

Red Tape Review Rule Report (Due: September 1, 2023)

Department Name:	Education	Date:	August 22, 2023	Total Rule Count:	10
IAC #:	281	Chapter/ SubChapter/ Rule(s):	32	Iowa Code Section Authorizing Rule:	259A.5
Contact Name:	Thomas A. Mayes	Email:	Thomas.Mayes@iowa.gov	Phone:	515-281-8661

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

What is the intended benefit of the rule?

This rule chapter is intended to benefit Iowans who have not been able to graduate from high school by traditional means but demonstrate the competencies for award of a high school diploma.

Is the benefit being achieved? Please provide evidence.

Yes. In the most recent reporting year, 1,448 Iowans passed their HiSET (High School Equivalency Test) out of 1,503 exam takers: a nation-leading 96.3 percent.

What are the costs incurred by the public to comply with the rule?

The costs incurred largely revolve around meeting the content standards for HiSET coursework.

What are the costs to the agency or any other agency to implement/enforce the rule?

The Department, along with the Iowa Department of Workforce Development, provide technical assistance and support under this chapter.

Do the costs justify the benefits achieved? Please explain.

Yes, based on Iowa's nation-leading passage rate.

Are there less restrictive alternatives to accomplish the benefit? YES NO

If YES, please list alternative(s) and provide analysis of less restrictive alternatives from other states, if applicable. If NO, please explain.

The statute requires rules.

Does this chapter/rule(s) contain language that is obsolete, outdated, inconsistent, redundant, or unnecessary language, including instances where rule language is duplicative of statutory language? [list chapter/rule number(s) that fall under any of the above categories]

PLEASE NOTE, THE BOXES BELOW WILL EXPAND AS YOU TYPE

The Department has removed unduly restrictive rules language. The Department also removed an age restriction for HiSET takers who are in the juvenile justice system. That age restriction was contrary to the underlying statute (proposed rule 32.2(3)).

In reviewing this chapter, the Department consulted with colleagues at Iowa Workforce Development.

RULES PROPOSED FOR REPEAL (list rule number[s]):

Rule 32.1 (not necessary)
Rule 32. 10 (consolidated with another, similar rule)

RULES PROPOSED FOR RE-PROMULGATION (list rule number[s] or include rule text if available):

See below.

***For rules being re-promulgated with changes, you may attach a document with suggested changes.**

METRICS

Total number of rules repealed:	2
Proposed word count reduction after repeal and/or re-promulgation	100
Proposed number of restrictive terms eliminated after repeal and/or re-promulgation	33

ARE THERE ANY STATUTORY CHANGES YOU WOULD RECOMMEND INCLUDING CODIFYING ANY RULES?

None noted.

Proposed New Chapter 32

CHAPTER 32
HIGH SCHOOL EQUIVALENCY DIPLOMA

281—32.1(259A) Definitions. As used in this chapter:

“*Adult education and literacy program*” means the same as defined in chapter 877—32(260C).

“*Approved program*” means any defined option established under this chapter for the completion of a high school equivalency diploma that has been approved by the department.

“*Approved test*” means the entire battery of subtests given under a high school equivalency test adopted by the department and administered at department-approved testing sites.

“*Contact hour*” means the same as defined in chapter 281—21.

“*Continuous enrollment*” means a participant has not exited from the approved program as defined in the federal Workforce Innovation and Opportunity Act (34 CFR section 361.150(c)), as effective on [PUBLICATION OF NOTICE OF INTENDED ACTION].

“*Demonstrated competence*” means the ability to apply the knowledge and skills required to perform critical functions specific to a program of study. Competencies that measure the attainment of the knowledge, skills, and abilities equivalent to a high school program of study are to be aligned with content standards for adult education as referenced in chapter 877—32(260C), and twenty-first century learning skills.

“*Department*” means the Iowa department of education.

“*Eligible institution*” means an entity as defined in chapter 877—32(260C).

“*High school credit*” means credit awarded for the successful completion of a secondary course or demonstrated competence equivalent to one-half Carnegie unit as defined in Chapter 281—12(256).

“*High school equivalency diploma*” means the credential granted by the department to adults who did not graduate from high school and are unable to receive a high school diploma through traditional means but who are able to demonstrate attainment of the knowledge, skills, and abilities that are equivalent to those that would be attained in a high school program of study.

“*Resident*” means an individual who satisfies subrule 281—21.2(11).

“*Twenty-first century learning skills*” means the same as defined in chapter 281—12(256).

“*Work-site learning*” means a planned and supervised work experience, equivalent to the training services defined in the federal Workforce Innovation and Opportunity Act, Section 134(c)(3)(D), that follows workplace laws and regulations, including the minimum wage prescribed by Iowa law or the federal Fair Labor Standards Act, if applicable.

281—32.2(259A) Eligibility to participate.

32.2(1) No one under 16 years and 9 months of age is allowed to participate in an approved program, with the exception of a person who is at least 16 years of age and satisfies one or more of the following conditions:

- a. Is a resident of an Iowa juvenile institution;
- b. Is an active participant in Job Corps; or
- c. Is under the supervision of a probation office.

32.2(2) Anyone 16 years and 9 months of age or older who is not enrolled in a secondary school nor is a high school graduate is permitted to apply for enrollment in an approved program. The requirements for admission into an approved program are:

- a. Proof of age and, for an applicant under 18 years of age, consent of the applicant's parent or guardian.
- b. For an applicant under 19 years of age, verification of nonenrolled status from the last high school attended.
- c. Completion of a comprehensive intake by an eligible institution. For purposes of this chapter, the intake includes all of the following:

- (1) Assessment of the applicant's reading level and career interests and aptitudes.

- (2) Discussion of program options available to the applicant regarding completion of a high school equivalency diploma, to include the requirements, expectations, benefits, and limitations of each option.

- (3) Development of a plan for the completion of one of the options discussed and subsequent activities necessary to work toward an identified goal, career pathway, occupation, or further education.

32.2(3) An eligible participant who successfully completes an approved program will not be awarded a high school equivalency diploma until the participant reaches 18 years of age and the participant's ninth grade class has graduated from high school. This subrule does not apply to eligible participants described in any lettered paragraph of subrule 32.2(1), who may receive their diploma at any time after completion.

281—32.3(259A) By whom administered. An approved program is to be administered by an eligible institution, which may provide one or more approved programs. The department will maintain a process by which an eligible institution may apply to offer an approved program.

281—32.4(259A) Diploma, transcript, verification fees. Upon payment to the department or its designee of a fee for the actual cost of production and distribution of a high school equivalency diploma, transcript, or verification letter not to exceed \$20 per document, the department will issue a high school equivalency diploma, transcript, or verification letter to an applicant who has achieved the minimum standards established in this chapter. Upon payment to the department or its designee of a fee for the actual cost of verification and issuance of a duplicate diploma, transcript, and verification letter not to exceed \$20, the department or its designee will issue a duplicate diploma, transcript, or provide verification to the applicant or person authorized by the applicant to request these documents. Approved providers must track and submit to the department evidence of the applicant's completion of the program requirements for the issuance of a high school equivalency diploma.

281—32.5(259A) Application, course, and testing fees. The applicant or the applicant's supporting agency is to pay an application, course, or testing fee to cover only necessary and reasonable testing or program costs. Fees paid directly to an approved program are considered program income and are to adhere to the federal Office for Management and Budget Uniform Guidance cost principles, as codified in 2 CFR Section 200.80, effective as of [PUBLICATION OF NOTICE OF INTENDED ACTION].

281—32.6(259A) High school equivalency diploma program based on a department-approved test. The department will award a high school equivalency diploma to an applicant who achieves the appropriate minimum standard scores on an approved test.

32.6(1) Validity of test scores. Scores on an approved test remain valid for a period of five years from the date of the first subtest taken. If an applicant has not earned a high school equivalency diploma within this five-year period, the applicant must retake any expired subtest. The only exception is for test series that expire prior to the five-year period, in which case all previously taken subtests are void.

32.6 (2) Retest. Any applicant not achieving the minimum standard test score on any subtest in effect at the time of testing is permitted to apply for retest. Applicants may retest twice per calendar year, provided one of the following conditions is met:

- a. A period of three months from the date of initial testing has elapsed; or
- b. The applicant completes instruction in an adult education and literacy program in each subject area to be retested. This instruction is to be certified by an official of the adult education and literacy program provider to the test administrator authorized to release the retest.

281—32.7(259A) High school equivalency diploma program based on attainment of high school credits. The department will award a high school equivalency diploma to an applicant who demonstrates completion of an approved program consisting of at least 36 high school credits. The approved program will be inclusive of the graduation requirements established under Chapter 281—12(256) and consist of at least eight high school credits in English or communications; six credits in mathematics;

six credits in science; six credits in social studies, including government; and ten elective credits that meet the requirements of subrule 32.7(4).

32.7(1) Award of prior credit. The applicant is to provide certified, translated transcripts from any Iowa school district, accredited public or nonpublic high school, or regionally accredited college or university to document completion of credits earned that are equivalent to those required in an approved program established under this rule. Additional documentation may be requested to validate credits earned.

32.7(2) Minimum participation requirement. An eligible applicant is to demonstrate competence through continuous enrollment in an approved program for a minimum of two high school credits.

32.7(3) Minimum graduation requirements. If the applicant is not continuously enrolled in an approved program, the applicant becomes subject to the minimum graduation requirements applicable to the date of reenrollment.

32.7(4) Electives.

a. Coursework for electives will align with twenty-first century learning skills and be classified in one of the following five areas:

- (1) Civic literacy;
- (2) Health literacy;
- (3) Technology literacy;
- (4) Financial literacy;
- (5) Employability skills.

b. Work-site learning may be counted toward an elective, under the following conditions:

(1) Evidence of prior work-site learning will be evaluated using a state-developed assessment tool and may be awarded a maximum of two high school credits. Credit earned for prior work-site learning will not be counted toward the minimum participation requirement, as described in subrule 32.7(2).

(2) Current work-site learning will be evaluated using a state-developed assessment tool and may be awarded a maximum of two high school credits. Credit earned for current work-site learning may be counted toward the minimum participation requirement, as described in subrule 32.7(2).

32.7(5) Postsecondary credit. Credit awarded by a regionally accredited postsecondary institution for the successful completion of a course that applies toward the requirements of a postsecondary credential, including a certificate, diploma, or associate, bachelor, or graduate-level degree program, will be accepted to fulfill the requirements for the satisfactory completion of a program as follows:

a. One postsecondary semester credit or its equivalent is equal to one-third high school credit. The resulting high school credit may be used to satisfy either a core or elective credit requirement of an approved program.

b. Twenty contact hours of noncredit postsecondary coursework is equal to one-third high school credit provided the coursework is aligned to regional career pathways and occupational needs. This credit can be used to satisfy an elective credit requirement of an approved program.

281—32.8(259A) High school equivalency diploma program based on postsecondary degree.

32.8(1) Postsecondary degree from a United States postsecondary institution. The department will award a high school equivalency diploma to a resident applicant who presents an associate degree or higher that includes general education coursework and is awarded by a regionally accredited postsecondary institution. The applicant is to provide official transcripts to an adult education and literacy program to document completion of program requirements.

32.8(2) Postsecondary degree from a foreign postsecondary institution. The department will award a high school equivalency diploma to a resident applicant who presents a postsecondary degree equivalent to an associate degree or higher, provided that the following conditions are met:

a. The applicant presents to an adult education and literacy program an official transcript from an institution of higher education attesting to the completion of the program of study for the postsecondary degree. If the transcript is not in English, the applicant will also provide a certified translation.

b. The applicant is a United States citizen or meets both of the following conditions:

1. Demonstrates proficiency in speaking, listening, reading, and writing as defined by the department's approved English language proficiency standards; and
2. Has successfully completed a course in government or civics education as a component of an approved program.

This chapter is intended to implement the provisions of Iowa Code chapter 259A.