

1 State of Arkansas
2 88th General Assembly
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4

As Engrossed: H2/3/11

A Bill

HOUSE BILL 1254

5 By: Representatives Webb, T. Baker, Branscum, Carnine, Cheatham, Dale, J. Edwards, Gaskill, Hall,
6 Hobbs, D. Hutchinson, Lampkin, Leding, Lovell, Nickels, Pennartz, Perry, Pierce, Powers, Ratliff, J.
7 Roebuck, T. Rogers, Stewart, Summers, T. Thompson, Tyler, Wagner, B. Wilkins, Wren, *English*
8 By: Senator D. Johnson
9

For An Act To Be Entitled

11 AN ACT TO PROHIBIT THE USE OF FALSE ACADEMIC
12 CREDENTIALS; TO REQUIRE ACCREDITATION FOR SOME
13 POSTSECONDARY EDUCATION INSTITUTIONS BEFORE RECEIVING
14 CERTIFICATION FROM THE ARKANSAS HIGHER EDUCATION
15 COORDINATING BOARD; AND FOR OTHER PURPOSES.
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Subtitle

18
19 TO PROHIBIT THE USE OF FALSE ACADEMIC
20 CREDENTIALS; REQUIRE ACCREDITATION FOR
21 SOME POSTSECONDARY EDUCATION INSTITUTIONS
22 BEFORE RECEIVING CERTIFICATION FROM THE
23 ARKANSAS HIGHER EDUCATION COORDINATING
24 BOARD.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code Title 6, Chapter 61, Subchapter 1 is amended
30 to add *additional sections* to read as follows:

31 6-61-135. False academic credential.

32 (a) As used in this section "false academic credential" means a
33 document that provides evidence or demonstrates completion of an academic or
34 professional course of study at the post-secondary level that results in the
35 awarding of a certificate, degree, or rank that is issued by an individual or
36 institution that is not:



1 (1) Certified under § 6-61-301; or

2 (2) Exempt from certification under § 6-61-301.

3 (b) A person shall not knowingly use a false academic credential for
4 the purpose of:

5 (1) Obtaining:

6 (A) Employment;

7 (B) A license or certificate to practice a trade,
8 profession, or occupation;

9 (C) A promotion, compensation, or other benefit from an
10 employer;

11 (D) Admission to an institution of higher education; or

12 (E) A position in government with authority over another
13 person; or

14 (2) Promoting or introducing oneself to others in any oral or
15 written communication, as having attained an academic title or a level of
16 academic achievement.

17 (c) A person who violates this section may be convicted of a Class B
18 misdemeanor and fined up to one thousand dollars (\$1,000).

19
20 6-61-136. Establishment of an accrediting agency.

21 An individual shall not establish or operate an accrediting agency in
22 this state without recognition by the United States Department of Education.

23
24 SECTION 2. Arkansas Code § 6-61-301(a)-(c), concerning certification
25 of postsecondary education institutions, is amended to read as follows:

26 ~~(a)(1)(A) Individuals desiring to establish a postsecondary education~~
27 ~~institution in the State of Arkansas, other than a state-supported~~
28 ~~institution, a school as defined by § 6-51-601 et seq., or a school that is~~
29 ~~regulated by the State Board of Cosmetology, An individual shall be required~~
30 ~~to incorporate under the applicable laws of the State of Arkansas state and~~
31 ~~to receive certification for from the Arkansas Higher Education Coordinating~~
32 ~~Board before offering educational programs from the Arkansas Higher Education~~
33 ~~Coordinating Board coursework leading to a degree or before establishing a~~
34 ~~postsecondary educational institution unless the institution is a:~~

35 (i) State-supported institution of higher education;

36 (ii) School under § 6-51-601 et seq.;

1 (iii) School exempt from § 6-61-301 et seq.; or
 2 (iv) School regulated by the State Board of
 3 Cosmetology.

4 (B) ~~Any A~~ postsecondary education institution located in
 5 another state, ~~other than those covered by § 6-51-601 et seq. or those~~
 6 ~~regulated by the State Board of Cosmetology, which desires to offer course~~
 7 ~~work or degrees in the State of Arkansas shall first be required, prior to~~
 8 ~~offering any course work, to obtain certification to do so from the Arkansas~~
 9 Higher Education Coordinating Board before offering a course or degree in
 10 this state unless the institution is a:

11 (i) School under § 6-51-601 et seq.;
 12 (ii) School exempt from § 6-61-301 et seq.; or
 13 (iii) School regulated by the State Board of
 14 Cosmetology.

15 (C) ~~Any A~~ postsecondary education institution in ~~the State~~
 16 ~~of Arkansas this state~~ desiring to offer programs leading to a degree that is
 17 ~~customarily granted by colleges or universities shall be required to first~~
 18 ~~obtain certification to grant such degree from the Arkansas Higher Education~~
 19 Coordinating Board before offering courses that lead to a degree that is
 20 customarily granted by colleges or universities.

21 (2) State-supported vocational and technical schools,
 22 institutions covered under § 6-51-601 et seq., or institutions regulated by
 23 the State Board of Cosmetology shall ~~be required to~~ obtain approval for
 24 programs in which ~~such degrees would~~ a degree could be granted from both the
 25 Arkansas Higher Education Coordinating Board and the State Board of
 26 Education.

27 (3) Nonpublic, not-for-profit colleges and universities
 28 currently incorporated, recognized by the Arkansas Higher Education
 29 Coordinating Board as Arkansas independent institutions of higher education,
 30 and operating under the applicable laws of this state shall not be required
 31 to receive such certification from the Arkansas Higher Education Coordinating
 32 Board or to receive licensure from the Arkansas State Board of Private Career
 33 Education.

34 (b)(1) The Arkansas Higher Education Coordinating Board shall be
 35 ~~empowered to~~ establish the criteria required for certification and to may
 36 ~~promulgate rules and regulations for the purpose of carrying to carry out the~~

1 *provisions of this chapter and shall be charged with the final responsibility*
2 *for decisions as required by the chapter.*

3 (2) The Arkansas Higher Education Coordinating Board shall not
4 grant certification to an individual or postsecondary education institution
5 under subdivision (a)(1) of this section unless the individual or
6 postsecondary education institution is:

7 (A) Accredited by an entity recognized by the United
8 States Department of Education;

9 (B) Accredited by an entity recognized by the Council for
10 Higher Education Accreditation;

11 (C) A candidate for accreditation from an entity
12 recognized by the United States Department of Education or the Council for
13 Higher Education Accreditation during the institutional planning and
14 development period; or

15 (D) An applicant for accreditation from an entity
16 recognized by the United States Department of Education or the Council for
17 Higher Education Accreditation during the institutional planning and
18 development application process.

19 ~~(c) Any person violating the provisions of~~ An individual or
20 postsecondary institution that operates in the state without certification
21 from the Arkansas Higher Education Coordinating Board as required under
22 ~~subdivision (a)(1)(B) or (C) or subsection (b)(a)~~ of this section shall be
23 guilty of a Class B misdemeanor.

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25 /s/Webb

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28 **APPROVED: 03/08/2011**