

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: S4/4/03 S4/7/03

A Bill

Act 1796 of 2003
SENATE BILL 882

5 By: Senators Broadway, Hill, Argue, Baker, Bisbee, J. Bookout, Laverty, Steele
6 By: Representatives Cleveland, C. Johnson, Dickinson, Mahony, Stovall, White
7

For An Act To Be Entitled

10 AN ACT TO CREATE THE ARKANSAS WORKFORCE
11 IMPROVEMENT GRANT PROGRAM; AND FOR OTHER
12 PURPOSES.
13

Subtitle

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

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

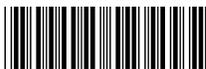
21 SECTION 1. Arkansas Code Title 6, Chapter 82, is amended to add an
22 additional subchapter to read as follows:

23 6-82-1601. Legislative findings and intent - Purpose of subchapter.

24 (a)(1) The General Assembly, giving due consideration to the
25 historical and continuing interest of the people of Arkansas in encouraging
26 able and deserving students to realize their aspirations for postsecondary
27 education, finds and declares that postsecondary education for residents of
28 this state who desire an education and are properly qualified therefor is
29 important to the welfare and security of this state and nation, and
30 consequently is an important public service.

31 (2) The General Assembly finds and declares that the state can
32 achieve its full economic and social potential only if every individual has
33 the opportunity to contribute to the full extent of his or her capabilities
34 and only when financial barriers to his or her economic, social, and
35 educational goals are removed.

36 (b)(1) The General Assembly recognizes the importance that Arkansans



1 of all ages continue to pursue educational opportunities.

2 (2) Arkansans who desire to pursue educational enrichment and to
3 improve present skills, but who may be unable to attend post-secondary
4 education institutions in the traditional manner, are commended for their
5 initiative and persistence.

6 (c) It is the intent of this legislation to provide financial support
7 to adult students who are unlikely to receive meaningful financial aid from
8 traditional state or federal financial aid programs, and to enhance the
9 education of the current workforce in Arkansas.

10
11 6-82-1602. Definitions.

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

13 (1) "Academic ability" means the intellectual standing of the student.
14 In determining academic ability, the department shall examine the student's
15 high school or college records or certified evidence therefrom on which the
16 application is based, requiring proof of academic achievement and the
17 capacity to profit from postsecondary education. Admission to an approved
18 private or public institution does not automatically meet academic ability
19 qualifications;

20 (2) "Approved private institution" means a nonprofit two-year or four-
21 year degree-granting institution of postsecondary education or an institution
22 offering completion of an occupational training program as defined by the
23 federal government, dedicated to educational purposes, located in Arkansas
24 which:

25 (A) Is operated privately under the control of an independent
26 board and not directly controlled or administered by any public agency or
27 political subdivision;

28 (B) Restricts the use of public funds to educational programs
29 with a secular purpose;

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

34 (D) Is accredited by an accrediting agency certified and
35 recognized by the United States Department of Education or the Division of
36 Agency Evaluation and Institutional Accreditation, or is a school giving

1 satisfactory assurance that it has the potential for accreditation and is
2 making progress which, if continued, will result in its achieving
3 accreditation;

4 (E) Does not discriminate in the admission of students on the
5 basis of race, color, religion, sex, or national origin and is otherwise in
6 compliance with the federal Civil Rights Acts of 1964 and 1968 and executive
7 orders issued pursuant thereto; and

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

9 (3) "Approved public institution" means a two-year or four-year degree
10 granting institution of postsecondary education or an institution offering
11 completion of an occupational training program as defined by the federal
12 government, dedicated to educational purposes, located in Arkansas which:

13 (A) Is directly controlled or administered by a public agency or
14 political subdivision;

15 (B) Receives appropriations directly or indirectly from the
16 General Assembly for operating expenses;

17 (C) Provides a collegiate-level course for a minimum of two (2)
18 years leading to or directly creditable toward an associate or baccalaureate
19 degree or provides a course which leads to completion of an occupational
20 training program;

21 (D) Is accredited by an accrediting agency certified and
22 recognized by the United States Department of Education or the Division of
23 Agency Evaluation and Institutional Accreditation, or is a school giving
24 satisfactory assurance that it has the potential for accreditation and is
25 making progress which, if continued, will result in its achieving
26 accreditation;

27 (E) Does not discriminate in the admission of students on the
28 basis of race, color, religion, sex, or national origin and is otherwise in
29 compliance with the federal Civil Rights Acts of 1964 and 1968 and executive
30 orders issued pursuant thereto; and

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

32 (4) "Credit certificate" means certificate programs which are taken
33 for credit;

34 (5) "Department" means the Department of Higher Education;

35 (6) "Eligible student" means any student who meets the criteria set
36 out in this subchapter, and who is eligible by rules and regulations

1 authorized by this subchapter and promulgated by the State Board of Workforce
2 Education and Career Opportunities;

3 (7) "Workforce Improvement Grant" means the amount of money paid by
4 the State of Arkansas to a qualified applicant under this subchapter;

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

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

13 (9) "Full-time student" means an individual resident of Arkansas, as
14 defined by the department, who is a student at an approved private or public
15 institution in a course of study leading to an associate's or bachelor's
16 degree or completion of an occupational training program, and who is enrolled
17 in at least twelve (12) semester hours or some other reasonable academic
18 equivalent as defined by the department;

19 (10) "Program" means the Arkansas Workforce Improvement Grant Program;

20 (11) "Tuition" means charges levied for attendance at an approved
21 institution, including mandatory fees; and

22 (12) "Qualified student" means a full-time student who meets the
23 criteria of academic ability and financial need, as determined by the
24 department, and who has demonstrated that a Workforce Improvement Grant is
25 warranted.

26
27 6-82-1603. Program established.

28 There is established the Arkansas Workforce Improvement Grant Program
29 to provide grants to residents of the State of Arkansas who are admitted to
30 and in attendance as students at approved private or public institutions of
31 postsecondary education in this state and who establish academic ability and
32 financial need as provided in this subchapter.

33
34 6-82-1604. Administration - Authority of department.

35 The Department of Higher Education shall administer the student
36 assistance grant program provided for in this subchapter and in so doing

1 shall have the following authority and responsibility with respect to the
2 program:

3 (1) To prepare application forms and other forms as it shall deem
4 necessary to properly administer and carry out the purposes of this
5 subchapter and to furnish the forms to persons desiring to make application
6 for Workforce Improvement Grants;

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

12 (3) To adopt such rules and regulations as the department shall deem
13 necessary or appropriate to carry out the purposes of this subchapter;

14 (4) To consider all applications for Workforce Improvement Grants;

15 (5) To determine a termination date for the acceptance of
16 applications;

17 (6)(A) To determine the necessary procedures for the awarding of
18 grants, should the number of eligible applicants exceed funds available,
19 giving priority to those students with the greatest financial need and who
20 meet academic eligibility requirements.

21 (B) To identify those students having the greatest financial
22 need, the department shall utilize the family contribution or another
23 acceptable approved methodology;

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

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

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

34 (10) To disburse Workforce Improvement Grants to qualified students;
35 and

36 (11) To provide fair and equitable treatment to all approved

1 institutions and students.

2
3 6-82-1605. Eligibility.

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

6 (1) Is a citizen of the United States or a permanent resident
7 alien;

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

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

14 (4) Is enrolled in no less than three (3) credit hours or the
15 equivalent, as of the eleventh (11th) day of class, at an approved institution
16 that the Department of Higher Education has determined to be eligible to
17 participate in the Arkansas Workforce Improvement Grant Program;

18 (5)(A) As an initial first year student, meets satisfactory
19 academic progress standards required to receive other financial aid, as
20 determined by the rules and regulations of the Department of Higher
21 Education, at the institution to be attended.

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

24 (6) Has not earned a baccalaureate degree;

25 (7) Does not owe a refund on a Pell Grant, SEOG, or SSIG award
26 or is not in default on a National Defense/Direct Student Loan, Perkins Loan,
27 Stafford Student Loan, Supplemental Loan for Students, PLUS Loan, Income
28 Contingent Loan, William D. Ford Federal Direct Loan, or Consolidated Loans
29 Program;

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

32 (9) Has not borrowed, as determined by the institution to be
33 attended, in excess of the annual loan limits under the Federal Family
34 Educational Loan Program, William D. Ford Federal Direct Loan Program, Income
35 Contingent Loan, Stafford Student Loan, PLUS loan or Supplemental Loan for
36 Students in the same academic year for which the student has applied for

1 assistance under the Arkansas Workforce Improvement Grant, and has not
2 borrowed in excess of the aggregate maximum loan limits under the Arkansas
3 Workforce Improvement Grant Program;

4 (10) Is twenty-four (24) years of age or older on or before the
5 first day of the semester or summer sessions in which the Workforce
6 Improvement Grant has been awarded; and

7 (11) Graduated from high school or passed the General
8 Educational Development Test, or meets the ability to benefit criteria as
9 defined by federal regulations in existence on January 1, 2003.

10 (b) Workforce Improvement Grants provided for in this subchapter shall
11 be awarded to freshmen as first-year students, sophomores as second-year
12 students, juniors as third-year students, and seniors as fourth-year
13 students.

14
15 6-82-1606. Qualified student entitled to grant.

16 A qualified student who is enrolled or has been accepted for enrollment
17 at an approved private or public institution and who meets the other
18 eligibility criteria shall be entitled to a Workforce Improvement Grant based
19 on academic ability and financial need as determined by the department.

20
21 6-82-1607. Duties of applicant for grant.

22 Each applicant shall, in accordance with the provisions of this
23 subchapter and the rules and regulations of the department adopted pursuant
24 to this subchapter:

25 (1) Complete and file with the department either directly or through a
26 service recognized by the department, the appropriate application for a grant
27 and other information and data as may be requested by the department for its
28 use and consideration in determining the eligibility of the applicant;

29 (2) Promptly furnish to the department information regarding any other
30 financial aid received, any change in the financial status of the applicant,
31 and any other information which might have a direct bearing on the
32 eligibility of the applicant for assistance under this subchapter; and

33 (3) Provide the department with written verification of the
34 applicant's intention to use the grant for the purposes included within this
35 subchapter.

36

1 6-82-1608. Amounts of grants.

2 (a) Each person awarded a grant shall receive the grant for one (1)
3 academic year or its equivalent for part-time students, as defined by the
4 State Board of Workforce Education and Career Opportunities.

5 (b) The grant may be renewable for up to three (3) academic years, or
6 the equivalent for part-time students, if the person applies and meets
7 continuing eligibility criteria established by the State Board of Workforce
8 Education and Career Opportunities.

9 (c)(1) The amount of the annual grant for full-time students shall not
10 exceed the lesser of one thousand eight hundred dollars (\$1,800) per academic
11 year or the cost of tuition at the institution.

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

16 (3) The maximum total grant shall be seven thousand two hundred
17 dollars (\$7,200).

18 (4) The amount of any award under subdivisions (c)(1) or (c)(2)
19 of this section shall be reduced by the amount of any Pell grant received by
20 the student for the academic year.

21 (d) The enrollment hours shall be determine on the eleventh (11th)
22 class day or the official Department of Higher Education counting day.

23 (e) The Department of Higher Education may promulgate rules and
24 regulations to allow institutions to make emergency grants to students under
25 this program.

26
27 6-82-1609. Award made to student.

28 The Workforce Improvement Grant is to be awarded directly to the
29 student, in the name of the student, in a manner to be determined by the
30 department.

31
32 6-82-1610. Withdrawal and refunds.

33 If a recipient of a Workforce Improvement Grant at any time withdraws
34 from an approved private or public institution so that under the rules and
35 regulations of that institution he or she is entitled to a refund of any
36 tuition, fees, or other charges, then the institution shall pay the refund to

1 which the student may be entitled to the department, to the extent of any
2 amount the department has paid to the student for that academic year.

3
4 6-82-1611. Transfer to another school.

5 If a recipient of a Workforce Improvement Grant transfers from one (1)
6 approved institution to another, his or her Arkansas Workforce Improvement
7 Grant may be transferred with the approval and adjustment of the department.

8
9 6-82-1612. Advisory Committee.

10 (a) There is created the Arkansas Workforce Improvement Grant Advisory
11 Committee.

12 (b) The committee shall consist of eight (8) members to be appointed
13 by the Director of the Department of Higher Education as follows:

14 (1) There shall be three (3) members who are representative of
15 public or private two-year educational institutions;

16 (2) There shall be three (3) members who are representative of
17 public or private four-year educational institutions;

18 (3) The Executive Director of the Arkansas Association of Two-
19 year Colleges, or his or her designee; and

20 (4) The President of the Arkansas Association of Student
21 Financial Aid Administrators.

22 (c) The committee members shall initially be appointed for staggered
23 terms so that the terms of one (1) member from a two-year institution and one
24 (1) member of a four-year institution expires each year for a period of three
25 (3) years; thereafter each member shall be appointed to serve a term of three
26 (3) years.

27 (d) Vacancies on the board shall be filled by appointment of the
28 Director of the Department of Higher Education to serve out the remainder of
29 the term of the vacated position.

30 (e) Members of the committee shall not be entitled to compensation for
31 their services and shall not receive expense reimbursement, except from the
32 institution employing the member.

33 (f) The Department of Higher Education shall provide necessary staff
34 to assist the committee with the range and diversity of its charge.

35 (g)(1) The committee shall hold its first meeting within thirty (30)
36 days after its appointment to organize as necessary to carry out its purposes

1 as prescribed by this subchapter.

2 (2) The Director of the Department of Higher Education shall
3 designate a person on the committee to call and preside at the first meeting.

4 (h) Four (4) of the members shall constitute a quorum for the
5 transaction of business.

6 (i) The committee shall select by majority vote one (1) of its members
7 to serve as chairperson and one (1) to serve as vice chairperson.

8 (j)(1) The committee shall meet as necessary to carry out the duties
9 of the committee.

10 (2) Meetings may be called by the chair or as provided by the
11 rules of the committee.

12 (k) The committee shall provide advice to the Department of Higher
13 Education concerning the development of rules and regulations for the
14 operation and administration of the program.

15
16 6-82-1613. Rules and Regulations.

17 (a)(1) The Department of Higher Education shall promulgate rules and
18 regulations for the administration of the program by the institutions of
19 higher education consistent with the purposes and requirements of this
20 subchapter.

21 (2) The rules and regulations shall be reviewed by the Arkansas
22 Workforce Improvement Grant Advisory Committee, and approved by the Arkansas
23 Higher Education Coordinating Board.

24 (b) The rules and regulations shall include:

25 (1) A deadline in October and March of each year for application
26 to the program;

27 (2) Student eligibility criteria based on the provisions of this
28 subchapter;

29 (3) The method for selecting scholarship recipients;

30 (4) Rules for determining continuing eligibility;

31 (5) Procedures for making payment to recipients;

32 (6) Satisfactory academic standards; and

33 (7) Other administrative procedures which may be necessary for
34 the implementation and operation of the program.

35 (c) The Department of Higher Education shall file a report no later
36 than November 1 of each year with the Legislative Council which states the

1 total yearly number of applicants to the program and the total yearly number
2 of grants awarded.

3
4 6-82-1614. Funding.

5 (a) Grants shall be awarded contingent on the appropriation and
6 availability of funds for the program.

7 (b)(1) The total funds available for the program shall be divided
8 among all approved institutions.

9 (2) The funds shall be divided pro rata based on each approved
10 institution's percentage of enrollment of undergraduate students over twenty-
11 five (25) years of age earning credit for the previous academic year.

12 (3) Each institution shall be responsible for administering the
13 program in accordance with rules and regulations as approved by the Arkansas
14 Higher Education Coordinating Board.

15
16 /s/ Broadway

17
18
19 **APPROVED: 4/23/2003**