

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4
5 By: Senator Broadway

A Bill

SENATE BILL 468

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS WORKFORCE
IMPROVEMENT GRANT PROGRAM; AND FOR OTHER
PURPOSES.

Subtitle

AN ACT TO AMEND THE ARKANSAS WORKFORCE
IMPROVEMENT GRANT PROGRAM.

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

SECTION 1. Arkansas Code § 6-82-1602 is amended to read as follows:
6-82-1602. Definitions.

As used in this subchapter, unless the context otherwise requires:

~~(1)(A) "Academic ability" means the intellectual standing of the student.~~

~~(B)(i) In determining academic ability, the Department of Higher Education shall examine the student's high school or college records or certified evidence from them on which the application is based, requiring proof of academic achievement and the capacity to profit from postsecondary education.~~

~~(ii) Admission to an approved private or public institution does not automatically meet academic ability qualifications;~~

(2)(1)(A) "Approved private institution" means a nonprofit:
(i) Nonprofit two-year or four-year degree-granting institution of postsecondary education;

(ii) Public or private nursing school located in the State of Arkansas that is approved by the Arkansas State Board of Nursing; or



1 (iii) Nonprofit institution offering completion of
 2 an occupational training program under the provisions of federal law in
 3 existence on January 1, 2005 as defined by the federal government; or an
 4 institution dedicated to educational purposes and located in Arkansas that
 5 offers completion of an occupational training program under the provisions of
 6 federal law in existence on January 1, 2005 as defined by the federal
 7 government and that+.

8 (B) The approved private institution shall:

9 (i) Be an institution located in the State of
 10 Arkansas that is dedicated to educational purposes and does not discriminate
 11 against employees on the basis of race, color, religion, sex, age, handicap,
 12 or national origin consistent with the provisions of federal law in existence
 13 on January 1, 2005;

14 ~~(A)(ii) Is operated~~ Be operated privately under the
 15 control of an independent board and not directly controlled or administered
 16 by any public agency or political subdivision;

17 ~~(B)(iii) Restricts~~ Restrict the use of public funds
 18 to educational programs with a secular purpose;

19 ~~(C)(iv) Provides~~ Provide a collegiate-level course
 20 of instruction for a minimum of two (2) years leading to or directly
 21 creditable toward an associate or baccalaureate degree or provides a course
 22 that leads to completion of an occupational training program;

23 ~~(D)(v) Is~~ Be accredited by an accrediting agency
 24 certified and recognized by the United States Department of Education or the
 25 division of agency evaluation and institutional accreditation or is a school
 26 giving satisfactory assurance that it has the potential for accreditation and
 27 is making progress that if continued will result in its achieving
 28 accreditation;

29 ~~(E)(vi) Does not~~ Not discriminate in the admission
 30 of students on the basis of race, color, religion, sex, or national origin
 31 and is otherwise in compliance with the Civil Rights Act of 1964 and the
 32 Civil Rights Act of 1968 and executive orders issued pursuant to them; and

33 ~~(F)(vii) Subscribes~~ Subscribe to the principle of
 34 academic freedom;

35 ~~(3)~~ (2) "Approved public institution" means a two-year or four-
 36 year degree-granting institution of postsecondary education or ~~an~~ a nonprofit

1 institution dedicated to educational purposes and located in Arkansas that
 2 offers completion of an occupational training program as defined by the
 3 federal government and that:

4 (A) Is directly controlled or administered by a public
 5 agency or political subdivision;

6 (B) Receives appropriations directly or indirectly from
 7 the General Assembly for operating expenses;

8 (C) Provides a collegiate-level course for a minimum of
 9 two (2) years leading to or directly creditable toward an associate or
 10 baccalaureate degree or provides a course that leads to completion of an
 11 occupational training program;

12 (D) Is accredited by an accrediting agency certified and
 13 recognized by the United States Department of Education or the Division of
 14 Agency Evaluation and Institutional Accreditation or is a school giving
 15 satisfactory assurance that it has the potential for accreditation and is
 16 making progress that if continued will result in its achieving accreditation;

17 (E) Does not discriminate in the admission of students on
 18 the basis of race, color, religion, sex, or national origin and is otherwise
 19 in compliance with the Civil Rights Act of 1964 and the Civil Rights Act of
 20 1968 and executive orders issued pursuant to them; and

21 (F) Subscribes to the principle of academic freedom;

22 ~~(4)~~(3) "Credit certificate" means certificate programs that are
 23 taken for credit;

24 ~~(5)~~(4) "Department" means the Department of Higher Education;

25 ~~(6)~~(5) "Eligible student" means any student who meets the
 26 criteria set out in this subchapter and who is eligible by rules and
 27 regulations authorized by this subchapter and promulgated by the ~~State Board~~
 28 ~~of Workforce Education and Career Opportunities~~ Arkansas Higher Education
 29 Coordinating Board;

30 ~~(7)~~(6)(A) "Financial need" means the difference between the
 31 student's financial resources available as determined by the department and
 32 the student's total educational expenses, including tuition, mandatory fees,
 33 and board and room while attending an approved private or public institution
 34 of postsecondary education.

35 (B) In determining need, the department shall employ a
 36 formula of or a formula similar to a nationally recognized comprehensive

1 mechanism for determining need;

2 ~~(8)~~(7) "Full-time student" means an individual resident of
3 Arkansas as defined by the department who:

4 (A) Is a student at an approved private or public
5 institution in a course of study leading to an associate's or bachelor's
6 degree or completion of an occupational training program; and

7 (B) Is enrolled in at least twelve (12) semester hours or
8 some other reasonable academic equivalent as defined by the department;

9 ~~(9)~~(8) "Program" means the Arkansas Workforce Improvement Grant
10 Program;

11 ~~(10)~~(9) "Qualified student" means a ~~full-time~~ student who meets
12 ~~the criteria of academic ability~~ eligibility criteria and financial need as
13 determined by the department and who has demonstrated that a Workforce
14 Improvement Grant is warranted;

15 ~~(11)~~(10) "Tuition" means charges levied for attendance at an
16 approved institution, including mandatory fees; and

17 ~~(12)~~(11) "Workforce Improvement Grant" means the amount of money
18 paid by the State of Arkansas to a qualified applicant under this subchapter.
19

20 SECTION 2. Arkansas Code § 6-82-1604 is amended to read as follows:

21 6-82-1604. Administration - Authority of department.

22 The Department of Higher Education shall administer the ~~student~~
23 ~~assistance grant~~ Workforce Improvement Grant program provided for in this
24 subchapter and in so doing shall have the following authority and
25 responsibility with respect to the program:

26 (1) To prepare application forms and other forms as it shall
27 deem necessary to properly administer and carry out the purposes of this
28 subchapter and to furnish the forms to persons desiring to make application
29 for a Workforce Improvement Grant;

30 (2) To establish and consult as necessary an advisory committee
31 representing the private and public sectors of postsecondary education in
32 determining guidelines and regulations for administration of the program,
33 including, but not limited to, rules determining academic ability, financial
34 need, and residency;

35 (3) To adopt rules and regulations as the department deems
36 necessary or appropriate to carry out the purposes of this subchapter;

1 (4) To consider all applications for a grant;

2 (5) To determine a termination date for the acceptance of
3 applications;

4 (6)(A) To determine the necessary procedures for the awarding of
5 grants should the number of eligible applicants exceed funds available,
6 giving priority to those students ~~with the greatest~~ who exhibit financial
7 need and who meet academic eligibility requirements.

8 (B) To identify those students ~~having the greatest~~ who
9 exhibit financial need, the department shall utilize the family contribution
10 method or another acceptable approved methodology;

11 (7) To cooperate with and receive the cooperation of the
12 approved private and public institutions of postsecondary education in the
13 state and their governing bodies in the administration of the program;

14 (8) To employ or engage such professional, administrative,
15 clerical, and other employees as may be necessary to assist the department in
16 the performance of its duties and responsibilities;

17 (9) To require applicants to file such additional information
18 with the department as it may deem necessary and appropriate to carry out the
19 purposes of this subchapter and to prevent fraud or misrepresentation or
20 misleading representation by applicants;

21 (10) To disburse grants to qualified students; and

22 (11) To provide fair and equitable treatment to all approved
23 institutions and students.

24

25 SECTION 3. Arkansas Code § 6-82-1605 is amended to read as follows:

26 6-82-1605. Eligibility.

27 ~~(a)~~ A qualified student shall be eligible for an initial or renewed
28 state grant only if the student:

29 (1) Is a citizen of the United States or a permanent resident
30 alien;

31 (2) Is a resident of the State of Arkansas as determined by the
32 Department of Higher Education for at least six (6) months immediately
33 preceding the date on which the student applies;

34 (3) Is accepted for admission at an approved institution of
35 postsecondary education of his or her choice to pursue a baccalaureate
36 degree, an associate degree, or a credit certificate;

1 (4) Is enrolled in no fewer than three (3) credit hours or the
 2 equivalent as of the eleventh day of class at an approved institution that
 3 the department has determined to be eligible to participate in the Arkansas
 4 Workforce Improvement Grant Program;

5 (5)(A) As an initial first-year student meets satisfactory
 6 academic progress standards required to receive other financial aid at the
 7 institution to be attended as determined by the rules and regulations of the
 8 department.

9 (B) After the initial first year, the student meets
 10 satisfactory academic progress standards of the institution attended;

11 (6) Has not earned a baccalaureate degree;

12 (7) Does not owe a refund on a Pell Grant, Supplemental
 13 Educational Opportunity Grant, or State Student Incentive Grant award or is
 14 not in default on a National Defense/Direct Student Loan, Perkins Loan,
 15 Stafford Loan, Supplemental Loan for Students loan, Parent Loan for
 16 Undergraduate Students loan, Income Contingent Loan, William D. Ford Federal
 17 Direct Loan, or Consolidated Loans Program;

18 ~~(8) Files a Statement of Educational Purpose and Selective~~
 19 ~~Service Registration Status with the institution to be attended;~~

20 ~~(9)~~(8) Has not borrowed, as determined by the institution to be
 21 attended, in excess of the annual loan limits under the Federal Family
 22 Educational Loan Program Systems, William D. Ford Federal Direct Loan
 23 Program, Income Contingent Loan Demonstration Program, Stafford Loan Program,
 24 Parent Loan for Undergraduate Students Program, or Supplemental Loan for
 25 Students Program in the same academic year for which the student has applied
 26 for assistance under the Arkansas Workforce Improvement Grant and has not
 27 borrowed in excess of the aggregate maximum loan limits under the Arkansas
 28 Workforce Improvement Grant Program;

29 ~~(10)~~(9) Is twenty-four (24) years of age or older on or before
 30 the first day of the semester or summer sessions in which the Workforce
 31 Improvement Grant has been awarded; and

32 ~~(11)(A)~~(10)(A) Graduated from high school or passed the General
 33 Educational Development Test; or

34 (B) Meets the ability-to-benefit criteria as defined by
 35 federal regulations in existence on January 1, 2003.

36 ~~(b) The Workforce Improvement Grant provided for in this subchapter~~

1 ~~shall be awarded to freshmen as first year students, sophomores as second-~~
 2 ~~year students, juniors as third year students, and seniors as fourth year~~
 3 ~~students.~~

4
 5 SECTION 4. Arkansas Code § 6-82-1607 is amended to read as follows:
 6 6-82-1607. Duties of applicant for grant.

7 In accordance with the provisions of this subchapter and the rules and
 8 regulations of the Department of Higher Education adopted pursuant to this
 9 subchapter, each applicant shall:

10 (1) Complete and file with the department either directly or
 11 through a service recognized by the department the appropriate application
 12 for a grant and other information and data as may be requested by the
 13 department for its use and consideration in determining the eligibility of
 14 the applicant; and

15 (2) Promptly furnish to the department information regarding any
 16 other financial aid received, any change in the financial status of the
 17 applicant, and any other information that might have a direct bearing on the
 18 eligibility of the applicant for assistance under this subchapter; and.

19 ~~(3) Provide the department with written verification of the~~
 20 ~~applicant's intention to use the grant for the purposes included within this~~
 21 ~~subchapter.~~

22
 23 SECTION 5. Arkansas Code § 6-82-1608 is amended to read as follows:
 24 6-82-1608. Amounts of grants.

25 (a) Each person awarded a grant shall receive the grant for one (1)
 26 academic year or its equivalent for part-time students as defined by the
 27 ~~State Board of Workforce Education and Career Opportunities~~ Department of
 28 Higher Education.

29 (b) The grant may be renewable for up to three (3) academic years or
 30 the equivalent for part-time students if the person applies and meets
 31 continuing eligibility criteria established by the ~~board~~ Department of Higher
 32 Education.

33 (c)(1) The amount of the annual grant for full-time students shall not
 34 exceed the lesser of ~~one thousand eight hundred dollars (\$1,800)~~ two thousand
 35 dollars (\$2,000) per academic year or the cost of tuition at the institution.

36 (2) The amount of the annual grant for part-time students shall

1 be prorated on the basis of the number of credit hours enrolled each term not
 2 to exceed the lesser of ~~one thousand eight hundred dollars (\$1,800)~~ two
 3 thousand dollars (\$2,000) or the cost of tuition at the institution per
 4 academic year.

5 (3) The maximum total grant shall be ~~seven thousand two hundred~~
 6 ~~dollars (\$7,200)~~ eight thousand dollars (\$8,000).

7 (4) The amount of any award under subdivisions (c)(1) or (2) of
 8 this section shall be reduced by the amount of any Pell Grant received by the
 9 student for the academic year.

10 (d) The enrollment hours shall be determined on the eleventh class day
 11 or the official Department of Higher Education counting day.

12 (e) The department may promulgate rules and regulations to allow
 13 institutions to make emergency grants to students under the Arkansas
 14 Workforce Improvement Grant Program.

15
 16 SECTION 6. Arkansas Code § 6-82-1609 is amended to read as follows:

17 6-82-1609. Award made to student.

18 The Workforce Improvement Grant is to be awarded directly to the
 19 student by an eligible postsecondary institution in the name of the student
 20 and in a manner to be determined by the Department of Higher Education.

21
 22 SECTION 7. Arkansas Code § 6-82-1611 is repealed.

23 ~~6-82-1611. Transfer to another school.~~

24 ~~If a recipient of a Workforce Improvement Grant transfers from one (1)~~
 25 ~~approved institution to another, his or her Arkansas Workforce Improvement~~
 26 ~~Grant may be transferred with the approval and adjustment of the Department~~
 27 ~~of Higher Education.~~

28
 29 SECTION 8. Arkansas Code § 6-82-1613 is amended to read as follows:

30 6-82-1613. Rules and regulations.

31 (a)(1) The Department of Higher Education shall promulgate rules and
 32 regulations for the administration of the Arkansas Workforce Improvement
 33 Grant Program by the institutions of higher education consistent with the
 34 purposes and requirements of this subchapter.

35 (2) The rules and regulations shall be reviewed by the Arkansas
 36 Workforce Improvement Grant Advisory Committee and approved by the Arkansas

1 Higher Education Coordinating Board.

2 (b) The rules and regulations shall include:

3 ~~(1) A deadline in October and March of each year for application~~
4 ~~to the program;~~

5 ~~(2)(1)~~ Student eligibility criteria based on the provisions of
6 this subchapter;

7 ~~(3)(2)~~ The method for selecting grant recipients;

8 ~~(4)(3)~~ Rules for determining continuing eligibility;

9 ~~(5)(4)~~ Procedures for making payment to recipients;

10 ~~(6)(5)~~ Satisfactory academic standards; and

11 ~~(7)(6)~~ Other administrative procedures that may be necessary for
12 the implementation and operation of the program.

13 (c) The department shall file a report no later than ~~November 1~~
14 December 1 of each year with the Legislative Council stating the total ~~yearly~~
15 annual number of ~~applicants to~~ recipients in the program and the total ~~yearly~~
16 ~~number~~ annual amount of grants awarded.

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