

State of Arkansas
90th General Assembly
Third Extraordinary Session, 2016

A Bill

DRAFT PIL/PIL
SENATE BILL

By: Senator B. King

Filed with: Arkansas Legislative Council
pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled

AN ACT TO REMOVE REMEDIATION AS A FUNCTION OF
INSTITUTIONS OF HIGHER EDUCATION; TO TRANSFER HIGHER
EDUCATION REMEDIATION FUNDING TO OTHER STATE
ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
PURPOSES.

Subtitle

TO REMOVE REMEDIATION AS A FUNCTION OF
INSTITUTIONS OF HIGHER EDUCATION; TO
TRANSFER HIGHER EDUCATION REMEDIATION
FUNDING TO OTHER STATE ENTITIES; TO
DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-1-303(c)(10), concerning duties of the
Arkansas Commission for Coordination of Educational Efforts, is repealed.

~~(10) Make recommendations related to the future need for
remediation of beginning college students;~~

SECTION 2. Arkansas Code § 6-1-402(5), concerning the School
Leadership Coordinating Council, is amended to read as follows:

(5) An effective statewide leadership development system will
result in increased graduation rates, ~~reduced remediation rates~~, the closing
of achievement gaps, increased student and adult performance, increased

1 recruitment of effective leaders, and increased capacity for instructional
 2 leaders, and thus will increase the number of Arkansas citizens with
 3 bachelor's degrees.

4
 5 SECTION 3. Arkansas Code § 6-1-605(a)(1)(D), concerning evaluation of
 6 the College and Career Coaches Program, is repealed.

7 ~~(D) Remediation rates; and~~

8
 9 SECTION 4. Arkansas Code § 6-5-1103(a)(1), concerning the Council on
 10 Postsecondary Education and Career Readiness, is amended to read as follows:

11 (a) The Council on Postsecondary Education and Career Readiness shall:

12 (1) Develop a unified strategy to+

13 ~~(A) Reduce remediation rates among high school graduates~~
 14 ~~entering postsecondary education by at least fifty percent (50%) by the year~~
 15 ~~2020; and~~

16 ~~(B) Increase~~ increase postsecondary graduation and
 17 completion rates;

18
 19 SECTION 5. Arkansas Code § 6-5-1104(a), concerning reporting
 20 requirements of the Council on Postsecondary Education and Career Readiness,
 21 is amended to read as follows:

22 (a) By June 30, 2014, the Council on Postsecondary Education and
 23 Career Readiness shall:

24 (1) Develop a written plan to ~~reduce remediation rates and~~
 25 increase postsecondary graduation rates, including without limitation:

26 (A) Annual goals;

27 (B) Action strategies;

28 (C) Assigned responsibilities for implementing strategies;

29 (D) Timelines; and

30 (E) Reporting mechanisms;

31 (2) Provide the written plan to:

32 (A) The House Committee on Education and the Senate
 33 Committee on Education;

34 (B) The board of directors of each school district and
 35 open-enrollment charter school in this state; and

1 (C) The governing board of each state-supported
2 institution of higher education in this state; and

3 (3) Encourage each school district board of directors and the
4 governing board of each state-supported institution of higher education in
5 the state to participate in the council's plan and to work collaboratively to
6 ~~reduce the remediation rates and~~ further postsecondary graduation and
7 completion rates.

8
9 SECTION 6. Arkansas Code § 6-15-421(d)(5), concerning recommendations
10 to the General Assembly, is repealed.

11 ~~(5) The department shall biennially recommend to the General~~
12 ~~Assembly statutory changes to reduce the incidence of postsecondary~~
13 ~~remediation in mathematics, reading, and writing for recent high school~~
14 ~~graduates who enroll in an institution of higher education.~~

15
16 SECTION 7. Arkansas Code § 6-15-441(d)(4), concerning data collection
17 by the Department of Education, is repealed.

18 ~~(4) Reducing the college remediation rates of students; and~~
19

20 SECTION 8. Arkansas Code § 6-15-1402(b)(3)(A)(xii), concerning the
21 school performance report for middle schools, junior high schools, and high
22 schools, is repealed.

23 ~~(xii) College remediation rate for high schools~~
24 ~~only;~~

25
26 SECTION 9. Arkansas Code § 6-15-2006(b)(3), concerning the public
27 school district annual report, is amended to read as follows:

28 (3) The graduation rate, grade inflation rate, and drop-out rate
29 for grades nine through twelve (9-12), ~~and college remediation rate;~~
30

31 SECTION 10. Arkansas Code § 6-15-2401 is repealed.

32 ~~6-15-2401. Review of Arkansas Placement Status Reports — Reports of~~
33 ~~students needing remediation.~~

34 ~~(a)(1) Representatives from the Department of Higher Education and the~~
35 ~~Department of Education shall meet with the respective chairs of the Senate~~
36 ~~Education Committee and the House Education Committee or their designees~~

1 ~~along with the selected superintendents, high school principals, and high~~
 2 ~~school counselors one (1) time every biennium to review the Arkansas~~
 3 ~~Placement Status Reports to determine whether any revisions in the format of~~
 4 ~~the reports, the information that is reported, or the reporting process need~~
 5 ~~to be made.~~

6 ~~(2) Agreed upon changes would be reported to the Arkansas Higher~~
 7 ~~Education Coordinating Board, State Board of Education, Senate Education~~
 8 ~~Committee, and House Education Committee.~~

9 ~~(b) As a part of the school improvement plan pursuant to § 6-15-2201,~~
 10 ~~the State Board of Education shall ensure that each school district and high~~
 11 ~~school develops strategies to improve student readiness for the public~~
 12 ~~postsecondary level based on annual analysis of the feedback report data.~~

14 SECTION 11. Arkansas Code § 6-18-1604(2), concerning the Universal ACT
 15 Assessment Program, is repealed.

16 ~~(2) Prevent or minimize the continued remediation of nearly~~
 17 ~~fifty percent (50%) of all students entering Arkansas institutions of higher~~
 18 ~~education in one (1) or more subjects because they do not meet the college~~
 19 ~~readiness score of nineteen (19) or higher on the ACT Assessment;~~

21 SECTION 12. Arkansas Code § 6-18-1608 is amended to read as follows:
 22 6-18-1608. Reporting.

23 The Department of Higher Education and the Department of Education
 24 shall submit a combined annual report to the Legislative Council by December
 25 1 of each year that establishes compliance with this subchapter, provides
 26 data on the number of participants in the Universal ACT Assessment Program,
 27 and outlines the impact of this program on the college readiness of high
 28 school seniors ~~and the remediation rates at institutions of higher education.~~

30 SECTION 13. Arkansas Code § 6-60-703(b)(1)(B), concerning the
 31 Comprehensive Arkansas Higher Education Annual Report, is repealed.

32 ~~(B) Remediation rates, §§ 6-15-2401 and 6-61-221;~~

34 SECTION 14. Arkansas Code § 6-61-221 is repealed.

35 ~~6-61-221. Reporting of graduates requiring postsecondary remediation.~~

1 ~~(a)(1) The Department of Higher Education shall collect information~~
2 ~~necessary to prepare reports of college achievement of high school graduates~~
3 ~~from each state supported institution of higher education.~~

4 ~~(2) The Department of Higher Education may contract with~~
5 ~~appropriate organizations for the preparation of the reports.~~

6 ~~(b) The Department of Higher Education and the Office of~~
7 ~~Accountability of the Department of Education shall work together to develop~~
8 ~~a compatible system of reporting the number of:~~

9 ~~(1) Students who required remediation during their first year of~~
10 ~~enrollment in a state supported institution of higher education if the~~
11 ~~enrollment occurred within two (2) years of graduation from a secondary~~
12 ~~school in this state;~~

13 ~~(2) Students who required remediation and who graduated:~~

14 ~~(A) With a 3.0 or higher grade point average on a 4.0~~
15 ~~scale; and~~

16 ~~(B) From a public high school after completing the:~~

17 ~~(i) Program of the minimum core of high school~~
18 ~~courses recommended for preparation for postsecondary education by the~~
19 ~~Arkansas Higher Education Coordinating Board and the State Board of Education~~
20 ~~pursuant to § 6-61-217 known as Smart Core; or~~

21 ~~(ii) Non Smart Core curriculum; and~~

22 ~~(3) Attempts it takes a student to pass a postsecondary remedial~~
23 ~~course, beginning in the 2011-2012 school year.~~

24 ~~(c)(1) The compilation report generated by the Department of Higher~~
25 ~~Education shall not include individual student information if the information~~
26 ~~is reported in a manner that would identify a particular student.~~

27 ~~(2) Any information gathered that identifies a particular~~
28 ~~student shall be confidential.~~

29 ~~(d)(1) The Department of Higher Education shall include the reports~~
30 ~~developed under this section annually in the Comprehensive Arkansas Higher~~
31 ~~Education Annual Report and provide an electronic copy to the:~~

32 ~~(A) Department of Education;~~

33 ~~(B) Department of Career Education;~~

34 ~~(C) Arkansas Higher Education Coordinating Board;~~

35 ~~(D) Governor;~~

36 ~~(E) House Committee on Education;~~

~~(F) Senate Committee on Education;~~
~~(G) State Board of Education; and~~
~~(H) School district administrators for each public high school.~~

~~(2) The reports developed under this section shall be prepared on or before October 1 each year and include the cost of remediation for each state supported institution of higher education, which shall be submitted to the Department of Higher Education according to standards developed by the Department of Higher Education and shall include for each state supported institution of higher education:~~

~~(A) The amount of institutional revenue spent on remediation;~~

~~(B) The total general revenue subsidy spent on remediation;~~

~~(C) The total institutional expenditure for remediation; and~~

~~(D) The general revenue percentage of total expenditures for remediation.~~

~~(3) The report required under this subsection shall be separate from the uniform reporting standards report required under § 6-61-222.~~

SECTION 15. Arkansas Code § 6-61-222(d), concerning the uniform report of institutions of higher education, is repealed.

~~(d) The report required under this section shall be separate from the cost of remediation reports required under § 6-61-221.~~

SECTION 16. Arkansas Code § 6-62-107 is repealed.

~~6-62-107. Reduction of state funds expended on remediation.~~

~~(a) As a condition for receiving state funds, all public two-year and four-year institutions of higher education shall report the following information by October 1 of each year to the Department of Higher Education in a format developed by the department in consultation with the institutions:~~

~~(1) The total direct and indirect costs of remediation for the previous academic year; and~~

~~(2) All sources of revenue, by amount and source, used to fund direct and indirect costs of all remedial courses and programs.~~

~~(b) The department shall develop a system to calculate the total amount of state funds spent on remediation of first time entering freshmen students.~~

~~(c) The amount spent on remediation at public four year educational institutions shall not exceed the amount spent as of the 1996 1997 school year.~~

SECTION 17. TEMPORARY LANGUAGE. NOT TO BE CODIFIED. FUND TRANSFERS.

(a) Beginning July 1, 2016, and each month thereafter, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the amount listed in the Monthly Deduction column of the Institutions General Revenue Deduction Schedule in subsection (b) of this section from the total monthly allocation of general revenue authorized for distribution in the Revenue Stabilization Act for the four-year institutions, two-year institutions, and technical colleges listed in the Institutions General Revenue Deduction Schedule in subsection (b) of this section in a total annual amount not to exceed the amount listed as Total Annual Deductions in the Institutions General Revenue Deduction Schedule in subsection (b) of this section.

(b) The following four-year institutions, two-year institutions, and technical colleges shall have monthly deductions from general revenue distributions authorized in the Revenue Stabilization Act for a total annual amount listed in the Institutions General Revenue Deduction Schedule.

Institutions General Revenue Deduction Schedule

<u>Institutions</u>	<u>Monthly Deduction</u>	<u>Total Annual Deduction</u>
<u>Arkansas State University</u>	<u>\$40,234</u>	<u>\$482,812</u>
<u>Henderson State University</u>	<u>\$6,636</u>	<u>\$79,632</u>
<u>Southern Arkansas University</u>	<u>\$7,102</u>	<u>\$85,222</u>
<u>University of Arkansas Fayetteville</u>	<u>\$9,890</u>	<u>\$118,682</u>
<u>University of Arkansas Fort Smith</u>	<u>\$42,331</u>	<u>\$507,976</u>
<u>University of Arkansas at Little Rock</u>	<u>\$24,752</u>	<u>\$297,021</u>
<u>University of Arkansas at Pine Bluff</u>	<u>\$46,841</u>	<u>\$562,091</u>

1	<u>University of Central Arkansas</u>	<u>\$7,633</u>	<u>\$91,596</u>
2	<u>Arkansas Northeastern College</u>	<u>\$83,998</u>	<u>\$1,007,975</u>
3	<u>Arkansas State University-Beebe</u>	<u>\$42,579</u>	<u>\$510,943</u>
4	<u>Arkansas State University-Mountain Home</u>	<u>\$26,976</u>	<u>\$323,708</u>
5	<u>Arkansas State University-Newport</u>	<u>\$38,642</u>	<u>\$463,704</u>
6	<u>Black River Technical College</u>	<u>\$53,124</u>	<u>\$637,491</u>
7	<u>Cossatot CC of UA</u>	<u>\$29,569</u>	<u>\$354,830</u>
8	<u>College of the Ouachitas</u>	<u>\$30,207</u>	<u>\$362,479</u>
9	<u>East Arkansas Community College</u>	<u>\$52,707</u>	<u>\$632,481</u>
10	<u>Arkansas State University Mid-South</u>	<u>\$144,076</u>	<u>\$1,728,909</u>
11	<u>North Arkansas College</u>	<u>\$34,318</u>	<u>\$411,814</u>
12	<u>National Park College</u>	<u>\$46,627</u>	<u>\$559,520</u>
13	<u>NorthWest Arkansas Community College</u>	<u>\$77,871</u>	<u>\$934,447</u>
14	<u>Ozarka College</u>	<u>\$16,170</u>	<u>\$194,044</u>
15	<u>Phillips CC of the University of Arkansas</u>	<u>\$135,813</u>	<u>\$1,629,759</u>
16	<u>Pulaski Technical College</u>	<u>\$124,038</u>	<u>\$1,488,460</u>
17	<u>Rich Mountain Community College</u>	<u>\$25,844</u>	<u>\$310,124</u>
18	<u>South Arkansas Community College</u>	<u>\$34,706</u>	<u>\$416,477</u>
19	<u>Southern Arkansas University Tech</u>	<u>\$28,109</u>	<u>\$337,308</u>
20	<u>Southeast Arkansas College</u>	<u>\$56,756</u>	<u>\$681,077</u>
21	<u>U of A Community College at Batesville</u>	<u>\$18,571</u>	<u>\$222,852</u>
22	<u>U of A Community College at Hope</u>	<u>\$46,361</u>	<u>\$556,330</u>
23	<u>U of A Community College at Morrilton</u>	<u>\$38,449</u>	<u>\$461,382</u>
24	<u>Total Monthly and Annual Deductions</u>	<u>\$1,370,929</u>	<u>\$16,451,146</u>

25
26 (c) One-fourth (1/4) of the amount deducted monthly under subsection
27 (a) of this section shall be transferred monthly to the Merit Adjustment Fund
28 until the total annual deposited is equal to five million four hundred
29 thousand dollars (\$5,400,000) to supplement cost of living increases or merit
30 adjustment payments to state employees.

31 (d)(1) One-fourth (1/4) of the amount deducted monthly under
32 subsection (a) of this section shall be transferred monthly to a cash fund
33 for the Arkansas Commission on Law Enforcement Standards and Training until
34 the total annual deposited is equal to three hundred thousand dollars
35 (\$300,000) to provide for up to two thousand dollars (\$2,000) for bonus

1 payments for law enforcement officers employed by the State of Arkansas who
2 complete certified law enforcement training as determined by the commission.

3 (2) The commission shall establish rules for the distribution of
4 the bonus payments.

5 (e)(1) One-fourth (1/4) of the amount deducted monthly under
6 subsection (a) of this section shall be transferred monthly to the Department
7 of Arkansas State Police Fund until the total annual deposited is equal to
8 one million one hundred thousand dollars (\$1,100,000) to provide for up to
9 two thousand dollars (\$2,000) for bonus payments for law enforcement officers
10 completing certified law enforcement training as determined by the Department
11 of Arkansas State Police.

12 (2) The Department of Arkansas State Police shall establish rules
13 for the distribution of bonus payments.

14 (f) One-fourth (1/4) of the amount deducted monthly under subsection
15 (a) of this section shall be transferred monthly to the Arkansas State
16 Highway and Transportation Department Fund to supplement funding for the
17 Arkansas Highway and Transportation Department.

18 (g)(1) Once subsections (d) and (e) of this section are fully funded,
19 any additional monthly transfers in excess of the maximum amount authorized
20 in subsections (d) and (e) of this section shall be deposited to the Merit
21 Adjustment Fund as authorized in subsection (c) of this section until
22 subsection (c) of this section is fully funded.

23 (2) Once subsections (c)-(e) of this section are fully funded,
24 any additional monthly transfers in excess of the maximum amount authorized
25 in subsections (c)-(e) of this section shall be deposited into the State
26 Highway and Transportation Department Fund.

27
28 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
29 General Assembly of the State of Arkansas that state funds used for
30 remediation activities at institutions of higher education could be better
31 used elsewhere; that other areas of state government are in need of state
32 funding; and that this act is immediately necessary to provide funding for
33 the 2017 fiscal year to ensure the proper administration of important state
34 functions. Therefore, an emergency is declared to exist, and this act being
35 immediately necessary for the preservation of the public peace, health, and
36 safety shall become effective on:

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

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

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

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9 Referral requested by: Senator Bryan King

10 Prepared by: PIL
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