## Stricken language would be deleted from and underlined language would be added to present law. Act 669 of the Regular Session

| 1  | State of Arkansas                                | A D:11                      |                         |  |  |  |  |  |  |
|----|--|-----------------------------|-------------------------|--|--|--|--|--|--|
| 2  | 94th General Assembly                            | A Bill                      |                         |  |  |  |  |  |  |
| 3  | Regular Session, 2023                            |                             | SENATE BILL 568         |  |  |  |  |  |  |
| 4  |  |                             |                         |  |  |  |  |  |  |
| 5  | By: Senators J. Dismang, B. Davis,               | Gilmore                     |                         |  |  |  |  |  |  |
| 6  | By: Representatives Barker, Brooks               |                             |                         |  |  |  |  |  |  |
| 7  | _  |                             |                         |  |  |  |  |  |  |
| 8  | For An Act To Be Entitled                        |                             |                         |  |  |  |  |  |  |
| 9  | AN ACT TO AMEND ACTS 2023, NO. 237; TO AMEND THE |                             |                         |  |  |  |  |  |  |
| 10 | ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT  |                             |                         |  |  |  |  |  |  |
| 11 | PROGRAM; TO AMI                                  | END THE LIMITATION ON THE E | FUNDS A                 |  |  |  |  |  |  |
| 12 | PARTICIPATING S                                  | STUDENT MAY RECEIVE UNDER T | THE ARKANSAS            |  |  |  |  |  |  |
| 13 | CHILDREN'S EDUC                                  | CATIONAL FREEDOM ACCOUNT PR | ROGRAM; AND             |  |  |  |  |  |  |
| 14 | FOR OTHER PURPO                                  | OSES.                       |                         |  |  |  |  |  |  |
| 15 |  |                             |                         |  |  |  |  |  |  |
| 16 |  |                             |                         |  |  |  |  |  |  |
| 17 |  | Subtitle                    |                         |  |  |  |  |  |  |
| 18 | TO AMEND   | ACTS 2023, NO. 237; AND TO  | AMEND                   |  |  |  |  |  |  |
| 19 | THE LIMIT  | ATION ON THE FUNDS A        |                         |  |  |  |  |  |  |
| 20 | PARTICIPA  | TING STUDENT MAY RECEIVE U  | NDER                    |  |  |  |  |  |  |
| 21 | THE ARKAN  | SAS CHILDREN'S EDUCATIONAL  |                         |  |  |  |  |  |  |
| 22 | FREEDOM A  | CCOUNT PROGRAM.             |                         |  |  |  |  |  |  |
| 23 |  |                             |                         |  |  |  |  |  |  |
| 24 |  |                             |                         |  |  |  |  |  |  |
| 25 | BE IT ENACTED BY THE GENERA                      | AL ASSEMBLY OF THE STATE OF | F ARKANSAS:             |  |  |  |  |  |  |
| 26 |  |                             |                         |  |  |  |  |  |  |
| 27 | SECTION 1. Arkansas                              | Code § 6-18-2506(e), conce  | erning the funds a      |  |  |  |  |  |  |
| 28 | participating student may                        | receive under the Arkansas  | Children's Educational  |  |  |  |  |  |  |
| 29 | Freedom Account Program, is                      | s amended to read as follow | vs:                     |  |  |  |  |  |  |
| 30 | (e) <u>(l)</u> A <u>Except as </u>               | provided under subdivision  | (e)(2) of this section, |  |  |  |  |  |  |
| 31 | <u>a</u> participating student mag               | y only participate in and r | receive funds from one  |  |  |  |  |  |  |
| 32 | (1) of the following:                            |                             |                         |  |  |  |  |  |  |
| 33 | <del>(1)</del> (A) The Arl                       | kansas Children's Education | nal Freedom Account     |  |  |  |  |  |  |
| 34 | Program established by this                      | s subchapter; or            |                         |  |  |  |  |  |  |
| 35 | (2)(B) The Ph                                    | ilanthropic Investment in A | Arkansas Kids Program   |  |  |  |  |  |  |
| 36 | <u>Act</u> , § 6-18-2301 et seq.                 |                             |                         |  |  |  |  |  |  |

| 1  | (2)(A) A student with a disability as described by subdivision                                     |  |  |  |  |  |
|----|--|--|--|--|--|--|
| 2  | (a)(3)(A)(i)(a) who has an annual family income that is less than or equal to                      |  |  |  |  |  |
| 3  | two hundred percent (200%) of the federal poverty guidelines as determined                         |  |  |  |  |  |
| 4  | annually in the Federal Register by the United States Department of Health                         |  |  |  |  |  |
| 5  | and Human Services under 42 U.S.C. § 9902(2), as required under the                                |  |  |  |  |  |
| 6  | Philanthropic Investment in Arkansas Kids Program may receive funds from both                      |  |  |  |  |  |
| 7  | the Arkansas Children's Educational Freedom Account Program established by                         |  |  |  |  |  |
| 8  | this subchapter and the Philanthropic Investment in Arkansas Kids Program.                         |  |  |  |  |  |
| 9  | (B) However, a student who qualifies under subdivision   |  |  |  |  |  |
| 10 | (e)(2)(A) of this section may receive funds from both the Arkansas Children's                      |  |  |  |  |  |
| 11 | Educational Freedom Account Program established by this subchapter and the                         |  |  |  |  |  |
| 12 | Philanthropic Investment in Arkansas Kids Program only to the extent                               |  |  |  |  |  |
| 13 | necessary to cover qualifying expenses.  |  |  |  |  |  |
| 14 |  |  |  |  |  |  |
| 15 | SECTION 2. EMERGENCY CLAUSE. It is found and determined by the                                     |  |  |  |  |  |
| 16 | General Assembly of the State of Arkansas that the provision of educational                        |  |  |  |  |  |
| 17 | services to children in the State of Arkansas impacts the public peace,                            |  |  |  |  |  |
| 18 | health, and safety through its effect upon student learning, which is                              |  |  |  |  |  |
| 19 | critical for the future success of the state; that educational services for                        |  |  |  |  |  |
| 20 | children with disabilities is essential for purposes of helping those                              |  |  |  |  |  |
| 21 | children with disabilities reach their full potential; that the State of                           |  |  |  |  |  |
| 22 | $\underline{\text{Arkansas has made extensive amendments to the Arkansas Code as it pertains to}}$ |  |  |  |  |  |
| 23 | education, which will require new rules and procedures to be put in place                          |  |  |  |  |  |
| 24 | before the beginning of the 2023-2024 school year; and that this act is                            |  |  |  |  |  |
| 25 | immediately necessary because to give the Department of Education time to                          |  |  |  |  |  |
| 26 | promulgate rules that are necessary to implement this act in sync with the                         |  |  |  |  |  |
| 27 | other changes to the Arkansas Code and to allow time for families with low                         |  |  |  |  |  |
| 28 | incomes to plan for the educational placement of their children with                               |  |  |  |  |  |
| 29 | disabilities. Therefore, an emergency is declared to exist, and this act                           |  |  |  |  |  |
| 30 | being immediately necessary for the preservation of the public peace, health,                      |  |  |  |  |  |
| 31 | and safety shall become effective on:  |  |  |  |  |  |
| 32 | (1) The date of its approval by the Governor;  |  |  |  |  |  |
| 33 | (2) If the bill is neither approved nor vetoed by the Governor,                                    |  |  |  |  |  |
| 34 | the expiration of the period of time during which the Governor may veto the                        |  |  |  |  |  |
| 35 | bill; or   |  |  |  |  |  |
| 36 | (3) If the bill is vetoed by the Governor and the veto is  |  |  |  |  |  |

| 1                               | <u>overridden,</u> | the date | the | last | house  | over | rides the | veto. |
|---------------------------------|--------------------|----------|-----|------|--------|------|-----------|-------|
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| 3                               |                    |          |     |      |        |      |           |       |
| 4                               |                    |          |     |      | APPRO' | VED: | 4/11/23   |       |
| 5                               |                    |          |     |      |        |      |           |       |
| 6                               |                    |          |     |      |        |      |           |       |
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| 12                              |                    |          |     |      |        |      |           |       |
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| 23                              |                    |          |     |      |        |      |           |       |
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| 25                              |                    |          |     |      |        |      |           |       |
| 26                              |                    |          |     |      |        |      |           |       |
| <ul><li>27</li><li>28</li></ul> |                    |          |     |      |        |      |           |       |
| 28<br>29                        |                    |          |     |      |        |      |           |       |
| 30                              |                    |          |     |      |        |      |           |       |
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| 34                              |                    |          |     |      |        |      |           |       |
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| 36                              |                    |          |     |      |        |      |           |       |
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