

1 State of Arkansas *As Engrossed: H3/9/17 S3/23/17*
2 91st General Assembly **A Bill**
3 Regular Session, 2017

HOUSE BILL 1567

4
5 By: Representatives Hammer, House
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE FOSTER CHILDREN ELIGIBLE FOR A
9 SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP PROGRAM; TO
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
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13 **Subtitle**

14 TO MAKE FOSTER CHILDREN ELIGIBLE FOR A
15 SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP
16 PROGRAM; AND TO DECLARE AN EMERGENCY.
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code § 6-41-801 is amended to read as follows:
22 6-41-801. Definitions – Establishment – Intent.

23 (a) As used in this section:

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

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

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

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

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

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

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



1 ~~school year.~~

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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.

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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.

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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.

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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.

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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 (1) The date of its approval by the Governor;
- 2 (2) If the bill is neither approved nor vetoed by the Governor,
- 3 the expiration of the period of time during which the Governor may veto the
- 4 bill; or
- 5 (3) If the bill is vetoed by the Governor and the veto is
- 6 overridden, the date the last house overrides the veto.

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/s/Hammer