

**Arkansas Department of Education**  
**Arkansas Division of Elementary and Secondary Education**  
**Rules Governing the Succeed Scholarship Program**  
**January 2016 Proposed Effective July 1, 2020**

**RECEIVED**

MAY 14 2020

BUREAU OF  
LEGISLATIVE RESEARCH

**1.00 Authority**

- 1.01 The Arkansas State Board of Education's authority for promulgating these Rules is pursuant to Ark. Code Ann. §§ 6-11-105, ~~6-20-2301 et seq.~~, and ~~6-41-101 et seq.~~ 6-41-901 et seq., and Act 1178 of 2015 Acts 327, 637, and 894 of 2017, and Acts 548 and 1078 of 2019.
- 1.02 These Rules shall be known as the ~~Arkansas Department of Education (ADE)~~ Arkansas Division of Elementary and Secondary Education Rules Governing the Succeed Scholarship Program.

**2.00 Purpose**

- 2.01 The purpose of these Rules is to establish guidelines for the implementation of the Succeed Scholarship Program in order to provide a scholarship to a private school of choice for students in foster care and students with disabilities that have an individualized education program or an individualized service plan in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

**3.00 Definitions**

- 3.01 ~~"Department" or "ADE" is the Arkansas Department of Education~~ "Division" means the Arkansas Division of Elementary and Secondary Education.
- 3.02 "Foster care" means the care of a child by a group home or group facility on a twenty-four-hour-a-day basis away from the home of the child's parent or parents;
- 3.03 "Foster parent" means the responsible official or officials of a group home or group facility that provides foster care to a child;
- 3.04 "Individualized education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised by a public school in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and its implementing regulations, 34 C.F.R. §§ 300.320 through 300.324.
- 3.05 "Individualized service plan" means a written statement developed by the public school district that describes the special education and related services the public school district will provide to a parentally-placed child with a disability enrolled

in a private school or home school who has been designated to receive services, consistent with 34 C.F.R. §§ 300.137 through 300.139.

3.06 “Parent” means a student’s parent or foster parent:

3.027 “Scholarship Payment” ~~is~~ means a disbursement to the parent or legal guardian of a student participating in the Succeed Scholarship Program contingent upon appropriation and funding for the purpose of implementing the Succeed Scholarship Program.

3.038 “School District” ~~is~~ means a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ~~ad valorem~~ property taxes under Title 26 of the Arkansas Code, and whose board conducts the daily affairs of public schools pursuant to the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code. For the purposes of these Rules, all references to “school district” ~~include open enrollment public charter schools,~~ except as waived by the State Board of Education pursuant to Ark. Code Ann. § 6-23-301 et seq.

3.049 “School Year” ~~is~~ means the year beginning July 1 of one calendar year and ending June 30 of the next calendar year.

3.0510 “Severely Disabled” is an individual that has an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

#### **4.00 Student Eligibility**

4.01 A parent or legal guardian of a public school student ~~with a disability~~ may apply for a Succeed Scholarship to enroll his or her child in a private school if:

4.01.1 The student is currently enrolled in a public school district and has attended public school for at least the one (1) full school year immediately prior to the school year for which the scholarship payments would be disbursed;

4.01.1.1 ~~If the student is a dependent of an active duty member of any branch of the United States armed forces, Section 4.01.1 does not apply. Section 4.01.1 does not apply if:~~

4.01.1.1.1 The student is a dependent of an active duty member of any branch of the United States Armed Forces; or

4.01.1.1.2 The Superintendent of the student’s resident school district waives the requirement;

4.01.2 The student: ~~has an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; and~~

4.01.2.1 Is in foster care or has been in the foster care system and achieved permanency through adoption, reunification, or permanent guardianship;

4.01.2.2 Has an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., or has been medically diagnosed by a licensed physician as a child with a disability under 20 U.S.C. § 1401(3)(A);

4.01.2.2.1 A student who has had the enrollment requirement waived by the superintendent under the provisions of 4.01.1.1.2, must have had an IEP active on the last date he or she was enrolled in a public school, or in the case of a preschool student who has never been enrolled in a public school, have had an IEP or Individual Program Plan (IPP), as defined by the Department of Human Services, Division of Developmental Disabilities Services, standards, active on the last date he or she was enrolled in the preschool program.

4.01.2.3 Participated in the Succeed Scholarship Program during the prior school year and has not yet graduated from high school or attained twenty-one (21) years of age; or

4.01.2.4 Has an individualized service plan in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(10) and 34 C.F.R. §§ 300.137 through 300.139.

4.01.3 The student has been accepted for admission into a private school that is eligible to participate in the Succeed Scholarship Program;

4.01.4 The parent has notified the student's current school district of the request for a scholarship at least sixty (60) days before the date of the first scholarship payment; and

4.01.5 For students in foster care, the Department of Human Services approves the student's placement in the private school.

4.02 The parent or legal guardian shall:

- 4.02.1 Apply for the scholarship at least sixty-five (65) days before the date of the first scheduled scholarship payment for the private school to which the student has been accepted for admission; and
- 4.02.2 Notify the superintendent of the student's current and resident school district(s) within five (5) business days of submitting the application.
- 4.03 If a student is accepted for admission into a private school upon the availability of space, a parent or legal guardian shall notify the student's current and resident school district(s) at least sixty (60) days before the student enrolls in the private school and thereby becomes eligible for receives the first scholarship payments for attending that private school payment.
- 4.04 The Division shall not approve more than twenty (20) scholarships per academic year for students in foster care.
- ~~4.04 If the parent or legal guardian of a student already participating in the program wishes to participate in the program in the upcoming school year and to enroll the student for the upcoming school year in a private school from the list of private schools eligible to participate in the program other than the participating private school in which the student is currently enrolled, the parent or legal guardian shall follow the full application process contained in these Rules.~~
- ~~4.04.1 Sections 4.01.1, 4.02.2, and 4.03 of these Rules shall not apply to a student already participating in the program.~~
- ~~4.04.2 Section 4.01.2.2 shall be construed as requiring that the student had an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. upon the student's initial participation in the program.~~
- ~~4.04.3 Approval of an application under Section 4.04 is not guaranteed.~~
- 4.05 For purposes of continuity of educational choice, the Succeed Scholarship Program payments made pursuant to Ark. Code Ann. § 6-41-901 et seq. and these rules, shall remain in effect until a student who is participating in the Succeed Scholarship Program enrolls in a public school district or open-enrollment public charter school, files a Notice of Intent to home school, graduates from high school, or attains twenty-one (21) years of age, whichever occurs first.

## **5.00 Private School Eligibility**

- 5.01 A private school shall notify the ~~Department~~ Division of its intent to participate in the Succeed Scholarship Program.

5.01.1 The notice shall specify the grade levels and services that the private school has available for severely disabled students who are participating in the program.

5.01.2 The notice shall contain a complete description of the private school's disciplinary procedures, code(s) of conduct, and parental involvement requirements.

5.01.2.1 The ~~Department~~ Division shall maintain a record of the descriptions under Section 5.01.2 and make the record available on the ~~Department's~~ Division's website.

5.02 The ~~Department~~ Division shall approve a private school as eligible to participate in the program if the private school:

5.02.1 ~~Meets the accreditation requirements set by~~ Complies with one of the following:

5.02.1.1 ~~The State Board of Education~~ Meets the accreditation requirements set by:

5.02.1.1.1 The State Board of Education;

5.02.1.1.2 The Arkansas Nonpublic School Accrediting Association or its successor; or

5.02.1.1.3 Another accrediting association recognized by the State Board of Education as providing services to severely disabled individuals; or

5.02.1.2 ~~The Arkansas Nonpublic School Accrediting Association or its successor; or~~ Is an associate member of or has applied for accreditation by the Arkansas Nonpublic School Accrediting Association or its successor or another accrediting association recognized by the State Board of Education as providing services to severely disabled individuals.

5.02.1.2.1 ~~Another accrediting association recognized by the State Board of Education as providing services to severely disabled individuals. A~~ private school shall no longer be eligible if:

5.02.1.2.1.1 The private school has not received accreditation within four (4) years of

becoming eligible under Section 5.02.1.2:

5.02.1.2.1.2 The accrediting association determines that the private school is ineligible or unable to continue the accreditation process; or

5.02.1.2.1.3 It becomes impossible for the private school to obtain accreditation within four (4) years of becoming eligible under Section 5.02.1.2.

5.02.1.4 The Arkansas Nonpublic School Accrediting Association and any other accrediting association(s) recognized by the State Board of Education under Section 5.02.1.3 shall submit to the Department, on an annual basis, a complete list of private schools currently accredited under the authority of its association;

5.02.1.52.2 The Arkansas Nonpublic School Accrediting Association and any other accrediting association(s) recognized by the State Board of Education under Section 5.02.1.3- A participating private school shall notify the Department Division of loss of accreditation of any private school accredited under the authority of its association or any action making the school ineligible pursuant to 5.02.1.2.1 within thirty (30) days of the loss of accreditation.

5.02.1.2.3A private school that is not fully accredited shall report annually to the State Board of Education, or its designee, the school's progress towards accreditation.

5.02.2 Demonstrates fiscal soundness by having been in operation for one (1) school year or providing the Department Division with a statement by a certified public accountant confirming that:

5.02.2.1 The private school is insured; and

5.02.2.2 The private school has sufficient capital or credit to operate in the upcoming school year.

5.02.2.3 In lieu of a statement, a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter may be filed with the ~~Department~~ Division.

5.02.3 Complies with the antidiscrimination provisions of 42 U.S.C. § 2000d;

5.02.4 Meets state and local health and safety requirements and maintains an environment in which the health, safety, and welfare of students is not threatened;

5.02.5 Is academically accountable to the parent or legal guardian for meeting the educational needs of students;

5.02.6 Employs or contracts with only teachers who hold baccalaureate or higher degrees;

5.02.7 Employs or contracts with at least one (1) teacher who holds a current, valid standard license in special education issued by the State Board of Education as evidenced by a copy of the license and contract, if applicable;

5.02.7.1 If, at any point following approval under Section 5.02, an eligible private school ~~no longer employs or contracts with at least one (1) teacher who holds a current, valid standard license in special education~~, the private school shall notify the parent(s) or legal guardian(s) of any student(s) participating in the program enrolled in or regularly attending the private school and the Division within five (5) days.

5.02.7.2 ~~If, at any point following approval under Section 5.02, an eligible private school no longer employs or contracts with at least one (1) teacher who holds a current, valid standard license in special education, the private school shall notify the State Board of Education or the State Board of Education's designee within twenty (20) days~~ If the eligible private school is unable to employ or contract with a new teacher who holds a current, valid standard license in special education within thirty (30) days following the notice required by Section 5.02.7.1, the private school shall no longer be eligible for participation in the program and shall immediately notify the Division.

5.02.8 Complies with all state laws and rules governing private schools; and

- 5.02.9 Adheres to the tenets of its published disciplinary procedures before an expulsion of a student participating in the program.
- 5.03 The ~~Department~~ Division shall maintain a list of private schools eligible to participate in the program and make the list available on the ~~Department's~~ Division's website.
- 5.04 An eligible private school shall administer annually or make provisions for a student participating in the program to take a nationally recognized, norm-referenced test as established by the State Board of Education.
- 5.04.1 A student with an individualized education program or individualized service plan that provides for an exemption to standardized testing is not required to take the test required under Section 5.04.
- 5.04.2 An eligible private school shall annually prepare a portfolio that provides information on a student's progress to the student's parent or legal guardian if a student is exempt from standardized testing as permitted under Section 5.04.1.
- 5.04.3 An eligible private school shall provide annually to the State Board of Education, or its designee, in a deidentified format prescribed by the Bureau of Legislative Research in consultation with the Division:
- 5.04.3.1 A list of students who have taken a nationally recognized norm-referenced test:
- 5.04.3.2 Each student's test results:
- 5.04.3.3 A list of students with an individualized education program or individualized service plan that provides for an exemption to standardized testing:
- 5.04.3.4 A list of students with portfolios pursuant to 5.04.2:
- 5.04.3.5 A general summary of the information provided in each portfolio:
- 5.04.3.6 A list of all students who received a Succeed Scholarship and have been dismissed by the private school:
- 5.04.3.7 A list of all students who received a Succeed Scholarship and voluntarily returned to a traditional public school:
- 5.04.3.8 A list of students in foster care who received a Succeed Scholarship:



- 5.04.3.9 A list of students in foster care who received a Succeed Scholarship and have been dismissed by the private school;
  - 5.04.3.10 A list of students in foster care who received a Succeed Scholarship and have been removed by the Department of Human Services;
  - 5.04.3.11 A report of administrative costs required to implement the Succeed Scholarship Program; and
  - 5.04.3.12 A report regarding the demographic data of students who received a Succeed Scholarship.
- 5.05 An eligible private school shall notify the State Board of Education or the State Board of Education's designee Division if any student participating in the program ceases to be enrolled in or regularly attend the private school for any reason.
- 5.06 An eligible private school shall annually complete the recertification process established by the Department annually to inform the Department of intent to maintain enrollment in a private school eligible to participate Division to continue participation in the program in order to continue.
- 5.067 The inability of a private school to meet the requirements under these Rules shall constitute a basis for the ineligibility of the private school to participate in the Succeed Scholarship Program as determined by the State Board of Education or the State Board of Education's designee.
- 5.078 Any instance of an owner, operator, superintendent, or principal of, or a person who has equivalent decision-making authority over, a private school participating in the Succeed Scholarship Program operating or having operated an educational institution in Arkansas or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public shall constitute a basis for the ineligibility of the private school to participate in the program as determined by the State Board of Education or the State Board of Education's designee.

## **6.00 Responsibilities of Participating Students**

- 6.01 The parent or legal guardian of a student participating in the Succeed Scholarship Program shall:
- 6.01.1 Select the private school from the list of private schools eligible to participate in the program that is maintained by the Department Division;

- 6.01.2 Fully comply with the parental involvement requirements of the private school unless excused by the school for illness or other good cause;
- 6.01.3 Sign a waiver that releases the State of Arkansas from any legal obligation to provide services or education to the student participating in the program except for funding provided for the program under these Rules;
- 6.01.4 Sign a waiver that releases the student's resident school district from any legal obligation to provide services or education to the student participating in the program while the student is not enrolled in the student's resident school district as provided under these Rules;
- 6.01.5 Notify the ~~State Board of Education or the State Board of Education's designee~~ Division if the student ceases to be enrolled in or regularly attend the private school for any reason; and
- 6.01.6 ~~Correspond with~~ Annually complete the recertification process established by the Department Division annually to inform the Department of intent to maintain enrollment in a private school eligible to participate to continue participation in the program in order to continue and the disbursement of scholarship payments.
- 6.02 A student participating in the program shall:
- 6.02.1 Attend the private school throughout the school year unless excused by the school for illness or other good cause; and
- 6.02.1.1 If the parent or legal guardian of a student participating in the program ~~who has ceased to be enrolled in or regularly attend the private school~~ wishes to enroll the student in another private school from the list of private schools eligible to participate in the program ~~prior to the end of the school year~~, the parent or legal guardian shall:
- 6.02.1.1.1 Provide proof to the ~~Department~~ Division that the student has been accepted for admission into another private school that is eligible to participate in the program; and
- 6.02.1.1.2 Request that the ~~State Board of Education~~ Division approve a reinstatement or transfer of the student's scholarship payments.
- 6.02.1.1.3 No more than one (1) such request may be made within the same school year.

6.02.2 Fully comply with the code of conduct for the private school.

6.03 The State Board of Education may terminate a scholarship if the student or the student's parent or legal guardian materially fails to comply with the responsibilities under these Rules.

## **7.00 Scholarship Payments – Funding**

7.01 The maximum scholarship available under the Succeed Scholarship Program is the foundation funding amount for the current school year under Ark. Code Ann. § 6-20-2305.

7.02 The amount of the scholarship shall be ~~the amount calculated under~~ set forth in Section 7.01 or the amount of tuition and fees for the period of time the student is enrolled in the private school after the student is determined eligible for the program, whichever is less.

7.03 Scholarship payments shall be disbursed to the parent or legal guardian of a student participating in the Succeed Scholarship Program on a monthly basis by the ~~Department~~ Division or another state agency, person, firm, or corporation designated by the ~~Department~~ Division to administer and disburse funds.

7.03.1 ~~If the Department~~ Division designates a third party to administer funds, scholarship payments shall be made from the third party by individual warrant made payable to the student's parent or legal guardian, and ~~delivered by the Department to the third party, and the~~ The parent or legal guardian shall restrictively endorse the warrant to the eligible private school of the parent's or legal guardian's choice after which the third party shall deposit the payment into the account of and the private school shall verify receipt of payment to the Division.

7.03.2 A third party designated to administer funds must maintain an effective internal control system as outlined by the Division.

~~7.04 Beginning on July 1, 2015, the Department shall prepare a budget, including cost estimates and projections so that a separate appropriation can be made for the program for the 2016-2017 school year.~~

~~7.04.1 For the 2016-2017 school year, the program shall be limited to 100 students.~~

7.054 The program shall be funded separately from the Public School Fund and other funds or appropriations designated for public schools.

7.065 The program shall not be funded with county, city, or school district tax revenues.

## **8.00 Rules and Duties**

- 8.01 The State Board of Education shall adopt rules and develop notices and other documentation necessary to administer the Succeed Scholarship Program that are in the best interest of students.
- 8.02 The State Board of Education shall not:
- 8.02.1 Become a party to a contract between a participating private school and the parent or legal guardian of a student participating in the program; or
  - 8.02.2 Make payments to the parent or legal guardian of a student after the State Board of Education is notified from either a participating school or a student's parent or legal guardian that the student is no longer enrolled in or attending a participating private school.
  - 8.02.3 Make payments to the parent or legal guardian of a student enrolled in or attending a private school that the State Board of Education has determined is ineligible to participate in the program.

## **9.00 Autonomy of Participating Private Schools**

- 9.01 A private school that participates in the Succeed Scholarship Program is not considered an agent or instrumentality of the State of Arkansas or a school district.
- 9.02 The curriculum and education plan for a student with a disability attending a private school is not subject to the regulatory authority of the State Board of Education.
- 9.03 As a condition of continued participation in the program, each participating private school shall:
- 9.03.1 Certify under oath, on ~~a semiannual~~ an annual basis, that any student(s) participating in the program is/are and has/have been enrolled and attending the participating private school except for excused absences; and
  - 9.03.2 Certify under oath, on an annual basis, that ~~any student(s) not participating in the program is/are and has/have been enrolled and attending the participating private school except for excused absences~~ it continues to meet the eligibility criteria required in Section 5.02 for continued participation in the program.

State of Arkansas

As Engrossed: S3/14/19

92nd General Assembly

# A Bill

Regular Session, 2019

HOUSE BILL 1467

By: Representative Lowery

## For An Act To Be Entitled

AN ACT CONCERNING THE SUCCEED SCHOLARSHIP PROGRAM; TO  
DEEM A STUDENT WITH AN INDIVIDUALIZED SERVICE PLAN  
ELIGIBLE FOR PARTICIPATION IN THE SUCCEED SCHOLARSHIP  
PROGRAM; AND FOR OTHER PURPOSES.

## Subtitle ~

TO DEEM A STUDENT WITH AN INDIVIDUALIZED  
SERVICE PLAN ELIGIBLE FOR PARTICIPATION  
IN THE SUCCEED SCHOLARSHIP PROGRAM.

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

SECTION 1. Arkansas Code § 6-41-901(b), concerning students who are  
eligible for the Succeed Scholarship Program, is amended to read as follows:

(b) The Succeed Scholarship Program is established and intended to  
provide a scholarship to a private school of choice for:

(1) Students in foster care; or

(2) Students with disabilities ~~that~~ who have either an  
individualized:

(A) Individualized education program in accordance with  
the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; or

(B) Individualized service plan in accordance with the  
Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(10).

SECTION 2. Arkansas Code § 6-41-902(a)(2)(B), concerning eligibility  
requirements for students planning to enroll in a private school with a  
Succeed Scholarship, is amended to read as follows:



1                   (B) *Has an individualized education program in accordance*  
2 *with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et*  
3 *seq., or an individualized service plan in accordance with the Individuals*  
4 *with Disabilities Education Act, 20 U.S.C. § 1412(a)(10);*  
5

6           SECTION 3. Arkansas Code § 6-41-903(a)(2), concerning enrollment by a  
7 private school of students with disabilities in the Succeed Scholarship  
8 Program, is amended to read as follows:

9           (2) If the private school intends to enroll students with  
10 disabilities who have an individualized education program in accordance with  
11 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., or  
12 an individualized service plan in accordance with the Individuals with  
13 Disabilities Education Act, 20 U.S.C. § 1412(a)(10), the notice shall specify  
14 the grade levels and services that the private school has available for  
15 students with severe disabilities who are participating in the Succeed  
16 Scholarship Program.  
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18           SECTION 4. Arkansas Code § 6-41-903(d)(2), concerning the  
19 administering of nationally recognized norm-referenced tests to Succeed  
20 Scholarship Program students by an eligible private school, is amended to  
21 read as follows:

22           (2) A student with an individual education plan or an  
23 individualized service plan that provides for an exemption to standardized  
24 testing is not required to take the test required under subdivision (d)(1) of  
25 this section.  
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28                               /s/Lowery  
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31                               **APPROVED: 3/21/19**  
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State of Arkansas

As Engrossed: S4/2/19

92nd General Assembly

# A Bill

Regular Session, 2019

SENATE BILL 490

By: Senator K. Hammer

By: Representative Lowery

## For An Act To Be Entitled

AN ACT CONCERNING THE SUCCEED SCHOLARSHIP PROGRAM; TO  
EXPAND THE ELIGIBILITY REQUIREMENTS FOR STUDENTS  
PARTICIPATING IN THE SUCCEED SCHOLARSHIP PROGRAM; AND  
FOR OTHER PURPOSES.

## Subtitle

TO EXPAND THE ELIGIBILITY REQUIREMENTS  
FOR STUDENTS PARTICIPATING IN THE SUCCEED  
SCHOLARSHIP PROGRAM.

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

SECTION 1. Arkansas Code § 6-41-902(a)(2), concerning student  
eligibility for purposes of the Succeed Scholarship Program, is amended to  
read as follows:

(2) The student:

(A) Is in foster care or has been in the foster care  
system and achieved permanency through adoption, reunification, or permanent  
guardianship; or

(B) Has an individualized education program in accordance  
with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et  
seq. or has been medically diagnosed by a licensed physician as a child with  
a disability under 20 U.S.C. § 1401(3)(A);

(C) Participated in the Succeed Scholarship Program during  
the prior school year and has not yet graduated from high school or attained  
twenty-one (21) years of age; or



1                   (D) Has an individualized service plan in accordance with  
2 the Individuals with Disabilities Education Act, 20 U.S.C. § 1412(a)(10);  
3

4           SECTION 2. Arkansas Code § 6-41-902, concerning student eligibility  
5 for purposes of the Succeed Scholarship Program, is amended to add an  
6 additional subsection to read as follows:

7           (d) For purposes of continuity of educational choice, the Succeed  
8 Scholarship Program payments made under this subchapter shall remain in  
9 effect until a student who is participating in the Succeed Scholarship  
10 Program returns to a public school district or open-enrollment public charter  
11 school, graduates from high school, or attains twenty-one (21) years of age,  
12 whichever occurs first.  
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15                                   /s/K. Hammer  
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18                                   **APPROVED: 4/17/19**  
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State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1461

By: Representative Wing  
By: Senator Hester

## For An Act To Be Entitled

AN ACT TO EXPAND THE NUMBER OF PRIVATE SCHOOLS  
ELIGIBLE TO PARTICIPATE IN THE SUCCEED SCHOLARSHIP  
PROGRAM; TO DECLARE AN EMERGENCY; AND FOR OTHER  
PURPOSES.

## Subtitle

TO EXPAND THE NUMBER OF PRIVATE SCHOOLS  
ELIGIBLE TO PARTICIPATE IN THE SUCCEED  
SCHOLARSHIP PROGRAM; AND TO DECLARE AN  
EMERGENCY.

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

SECTION 1. Arkansas Code § 6-41-803(b)(1), concerning private school  
eligibility for the Succeed Scholarship Program, is amended to read as  
follows:

(b) The department shall approve a private school as eligible to  
participate in the program if the private school:

(1) Either:

(A) Meets the accreditation requirements set by the State  
Board of Education, the Arkansas Nonpublic School Accrediting Association or  
its successor, or another accrediting association recognized by the State  
Board of Education as providing services to severely disabled individuals; or

(B) (i) Is an associate member of or has applied for  
accreditation by the Arkansas Nonpublic School Accrediting Association or its  
successor, or another accrediting association recognized by the State Board



1 of Education as providing services to severely disabled individuals.

2 (ii) A private school shall no longer be eligible  
3 if:

4 (a) The private school has not received  
5 accreditation within four (4) years of becoming eligible under subdivision  
6 (b)(1)(B)(i) of this section;

7 (b) The accrediting association determines  
8 that the private school is ineligible or unable to continue the accreditation  
9 process; or

10 (c) It becomes impossible for the private  
11 school to obtain accreditation within four (4) years.

12 (iii) A private school that becomes ineligible under  
13 subdivision (b)(1)(B)(ii) of this section shall regain eligibility when the  
14 private school receives accreditation;

15  
16 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
17 General Assembly of the State of Arkansas that there is a demand for more  
18 private schools to participate in the Succeed Scholarship Program; that  
19 allowing private schools who have applied for accreditation to be eligible to  
20 participate in the program will help meet that demand; and that this act is  
21 immediately necessary to ensure that these newly eligible private schools can  
22 serve students who have received Succeed Scholarships in the 2017-2018 school  
23 year. Therefore, an emergency is declared to exist, and this act being  
24 immediately necessary for the preservation of the public peace, health, and  
25 safety shall become effective on:

26 (1) The date of its approval by the Governor;

27 (2) If the bill is neither approved nor vetoed by the Governor,  
28 the expiration of the period of time during which the Governor may veto the  
29 bill; or

30 (3) If the bill is vetoed by the Governor and the veto is  
31 overridden, the date the last house overrides the veto.

32  
33  
34 **APPROVED: 03/02/2017**

State of Arkansas

As Engrossed: H2/15/17

91st General Assembly

A Bill

Regular Session, 2017

HOUSE BILL 1056

By: Representative Lowery

### For An Act To Be Entitled

AN ACT TO ALLOW THE SUPERINTENDENT OF A STUDENT'S  
RESIDENT SCHOOL DISTRICT TO WAIVE THE REQUIREMENT  
THAT THE STUDENT ATTEND PUBLIC SCHOOL FOR ONE (1)  
ACADEMIC YEAR TO BE ELIGIBLE FOR A SUCCEED  
SCHOLARSHIP; AND FOR OTHER PURPOSES.

### Subtitle

TO ALLOW THE SUPERINTENDENT OF A  
STUDENT'S RESIDENT SCHOOL DISTRICT TO  
WAIVE THE REQUIREMENT THAT THE STUDENT  
ATTEND PUBLIC SCHOOL FOR ONE (1) ACADEMIC  
YEAR TO BE ELIGIBLE FOR A SUCCEED  
SCHOLARSHIP.

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

SECTION 1. Arkansas Code § 6-41-802(a)(1), concerning eligibility for  
a Succeed Scholarship, is amended to read as follows:

(1)(A) The student is currently enrolled in a public school and  
has attended public school for at least one (1) full academic year.

(B) Subdivision (a)(1)(A) of this section does not apply  
if:

(i) If the The student is a dependent of an active  
duty member of any branch of the United States Armed Forces, subdivision  
(1)(A) of this section does not apply; or

(ii) The superintendent of the student's resident  
school district waives the requirement;



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*/s/Lowery*

***APPROVED: 03/24/2017***

State of Arkansas                      *As Engrossed: H3/9/17 S3/23/17*  
91st General Assembly                      **A Bill**  
Regular Session, 2017

HOUSE BILL 1567

By: Representatives Hammer, House

**For An Act To Be Entitled**

AN ACT TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP PROGRAM; TO  
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

**Subtitle**

TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP  
PROGRAM; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-41-801 is amended to read as follows:  
6-41-801. Definitions – Establishment – Intent.

(a) As used in this section:

(1) "Foster care" means the care of a child by a group home  
or group facility on a twenty-four-hours-a-day basis away from the home of  
the child's parent or parents;

(2) "Foster parent" means the responsible official or officials  
of a group home or group facility that provides foster care to a child; and

(3) "Parent" means a student's parent or foster parent.

(b) The Succeed Scholarship Program is established and intended to  
provide a scholarship to a private school of choice for:

(1) students ~~Students~~ in foster care; or

(2) Students with disabilities that have an individualized  
education program in accordance with the Individuals with Disabilities  
Education Act, 20 U.S.C. § 1400 et seq.

~~(b) The program shall begin awarding scholarships in the 2016-2017~~



1 ~~school year.~~

2  
3 SECTION 2. Arkansas Code § 6-41-802(a), concerning students eligible  
4 for a Succeed Scholarship, is amended to read as follows:

5 (a) A parent or legal guardian of a public school student ~~with a~~  
6 ~~disability~~ may apply for a Succeed Scholarship to enroll his or her child in  
7 a private school if:

8 (1)(A) The student is currently enrolled in a public school and  
9 has attended public school for at least one (1) full academic year.

10 (B) If the student is a dependent of an active duty member  
11 of any branch of the United States Armed Forces, subdivision ~~(1)(A)~~ (a)(1)(A)  
12 of this section does not apply;

13 (2) The student:

14 (A) Is in foster care; or

15 (B) has Has an individualized education program in  
16 accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §  
17 1400 et seq.;

18 (3) The student has been accepted for admission into a private  
19 school that is eligible to participate in the Succeed Scholarship Program;  
20 and

21 (4) The parent has notified the student's current school  
22 district of the request for a scholarship at least sixty (60) days before the  
23 date of the first scholarship payment; and

24 (5)(A) For students in foster care, the Department of Human  
25 Services approves the student's placement in the private school.

26 (B) The department shall approve the student's placement  
27 in the private school if a determination is made that placement in the  
28 private school is in the best interest of the student.

29  
30 SECTION 3. Arkansas Code § 6-41-802, concerning students eligible for  
31 the Succeed Scholarship, is amended to add an additional subsection to read  
32 as follows:

33 (c) The Department of Education shall approve a maximum of twenty (20)  
34 scholarships under this subchapter per academic year for students in foster  
35 care.

1 SECTION 4. Arkansas Code § 6-41-803(a), concerning private school  
2 notification of intent to participate in the Succeed Scholarship Program, is  
3 amended to read as follows:

4 (a)(1) A private school shall notify the Department of Education of  
5 its intent to participate in the Succeed Scholarship Program.

6 (2) The If the private school intends to enroll students with  
7 disabilities who have an individualized education program in accordance with  
8 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.,  
9 the notice shall specify the grade levels and services that the private  
10 school has available for students with severe disabilities who are  
11 participating in the program Succeed Scholarship Program.  
12

13 SECTION 5. Arkansas Code § 9-28-113(j), concerning the use of state or  
14 federal funding for the placement of a foster child in a nonpublic school, is  
15 amended to read as follows:

16 (j)(1) Notwithstanding any of the provisions of this section, if it is  
17 in the best interest of the child, a foster child may be placed in a  
18 nonpublic school, including a private, parochial, or home school.

19 (2)(A) as long as no Except as provided in subdivision (j)(2)(B)  
20 of this section, state or federal funding is shall not be used for the  
21 placement of a foster child in a nonpublic school, including a private,  
22 parochial, or home school.

23 (B) The prohibition under subdivision (j)(2)(A) of this  
24 section shall not apply to a foster child who receives a Succeed Scholarship  
25 under § 6-41-801 et seq.  
26

27 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly of the State of Arkansas that improvements are needed in the  
29 methods available for the provision of education for foster children; that  
30 expanding the educational options for foster children will enhance the  
31 chances of foster children to become healthy, well-rounded adults; and that  
32 this act is immediately necessary to ensure that foster children are given  
33 the greatest chance of achieving that outcome. Therefore, an emergency is  
34 declared to exist, and this act being immediately necessary for the  
35 preservation of the public peace, health, and safety shall become effective  
36 on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.

/s/Hammer

**APPROVED: 04/05/2017**