

# Iowa State Board of Education

## Executive Summary

November 15, 2023



**Agenda Item:** Rules: 281 IAC Chapter 32 – “High School Equivalency Diploma” (Notice of Intended Action)

**State Board Priority:** Preparing Learners for Tomorrow’s Workforce

**State Board Role/Authority:** This rule making is proposed under the authority provided in Iowa Code section 259A.5.

**Presenter(s):** Thomas A. Mayes, General Counsel

**Attachment(s):** One

**Recommendation:** It is recommended that the State Board give notice of its intent to amend Chapter 32.

**Background:** This proposed rulemaking rescinds and replaces Chapter 32 related to high school equivalency diplomas. The Department is removing unduly restrictive rule language. The Department is also removing an age restriction for High School Equivalency Test (HiSET) takers who are in the juvenile justice system (proposed subrule 32.2(3)). That age restriction was contrary to the underlying statute.

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

## EDUCATION DEPARTMENT[281]

### Notice of Intended Action

The State Board of Education hereby proposes to rescind and replace Chapter 32, “High School Equivalency Diploma,” Iowa Administrative Code.

#### *Legal Authority for Rule Making*

This rule making is proposed under the authority provided in Iowa Code section 259A.5.

#### *State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 259A.

#### *Purpose and Summary*

This proposed rulemaking rescinds and replaces Chapter 32 related to high school equivalency diplomas. The Department is removing unduly restrictive rule language. The Department is also removing an age restriction for High School Equivalency Test (HiSET) takers who are in the juvenile justice system (proposed subrule 32.2(3)). That age restriction was contrary to the underlying statute.

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

#### *Fiscal Impact*

This rule making has no fiscal impact to the state of Iowa.

#### *Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

#### *Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

*Public Comment*

Any interested person may submit comments concerning this proposed rulemaking. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on January 4, 2024. Comments should be directed to:

Thomas A. Mayes  
Iowa Department of Education  
Grimes State Office Building  
400 E. 14<sup>th</sup> Street  
Des Moines, IA 50319  
[thomas.mayes@iowa.gov](mailto:thomas.mayes@iowa.gov)  
515-281-8661

*Public Hearing*

A public hearing at which persons may present their views orally or in writing will be held as follows:

Hearing 1: January 3, 2024, from 1:00 to 1:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

Hearing 2: January 4, 2024, from 9:00 to 9:30, State Board Room, Grimes State Office Building, Des Moines, IA 50319

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action proposed:

ITEM 1. Rescind 281—Chapter 32 and adopt the following **new** chapter in lieu thereof:

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 877—Chapter 32.

*“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 described in 281—Chapter 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 §361.150(c)), as effective on [the publication date 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 877—Chapter 32 and twenty-first century learning skills.

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

*“Eligible institution”* means an entity as described in 877—Chapter 32.

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

*“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 the provisions of 281—subrule 21.2(11).

*“Twenty-first century learning skills”* means the same as defined in 281—Chapter 12.

*“Work-site learning”* means a planned and supervised work experience, equivalent to the training services defined in the federal Workforce Innovation and Opportunity Act, 29 U.S.C. §3174(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 paragraphs 32.2(1) "a" through "c," 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 §200.80, effective as of [the publication date 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 281—Chapter 12 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.

These rules are intended to implement Iowa Code chapter 259A.