

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

HOUSE BILL 1308

5 By: Representatives Cozart, C. Douglas, D. Ferguson, Fielding, V. Flowers, M.J. Gray, G. McGill,
6 Murdock, Rushing, Sturch, Vaught
7 By: Senator Irvin
8

For An Act To Be Entitled

9
10 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
11 CONCERNING THE BUILDING BETTER FUTURES PROGRAM AND
12 THE BUILDING BETTER FUTURES HIGH SCHOOL PROGRAM; AND
13 FOR OTHER PURPOSES.
14

Subtitle

15
16
17 TO AMEND PROVISIONS OF THE ARKANSAS CODE
18 CONCERNING THE BUILDING BETTER FUTURES
19 PROGRAM AND THE BUILDING BETTER FUTURES
20 HIGH SCHOOL PROGRAM.
21

22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 7 is amended
26 to read as follows:

27 ~~Subchapter 7—Building Better Futures High School Program~~
28

29 ~~6-41-701. Program established—Purpose.~~

30 ~~(a) There is established a Building Better Futures High School~~
31 ~~Program.~~

32 ~~(b) The purpose of the program is to allow students with intellectual~~
33 ~~disabilities to broaden their career opportunities in an inclusive and age-~~
34 ~~appropriate environment while completing the additional years of high school~~
35 ~~as allowed by law.~~
36



~~6-41-702. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Approved institution" means a public or private nonprofit institution of higher education located in Arkansas that:~~

~~(A) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools; and~~

~~(B) Is approved or seeking approval by the United States Department of Education as a comprehensive transition and postsecondary program;~~

~~(2)(A) "Arkansas resident" means a recipient or a recipient's parent or guardian who is domiciled in Arkansas for at least twelve (12) months before applying for the Building Better Futures High School Program.~~

~~(B) A recipient or a recipient's parent or guardian may be asked to provide proof of domicile as evidenced by one (1) of the following:~~

~~(i) Information from the Free Application for Federal Student Assistance;~~

~~(ii) A valid Arkansas driver's license;~~

~~(iii) Documentation of current payment for personal or real property taxes for the previous year;~~

~~(iv) Current vehicle registration;~~

~~(v) Current voter registration; or~~

~~(vi) Other forms that establish residency;~~

~~(3) "Eligible student" means a person who satisfies the criteria established in this subchapter;~~

~~(4) "Home school" means an educational program provided by the student's parent or guardian as permitted under § 6-15-501 et seq.;~~

~~(5) "Home schooled student" means a student educated in a school provided by a parent or legal guardian for his or her own child;~~

~~(6) "Intellectual disability" means a condition characterized by significant limitations in both intellectual functioning and in adaptive behavior;~~

~~(A) As defined by the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and~~

~~(B) Diagnosed by a physician, psychologist, or other individual qualified by license or statute to diagnose; and~~

~~(7) "Selective admission" means acceptance into the program is~~

~~based on specific criteria that are used by each approved institution for its Building Better Futures High School Program.~~

~~6-41-703. Eligibility.~~

~~To be eligible for selective admission into a Building Better Futures High School Program, a student shall:~~

~~(1)(A) Be a current student at a public high school who is currently served under an individual education program.~~

~~(B)(i) The parent or guardian of the student shall notify the student's individual education program committee at least one (1) calendar year in advance of the Building Better Futures High School Program's application deadline of the parent or guardian's desire for the student's individual education program to include participation, if admitted, in the nearest Building Better Futures High School Program.~~

~~(ii) The student's individual education program committee shall notify the parent or guardian within sixty (60) days of the parent's or guardian's making the request of whether or not participation in the Building Better Futures High School Program is deemed appropriate for the student to receive a free appropriate public education.~~

~~(C) If the student's individual education program committee determines that seeking admission to a Building Better Futures High School Program should be part of the student's individual education program, the individual education program committee shall submit an application to the nearest Building Better Futures High School Program located not more than fifty (50) miles from the public high school attended by the student;~~

~~(2) Be a current private high school or home-schooled student;~~

~~(3)(A) Be an Arkansas resident.~~

~~(B) A nonresident may be eligible for the program if there are openings available after all Arkansas residents are admitted;~~

~~(4) Not have reached twenty-two (22) years of age;~~

~~(5) Be selected for admission by an approved institution into the institution's comprehensive transition and postsecondary program or a program in the process of becoming a comprehensive transition and postsecondary program;~~

~~(6) Have an intellectual disability;~~

~~(7) Be able and willing to learn and participate in an inclusive classroom and work setting; and~~

1 ~~(8) Not be a danger to himself or herself or others, as~~
2 ~~determined by the accepting institution of higher education.~~

3 ~~6-41-704. Program information.~~

4 ~~A Building Better Futures High School Program implemented by an~~
5 ~~approved institution shall:~~

6 ~~(1) Have a selective admission process for students with~~
7 ~~documented intellectual disabilities;~~

8 ~~(2) Be exempt from the higher education state minimum core~~
9 ~~curriculum as determined by the Arkansas Higher Education Coordinating Board~~
10 ~~under § 6-61-218;~~

11 ~~(3) Be exempt from program review by the board under §§ 6-61-207~~
12 ~~and 6-61-208;~~

13 ~~(4) Be part of a comprehensive transition and postsecondary~~
14 ~~program approved by the United States Department of Education within three~~
15 ~~(3) years of establishing the Building Better Futures High School Program at~~
16 ~~the approved institution;~~

17 ~~(5) Allow a certificate to be awarded to a student who~~
18 ~~successfully completes the Building Better Futures High School Program; and~~

19 ~~(6) Not permit hours completed in the Building Better Futures~~
20 ~~High School Program to be transferred towards credit for an associate or~~
21 ~~baccalaureate degree program.~~

22
23 ~~6-41-705. Responsibilities.~~

24 ~~(a)(1) An institution of higher education that wishes to establish a~~
25 ~~Building Better Futures High School Program on campus shall seek recognition~~
26 ~~as a comprehensive transition and postsecondary program by the United States~~
27 ~~Department of Education.~~

28 ~~(2) Only approved institutions are eligible for funding for the~~
29 ~~Building Better Futures High School Program if funding is available.~~

30 ~~(b) The Department of Higher Education shall provide information on~~
31 ~~the options for postsecondary education for students with intellectual~~
32 ~~disabilities statewide to each secondary school in the state.~~

33 ~~(c)(1) Each public high school in Arkansas shall provide the~~
34 ~~information distributed by the Department of Higher Education to the parent~~
35 ~~or guardian of a student with an intellectual or developmental disability~~
36 ~~enrolled in the public high school.~~

1 ~~(2) A public high school shall begin providing the information~~
2 ~~when transition services for a student are discussed at an annual review~~
3 ~~conference of the individual education program committee meeting.~~

4 ~~(d)(1) Nothing in this subchapter relieves a school district from~~
5 ~~satisfying the requirements of a student's individual education plan.~~

6 ~~(2)(A) The lack of an available Building Better Futures High~~
7 ~~School Program located within fifty (50) miles of a student's public high~~
8 ~~school or the failure of a Building Better Futures High School Program to~~
9 ~~admit a public school student is not a failure on the part of the public high~~
10 ~~school to provide a free and appropriate public school education subject to~~
11 ~~34 C.F.R. 300.507.~~

12 ~~(B) A student who is dismissed from a Building Better~~
13 ~~Futures High School Program has no recourse against the student's public high~~
14 ~~school under 34 C.F.R. 300.507.~~

15 ~~(e) A public high school shall:~~

16 ~~(1) Provide transportation for an admitted and eligible student~~
17 ~~to and from the closest approved Building Better Futures High School Program~~
18 ~~that is located no more than fifty (50) miles from the student's public high~~
19 ~~school; and~~

20 ~~(2) Continue to provide activities of daily living skills to~~
21 ~~eligible students at the public high school campus in addition to other~~
22 ~~requirements of the student's individual educational plan.~~

23 ~~(f) Instructional and support staff for a student attending a Building~~
24 ~~Better Futures High School Program shall be provided by the institution~~
25 ~~providing the Building Better Futures High School Program while the student~~
26 ~~is on the campus of the institution.~~

27 ~~(g) A variety of sources may be used to support the Building Better~~
28 ~~Futures High School Program, including the costs associated with tuition and~~
29 ~~support services.~~

30 ~~(h)(1) With regard to the Building Better Futures High School Program,~~
31 ~~an institution of higher education shall not charge tuition and fees at a~~
32 ~~higher rate for secondary school students than for other students from the~~
33 ~~community.~~

34 ~~(2) The tuition and fees shall be charged to the student's~~
35 ~~public high school and be proportionate to the student's participation in the~~
36 ~~Building Better Futures High School Program established by the student's~~

1 ~~individual education program.~~

2
3 Subchapter 7 – Building Better Futures Program

4
5 6-41-701. Program established – Purpose.

6 (a) The Building Better Futures Program is established.

7 (b) The purpose of the program is to allow students with intellectual
8 disabilities to broaden their career opportunities through education and job
9 training in an inclusive and age-appropriate environment.

10
11 6-41-702. Definitions.

12 As used in this subchapter:

13 (1) “Approved institution” means a public or private nonprofit
14 institution of higher education located in Arkansas that:

15 (A) Is accredited by the Higher Learning Commission of the
16 North Central Association of Colleges and Schools; and

17 (B) Is approved or seeking approval by the United States
18 Department of Education as a comprehensive transition and postsecondary
19 program;

20 (2)(A) “Arkansas resident” means a recipient or a recipient’s
21 parent or guardian who is domiciled in Arkansas for at least twelve (12)
22 months before applying for the Building Better Futures Program.

23 (B) A recipient or a recipient’s parent or guardian may be
24 asked to provide proof of domicile as evidenced by one (1) of the following:

25 (i) Information from the Free Application for
26 Federal Student Aid;

27 (ii) Valid Arkansas driver’s license;

28 (iii) Documentation of current payment for personal
29 or real property taxes for the previous year;

30 (iv) Current vehicle registration;

31 (v) Current voter registration; or

32 (iv) Other forms that establish residency;

33 (3)(A) “Citizen” means a person who is a United States citizen
34 or lawful permanent resident.

35 (B) If the person is a lawful permanent resident, he or
36 she shall submit a copy of the lawful permanent resident form when submitting

1 an application to the Building Better Futures Program;

2 (4) "Eligible student" means a person who satisfies the criteria
 3 established in this subchapter;

4 (5) "Intellectual disability" means a condition characterized by
 5 significant limitations in both intellectual functioning and in adaptive
 6 behavior;

7 (A) As defined by the Diagnostic and Statistical Manual of
 8 Mental Disorders, Fifth Edition, published by the American Psychiatric
 9 Association; and

10 (B) Diagnosed by a physician, psychologist, or other
 11 individuals qualified by license or statute to diagnose; and

12 (6) "Selective admission" means acceptance into the Building
 13 Better Futures Program is based on specific criteria that are used by each
 14 approved institution for its Building Better Futures Program.

15
 16 6-41-703. Eligibility.

17 To be eligible for selective admission into a Building Better Futures
 18 Program, a student shall:

19 (1) Be a citizen;

20 (2)(A) Be an Arkansas resident.

21 (B) A nonresident may be eligible for the Building Better
 22 Futures Program if there are openings available after all Arkansas residents
 23 are admitted;

24 (3) Be selected for admission by an approved institution into
 25 the institution's comprehensive transition and postsecondary program or a
 26 program in the process of becoming a comprehensive transition and
 27 postsecondary program;

28 (4) Have an intellectual disability;

29 (5) Be able and willing to learn and participate in an inclusive
 30 classroom and work setting; and

31 (6) Not be a danger to himself or herself or others, as
 32 determined by the accepting institution of higher education.

33
 34 6-41-704. Program information.

35 A Building Better Futures Program implemented by an approved
 36 institution shall:

1 (1) Have a selective admission process for students with
 2 documented intellectual disabilities;

3 (2) Be exempt from the higher education state minimum core
 4 curriculum as determined by the Arkansas Higher Education Coordinating Board
 5 under § 6-61-218;

6 (3) Be exempt from program review by the board under §§ 6-61-207
 7 and 6-61-208;

8 (4) Be part of a comprehensive transition and postsecondary
 9 program approved by the United States Department of Education within three
 10 (3) years of establishing the Building Better Futures Program at the approved
 11 institution;

12 (5) Allow a certificate to be awarded to a student who
 13 successfully completes the Building Better Futures Program; and

14 (6) Not permit hours completed in the Building Better Futures
 15 Program to be transferred toward credit for an associate or baccalaureate
 16 degree program.

17
 18 6-41-705. Responsibilities.

19 (a)(1) An institution of higher education that wishes to establish a
 20 Building Better Futures Program on campus shall seek recognition as a
 21 comprehensive transition and postsecondary program by the United States
 22 Department of Education.

23 (2) Only approved institutions are eligible for funding for the
 24 Building Better Futures Program if funding is available.

25 (b)(1) The Department of Higher Education shall provide information
 26 statewide, including to each high school in the state, on the options for
 27 postsecondary education for students with intellectual disabilities.

28 (2) Each public high school in Arkansas shall provide the
 29 information distributed by the Department of Higher Education to the parent
 30 or guardian of a student with an intellectual or developmental disability
 31 enrolled in the public high school.

32 (3) A public high school shall begin providing the information
 33 when transition services for a student are discussed at an annual review
 34 conference of the individualized education program committee meeting.

35 (c) A variety of sources may be used to support the Building Better
 36 Futures Program, including the costs associated with tuition and support

1 services.

2
 3 SECTION 2. Arkansas Code Title 6, Chapter 41, is amended to add an
 4 additional subchapter to read as follows:

5 Subchapter 8 – Building Better Futures High School Program.

6
 7 6-41-801. Program established – Purpose.

8 (a) There is established a Building Better Futures High School
 9 Program.

10 (b) The purpose of the program is to allow students with intellectual
 11 disabilities to broaden their career opportunities in an inclusive and age-
 12 appropriate environment while completing the additional years of high school
 13 as allowed by law.

14
 15 6-41-802. Definitions.

16 As used in this subchapter:

17 (1) “Approved institution” means a public or private nonprofit
 18 institution of higher education located in Arkansas that:

19 (A) Is accredited by the Higher Learning Commission of the
 20 North Central Association of Colleges and Schools; and

21 (B) Is approved or seeking approval by the United States
 22 Department of Education as a comprehensive transition and postsecondary
 23 program;

24 (2)(A) “Arkansas resident” means a recipient or a recipient’s
 25 parent or guardian who is domiciled in Arkansas for at least twelve (12)
 26 months before applying for the Building Better Futures High School Program.

27 (B) A recipient or a recipient’s parent or guardian may be
 28 asked to provide proof of domicile as evidenced by one (1) of the following:

29 (i) Information from the Free Application for
 30 Federal Student Aid;

31 (ii) Valid Arkansas driver’s license;

32 (iii) Documentation of current payment for personal
 33 or real property taxes for the previous year;

34 (iv) Current vehicle registration;

35 (v) Current voter registration; or

36 (vi) Other forms that establish residency;

1 (3)(A) "Citizen" means a person who is a United States citizen
2 or lawful permanent resident.

3 (B) If the person is a lawful permanent resident, he or
4 she shall submit a copy of the lawful permanent resident form when submitting
5 an application to the Building Better Futures High School Program;

6 (4) "Eligible student" means a person who satisfies the criteria
7 established in this subchapter;

8 (5) "Home school" means an educational program provided by the
9 student's parent or guardian as permitted under §6-15-501 et seq.;

10 (6) "Home-schooled student" means a student educated in a school
11 provided by a parent or legal guardian for his or her own child;

12 (7) "Intellectual disability" means a condition characterized by
13 significant limitations in both intellectual functioning and in adaptive
14 behavior:

15 (A) As defined by the Diagnostic and Statistical Manual of
16 Mental Disorders, Fifth Edition, published by the American Psychiatric
17 Association; and

18 (B) Diagnosed by a physician, psychologist, or other
19 individuals qualified by license or statute to diagnose; and

20 (8) "Selective admission" means acceptance into the Building
21 Better Futures High School Program is based on specific criteria that are
22 used by each approved institution for its Building Better Futures High School
23 Program.

24
25 6-41-803. Eligibility.

26 To be eligible for selective admission into a Building Better Futures
27 High School Program, a student shall:

28 (1) Be either:

29 (A)(i) A current student at a public high school who is
30 currently served under an individualized education program.

31 (ii)(a) The parent or guardian of the student shall
32 make a request to the student's individualized education program committee at
33 least one (1) calendar year in advance of the Building Better Futures High
34 School Program's application deadline that the student's individualized
35 education program include participation, if admitted, in the nearest Building
36 Better Futures High School Program.

1 (b) The student’s individualized education
 2 program committee shall notify the parent or guardian within sixty (60) days
 3 of the parent or guardian making the request of whether or not participation
 4 in the Building Better Futures High School Program is deemed appropriate for
 5 the student to receive a free appropriate public education.

6 (iii) If the student’s individualized education
 7 program committee determines that seeking admission to a Building Better
 8 Futures High School Program should be part of the student’s individualized
 9 education program, the individualized education program committee shall
 10 submit an application to the nearest Building Better Futures High School
 11 Program located not more than fifty (50) miles from the public high school
 12 attended by the student; or

13 (B) A current private high school or home-schooled
 14 student;

15 (2) Be a citizen;

16 (3)(A) Be an Arkansas resident.

17 (B) A nonresident may be eligible for the program if there
 18 are openings available after all Arkansas residents are admitted;

19 (4) Not have reached twenty-two (22) years of age;

20 (5) Be selected for admission by an approved institution into
 21 the institution’s comprehensive transition and postsecondary program or a
 22 program in the process of becoming a comprehensive transition and
 23 postsecondary program;

24 (6) Have an intellectual disability;

25 (7) Be able and willing to learn and participate in an inclusive
 26 classroom and work setting; and

27 (8) Not be a danger to himself or herself or others, as
 28 determined by the accepting institution of higher education.

29
 30 6-41-804. Program information.

31 A Building Better Futures High School Program implemented by an
 32 approved institution shall:

33 (1) Have a selective admission process for students with
 34 documented intellectual disabilities;

35 (2) Be exempt from the higher education state minimum core
 36 curriculum as determined by the Arkansas Higher Education Coordinating Board

1 under § 6-61-218;

2 (3) Be exempt from program review by the board under §§ 6-61-207
3 and 6-61-208;

4 (4) Be part of a comprehensive transition and postsecondary
5 program approved by the United States Department of Education within three
6 (3) years of establishing the Building Better Futures High School Program at
7 the approved institution;

8 (5) Allow a certificate to be awarded to a student who
9 successfully completes the Building Better Futures High School Program; and

10 (6) Not permit hours completed in the Building Better Futures
11 High School Program to be transferred towards credit for an associate or
12 baccalaureate degree program.

13
14 6-41-805. Responsibilities.

15 (a)(1) An institution of higher education that wishes to establish a
16 Building Better Futures High School Program on campus shall seek recognition
17 as a comprehensive transition and postsecondary program by the United States
18 Department of Education.

19 (2) Only approved institutions are eligible for funding for the
20 Building Better Futures High School Program if funding is available.

21 (b)(1) The Department of Higher Education shall provide information
22 statewide, including to each high school in the state, on the options for
23 postsecondary education for students with intellectual disabilities.

24 (2) Each public high school in Arkansas shall provide the
25 information distributed by the Department of Higher Education to the parent
26 or guardian of a student with an intellectual or developmental disability
27 enrolled in the public high school.

28 (3) A public high school shall begin providing the information
29 when transition services for a student are discussed at an annual review
30 conference of the individualized education program committee meeting.

31 (c)(1) Nothing in this subchapter relieves a school district from
32 satisfying the requirements of a student's individualized education plan.

33 (2)(A) The lack of an available Building Better Futures High
34 School Program located within fifty (50) miles of a student's public high
35 school or the failure of a Building Better Futures High School Program to
36 admit a public school student is not a failure on the part of the public high

1 school to provide a free and appropriate public school education under 34
 2 C.F.R. 300.507.

3 (B) A student who is dismissed from a Building Better
 4 Futures High School Program has no recourse against the student's public high
 5 school under 34 C.F.R. 300.507.

6 (d) A public high school shall:

7 (1) Provide transportation for an admitted and eligible student
 8 to and from the closest approved Building Better Futures High School Program
 9 that is located no more than fifty (50) miles from the student's public high
 10 school; and

11 (2) Continue to provide activities of daily living skills to
 12 eligible students at the public high school campus in addition to other
 13 requirements of the student's individualized educational plan.

14 (e) Instructional and support staff for a student attending a Building
 15 Better Futures High School Program shall be provided by the institution
 16 providing the Building Better Futures High School Program while the student
 17 is on the campus of the institution.

18 (f)(1) With regard to the Building Better Futures High School Program,
 19 an institution of higher education shall not charge tuition and fees at a
 20 higher rate for secondary school students than for other students from the
 21 community.

22 (2) The tuition and fees shall be charged to the student's
 23 public high school and be proportionate to the student's participation in the
 24 Building Better Futures High School Program established by the student's
 25 individualized education program.

26 (g) A variety of sources may be used to support the Building Better
 27 Futures Program, including the costs associated with tuition and support
 28 services.

29
 30 SECTION 3. DO NOT CODIFY. The Arkansas Code Revision Commission shall
 31 renumber current § 6-41-801 et seq. as § 6-41-901 et seq.

32
 33
 34 **APPROVED: 03/09/2017**