

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/6/97

A Bill

HOUSE BILL 2026

4 By: Representatives Ferguson and Angel

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For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE TITLE 6, CHAPTER 1,
9 SUBCHAPTER 1 TO PROHIBIT DISCRIMINATION OF RESIDENTS WHO
10 ATTEND A SECONDARY SCHOOL OUTSIDE THE STATE; TO AMEND
11 ARKANSAS CODE 6-82-904, 6-82-1005 (b), AND 6-82-1302 (c)
12 TO CONFORM WITH THIS ACT; AND FOR OTHER PURPOSES."

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Subtitle

15 "AN ACT TO PROHIBIT DISCRIMINATION OF
16 RESIDENTS WHO ATTEND A SECONDARY SCHOOL
17 OUTSIDE THE STATE."

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

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22 SECTION 1. Arkansas Code Title 6, Chapter 1, Subchapter 1 is amended to
23 add the following new section:

24 §6-1-103. Discrimination of residents attending out-of-state secondary
25 schools.

26 (a) It is found and determined by the General Assembly that the state
27 of Arkansas seeks to further the educational opportunities of residents of
28 this state by providing scholarships and state educational programs; and that
29 no state purpose is furthered in excluding applicants who, while residing in
30 the state, attend a secondary school in another state. Therefore, the purpose
31 of this act is to ensure that such residents have an equal opportunity for
32 scholarships and educational programs of this state.

33 (b) No officer, agency, or institution of the state of Arkansas shall
34 establish criteria for eligibility for a scholarship or an educational program
35 of the state that would require an applicant to attend or graduate from a
36 secondary school located in Arkansas. Nothing in this section shall be

1 construed to prohibit an officer, agency, or institution of the state of
2 Arkansas from requiring an applicant to be a resident of this state at the
3 time he or she attended or graduated from secondary school.ⓧ

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5 SECTION 2. Arkansas Code 6-82-904 is amended to read as follows:

6 ~~§~~6-82-904. Eligible students.

7 Opportunity scholarships shall be awarded, contingent upon state funds
8 becoming available, to all eligible students:

9 (1) Who have applied for this scholarship in accordance with procedures
10 established by the Department of Higher Education;

11 (2) Who live in Arkansas;

12 (3) Who have graduated from an accredited secondary school ~~in Arkansas~~
13 or have passed the General Educational Development test and received a high
14 school equivalency diploma;

15 (4) Who have demonstrated financial need; and

16 (5) For whom a local matching scholarship award has been made available
17 by a school or community foundation in compliance with the Department's
18 published guidelines for the establishment and operation of these local
19 private scholarship funds.ⓧ

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21 SECTION 3. Arkansas Code 6-82-1005 (b) is amended to read as follows:

22 "(b)(1) A student shall be eligible for an award from this program if
23 he or she meets all of these criteria:

24 (A) The recipient shall have graduated from ~~an Arkansas~~
25 high school on or after March 5, 1991, and within twenty-four (24) months of
26 enrolling as a full-time first-time freshman at an approved institution of
27 higher education; and

28 (B) The recipient shall have been a resident of the State
29 of Arkansas for at least twelve (12) months prior to graduation from ~~an~~
30 ~~Arkansas~~ high school, and the recipient's parent or parents or guardian or
31 guardians shall have maintained Arkansas residency for the same period of
32 time; and

33 (C) The recipient must be a citizen of the United States or
34 be a permanent resident alien; and

35 (D) The recipient must be accepted for admission at an
36 approved institution of higher education as a full-time first-time freshman,

1 as defined by the Department of Higher Education, and must enroll in an
2 approved institution within twenty-four (24) months of high school graduation;
3 and

4 (E) The recipient must have successfully completed the
5 ~~precollegiate or technical preparation core curriculum established by the~~
6 ~~State Board of Education and State Board of Higher Education pursuant to §§6-~~
7 ~~61-111, 6-61-217, and 6-61-218, and 6-18-101(b)(2). For the purposes of this~~
8 ~~section, "the technical preparation core curriculum" shall refer to those~~
9 ~~courses reviewed by a peer review committee composed of high school and~~
10 ~~college faculty in the appropriate disciplines and equivalent to similar~~
11 ~~courses in the precollegiate core curriculum.~~

12 (2) Further, the recipient must satisfy these criteria:

13 (A) The recipient must have achieved a grade point average
14 of 2.5 on a 4.0 scale in the set of core curriculum courses; and

15 (B) The recipient must score nineteen (19) or above on the
16 American College Test Composite, or the equivalent as defined by the
17 Department of Higher Education.

18 (3) The student must demonstrate financial need as defined by the
19 Department of Higher Education. In calculating student financial need for
20 applicants who graduate from ~~an Arkansas~~ high school after May 1, 1991, the
21 following criteria shall be used:

22 (A) An applicant whose family includes one (1)
23 unemancipated child under the age of twenty-one (21) shall have average family
24 adjusted gross income over the previous two (2) years not exceeding thirty-
25 five thousand dollars (\$35,000) per year at the time of application to the
26 program. If the applicant is an adopted child who was at least twelve (12)
27 years of age at the time of adoption, and the applicant's family includes one
28 (1) unemancipated adopted child under twenty-one (21) years of age, the
29 adoptive family's average adjusted gross income for the previous two (2) years
30 shall not exceed forty thousand dollars (\$40,000) per year.

31 (B) An applicant whose family includes two (2)
32 unemancipated children under the age of twenty-one (21) shall have average
33 family adjusted gross income over the previous two (2) years not exceeding
34 forty thousand dollars (\$40,000) per year at the time of application to the
35 program. If the applicant is an adopted child who was at least twelve (12)
36 years of age at the time of adoption, and the applicant's family includes two

1 (2) unemancipated adopted children under twenty-one (21) years of age, the
2 adoptive family's average adjusted gross income for the previous two (2) years
3 shall not exceed fifty thousand dollars (\$50,000) per year.

4 (C) An applicant whose family includes three (3) or more
5 unemancipated children under the age of twenty-one (21) shall have average
6 family adjusted gross income over the previous two (2) years not exceeding
7 forty-five thousand dollars (\$45,000) per year at the time of application to
8 the program, plus, for families with more than three (3) unemancipated
9 children under the age of twenty-one (21), an additional five thousand dollars
10 (\$5,000) per year for each additional child. If the applicant is an adopted
11 child who was at least twelve (12) years of age at the time of adoption, and
12 the applicant's family includes three (3) unemancipated adopted children under
13 twenty-one (21) years of age, the adoptive family's average adjusted gross
14 income for the previous two (2) years shall not exceed sixty thousand dollars
15 (\$60,000) per year, plus, for families with more than three (3) unemancipated
16 adopted children under the age of twenty-one (21), an additional ten thousand
17 dollars (\$10,000) per year for each additional child.

18 (D) Any applicant whose family includes more than one (1)
19 unemancipated child under the age of twenty-one (21) enrolled full time at an
20 approved institution of higher education shall be entitled to an additional
21 ten thousand dollars (\$10,000) of adjusted gross income when the Department of
22 Higher Education calculates financial need."

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24 SECTION 4. Arkansas Code 6-82-1302 (c) is amended to read as follows:

25 (c) A student shall be eligible for an initial scholarship award from
26 this program if he or she meets all of the following criteria:

27 (1) The recipient shall be at least eighteen (18) years of age
28 and a graduate of a public high school located in the ~~Arkansas~~ Delta region,
29 as defined by the Department of Higher Education;

30 (2) The recipient shall have a minimum cumulative grade point
31 average in high school of 2.0;

32 (3) The recipient shall have been a resident of the State of
33 Arkansas for at least twelve (12) months prior to graduation from high school;
34 and

35 (4) The recipient must be accepted for admission at the
36 University of Arkansas at Pine Bluff as a first-time entering freshman.✕

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SECTION 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 7. All laws and parts of laws in conflict with this act are hereby repealed.

/s/Rep. Ferguson, et al