

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 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S3/26/07

A Bill

HOUSE BILL 2299

5 By: Representatives Breedlove, Abernathy, Anderson, T. Baker, Bond, T. Bradford, E. Brown, J. Brown,
6 Burris, Cash, Cheatham, Cook, Cornwell, S. Dobbins, Dunn, Edwards, D. Evans, L. Evans, Everett,
7 Flowers, Garner, Gaskill, George, Glidewell, Hall, Hardwick, Hardy, Harrelson, Harris, Hawkins, House,
8 Hoyt, D. Hutchinson, Hyde, Jeffrey, J. Johnson, D. Johnson, Key, Kidd, Lamoureux, W. Lewellen,
9 Lovell, Lowery, Maloch, M. Martin, Moore, Overbey, Pate, Patterson, Pennartz, Pickett, Pierce, Powers,
10 S. Prater, Pyle, Ragland, Rainey, Reep, Reynolds, J. Roebuck, Rosenbaum, Sample, Saunders, Schulte,
11 Shelby, L. Smith, Stewart, Sullivan, Sumpter, Thyer, Wagner, Walters, Webb, Wells, Wills, Wood, Wyatt
12
13

For An Act To Be Entitled

14 AN ACT TO ESTABLISH A HIGHER EDUCATION
15 OPPORTUNITIES GRANT PROGRAM TO PROVIDE NEED-BASED
16 FINANCIAL AID FOR HIGH SCHOOL GRADUATES OR THEIR
17 EQUIVALENT FROM LOW INCOME FAMILIES TO BE USED AT
18 INSTITUTIONS OF HIGHER EDUCATION; AND FOR OTHER
19 PURPOSES.
20

Subtitle

21 TO ESTABLISH A HIGHER EDUCATION
22 OPPORTUNITIES GRANT PROGRAM TO PROVIDE
23 NEED-BASED FINANCIAL AID FOR HIGH SCHOOL
24 GRADUATES OR THEIR EQUIVALENT FROM LOW
25 INCOME FAMILIES TO BE USED AT
26 INSTITUTIONS OF HIGHER EDUCATION.
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30

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
32

33 SECTION 1. Arkansas Code Title 6, Chapter 82 is amended to add an
34 additional subchapter to read as follows:

35 Subchapter 17 – Higher Education Opportunities Grant Program.
36 6-28-1701. Legislative intent.



1 (a) The General Assembly finds that tuition assistance to low-income
2 students is a key contributor to college and workforce success.

3 (b) Tuition assistance will significantly enhance the ability of low
4 income students to obtain college degrees and be productive citizens of
5 Arkansas and correspondingly benefit the State of Arkansas as a whole.

6
7 6-82-1702. Definitions.

8 As used in this act:

9 (1)(A) "Approved institution" means a public or private
10 institution of higher education located in Arkansas that:

11 (i) Is accredited by the Higher Learning Commission
12 of the North Central Association of Colleges and Schools; or

13 (ii) Certifies to the Department of Higher Education
14 that its students are accepted for transfer at institutions accredited by the
15 Higher Learning Commission of the North Central Association of Colleges and
16 Schools.

17 (B) "Approved institution" does not include an institution
18 of higher education that discriminates against applicants, students, or
19 employees on the basis of race, color, religion, sex, age, handicap, or
20 national origin consistent with the provisions of applicable state and
21 federal law;

22 (2) "Eligible student" means a student who meets the criteria
23 set out by this subchapter and is deemed to be eligible by rules authorized
24 by this act and promulgated by the Department of Higher Education;

25 (3) "Financial need" means the family income of program
26 applicants as determined by the Department of Higher Education through
27 evaluation of program applications and supporting documentation;

28 (4) "Full-time undergraduate student" means a resident of
29 Arkansas who attends an approved institution of higher education and is
30 enrolled in at least twelve (12) credit hours or the equivalent the first
31 semester and fifteen (15) credit hours or the equivalent thereafter, as
32 defined by rule of the Department of Higher Education, in a program of study
33 that leads to or is creditable toward an associate degree or a baccalaureate
34 degree;

35 (5) "High school graduate" means any student who graduates from
36 an Arkansas high school during the twelve-month period immediately preceding

1 the year of application for a grant under this subchapter;

2 (6) "High school graduate equivalent" means any student between
3 sixteen (16) and eighteen (18) years of age who passes the General
4 Educational Development Test in Arkansas during the twelve-month period
5 immediately preceding the year of application to this program;

6 (7) "Part-time undergraduate student" means a resident of
7 Arkansas who attends an approved institution of higher education and is
8 enrolled in at least six (6) credit hours per semester or the equivalent but
9 no more than twelve (12) credit hours or the equivalent the first semester
10 and fifteen (15) credit hours or the equivalent thereafter, as defined by
11 rule of the Department of Higher Education, in a program of study that leads
12 to or is creditable towards an associate degree or a baccalaureate degree;
13 and

14 (8) "Unemancipated child" or "unemancipated children" means a
15 dependent child or dependent children as defined by the United States
16 Department of Education for student aid purposes.

17
18 6-82-1703. Establishment.

19 The Higher Education Opportunities Grant Program is established to
20 increase the opportunities of low-income students to pursue higher education
21 opportunities.

22
23 6-82-1704. Eligibility.

24 (a) Eligibility for the Higher Education Opportunities Grant Program
25 shall be based on criteria established by rule of the Department of Higher
26 Education.

27 (b) The criteria established by the department shall include the
28 following:

29 (1) An applicant shall be a citizen of the United States or a
30 permanent resident alien;

31 (2) An applicant shall have graduated from an Arkansas high
32 school or passed the General Educational Development Test in Arkansas within
33 twelve (12) months of first enrolling as a full-time or part-time, first-time
34 student at an approved institution of higher education;

35 (3) An applicant shall have been a resident of the state of
36 Arkansas for at least twelve (12) months prior to graduation from an Arkansas

1 high school or the date of notification of completion of the General
2 Educational Development Test, and the applicant and his or her custodial
3 parent or guardian shall have maintained Arkansas residency for the same
4 period of time;

5 (4) An applicant shall be accepted for admission to an approved
6 institution of higher education as a full-time or part-time first-time
7 student, as defined by the Department of Higher Education, and shall enroll
8 in an approved institution within twelve (12) months of high school
9 graduation or notification of successful completion of the General
10 Educational Development Test;

11 (5) An applicant shall certify that he or she is drug-free and
12 shall pledge in writing on the application form to refrain from the use or
13 abuse of illegal substances; and

14 (6)(A) An applicant shall demonstrate financial need as
15 determined by the Department of Higher Education.

16 (B) In determining financial need, the following criteria
17 shall be used:

18 (i) An applicant whose family includes one (1)
19 unemancipated child shall have an average family adjusted gross income not
20 exceeding twenty-five thousand dollars (\$25,000) per year at the time of
21 application to the program;

22 (ii) An applicant whose family includes more than
23 one unemancipated child shall add an additional five thousand dollars
24 (\$5,000) per child to the base income of twenty-five thousand dollars
25 (\$25,000); and

26 (iii) The Department of Higher Education shall have
27 the authority to adjust these financial need family income requirements on an
28 annual basis, using the federal Consumer Price Index to make any necessary
29 changes. Other financial need criteria necessary for the selection of
30 recipients, including those defined as emancipated or independent by federal
31 student aid regulations, shall be established through rules issued by the
32 Department of Higher Education.

33
34 6-82-1705. Recipients.

35 (a) Students who receive grants under this subchapter shall be known
36 as Higher Education Opportunities Grant recipients.

1 (b) An eligible recipient shall receive a grant for one (1) academic
2 year, renewable for up to a total cumulative award amount of four thousand
3 dollars (\$4,000) if the recipient meets continuing eligibility criteria
4 established by rule of the Department of Higher Education.

5 (c) The amount of the annual grant awarded to each recipient shall be
6 one thousand dollars (\$1,000) for full-time students and five hundred dollars
7 (\$500) for part-time students.

8 (d) No student's total financial aid package, including multiple
9 scholarships, shall exceed the recognized cost of attendance at an
10 institution of higher education.

11
12 6-82-1706. Rules.

13 (a) The Department of Higher Education shall promulgate rules for the
14 administration of the Higher Education Opportunities Grant Program consistent
15 with the purposes and requirements of this subchapter.

16 (b) The rules shall include:

17 (1) Student eligibility criteria incorporating the requirements
18 of this subchapter;

19 (2) A method for selecting grant recipients;

20 (3) A method for determining continuing eligibility;

21 (4) Procedures for making payment to recipients; and

22 (5) Other administrative procedures necessary for the
23 implementation and operation of the program.

24
25 6-82-1707. Administrative Costs.

26 The Department of Higher Education is authorized to expend each year up
27 to two percent (2%) of the amount appropriated for the Higher Education
28 Opportunities Grant Program for data processing and other administrative
29 costs of the program.

30
31 6-82-1708. Informational materials.

32 The Department of Education and the Department of Higher Education
33 shall develop appropriate informational materials on the Higher Education
34 Opportunities Grant Program for distribution to all Arkansas students in
35 grades seven (7) through twelve (12) each year as part of the packet of
36 materials on pre-collegiate preparation distributed by the Department of

1 Education.

3 6-82-1709. Program evaluation.

4 The Director of the Department of Higher Education may review and
5 evaluate the operation of the Higher Education Opportunities Grant Program
6 with regard to eligibility criteria and size of the grant award to ensure
7 that the program's operation meets the intent of this legislation.

9 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
10 General Assembly of the State of Arkansas that the financial aid program
11 created in this act will be effective for the 2007-2008 school year; that
12 students who are graduating in May of this year will be impacted by this
13 program and may be eligible for this program; that timing is critical for the
14 dissemination of information to these students to ensure that eligible
15 students know about the program and have the opportunity to apply for the
16 program for the 2007-2008 school year; and that this act is immediately
17 necessary to give the Department of Higher Education adequate time to
18 implement and to publicize the program to potentially eligible students who
19 are graduating in May 2007. Therefore, an emergency is declared to exist and
20 this act being immediately necessary for the preservation of the public
21 peace, health, and safety shall become effective on:

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

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

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

29 /s/ Breedlove