

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 1213 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/10/09 S3/16/09

A Bill

SENATE BILL 850

5 By: Senators Broadway, Salmon, Bookout
6 By: Representatives J. Roebuck, Abernathy, M. Burris
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO BROADEN THE HIGHER EDUCATION
11 OPPORTUNITIES GRANT PROGRAM; TO PROVIDE NEED-
12 BASED FINANCIAL AID FOR ALL COLLEGE-GOING
13 INDIVIDUALS FROM LOW INCOME FAMILIES TO BE USED
14 AT INSTITUTIONS OF HIGHER EDUCATION; AND FOR
15 OTHER PURPOSES.
16

17 **Subtitle**

18 TO BROADEN THE HIGHER EDUCATION
19 OPPORTUNITIES GRANT PROGRAM.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-82-1702(5)-(8), concerning definitions,
25 are amended to read as follows:

26 ~~(5) "High school graduate" means any student who graduates from~~
27 ~~an Arkansas high school during the twelve month period immediately preceding~~
28 ~~the year of application for a grant under this subchapter;~~

29 ~~(6)(5) "High school graduate equivalent" means any a student~~
30 ~~between sixteen (16) and eighteen (18) years of age who passes the General~~
31 ~~Educational Development Test in Arkansas during the twelve month period~~
32 ~~immediately preceding the year of application to this program;~~

33 ~~(7)(6) "Part-time undergraduate student" means a resident of~~
34 ~~Arkansas who attends an approved institution of higher education and is~~
35 ~~enrolled in at least six (6) credit hours per semester or the equivalent but~~



1 no more than twelve (12) credit hours or the equivalent the first semester
 2 and fifteen (15) credit hours or the equivalent thereafter, as defined by
 3 rule of the Department of Higher Education, in a program of study that leads
 4 to or is creditable towards an associate degree or a baccalaureate degree;
 5 and

6 (8) ~~“Unemancipated child” or “unemancipated children” means a~~
 7 ~~dependent child or dependent children as defined by the United States~~
 8 ~~Department of Education for student aid purposes~~ “Qualified certificate
 9 program” means a program that is:

10 (A) Offered by an approved institution of higher
 11 education;

12 (B) Shorter in duration than an associate degree for which
 13 credit hours awarded that are creditable towards an associate degree; and

14 (C) Recognized by the United States Department of
 15 Education for financial aid purposes.

16
 17 SECTION 2. Arkansas Code § 6-82-1704(b)(2)-(6) are amended to read as
 18 follows:

19 (2) An applicant shall ~~have graduated from an Arkansas high~~
 20 ~~school or passed the General Educational Development Test in Arkansas within~~
 21 ~~twelve (12) months of first enrolling as a full-time or part-time first-time~~
 22 ~~student at an approved institution of higher education~~ be a bona fide
 23 resident of the state as defined by the Department of Higher Education for a
 24 minimum of twelve (12) months immediately before the date on which the
 25 student applies;

26 ~~(3) An applicant shall have been a resident of the State of~~
 27 ~~Arkansas for at least twelve (12) months prior to graduation from an Arkansas~~
 28 ~~high school or the date of notification of completion of the General~~
 29 ~~Educational Development Test, and the applicant and his or her custodial~~
 30 ~~parent or guardian shall have maintained Arkansas residency for the same~~
 31 ~~period of time;~~

32 ~~(4)~~(3) An applicant shall be accepted for admission to in a
 33 qualified certificate program, associate degree program, or a baccalaureate
 34 program at an approved institution of higher education as a full-time or
 35 part-time first-time student, as defined by the department, and shall enroll
 36 in an approved institution within twelve (12) months of high school

1 ~~graduation or notification of successful completion of the General~~
2 ~~Educational Development Test;~~

3 ~~(5)(4)~~ An applicant shall certify that he or she is drug-free
4 and shall pledge in writing on the application form to refrain from the use
5 or abuse of illegal substances; and

6 ~~(6)(5)~~ (A) An applicant shall demonstrate financial need as
7 determined by the department.

8 (B) In determining financial need, the following criteria
9 shall be used:

10 (i) An applicant whose ~~family~~ number in the
11 household, as reported on the Free Application for Federal Student Aid,
12 ~~includes is~~ one (1) ~~unemancipated child~~ shall have an average family adjusted
13 gross income not exceeding twenty-five thousand dollars (\$25,000) per year at
14 the time of application to the program;

15 (ii) An applicant whose ~~family~~ number in the
16 household, as reported on the Free Application for Federal Student Aid,
17 includes more than one (1) ~~unemancipated child~~ shall add an additional five
18 thousand dollars (\$5,000) per ~~child~~ additional number in the household up to
19 ten (10) additional household members, as reported on the Free Application
20 for Federal Student Aid to the base income of twenty-five thousand dollars
21 (\$25,000); and

22 (iii) The department shall have the authority to
23 adjust these financial need family income requirements on an annual basis,
24 using the federal Consumer Price Index to make any necessary changes. Other
25 financial need criteria necessary for the selection of recipients, including
26 those defined as emancipated or independent by federal student aid
27 regulations, shall be established through rules issued by the department.

28
29 SECTION 3. Arkansas Code § 6-82-1705, concerning recipients, is
30 amended to add an additional subsection to read as follows:

31 (e) Awards shall be applied only to a fall semester and a spring
32 semester.

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34 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the
35 General Assembly of the State of Arkansas that the Higher Education
36 Opportunities Grant Program will be effective for the 2009-2010 school year;

1 that students who are graduating in May of 2009 may be eligible for this
2 program; that timing is critical for the dissemination of information to
3 these students. Therefore, an emergency is declared to exist and this act
4 being immediately necessary for the preservation of the public peace, health,
5 and safety shall become effective on:

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

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

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

12
13 */s/ Broadway*

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15 **APPROVED: 4/7/2009**