

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999
4
5 By: Senator D. Malone
6
7

A Bill

SENATE BILL 443

For An Act To Be Entitled

9 "AN ACT TO AMEND VARIOUS TESTING REQUIREMENTS AND
10 DEADLINES FOR REPORTS FROM THE DEPARTMENT OF HIGHER
11 EDUCATION; TO REQUIRE THE STATE BOARD OF EDUCATION,
12 THE ARKANSAS HIGHER EDUCATION COORDINATING BOARD AND
13 THE STATE BOARD OF WORKFORCE EDUCATION AND CAREER
14 OPPORTUNITIES TO MEET AT LEAST ANNUALLY; AND FOR OTHER
15 PURPOSES. "

Subtitle

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17
18 "AN ACT TO AMEND VARIOUS TESTING
19 REQUIREMENTS AND DEADLINES FOR REPORTS
20 FROM THE DHE; TO REQUIRE THE SBE, THE
21 AHECB AND THE SBWECO TO MEET AT LEAST
22 ANNUALLY. "

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

26
27 SECTION 1. Arkansas Code 6-1-102 is amended to read as follows:

28 "6-1-102. State Boards to meet - Joint report.

29 The State Board of Education and the ~~State board of Higher Education~~
30 Arkansas Higher Education Coordinating Board and the State Board of Workforce
31 Education and Career Opportunities shall meet at least once annually or more
32 often as necessary in a joint meeting to address matters which will assist the
33 furtherance of excellence of education in this state and increase coordination
34 between the ~~two (2)~~ three (3) boards.

35 ~~(b)(1) Each November, prior to a regular legislative session, the State~~
36 ~~Board of Education and the State Board of Higher Education shall issue a joint~~

1 ~~report to the next session of the General Assembly setting forth current data~~
 2 ~~showing the percentage of public school students from Arkansas entering two-~~
 3 ~~year and four-year colleges and universities.~~

4 ~~(2) The report shall include:~~

5 ~~(A) A discussion of the attrition rate in secondary~~
 6 ~~schools;~~

7 ~~(B) High school counseling programs which address~~
 8 ~~preparation for college;~~

9 ~~(C) Level and content of public school curricula;~~

10 ~~(D) High school reading, math, and science requirements;~~

11 ~~(E) College entrance and transfer rules and regulations;~~

12 ~~(F) The percentage of graduates of public high schools~~
 13 ~~requiring remediation at state colleges and universities in Arkansas;~~

14 ~~(G) Teacher certification requirements; and~~

15 ~~(H) Teacher education curricula."~~

16
 17 SECTION 2. Arkansas Code 6-5-403 pertaining to the higher education
 18 awareness program is amended to read as follows:

19 "6-5-403. Scope of program.

20 (a) ~~The State Department of Higher Education~~ Arkansas Higher Education
 21 Coordinating Board is hereby directed to work with Arkansas public
 22 institutions of higher education, and those private institutions of higher
 23 education that wish to participate, to ~~develop~~ annually provide updated or
 24 additional information for the information packages ~~for~~ provided to eighth
 25 seventh grade students and their parents or guardians on the options of post
 26 secondary education available in Arkansas, the courses required to attend
 27 colleges and universities, and the financial requirements and assistance
 28 available for students pursuing additional education after high school.

29 ~~(b) During 1993-94, the department shall develop the information~~
 30 ~~packages and distribute the packages, as a pilot program, in a limited number~~
 31 ~~of school districts. The department shall report to the Joint Interim~~
 32 ~~Committee on Education no later than August 31, 1994, on the information~~
 33 ~~packages and the pilot program.~~

34 ~~(c) Beginning with the 1994-95 school year, the department shall work~~
 35 ~~with Arkansas public institutions of higher education, and those private~~
 36 ~~institutions of higher education that wish to participate, to provide annually~~

1 ~~additional information for eighth grade students and their parents or~~
 2 ~~guardians on high school courses that are required for postsecondary education~~
 3 ~~and post secondary options and financial requirements and assistance available~~
 4 ~~for post secondary education.~~

5 (d)(b) Sessions to discuss postsecondary options shall be held during
 6 the spring semester at a reasonable time at each of the state's public schools
 7 housing ~~an a eighth~~ seventh grade class. The sessions should be scheduled at
 8 a time convenient to the school and the cooperating institutions of higher
 9 education. The students in the ~~eighth~~ seventh grade, the school counselors,
 10 and the students' parents, guardians, or persons in loco parentis shall meet
 11 together in conference for the purpose of defining the students' educational
 12 objectives for the future and developing a course of study for grades ~~nine~~
 13 eight through twelve (9 8-12).

14 (e)(c) At the request of the parents, guardians, or persons in loco
 15 parentis, the school will schedule an individual conference to evaluate the
 16 student's past academic performance, to define the student's educational
 17 objectives for the future, and to develop a course of study for the student in
 18 grades ~~nine~~ eight through twelve (9 8-12)."

19
 20 SECTION 3. Arkansas Code 6-61-114 is amended to read as follows:

21 "6-61-114. Standardized rising junior test - Annual report.

22 (a) ~~The State Board of Higher Education~~ Arkansas Higher Education
 23 Coordinating Board is hereby directed to work with the public colleges and
 24 universities to develop or adopt a single standardized test to be taken by all
 25 Arkansas public college and university students at the end of the sophomore
 26 year to evaluate student learning in the general education curriculum
 27 established under § 6-61-218, the results of which shall be evaluated in light
 28 of each institution's mission and goals.

29 (b) This 'rising junior test' shall be given annually by all public
 30 colleges and universities in Arkansas, with the first statewide administration
 31 to take place by the end of the 1994-1995 academic year.

32 (c) ~~The State Board of Higher Education~~ Arkansas Higher Education
 33 Coordinating Board, after consultation with the public colleges and
 34 universities, is hereby authorized to adopt policies and procedures to
 35 implement this section.

36 (d) These policies and procedures shall be implemented by the public

1 colleges and universities as a condition of receiving state funds.

2 (e) ~~The State Board of Higher Education~~ Arkansas Higher Education
 3 Coordinating Board shall report on an annual basis to the ~~Joint Interim~~
 4 ~~Committee on Higher Educational Reform and the Joint Interim Oversight~~
 5 ~~Subcommittee on Educational Reform~~ the progress being made toward meeting the
 6 provisions of this section Senate and House Interim Committees on Education
 7 the statewide test results."

8
 9 SECTION 4. Arkansas Code 6-53-303(c) pertaining to institution
 10 presidents is amended to read as follows:

11 "(c) When a vacancy occurs in the office of president of a technical or
 12 community college in the system, the local board shall ~~submit a list of~~
 13 ~~finalist to the state board and shall~~ select the new president ~~from a list of~~
 14 ~~candidates certified as qualified to meet the minimum requirements for the~~
 15 ~~position by the state board.~~"

16
 17 SECTION 5. Arkansas Code 6-61-505(c)(6) through (c)(9)(A) pertaining to
 18 the State Community College Board is amended to read as follows:

19 ~~"(6) It shall establish the required minimum qualifications for~~
 20 ~~the president of a community college;~~

21 ~~(7)(6)~~ It shall develop a uniform budget format and accounting and
 22 reporting procedures to be used by all community colleges;

23 ~~(8)(7)~~ It shall, with the Legislative Joint Auditing Committee,
 24 determine that state funds are used in conformity with the grants of such
 25 funds;

26 ~~(9)(A) (8)(A)~~ The State Community College Board Arkansas Higher
 27 Education Coordinating Board shall develop criteria for determining if an
 28 institution is adequately comprehensive."

29
 30 SECTION 6. Arkansas Code 6-61-521 is amended to read as follows:

31 "6-61-521. Local boards - Powers and duties.

32 The powers and duties of the local board shall be as follows:

33 (1) To select its own chairman and such other officers as it may
 34 deem desirable from among its own membership;

35 (2) To adopt and use a seal;

36 (3) To determine, with the advice of the ~~State Community College~~

1 ~~Board~~ Arkansas Higher Education Coordinating Board, the educational program of
 2 the community college;

3 (4) To appoint, ~~with the advice of the State Community College~~
 4 ~~Board~~, and fix compensation and term of office of a president of the community
 5 college, who shall be executive officer for the local board and for the
 6 community college;

7 (5) To appoint, upon nomination of the president, members of the
 8 administrative and teaching staffs and to fix their compensation and terms of
 9 employment;

10 (6) Upon recommendation of the president, to appoint or employ
 11 such other officers of the community college, agents, and employees as may be
 12 required to carry out the provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-
 13 61-209, 6-61-211 - 6-61-216, 6-61-301 - 6-61-305, ~~6-61-306 [repealed]~~, 6-61-
 14 401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601 - 6-61-603, ~~6-61-604 - 6-61-612~~
 15 ~~[repealed]~~ and to fix and determine their qualifications, duties,
 16 compensation, terms, and conditions of employment;

17 (7) To grant diplomas and certificates;

18 (8) To enter into contracts;

19 (9)(A) To accept from any government or governmental agency, or
 20 any other public or private body or from any other source, grants or
 21 contributions of money or property which the local board may use for or in aid
 22 of any of its purposes.

23 (B) If acceptance of a grant is conditioned upon the local
 24 board obtaining interim financing from a local financial institution and if
 25 the grant makes a provision for the repayment of the interim loan from the
 26 grant itself, then the local board is authorized to contract for the required
 27 interim financing;

28 (10) To acquire, own, lease, use, and operate property, whether
 29 real, personal, or mixed, which is necessary for purposes of the community
 30 college;

31 (11) To dispose of property owned by the community college which
 32 is no longer necessary for purposes of the community college upon such terms
 33 and conditions as shall meet the requirements for the state agencies;

34 (12) To exercise the right of eminent domain to condemn property
 35 necessary for the use of the community college. The procedure to be followed
 36 in the exercise of the right of eminent domain by a local board shall be that

1 prescribed for the boards of trustees of certain state colleges by § 6-62-201;

2 (13) To make rules and regulations not inconsistent with the
 3 provisions of §§ 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211 - 6-61-
 4 216, 6-61-301 - 6-61-305, ~~6-61-306 [repealed]~~, 6-61-401, 6-61-402, 6-61-501 -
 5 6-61-524, 6-61-601 - 6-61-603, ~~6-61-604 - 6-61-612 [repealed]~~ or with the
 6 rules and regulations of the State Community College Board as are necessary
 7 for the proper administration and operation of the community college;

8 (14) To exercise all other powers not inconsistent with the provisions of §§
 9 6-61-101 - 6-61-103, 6-61-201 - 6-61-209, 6-61-211 - 6-61-216, 6-61-301 - 6-
 10 61-305, ~~6-61-306 [repealed]~~, 6-61-401, 6-61-402, 6-61-501 - 6-61-524, 6-61-601
 11 - 6-61-603, ~~6-61-604 - 6-61-612 [repealed]~~ which may be reasonably necessary
 12 to the establishment, maintenance, and operation of a community college."
 13

14 SECTION 7. Arkansas Code 6-61-220(b) and (c) pertaining to retention
 15 and graduation rate information is amended to read as follows:

16 "(b)(1) The State Department of Higher Education shall, in consultation
 17 with the colleges and universities, recommend a system for the collection of
 18 information as to the retention and graduation rates of students at state-
 19 supported colleges and universities to the ~~State Board of Higher Education~~
 20 Arkansas Higher Education Coordinating Board, the Governor, the ~~Joint Interim~~
 21 House and Senate Committees on Education of the General Assembly, and the
 22 colleges and universities ~~by May 31, 1990.~~

23 (2) In addition to retention and graduation rates for all
 24 students, the report shall also include the retention and graduation rates of
 25 all students who participate in intercollegiate athletics.

26 (3) Except as provided in subsection (c) of this section,
 27 officials of state colleges and universities shall provide to the State
 28 Department of Higher Education by ~~October 15~~ December 1 of each year,
 29 beginning in ~~1993~~ 2000, the information requested by the department.

30 (c)(1) Subject to an adequate appropriation for the personnel and
 31 equipment necessary to implement the system recommended under subdivision
 32 (b)(1) of this section, the State Department of Higher Education shall collect
 33 the information described in said subdivision and report its findings to the
 34 ~~State Board of Higher Education~~ Arkansas Higher Education Coordinating Board,
 35 the Governor, the ~~Joint Interim~~ House and Senate Committees on Education of
 36 the General Assembly, and the colleges and universities by ~~December 15~~ May 1

1 of each year, beginning in 1993 2000.

2 (2) Notwithstanding the provisions of this subsection, beginning
3 in the fall semester of 1989, colleges and universities shall commence the
4 collection of information as to the retention and graduation rates of all
5 students who participate in intercollegiate athletics and shall report this
6 information to the Department of Higher Education by ~~October 15~~ December 1 of
7 each year beginning in 1990 2000, ~~on forms required by national athletic~~
8 ~~associations, such as the National Collegiate Athletic Association's academic~~
9 ~~reporting forms, or on forms to be developed by the department in consultation~~
10 ~~with the colleges and universities for those schools in national associations~~
11 ~~not having comparable standardized reporting forms. The National Collegiate~~
12 ~~Athletic Association and the National Association of Intercollegiate Athletes~~
13 ~~academic reporting forms shall be sufficient to meet this requirement."~~
14

15 SECTION 8. Arkansas Code 6-80-103 is repealed.

16 ~~6-80-103. Federal Loan program default fees.~~

17 ~~(a) The State Board of Higher Education shall develop and adopt rules~~
18 ~~and regulations, in accordance with the Arkansas Administrative Procedure Act,~~
19 ~~§ 25-15-201 et seq., to require each institution of higher education that~~
20 ~~participates in the federal Family Education Loan Program or the Federal~~
21 ~~Direct Student Loan Program, under Title IV of the Higher Education Act of~~
22 ~~1965, as amended, to reimburse the state for its proportionate share of any~~
23 ~~default cost fee charged to the state by the United States Secretary of~~
24 ~~Education under the Higher Education Act of 1965.~~

25 ~~(b)(1) These rules and regulations, subject to approval by the~~
26 ~~Secretary of Education, shall provide a fee structure for determining the~~
27 ~~amount of the reimbursement for each such institution.~~

28 ~~(2) The fee charged any institution shall be based on the~~
29 ~~institution's cohort default rate and the state's risk of loss as provided by~~
30 ~~Section 4201 of the federal Omnibus Budget Reconciliation Act of 1993.~~

31 ~~_____ (c) Notwithstanding any other provisions of law, these rules and~~
32 ~~regulations may provide for an exemption from such fees for an institution, or~~
33 ~~the board may adjust an institution's fees if such institution demonstrates~~
34 ~~that exceptional mitigating circumstances contributed to its high cohort~~
35 ~~default rate.~~

36

SECTION 9. Arkansas Code 6-82-102 is amended to read as follows:

"6-82-102. Annual review of minority scholarship or grant program.

~~(a) The State Board of Higher Education shall review annually all minority scholarship or grant programs to ensure that the programs are in compliance with federal regulations and shall report the board's findings no later than June 30 to the House and Senate Interim Committees on Education, the Joint Interim Oversight Subcommittee on Educational Reform, and the Joint Interim Committee on Higher Education Reform.~~

(1) The ~~board~~ Arkansas Higher Education Coordinating Board shall review annually all minority scholarship or grant programs administered by the Department of Higher Education to ensure that the programs are in compliance with federal regulations ~~and shall report the board's findings no later than June 30 to the House and Senate Interim Committees on Education.~~

(2) ~~Each~~ The board of trustees of each publicly supported institution of higher education shall review annually all minority scholarship or grant programs administered by the institution to ensure that the programs are in compliance with federal regulations. ~~The board of trustees of each publicly supported institution of higher education shall report the findings of the institution no later than June 30 to the House and Senate Interim Committees on Education."~~

SECTION 10. Arkansas Code 25-7-103 is repealed.

~~25-7-103. Postsecondary Review Entity.~~

~~(a) The State Board of Higher Education is hereby designated as the Postsecondary Review Entity for Arkansas under Title IV, Part H, of the Higher Education Act Amendments of 1992, in order to provide for the continuing eligibility for federal student financial aid of existing postsecondary institutions located in the state and for any postsecondary institution hereafter established.~~

~~(b) In fulfilling the duties specified under this section, the State Board of Higher Education shall comply with the Arkansas Administrative Procedure Act, § 25-15-201 et seq.~~

SECTION 11. 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.

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SECTION 12. 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 13. All laws and parts of laws in conflict with this act are hereby repealed.