

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/20/15

A Bill

HOUSE BILL 1552

5 By: Representative House
6

For An Act To Be Entitled

8 AN ACT TO ESTABLISH THE SUCCEED SCHOLARSHIP PROGRAM
9 FOR STUDENTS WITH DISABILITIES; SPECIFYING PROCEDURES
10 AND STARTING DATE; ESTABLISHING ELIGIBILITY
11 REQUIREMENTS FOR STUDENTS; ESTABLISHING ELIGIBILITY
12 REQUIREMENTS FOR PRIVATE SCHOOLS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

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16 TO ESTABLISH THE SUCCEED SCHOLARSHIP
17 PROGRAM FOR STUDENTS WITH DISABILITIES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 6, Chapter 41, is amended to add an
24 additional subchapter to read as follows:
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Subchapter 7 – Succeed Scholarship Program

6-41-701. Intent.

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29 (a) The Succeed Scholarship Program is established and intended to
30 provide a scholarship to a private school of choice for students with
31 disabilities that have an individualized education program in accordance with
32 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

33 (b) The program shall begin awarding scholarships in the 2016-2017
34 school year.
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6-41-702. Student eligibility.

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1 (a) A parent or legal guardian of a public school student with a
2 disability may apply for a Succeed Scholarship to enroll his or her child in
3 a private school if:

4 (1)(A) The student is currently enrolled in a public school and
5 has attended public school for at least one (1) full academic year.

6 (B) If the student is a dependent of an active duty member
7 of any branch of the United States armed forces, subdivision (1)(A) of this
8 section does not apply;

9 (2) The student has an individualized education program in
10 accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §
11 1400 et seq.;

12 (3) The student has been accepted for admission into a private
13 school that is eligible to participate in the Succeed Scholarship Program;
14 and

15 (4) The parent has notified the student's current school
16 district of the request for a scholarship at least sixty (60) days before the
17 date of the first scholarship payment.

18 (b) If a student is accepted to a private school upon the availability
19 of space, a parent or legal guardian shall notify the student's school
20 district at least sixty (60) days before the student enrolls in the private
21 school and receives the first scholarship payment.

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23 6-41-703. Private school eligibility.

24 (a)(1) A private school shall notify the Department of Education of
25 its intent to participate in the Succeed Scholarship Program.

26 (2) The notice shall specify the grade levels and services that
27 the private school has available for students with severe disabilities who
28 are participating in the program.

29 (b) The department shall approve a private school as eligible to
30 participate in the program if the private school:

31 (1) Meets the accreditation requirements set by the State Board
32 of Education, the Arkansas Nonpublic School Accrediting Association or its
33 successor, or another accrediting association recognized by the State Board
34 of Education as providing services to severely disabled individuals;

35 (2)(A) Demonstrates fiscal soundness by having been in operation
36 for one (1) school year or providing the department with a statement by a

1 certified public accountant confirming that the private school is insured and
2 the private school has sufficient capital or credit to operate in the
3 upcoming school year.

4 (B) In lieu of a statement, a surety bond or letter or
5 credit for the amount equal to the scholarship funds for any quarter may be
6 filed with the department;

7 (3) Complies with the antidiscrimination provisions of 42 U.S.C.
8 § 2000d;

9 (4) Meets state and local health and safety requirements;

10 (5) Is academically accountable to the parent or legal guardian
11 for meeting the educational needs of the student;

12 (6) Employs or contracts with teachers who hold baccalaureate or
13 higher degrees;

14 (7) Complies with all state laws and regulations governing
15 private schools; and

16 (8) Adheres to the tenets of its published disciplinary
17 procedures before an expulsion of a student receiving a scholarship.

18 (c) The department shall maintain a list of private schools eligible
19 to participate in the program and make the list available on the department's
20 website.

21 (d)(1) An eligible private school shall administer annually or make
22 provisions for a student participating in the scholarship program to take a
23 nationally recognized norm-referenced test as established by the State Board
24 of Education.

25 (2) A student with an individual education plan that provides
26 for an exemption to standardized testing is not required to take the test
27 required under subdivision (d)(1) of this section.

28 (3) An eligible private school shall annually prepare a
29 portfolio that provides information on a student's progress to the student's
30 parent or guardian if a student is exempt from standardized testing as
31 permitted under subdivision (d)(2) of this section.

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33 6-41-704. Responsibilities of scholarship recipients.

34 (a) The parent or legal guardian of a Succeed Scholarship Program
35 recipient shall:

36 (1) Select the private school from the list of private schools

1 eligible to participate in the program that is maintained by the Department
2 of Education;

3 (2) Apply for the scholarship at least sixty (60) days before
4 the date of the first scholarship payment and notify the superintendent of
5 the student's resident school district within five (5) business days of
6 submitting the application;

7 (3) Fully comply with the parental involvement requirements of
8 the private school unless excused by the school for illness or other good
9 cause;

10 (4) Sign a waiver that releases the State of Arkansas from any
11 legal obligation to provide services or education to the student
12 participating in the program except for funding provided for the program
13 under the rules established by the State Board of Education;

14 (5) Sign a waiver that releases the student's resident school
15 district from any legal obligation to provide services or education to the
16 student participating in the program while the student is not enrolled in the
17 student's resident school district as provided under the rules established by
18 the state board; and

19 (6) Notify the state board or the state board's designee if the
20 student ceases to be enrolled in or regularly attend the private school for
21 any reason.

22 (b) A student participating in the program shall:

23 (1) Attend the private school throughout the school year unless
24 excused by the school for illness or other good cause; and

25 (2) Comply fully with the code of conduct for the private
26 school.

27 (c) The state board may terminate the scholarship of a student if the
28 student or the student's parent or guardian materially fail to comply with
29 the responsibilities under this section.

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31 6-41-705. Scholarship payments – Funding.

32 (a) The maximum scholarship available under the Succeed Scholarship
33 Program is the foundation funding amount for the current school year under §
34 6-20-2305.

35 (b) The amount of the scholarship shall be the amount calculated under
36 subsection (a) of this section or the amount of tuition and fees for the

1 private school, whichever is less.

2 (c) Scholarship payments shall be disbursed in equal amounts on a
3 monthly basis by the Department of Education or another state agency, person,
4 firm, or corporation designated by the department to administer and disburse
5 funds.

6 (d) Beginning on July 1, 2015, the department shall prepare a budget,
7 including cost estimates and projections so that a separate appropriation can
8 be make for the program for the 2016-2017 school year.

9 (e) The program shall be funded separately from the Public School Fund
10 and other funds or appropriations designated for public schools.

11 (f) The program shall not be funded with county, city, or school
12 district tax revenues.

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14 6-41-706. Rules and duties.

15 (a) The State Board of Education shall adopt rules and develop notices
16 and other documentation necessary to administer the Succeed Scholarship
17 Program that are in the best interest of students.

18 (b) The state board shall not:

19 (1) Become a party to a contract between a participating school
20 and a student's parent or guardian, however the state board shall make
21 payments to a participating school as long as a student is enrolled and
22 attending the participating school in good standing as required under § 6-41-
23 704; or

24 (2) Make payments to a participating school after the state
25 board is notified from either the participating school or a student's parent
26 or guardian that the student is no longer enrolled or attending the
27 participating school.

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29 6-41-707. Autonomy of participating schools.

30 (a) A private school that participates in the Succeed Scholarship
31 Program is not considered an agent or instrumentality of the State of
32 Arkansas or a school district.

33 (b) The curriculum and education plan for a student with a disability
34 attending a private school is not subject to the regulatory authority of the
35 State Board of Education.

36 (c) As a condition of continued participation in the program, the

1 state board may require a participating school that is receiving funds from
2 the program to certify on a semiannual basis under oath that a student is and
3 has been enrolled and attending the participating school except for excused
4 absences.

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/s/House