

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 2129 of the Regular Session

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: S3/17/05

A Bill

SENATE BILL 468

5 By: Senator Broadway
6
7

8 **For An Act To Be Entitled**

9 AN ACT TO AMEND THE ARKANSAS WORKFORCE
10 IMPROVEMENT GRANT PROGRAM; AND FOR OTHER
11 PURPOSES.
12

13 **Subtitle**

14 AN ACT TO AMEND THE ARKANSAS WORKFORCE
15 IMPROVEMENT GRANT PROGRAM.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 6-82-1602 is amended to read as follows:

21 6-82-1602. Definitions.

22 As used in this subchapter, unless the context otherwise requires:

23 ~~(1)(A) "Academic ability" means the intellectual standing of the~~
24 ~~student.~~

25 ~~(B)(i) In determining academic ability, the Department of~~
26 ~~Higher Education shall examine the student's high school or college records~~
27 ~~or certified evidence from them on which the application is based, requiring~~
28 ~~proof of academic achievement and the capacity to profit from postsecondary~~
29 ~~education.~~

30 ~~(ii) Admission to an approved private or public~~
31 ~~institution does not automatically meet academic ability qualifications;~~

32 ~~(2) "Approved private institution" means a nonprofit two-year or~~
33 ~~four-year degree-granting institution of postsecondary education or an~~
34 ~~institution dedicated to educational purposes and located in Arkansas that~~
35 ~~offers completion of an occupational training program as defined by the~~



1 ~~federal government and that:~~

2 ~~(A) — Is operated privately under the control of an~~
 3 ~~independent board and not directly controlled or administered by any public~~
 4 ~~agency or political subdivision;~~

5 ~~(B) — Restricts the use of public funds to educational~~
 6 ~~programs with a secular purpose;~~

7 ~~(C) — Provides a collegiate level course of~~
 8 ~~instruction for a minimum of two (2) years leading to or directly creditable~~
 9 ~~toward an associate or baccalaureate degree or provides a course that leads~~
 10 ~~to completion of an occupational training program;~~

11 ~~(D) — Is accredited by an accrediting agency certified~~
 12 ~~and recognized by the United States Department of Education or the division~~
 13 ~~of agency evaluation and institutional accreditation or is a school giving~~
 14 ~~satisfactory assurance that it has the potential for accreditation and is~~
 15 ~~making progress that if continued will result in its achieving accreditation;~~

16 ~~(E) — Does not discriminate in the admission of~~
 17 ~~students on the basis of race, color, religion, sex, or national origin and~~
 18 ~~is otherwise in compliance with the Civil Rights Act of 1964 and the Civil~~
 19 ~~Rights Act of 1968 and executive orders issued pursuant to them; and~~

20 ~~(F) (vii) — Subscribes to the principle of academic~~
 21 ~~freedom;~~

22 ~~(3) (2) — "Approved public institution" means a two-year or four-~~
 23 ~~year degree-granting institution of postsecondary education or an institution~~
 24 ~~dedicated to educational purposes and located in Arkansas that offers~~
 25 ~~completion of an occupational training program as defined by the federal~~
 26 ~~government and that:~~

27 ~~(A) — Is directly controlled or administered by a public~~
 28 ~~agency or political subdivision;~~

29 ~~(B) — Receives appropriations directly or indirectly from~~
 30 ~~the General Assembly for operating expenses;~~

31 ~~(C) — Provides a collegiate level course for a minimum of~~
 32 ~~two (2) years leading to or directly creditable toward an associate or~~
 33 ~~baccalaureate degree or provides a course that leads to completion of an~~
 34 ~~occupational training program;~~

35 ~~(D) — Is accredited by an accrediting agency certified and~~
 36 ~~recognized by the United States Department of Education or the Division of~~

~~Agency Evaluation and Institutional Accreditation or is a school giving satisfactory assurance that it has the potential for accreditation and is making progress that if continued will result in its achieving accreditation;~~

~~(E) Does not discriminate in the admission of students on the basis of race, color, religion, sex, or national origin and is otherwise in compliance with the Civil Rights Act of 1964 and the Civil Rights Act of 1968 and executive orders issued pursuant to them; and~~

~~(F) Subscribes to the principle of academic freedom;~~

(1) "Approved institution" means a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds or any nursing school with its primary headquarters located in Arkansas that is eligible to participate in Title IV Federal student aid programs.

~~(4)(2) "Credit certificate" means certificate programs that are taken for credit;~~

~~(5)(3) "Department" means the Department of Higher Education;~~

~~(6)(4) "Eligible student" means any student who meets the criteria set out in this subchapter and who is eligible by rules and regulations authorized by this subchapter and promulgated by the State Board of Workforce Education and Career Opportunities~~ Arkansas Higher Education Coordinating Board;

~~(7)(5)(A) "Financial need" means the difference between the student's financial resources available as determined by the department and the student's total educational expenses, including tuition, mandatory fees, and board and room while attending an approved private or public institution of postsecondary education.~~

(B) In determining need, the department shall employ a formula of or a formula similar to a nationally recognized comprehensive mechanism for determining need;

~~(8)(6) "Full-time student" means an individual resident of Arkansas as defined by the department who:~~

(A) Is a student at an approved private or public institution in a course of study leading to an associate's or bachelor's degree or completion of an occupational training program; and

(B) Is enrolled in at least twelve (12) semester hours or some other reasonable academic equivalent as defined by the department;

1 ~~(9)~~(7) "Program" means the Arkansas Workforce Improvement Grant
2 Program;

3 ~~(10)~~(8) "Qualified student" means a ~~full-time~~ student who meets
4 ~~the criteria of academic ability~~ eligibility criteria and financial need as
5 determined by the department and who has demonstrated that a Workforce
6 Improvement Grant is warranted;

7 ~~(11)~~(9) "Tuition" means charges levied for attendance at an
8 approved institution, including mandatory fees; and

9 ~~(12)~~(10) "Workforce Improvement Grant" means the amount of money
10 paid by the State of Arkansas to a qualified applicant under this subchapter.
11

12 SECTION 2. Arkansas Code § 6-82-1604 is amended to read as follows:
13 6-82-1604. Administration - Authority of department.

14 The Department of Higher Education shall administer the ~~student~~
15 ~~assistance grant~~ Workforce Improvement Grant program provided for in this
16 subchapter and in so doing shall have the following authority and
17 responsibility with respect to the program:

18 (1) To prepare application forms and other forms as it shall
19 deem necessary to properly administer and carry out the purposes of this
20 subchapter and to furnish the forms to persons desiring to make application
21 for a Workforce Improvement Grant;

22 (2) To establish and consult as necessary an advisory committee
23 representing the private and public sectors of postsecondary education in
24 determining guidelines and regulations for administration of the program,
25 including, but not limited to, rules determining academic ability, financial
26 need, and residency;

27 (3) To adopt rules and regulations as the department deems
28 necessary or appropriate to carry out the purposes of this subchapter;

29 (4) To consider all applications for a grant;

30 (5) To determine a termination date for the acceptance of
31 applications;

32 (6)(A) To determine the necessary procedures for the awarding of
33 grants should the number of eligible applicants exceed funds available,
34 giving priority to those students ~~with the greatest~~ who exhibit financial
35 need and who meet academic eligibility requirements.

36 (B) To identify those students ~~having the greatest~~ who

1 exhibit financial need, the department shall utilize the family contribution
2 method or another acceptable approved methodology;

3 (7) To cooperate with and receive the cooperation of the
4 approved private and public institutions of postsecondary education in the
5 state and their governing bodies in the administration of the program;

6 (8) To employ or engage such professional, administrative,
7 clerical, and other employees as may be necessary to assist the department in
8 the performance of its duties and responsibilities;

9 (9) To require applicants to file such additional information
10 with the department as it may deem necessary and appropriate to carry out the
11 purposes of this subchapter and to prevent fraud or misrepresentation or
12 misleading representation by applicants;

13 (10) To disburse grants to qualified students; and

14 (11) To provide fair and equitable treatment to all approved
15 institutions and students.

16
17 SECTION 3. Arkansas Code § 6-82-1605 is amended to read as follows:

18 6-82-1605. Eligibility.

19 ~~(a)~~ A qualified student shall be eligible for an initial or renewed
20 state grant only if the student:

21 (1) Is a citizen of the United States or a permanent resident
22 alien;

23 (2) Is a resident of the State of Arkansas as determined by the
24 Department of Higher Education for at least six (6) months immediately
25 preceding the date on which the student applies;

26 (3) Is accepted for admission at an approved institution of
27 postsecondary education of his or her choice to pursue a baccalaureate
28 degree, an associate degree, or a credit certificate;

29 (4) Is enrolled in no fewer than three (3) credit hours or the
30 equivalent as of the eleventh day of class at an approved institution that
31 the department has determined to be eligible to participate in the Arkansas
32 Workforce Improvement Grant Program;

33 (5)(A) As an initial first-year student meets satisfactory
34 academic progress standards required to receive other financial aid at the
35 institution to be attended as determined by the rules and regulations of the
36 department.

1 (B) After the initial first year, the student meets
2 satisfactory academic progress standards of the institution attended;

3 (6) Has not earned a baccalaureate degree;

4 (7) Does not owe a refund on a Pell Grant, Supplemental
5 Educational Opportunity Grant, or State Student Incentive Grant award or is
6 not in default on a National Defense/Direct Student Loan, Perkins Loan,
7 Stafford Loan, Supplemental Loan for Students loan, Parent Loan for
8 Undergraduate Students loan, Income Contingent Loan, William D. Ford Federal
9 Direct Loan, or Consolidated Loans Program;

10 ~~(8) Files a Statement of Educational Purpose and Selective
11 Service Registration Status with the institution to be attended;~~

12 ~~(9)~~(8) Has not borrowed, as determined by the institution to be
13 attended, in excess of the annual loan limits under the Federal Family
14 Educational Loan Program Systems, William D. Ford Federal Direct Loan
15 Program, Income Contingent Loan Demonstration Program, Stafford Loan Program,
16 Parent Loan for Undergraduate Students Program, or Supplemental Loan for
17 Students Program in the same academic year for which the student has applied
18 for assistance under the Arkansas Workforce Improvement Grant and has not
19 borrowed in excess of the aggregate maximum loan limits under the Arkansas
20 Workforce Improvement Grant Program;

21 ~~(10)~~(9) Is twenty-four (24) years of age or older on or before
22 the first day of the semester or summer sessions in which the Workforce
23 Improvement Grant has been awarded; and

24 ~~(11)(A)~~(10)(A) Graduated from high school or passed the General
25 Educational Development Test; or

26 (B) Meets the ability-to-benefit criteria as defined by
27 federal regulations in existence on January 1, 2003.

28 ~~(b) The Workforce Improvement Grant provided for in this subchapter
29 shall be awarded to freshmen as first-year students, sophomores as second-
30 year students, juniors as third-year students, and seniors as fourth-year
31 students.~~

32
33 SECTION 4. Arkansas Code § 6-82-1607 is amended to read as follows:
34 6-82-1607. Duties of applicant for grant.

35 In accordance with the provisions of this subchapter and the rules and
36 regulations of the Department of Higher Education adopted pursuant to this

1 subchapter, each applicant shall:

2 (1) Complete and file with the department either directly or
3 through a service recognized by the department the appropriate application
4 for a grant and other information and data as may be requested by the
5 department for its use and consideration in determining the eligibility of
6 the applicant; and

7 (2) Promptly furnish to the department information regarding any
8 other financial aid received, any change in the financial status of the
9 applicant, and any other information that might have a direct bearing on the
10 eligibility of the applicant for assistance under this subchapter; ~~and.~~

11 ~~(3) Provide the department with written verification of the~~
12 ~~applicant's intention to use the grant for the purposes included within this~~
13 ~~subchapter.~~

14

15 SECTION 5. Arkansas Code § 6-82-1608 is amended to read as follows:
16 6-82-1608. Amounts of grants.

17 (a) Each person awarded a grant shall receive the grant for one (1)
18 academic year or its equivalent for part-time students as defined by the
19 ~~State Board of Workforce Education and Career Opportunities~~ Department of
20 Higher Education.

21 (b) The grant may be renewable for up to three (3) academic years or
22 the equivalent for part-time students if the person applies and meets
23 continuing eligibility criteria established by the ~~board~~ Department of Higher
24 Education.

25 (c)(1) The amount of the annual grant for full-time students shall not
26 exceed the lesser of ~~one thousand eight hundred dollars (\$1,800)~~ two thousand
27 dollars (\$2,000) per academic year or the cost of tuition at the institution.

28 (2) The amount of the annual grant for part-time students shall
29 be prorated on the basis of the number of credit hours enrolled each term not
30 to exceed the lesser of ~~one thousand eight hundred dollars (\$1,800)~~ two
31 thousand dollars (\$2,000) or the cost of tuition at the institution per
32 academic year.

33 (3) The maximum total grant shall be ~~seven thousand two hundred~~
34 ~~dollars (\$7,200)~~ eight thousand dollars (\$8,000).

35 (4) The amount of any award under subdivisions (c)(1) or (2) of
36 this section shall be reduced by the amount of any Pell Grant received by the

1 student for the academic year.

2 (d) The enrollment hours shall be determined on the eleventh class day
3 or the official Department of Higher Education counting day.

4 (e) The department may promulgate rules and regulations to allow
5 institutions to make emergency grants to students under the Arkansas
6 Workforce Improvement Grant Program.

7

8 SECTION 6. Arkansas Code § 6-82-1609 is amended to read as follows:
9 6-82-1609. Award made to student.

10 The Workforce Improvement Grant is to be awarded directly to the
11 student by an eligible postsecondary institution in the name of the student
12 and in a manner to be determined by the Department of Higher Education.

13

14 SECTION 7. Arkansas Code § 6-82-1611 is repealed.

15 ~~6-82-1611. Transfer to another school.~~

16 ~~If a recipient of a Workforce Improvement Grant transfers from one (1)~~
17 ~~approved institution to another, his or her Arkansas Workforce Improvement~~
18 ~~Grant may be transferred with the approval and adjustment of the Department~~
19 ~~of Higher Education.~~

20

21 SECTION 8. Arkansas Code § 6-82-1613 is amended to read as follows:
22 6-82-1613. Rules and regulations.

23 (a)(1) The Department of Higher Education shall promulgate rules and
24 regulations for the administration of the Arkansas Workforce Improvement
25 Grant Program by the institutions of higher education consistent with the
26 purposes and requirements of this subchapter.

27 (2) The rules and regulations shall be reviewed by the Arkansas
28 Workforce Improvement Grant Advisory Committee and approved by the Arkansas
29 Higher Education Coordinating Board.

30 (b) The rules and regulations shall include:

31 ~~(1) A deadline in October and March of each year for application~~
32 ~~to the program;~~

33 ~~(2)(1)~~ (1) Student eligibility criteria based on the provisions of
34 this subchapter;

35 ~~(3)(2)~~ (2) The method for selecting grant recipients;

36 ~~(4)(3)~~ (3) Rules for determining continuing eligibility;

- 1 ~~(5)~~(4) Procedures for making payment to recipients;
- 2 ~~(6)~~(5) Satisfactory academic standards; and
- 3 ~~(7)~~(6) Other administrative procedures that may be necessary for
- 4 the implementation and operation of the program.

5 (c) The department shall file a report no later than ~~November 1~~
 6 December 1 of each year with the Legislative Council stating the total ~~yearly~~
 7 annual number of ~~applicants to~~ recipients in the program and the total ~~yearly~~
 8 ~~number~~ annual amount of grants awarded.

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/s/ Broadway

APPROVED: 4/13/2005

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