

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1567

5 By: Representatives Hammer, House  
6

## For An Act To Be Entitled

8 AN ACT TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
9 SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP PROGRAM; TO  
10 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.  
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## Subtitle

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13 TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
14 SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP  
15 PROGRAM; AND TO DECLARE AN EMERGENCY.  
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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21 SECTION 1. Arkansas Code § 6-41-801 is amended to read as follows:

22 6-41-801. Definitions – Establishment – Intent.

23 (a) As used in this section:

24 (1) "Foster care" means the care of a child by a group home  
25 or group facility on a twenty-four-hours-a-day basis away from the home of  
26 the child's parent or parents;

27 (2) "Foster parent" means the responsible official or officials  
28 of a group home or group facility that provides foster care to a child; and

29 (3) "Parent" means a student's parent or foster parent.

30 (b) The Succeed Scholarship Program is established and intended to  
31 provide a scholarship to a private school of choice for:

32 (1) ~~students~~ Students in foster care; and

33 (2) Students with disabilities that have an individualized  
34 education program in accordance with the Individuals with Disabilities  
35 Education Act, 20 U.S.C. § 1400 et seq.

36 ~~(b) The program shall begin awarding scholarships in the 2016-2017~~



1 ~~school year.~~

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3 SECTION 2. Arkansas Code § 6-41-802(a), concerning students eligible  
4 for a Succeed Scholarship, is amended to read as follows:

5 (a) A parent or legal guardian of a public school student ~~with a~~  
6 ~~disability~~ may apply for a Succeed Scholarship to enroll his or her child in  
7 a private school if:

8 (1)(A) The student is currently enrolled in a public school and  
9 has attended public school for at least one (1) full academic year.

10 (B) If the student is a dependent of an active duty member  
11 of any branch of the United States Armed Forces, subdivision ~~(1)(A)~~ (a)(1)(A)  
12 of this section does not apply;

13 (2) The student:

14 (A) Is in foster care; or

15 (B) ~~has~~ Has an individualized education program in  
16 accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §  
17 1400 et seq.;

18 (3) The student has been accepted for admission into a private  
19 school that is eligible to participate in the Succeed Scholarship Program;  
20 ~~and~~

21 (4) The parent has notified the student's current school  
22 district of the request for a scholarship at least sixty (60) days before the  
23 date of the first scholarship payment; and

24 (5)(A) For students in foster care, the Department of Human  
25 Services approves the student's placement in the private school.

26 (B) The department shall approve the student's placement  
27 in the private school if a determination is made that placement in the  
28 private school is in the best interest of the student.

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30 SECTION 3. Arkansas Code § 6-41-803(a), concerning private school  
31 notification of intent to participate in the Succeed Scholarship Program, is  
32 amended to read as follows:

33 (a)(1) A private school shall notify the Department of Education of  
34 its intent to participate in the Succeed Scholarship Program.

35 (2) ~~The~~ If the private school intends to enroll students with  
36 disabilities who have an individualized education program in accordance with

1 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.,  
 2 the notice shall specify the grade levels and services that the private  
 3 school has available for students with severe disabilities who are  
 4 participating in the ~~program~~ Succeed Scholarship Program.

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 6 SECTION 4. Arkansas Code § 6-41-803(b)(1), concerning private school  
 7 accreditation, is amended to read as follows:

8 (1)(A) Meets the accreditation requirements set by the State  
 9 Board of Education, the Arkansas Nonpublic School Accrediting Association or  
 10 its successor, or another accrediting association recognized by the State  
 11 Board of Education ~~as providing services to severely disabled individuals.~~

12 (B) If the private school intends to enroll students with  
 13 disabilities who have an individualized education program in accordance with  
 14 the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.,  
 15 the private school shall be accredited to provide services to severely  
 16 disabled individuals;

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 18 SECTION 5. Arkansas Code § 9-28-113(j), concerning the use of state or  
 19 federal funding for the placement of a foster child in a nonpublic school, is  
 20 amended to read as follows:

21 (j)(1) Notwithstanding any of the provisions of this section, if it is  
 22 in the best interest of the child, a foster child may be placed in a  
 23 nonpublic school, including a private, parochial, or home school.

24 (2)(A) ~~as long as no~~ Except as provided in subdivision (j)(2)(B)  
 25 of this section, state or federal funding ~~is~~ shall not be used for the  
 26 placement of a foster child in a nonpublic school, including a private,  
 27 parochial, or home school.

28 (B) The prohibition under subdivision (j)(2)(A) of this  
 29 section shall not apply to a foster child who receives a Succeed Scholarship  
 30 under § 6-41-801 et seq.

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 32 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
 33 General Assembly of the State of Arkansas that improvements are needed in the  
 34 methods available for the provision of education for foster children; that  
 35 expanding the educational options for foster children will enhance the  
 36 chances of foster children to become healthy, well-rounded adults; and that

1 this act is immediately necessary to ensure that foster children are given  
2 the greatest chance of achieving that outcome. Therefore, an emergency is  
3 declared to exist, and this act being immediately necessary for the  
4 preservation of the public peace, health, and safety shall become effective  
5 on:

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

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

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

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