

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

HOUSE BILL 1254

5 By: Representatives Webb, T. Baker, Branscum, Carnine, Cheatham, Dale, J. Edwards, Gaskill, Hall,
6 Hobbs, D. Hutchinson, Lampkin, Leding, Lovell, Nickels, Pennartz, Perry, Pierce, Powers, Ratliff, J.
7 Roebuck, T. Rogers, Stewart, Summers, T. Thompson, Tyler, Wagner, B. Wilkins, Wren
8 By: Senator D. Johnson
9

For An Act To Be Entitled

11 AN ACT TO PROHIBIT THE USE OF FALSE ACADEMIC
12 CREDENTIALS; TO REQUIRE ACCREDITATION FOR SOME
13 POSTSECONDARY EDUCATION INSTITUTIONS BEFORE RECEIVING
14 CERTIFICATION FROM THE ARKANSAS HIGHER EDUCATION
15 COORDINATING BOARD; AND FOR OTHER PURPOSES.
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Subtitle

19 TO PROHIBIT THE USE OF FALSE ACADEMIC
20 CREDENTIALS; REQUIRE ACCREDITATION FOR
21 SOME POSTSECONDARY EDUCATION INSTITUTIONS
22 BEFORE RECEIVING CERTIFICATION FROM THE
23 ARKANSAS HIGHER EDUCATION COORDINATING
24 BOARD.
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27 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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29 SECTION 1. Arkansas Code Title 6, Chapter 61, Subchapter 1 is amended
30 to add an additional section to read as follows:

31 6-61-135. False academic credential.

32 (a) As used in this section "false academic credential" means a
33 document that provides evidence or demonstrates completion of an academic or
34 professional course of study at the post-secondary level that results in the
35 awarding of a certificate, degree, or rank that is issued by an individual or
36 institution that is not:



1 (1) Certified under § 6-61-301; or

2 (2) Exempt from certification under § 6-61-301.

3 (b) A person shall not knowingly use a false academic credential for
 4 the purpose of:

5 (1) Obtaining:

6 (A) Employment;

7 (B) A license or certificate to practice a trade,
 8 profession, or occupation;

9 (C) A promotion, compensation, or other benefit from an
 10 employer;

11 (D) Admission to an institution of higher education; or

12 (E) A position in government with authority over another
 13 person; or

14 (2) Promoting or introducing oneself to others in any oral or
 15 written communication, as having attained an academic title or a level of
 16 academic achievement.

17 (c) A person who violates this section may be convicted of a Class B
 18 misdemeanor and fined up to one thousand dollars (\$1000).

19
 20 SECTION 2. Arkansas Code § 6-61-301(a)-(c), concerning certification
 21 of postsecondary education institutions, is amended to read as follows:

22 ~~(a)(1)(A) Individuals desiring to establish a postsecondary education~~
 23 ~~institution in the State of Arkansas, other than a state-supported~~
 24 ~~institution, a school as defined by § 6-51-601 et seq., or a school that is~~
 25 ~~regulated by the State Board of Cosmetology, An individual shall be required~~
 26 ~~to incorporate under the applicable laws of the State of Arkansas state and~~
 27 ~~to receive certification for offering educational programs from the Arkansas~~
 28 ~~Higher Education Coordinating Board before establishing a postsecondary~~
 29 ~~educational institution unless the institutions is a:~~

30 (i) State-supported institution of higher education;

31 (ii) School under § 6-51-601 et seq.; or

32 (iii) School regulated by the State Board of
 33 Cosmetology.

34 (B) Any A postsecondary education institution located in
 35 another state, other than those covered by § 6-51-601 et seq., or those
 36 regulated by the State Board of Cosmetology, which desires to offer course

1 ~~work or degrees in the State of Arkansas shall first be required, prior to~~
 2 ~~offering any course work, to obtain certification to do so from the Arkansas~~
 3 Higher Education Coordinating Board before offering a course or degree in
 4 this state unless the institution is a:

5 (i) School under § 6-51-601 et seq.; or

6 (ii) School regulated by the State Board of
 7 Cosmetology.

8 (C) ~~Any A postsecondary education institution in the State~~
 9 ~~of Arkansas this state desiring to offer programs leading to a degree that is~~
 10 ~~customarily granted by colleges or universities shall be required to first~~
 11 obtain certification ~~to grant such degree~~ from the Arkansas Higher Education
 12 Coordinating Board before offering degree programs that lead to a degree that
 13 is customarily granted by colleges or universities.

14 (2) State-supported vocational and technical schools,
 15 institutions covered under § 6-51-601 et seq., or institutions regulated by
 16 the State Board of Cosmetology shall ~~be required to~~ obtain approval for
 17 programs in which ~~such degrees would~~ a degree could be granted from both the
 18 Arkansas Higher Education Coordinating Board and the State Board of
 19 Education.

20 (3) Nonpublic colleges and universities currently incorporated
 21 and operating under the applicable laws of this state shall not be required
 22 to receive ~~such~~ certification from the Arkansas Higher Education Coordinating
 23 Board.

24 (b)(1) ~~The Arkansas Higher Education Coordinating Board shall be~~
 25 ~~empowered to~~ may establish the criteria required for certification and to
 26 promulgate rules ~~and regulations for the purpose of carrying to carry~~ out the
 27 provisions of this chapter ~~and shall be charged with the final responsibility~~
 28 ~~for decisions as required by the chapter.~~

29 (2) The Arkansas Higher Education Coordinating Board shall not
 30 grant certification to an individual or postsecondary education institution
 31 under subdivision (a)(1) of this section unless the individual or
 32 postsecondary education institution is:

33 (A) Accredited by an entity recognized by the United
 34 States Department of Education;

35 (B) Accredited by the Council for Higher Education
 36 Accreditation;

1 (C) A candidate for accreditation from an entity
2 recognized by the United States Department of Education or the Council for
3 Higher Education Accreditation; or

4 (D) In the process of applying for accreditation from an
5 entity recognized by the United States Department of Education or the Council
6 for Higher Education Accreditation.

7 (c) ~~Any person violating the provisions of~~ An individual or
8 postsecondary institution that operates in the state without certification
9 from the Arkansas Higher Education Coordinating Board as required under
10 ~~subdivision (a)(1)(B) or (C) or subsection (b)(a)~~ of this section shall be
11 guilty of a Class B misdemeanor.

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