period, the Division of Elementary and Secondary Education shall conduct a thorough review of the course provider's activities and the academic performance of the eligible students enrolled in courses offered by the course provider.

(3) Following the Division of Elementary and Secondary Education's review after the second year, the state board shall consider the Division of Elementary and Secondary Education's recommendation to determine whether the course provider's activities and the academic performance of the eligible students enrolled are in accordance with the school rating system under Arkansas Code § 6-15-2101 et seq. and the Rules Governing the Public School Rating System on Annual School Performance Reports and the School Recognition Program, 6 CAR pt. 64.

(4) If the performance of eligible students enrolled in courses offered by the course provider does not meet performance standards set by the state board, the state board shall place the course provider on probation for the remainder of the initial authorization period.

(f) After the conclusion of an authorization period, the state board may consider the recommendation of the Division of Elementary and Secondary Education to determine whether to reauthorize a course provider for additional periods of not less than three (3) years nor more than five (5) years.

(g)(1) Course providers shall be monitored and evaluated throughout each authorization period by the Division of Elementary and Secondary Education in accordance with state board performance expectations which shall include without limitation:

(A) Student achievement;

(B) Semester or annual student completion rates as applicable to the design of the course;

(C) Adherence to Arkansas academic standards; and

(D) Provider operational system management.

(2)(A) If at any time during an authorization period the state board determines the course provider does not meet performance standards, the state board shall place the course provider on probation.

(B) Prior to the conclusion of the probationary period, a review shall be conducted by the Division of Elementary and Secondary Education to determine whether the course provider meets performance standards set by the state board.

(C) Following the Division of Elementary and Secondary Education's review, the state board shall then consider the Division of Elementary and Secondary Education's recommendation to determine whether:

(i) The course provider meets standards set by the state board such that the probationary status is removed; or

(ii) The course provider does not meet standards set by the state board resulting in termination from the program.

(3) Additionally, course providers may be terminated from the program at any time if the state board determines that the provider has materially breached the agreement required under subsection (c) of this section.

(h)(1) The Course Choice Catalog contains common course numbering of all courses available under this part and shall be reviewed to ensure compliance with Arkansas state academic standards.

(2) For courses offered by postsecondary educational institutions that are authorized course providers, the Division of Elementary and Secondary Education shall consult with the Division of Higher Education and the Arkansas Higher Education Coordinating Board.

(i) The Division of Elementary and Secondary Education will post on its website the Course Choice Catalog for all courses offered by a public school district or an open-enrollment public charter school.

(j)(1) The school in which a student is enrolled remains responsible for implementation of a student’s IEP.

(2) The course provider shall assist in implementing the student’s IEP, including providing necessary accommodations, as directed by the district.

6 CAR § 108-104. Responsibilities of student's resident school.

(a) The following policies and procedures shall be established by each local school district or open-enrollment public charter school board of directors:

(1) Credits earned through a course provider shall appear on each eligible student's official transcript and count fully towards graduation requirements;

(2) Required tests shall be administered to each eligible student attending the public school district or open-enrollment public charter school;

(3) All services to which each eligible student attending the public school district or open-enrollment public charter school would be entitled if attending the public school in which he or she is enrolled full time for all courses, including without limitation special education services pursuant to the eligible student's individualized education program, shall be provided;

(4) Students enrolled in digital courses shall have access to a suitable classroom environment to participate in the course; and

(5) Participation in course choice at another school shall not affect a student's participation in extracurricular or cocurricular activities.

(b)(1) A public school district or an open-enrollment public charter school shall make available to all students the course catalog during the annual course enrollment process for the school.

(2) A public school district or an open-enrollment public charter school shall not actively discourage, intimidate, or threaten an eligible student during the course enrollment process or at any other time.

(3) Final course placement and enrollment is contingent upon both provider and resident school district approval.

(4) The public school district or open-enrollment public charter school shall enroll students within course choice as part of their annual course enrollment procedures.

(c) A public school district or an open-enrollment public charter school shall provide:

(1) Adequate classroom space to accommodate all students;

(2) Required technology for students to access materials and participate in the course;

(3) Reasonably designed student schedules that allow students to participate in the Course Choice Program without conflicting with other courses; and

(4) For courses offered virtually, an adult facilitator to:

(A) Supervise any instructional activity where students meet as a group;

(B) Administer all student achievement assessments used to determine a student's final grade; and

(C) Conform with Rules Governing Distance and Digital Learning, 6 CAR pt. 93, and other applicable rules.

(d)(1) The aggregate test scores of eligible students under this subpart shall be included in the annual school performance report provided to the Division of Elementary and Secondary Education for the public school district or open-enrollment public charter school in which an eligible student is enrolled full time.

(2) The aggregate test scores published by each course provider shall be published by the division on its website in an easy-to-understand format.

(e) Each eligible student shall enroll in and attend at least one (1) course at the resident school district in which he or she is enrolled full time.

(f) Schools may, but are not required to, provide transportation for a student to and from the location of the course where the student is enrolled under this part unless the student has an individualized education program (IEP) that entitles the student to transportation.

(g) Unless a course is offered through an institution of higher education, a course pursuant to this part shall not be offered outside of the school's adopted calendar.

(h) Students shall not enroll in courses pursuant to this part that would cause the student's course load to exceed the maximum course load offered by the resident school district.

6 CAR § 108-105. Funding.

(a)(1) Each eligible student shall be included in the average daily membership of the public school district or open-enrollment public charter school in which the eligible student is enrolled full time for the purpose of generating foundation funding under Arkansas Code § 6-20-2305.

(2) Funds under 6 CAR § 108-102(6)(A) shall be used to finance any administrative or operational costs to support eligible students enrolled in courses offered by course providers.

(b)(1) For each eligible student, a course provider shall receive payment for only the courses in which an eligible student is enrolled pursuant to this part.

(2) The remaining funds for each eligible student, up to the maximum amount established under Arkansas Code § 6-20-2305, shall remain with the public school district or open-enrollment public charter school in which the student is enrolled full time.

(3) A student or a student's parent, guardian, or person standing in loco parentis shall not be responsible for tuition, fees, or materials required for participation in the Course Choice Program.

(c) Payment for courses under this part shall be made by the department on behalf of the responsible public school district or open-enrollment public charter school to the authorized course provider based on enrollment verification data input into the Statewide Information System by the school district in which the student is enrolled full time.

(d)(1) A course provider shall not charge an eligible student any amount above the per-course amount established pursuant to this part.

(2)(A) For coursework that begins in the fall semester, fifty percent (50%) of the per-course amount for a course provider that is paid or transferred to a course provider shall be paid or transferred after verification of eligible student enrollment in a course on October 1 of each year and fifty percent (50%) shall be paid or transferred upon course completion and the eligible student receiving credit according to the published course length.

(B) For coursework that begins in the spring semester, fifty percent (50%) of the per-course amount for a course provider that is paid or transferred to a course provider shall be paid or transferred after verification of eligible student enrollment in a course on February 1 of each year and fifty percent (50%) shall be paid or transferred

upon course completion and the eligible student receiving credit according to the published course length.

(C) For non-completion prior to leaving school or graduating from high school, the course provider shall receive only fifty percent (50%) of the per-course amount for course providers that is paid upon eligible student enrollment in the course.

(e)(1) Pursuant to Arkansas Code § 6-51-305, vocational centers shall be financed by distributing vocational center aid from the Public School Fund according to rules promulgated by the Career Education and Workforce Development Board.

(2) Additionally, centers shall be eligible for any vocational program start-up funds which become available and for federal vocational education funds upon meeting eligibility requirements.

(3) If a vocational center receives funding pursuant to Arkansas Code § 6-51-305, it shall not also receive foundation funding under Arkansas Code § 6-20-2305.