

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 1030 of the Regular Session**

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

*As Engrossed: S3/26/07*

**A Bill**

HOUSE BILL 2299

5 By: Representatives Breedlove, Abernathy, Anderson, T. Baker, Bond, T. Bradford, E. Brown, J. Brown,  
6 Burris, Cash, Cheatham, Cook, Cornwell, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett,  
7 Flowers, Garner, Gaskill, George, Glidewell, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House,  
8 Hoyt, D. Hutchinson, Hyde, Jeffrey, J. Johnson, D. Johnson, Key, Kidd, Lamoureux, W. Lewellen,  
9 Lovell, Lowery, Maloch, M. Martin, Moore, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers,  
10 S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rosenbaum, Sample, Saunders, Schulte,  
11 Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Wyatt  
12  
13

**For An Act To Be Entitled**

14  
15 AN ACT TO ESTABLISH A HIGHER EDUCATION  
16 OPPORTUNITIES GRANT PROGRAM TO PROVIDE NEED-BASED  
17 FINANCIAL AID FOR HIGH SCHOOL GRADUATES OR THEIR  
18 EQUIVALENT FROM LOW INCOME FAMILIES TO BE USED AT  
19 INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER  
20 PURPOSES.  
21

**Subtitle**

22  
23 TO ESTABLISH A HIGHER EDUCATION  
24 OPPORTUNITIES GRANT PROGRAM TO PROVIDE  
25 NEED-BASED FINANCIAL AID FOR HIGH SCHOOL  
26 GRADUATES OR THEIR EQUIVALENT FROM LOW  
27 INCOME FAMILIES TO BE USED AT  
28 INSTITUTIONS OF HIGHER EDUCATION.  
29  
30

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
32

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

35 Subchapter 17 – Higher Education Opportunities Grant Program.



1 6-28-1701. Legislative intent.

2 (a) The General Assembly finds that tuition assistance to low-income  
3 students is a key contributor to college and workforce success.

4 (b) Tuition assistance will significantly enhance the ability of low  
5 income students to obtain college degrees and be productive citizens of  
6 Arkansas and correspondingly benefit the State of Arkansas as a whole.

7  
8 6-82-1702. Definitions.

9 As used in this act:

10 (1)(A) "Approved institution" means a public or private  
11 institution of higher education located in Arkansas that:

12 (i) Is accredited by the Higher Learning Commission  
13 of the North Central Association of Colleges and Schools; or

14 (ii) Certifies to the Department of Higher Education  
15 that its students are accepted for transfer at institutions accredited by the  
16 Higher Learning Commission of the North Central Association of Colleges and  
17 Schools.

18 (B) "Approved institution" does not include an institution  
19 of higher education that discriminates against applicants, students, or  
20 employees on the basis of race, color, religion, sex, age, handicap, or  
21 national origin consistent with the provisions of applicable state and  
22 federal law;

23 (2) "Eligible student" means a student who meets the criteria  
24 set out by this subchapter and is deemed to be eligible by rules authorized  
25 by this act and promulgated by the Department of Higher Education;

26 (3) "Financial need" means the family income of program  
27 applicants as determined by the Department of Higher Education through  
28 evaluation of program applications and supporting documentation;

29 (4) "Full-time undergraduate student" means a resident of  
30 Arkansas who attends an approved institution of higher education and is  
31 enrolled in at least twelve (12) credit hours or the equivalent the first  
32 semester and fifteen (15) credit hours or the equivalent thereafter, as  
33 defined by rule of the Department of Higher Education, in a program of study  
34 that leads to or is creditable toward an associate degree or a baccalaureate  
35 degree;

36 (5) "High school graduate" means any student who graduates from

1 an Arkansas high school during the twelve-month period immediately preceding  
2 the year of application for a grant under this subchapter;

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

7 (7) "Part-time undergraduate student" means a resident of  
8 Arkansas who attends an approved institution of higher education and is  
9 enrolled in at least six (6) credit hours per semester or the equivalent but  
10 no more than twelve (12) credit hours or the equivalent the first semester  
11 and fifteen (15) credit hours or the equivalent thereafter, as defined by  
12 rule of the Department of Higher Education, in a program of study that leads  
13 to or is creditable towards an associate degree or a baccalaureate degree;  
14 and

15 (8) "Unemancipated child" or "unemancipated children" means a  
16 dependent child or dependent children as defined by the United States  
17 Department of Education for student aid purposes.

18  
19 6-82-1703. Establishment.

20 The Higher Education Opportunities Grant Program is established to  
21 increase the opportunities of low-income students to pursue higher education  
22 opportunities.

23  
24 6-82-1704. Eligibility.

25 (a) Eligibility for the Higher Education Opportunities Grant Program  
26 shall be based on criteria established by rule of the Department of Higher  
27 Education.

28 (b) The criteria established by the department shall include the  
29 following:

30 (1) An applicant shall be a citizen of the United States or a  
31 permanent resident alien;

32 (2) An applicant shall have graduated from an Arkansas high  
33 school or passed the General Educational Development Test in Arkansas within  
34 twelve (12) months of first enrolling as a full-time or part-time, first-time  
35 student at an approved institution of higher education;

36 (3) An applicant shall have been a resident of the state of

1 Arkansas for at least twelve (12) months prior to graduation from an Arkansas  
2 high school or the date of notification of completion of the General  
3 Educational Development Test, and the applicant and his or her custodial  
4 parent or guardian shall have maintained Arkansas residency for the same  
5 period of time;

6 (4) An applicant shall be accepted for admission to an approved  
7 institution of higher education as a full-time or part-time first-time  
8 student, as defined by the Department of Higher Education, and shall enroll  
9 in an approved institution within twelve (12) months of high school  
10 graduation or notification of successful completion of the General  
11 Educational Development Test;

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

15 (6)(A) An applicant shall demonstrate financial need as  
16 determined by the Department of Higher Education.

17 (B) In determining financial need, the following criteria  
18 shall be used:

19 (i) An applicant whose family includes one (1)  
20 unemancipated child shall have an average family adjusted gross income not  
21 exceeding twenty-five thousand dollars (\$25,000) per year at the time of  
22 application to the program;

23 (ii) An applicant whose family includes more than  
24 one unemancipated child shall add an additional five thousand dollars  
25 (\$5,000) per child to the base income of twenty-five thousand dollars  
26 (\$25,000); and

27 (iii) The Department of Higher Education shall have  
28 the authority to adjust these financial need family income requirements on an  
29 annual basis, using the federal Consumer Price Index to make any necessary  
30 changes. Other financial need criteria necessary for the selection of  
31 recipients, including those defined as emancipated or independent by federal  
32 student aid regulations, shall be established through rules issued by the  
33 Department of Higher Education.

34  
35 6-82-1705. Recipients.

36 (a) Students who receive grants under this subchapter shall be known

1 as Higher Education Opportunities Grant recipients.

2 (b) An eligible recipient shall receive a grant for one (1) academic  
3 year, renewable for up to a total cumulative award amount of four thousand  
4 dollars (\$4,000) if the recipient meets continuing eligibility criteria  
5 established by rule of the Department of Higher Education.

6 (c) The amount of the annual grant awarded to each recipient shall be  
7 one thousand dollars (\$1,000) for full-time students and five hundred dollars  
8 (\$500) for part-time students.

9 (d) No student's total financial aid package, including multiple  
10 scholarships, shall exceed the recognized cost of attendance at an  
11 institution of higher education.

12  
13 6-82-1706. Rules.

14 (a) The Department of Higher Education shall promulgate rules for the  
15 administration of the Higher Education Opportunities Grant Program consistent  
16 with the purposes and requirements of this subchapter.

17 (b) The rules shall include:

18 (1) Student eligibility criteria incorporating the requirements  
19 of this subchapter;

20 (2) A method for selecting grant recipients;

21 (3) A method for determining continuing eligibility;

22 (4) Procedures for making payment to recipients; and

23 (5) Other administrative procedures necessary for the  
24 implementation and operation of the program.

25  
26 6-82-1707. Administrative Costs.

27 The Department of Higher Education is authorized to expend each year up  
28 to two percent (2%) of the amount appropriated for the Higher Education  
29 Opportunities Grant Program for data processing and other administrative  
30 costs of the program.

31  
32 6-82-1708. Informational materials.

33 The Department of Education and the Department of Higher Education  
34 shall develop appropriate informational materials on the Higher Education  
35 Opportunities Grant Program for distribution to all Arkansas students in  
36 grades seven (7) through twelve (12) each year as part of the packet of

1 materials on pre-collegiate preparation distributed by the Department of  
2 Education.

3  
4 6-82-1709. Program evaluation.

5 The Director of the Department of Higher Education may review and  
6 evaluate the operation of the Higher Education Opportunities Grant Program  
7 with regard to eligibility criteria and size of the grant award to ensure  
8 that the program's operation meets the intent of this legislation.

9  
10 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the  
11 General Assembly of the State of Arkansas that the financial aid program  
12 created in this act will be effective for the 2007-2008 school year; that  
13 students who are graduating in May of this year will be impacted by this  
14 program and may be eligible for this program; that timing is critical for the  
15 dissemination of information to these students to ensure that eligible  
16 students know about the program and have the opportunity to apply for the  
17 program for the 2007-2008 school year; and that this act is immediately  
18 necessary to give the Department of Higher Education adequate time to  
19 implement and to publicize the program to potentially eligible students who  
20 are graduating in May 2007. Therefore, an emergency is declared to exist and  
21 this act being immediately necessary for the preservation of the public  
22 peace, health, and safety shall become effective on:

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

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

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

29  
30 /s/ Breedlove

31  
32 **APPROVED: 4/4/2007**