

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4
5 By: Senator B. King

A Bill

SENATE BILL 251

For An Act To Be Entitled

8 AN ACT TO REMOVE REMEDIATION AS A FUNCTION OF
9 INSTITUTIONS OF HIGHER EDUCATION; TO TRANSFER HIGHER
10 EDUCATION REMEDIATION FUNDING TO OTHER STATE
11 ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER
12 PURPOSES.

Subtitle

16 TO REMOVE REMEDIATION AS A FUNCTION OF
17 INSTITUTIONS OF HIGHER EDUCATION; TO
18 TRANSFER HIGHER EDUCATION REMEDIATION
19 FUNDING TO OTHER STATE ENTITIES; TO
20 DECLARE AN EMERGENCY.

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

25 SECTION 1. Arkansas Code § 6-1-303(c)(10), concerning duties of the
26 Arkansas Commission for Coordination of Educational Efforts, is repealed.

27 ~~(10) Make recommendations related to the future need for~~
28 ~~remediation of beginning college students;~~

30 SECTION 2. Arkansas Code § 6-1-402(5), concerning the School
31 Leadership Coordinating Council, is amended to read as follows:

32 (5) An effective statewide leadership development system will
33 result in increased graduation rates, ~~reduced remediation rates,~~ the closing
34 of achievement gaps, increased student and adult performance, increased
35 recruitment of effective leaders, and increased capacity for instructional
36 leaders, and thus will increase the number of Arkansas citizens with



1 bachelor's degrees.

2

3 SECTION 3. Arkansas Code § 6-1-605(a)(1)(D), concerning evaluation of
4 the College and Career Coaches Program, is repealed.

5 ~~(D) Remediation rates; and~~

6

7 SECTION 4. Arkansas Code § 6-5-1103(a)(1), concerning the Council on
8 Postsecondary Education and Career Readiness, is amended to read as follows:

9 (1) Develop a unified strategy to+

10 ~~(A) Reduce remediation rates among high school graduates~~
11 ~~entering postsecondary education by at least fifty percent (50%) by the year~~
12 ~~2020; and~~

13 ~~(B) Increase increase postsecondary graduation and~~
14 completion rates;

15

16 SECTION 5. Arkansas Code § 6-5-1104(a), concerning reporting
17 requirements of the Council on Postsecondary Education and Career Readiness,
18 is amended to read as follows:

19 (a) By June 30, 2014, the Council on Postsecondary Education and
20 Career Readiness shall:

21 (1) Develop a written plan to ~~reduce remediation rates and~~
22 increase postsecondary graduation rates, including without limitation:

23 (A) Annual goals;

24 (B) Action strategies;

25 (C) Assigned responsibilities for implementing strategies;

26 (D) Timelines; and

27 (E) Reporting mechanisms;

28 (2) Provide the written plan to:

29 (A) The House Committee on Education and the Senate
30 Committee on Education;

31 (B) The board of directors of each school district and
32 open-enrollment charter school in this state; and

33 (C) The governing board of each state-supported
34 institution of higher education in this state; and

35 (3) Encourage each school district board of directors and the
36 governing board of each state-supported institution of higher education in

1 the state to participate in the council’s plan and to work collaboratively to
 2 ~~reduce the remediation rates and~~ further postsecondary graduation and
 3 completion rates.

4
 5 SECTION 6. Arkansas Code § 6-15-421(d)(5), concerning recommendations
 6 to the General Assembly, is repealed.

7 ~~(5) The department shall biennially recommend to the General~~
 8 ~~Assembly statutory changes to reduce the incidence of postsecondary~~
 9 ~~remediation in mathematics, reading, and writing for recent high school~~
 10 ~~graduates who enroll in an institution of higher education.~~

11
 12 SECTION 7. Arkansas Code § 6-15-441(d)(4), concerning data collection
 13 by the Department of Education, is repealed.

14 ~~(4) Reducing the college remediation rates of students; and~~

15
 16 SECTION 8. Arkansas Code § 6-15-1402(b)(3)(A)(xii), concerning the
 17 school performance report for middle schools, junior high schools, and high
 18 schools, is repealed.

19 ~~(xii) College remediation rate for high schools~~
 20 ~~only;~~

21
 22 SECTION 9. Arkansas Code § 6-15-2006(b)(3), concerning the public
 23 school district annual report, is amended to read as follows:

24 (3) The graduation rate, grade inflation rate, and drop-out rate
 25 for grades nine through twelve (9-12), ~~and college remediation rate;~~

26
 27 SECTION 10. Arkansas Code § 6-15-2401 is repealed.

28 ~~6-15-2401. Review of Arkansas Placement Status Reports—Reports of~~
 29 ~~students needing remediation.~~

30 ~~(a)(1) Representatives from the Department of Higher Education and the~~
 31 ~~Department of Education shall meet with the respective chairs of the Senate~~
 32 ~~Education Committee and the House Education Committee or their designees~~
 33 ~~along with the selected superintendents, high school principals, and high~~
 34 ~~school counselors one (1) time every biennium to review the Arkansas~~
 35 ~~Placement Status Reports to determine whether any revisions in the format of~~
 36 ~~the reports, the information that is reported, or the reporting process need~~

1 ~~to be made.~~

2 ~~(2) Agreed upon changes would be reported to the Arkansas Higher~~
3 ~~Education Coordinating Board, State Board of Education, Senate Education~~
4 ~~Committee, and House Education Committee.~~

5 ~~(b) As a part of the school improvement plan pursuant to § 6-15-2201,~~
6 ~~the State Board of Education shall ensure that each school district and high~~
7 ~~school develops strategies to improve student readiness for the public~~
8 ~~postsecondary level based on annual analysis of the feedback report data.~~

9
10 SECTION 11. Arkansas Code § 6-18-1604(2), concerning the Universal ACT
11 Assessment Program, is repealed.

12 ~~(2) Prevent or minimize the continued remediation of nearly~~
13 ~~fifty percent (50%) of all students entering Arkansas institutions of higher~~
14 ~~education in one (1) or more subjects because they do not meet the college~~
15 ~~readiness score of nineteen (19) or higher on the ACT Assessment;~~

16
17 SECTION 12. Arkansas Code § 6-18-1608 is amended to read as follows:
18 6-18-1608. Reporting.

19 The Department of Higher Education and the Department of Education
20 shall submit a combined annual report to the Legislative Council by December
21 1 of each year that establishes compliance with this subchapter, provides
22 data on the number of participants in the Universal ACT Assessment Program,
23 and outlines the impact of this program on the college readiness of high
24 school seniors ~~and the remediation rates at institutions of higher education.~~

25
26 SECTION 13. Arkansas Code § 6-60-703(b)(1)(B), concerning the
27 Comprehensive Arkansas Higher Education Annual Report, is repealed.

28 ~~(B) Remediation rates, §§ 6-15-2401 and 6-61-221;~~

29
30 SECTION 14. Arkansas Code § 6-61-221 is repealed.

31 ~~6-61-221. Reporting of graduates requiring postsecondary remediation.~~

32 ~~(a)(1) The Department of Higher Education shall collect information~~
33 ~~necessary to prepare reports of college achievement of high school graduates~~
34 ~~from each state supported institution of higher education.~~

35 ~~(2) The Department of Higher Education may contract with~~
36 ~~appropriate organizations for the preparation of the reports.~~

1 ~~(b) The Department of Higher Education and the Office of~~
2 ~~Accountability of the Department of Education shall work together to develop~~
3 ~~a compatible system of reporting the number of:~~

4 ~~(1) Students who required remediation during their first year of~~
5 ~~enrollment in a state supported institution of higher education if the~~
6 ~~enrollment occurred within two (2) years of graduation from a secondary~~
7 ~~school in this state;~~

8 ~~(2) Students who required remediation and who graduated:~~

9 ~~(A) With a 3.0 or higher grade point average on a 4.0~~
10 ~~scale; and~~

11 ~~(B) From a public high school after completing the:~~

12 ~~(i) Program of the minimum core of high school~~
13 ~~courses recommended for preparation for postsecondary education by the~~
14 ~~Arkansas Higher Education Coordinating Board and the State Board of Education~~
15 ~~pursuant to § 6-61-217 known as Smart Core; or~~

16 ~~(ii) Non-Smart Core curriculum; and~~

17 ~~(3) Attempts it takes a student to pass a postsecondary remedial~~
18 ~~course, beginning in the 2011-2012 school year.~~

19 ~~(c)(1) The compilation report generated by the Department of Higher~~
20 ~~Education shall not include individual student information if the information~~
21 ~~is reported in a manner that would identify a particular student.~~

22 ~~(2) Any information gathered that identifies a particular~~
23 ~~student shall be confidential.~~

24 ~~(d)(1) The Department of Higher Education shall include the reports~~
25 ~~developed under this section annually in the Comprehensive Arkansas Higher~~
26 ~~Education Annual Report and provide an electronic copy to the:~~

27 ~~(A) Department of Education;~~

28 ~~(B) Department of Career Education;~~

29 ~~(C) Arkansas Higher Education Coordinating Board;~~

30 ~~(D) Governor;~~

31 ~~(E) House Committee on Education;~~

32 ~~(F) Senate Committee on Education;~~

33 ~~(G) State Board of Education; and~~

34 ~~(H) School district administrators for each public high~~
35 ~~school.~~

36 ~~(2) The reports developed under this section shall be prepared~~

~~on or before October 1 each year and include the cost of remediation for each state supported institution of higher education, which shall be submitted to the Department of Higher Education according to standards developed by the Department of Higher Education and shall include for each state supported institution of higher education:~~

~~(A) The amount of institutional revenue spent on remediation;~~

~~(B) The total general revenue subsidy spent on remediation;~~

~~(C) The total institutional expenditure for remediation;~~
~~and~~

~~(D) The general revenue percentage of total expenditures for remediation.~~

~~(3) The report required under this subsection shall be separate from the uniform reporting standards report required under § 6-61-222.~~

SECTION 15. Arkansas Code § 6-61-222(d), concerning the uniform report of institutions of higher education, is repealed.

~~(d) The report required under this section shall be separate from the cost of remediation reports required under § 6-61-221.~~

SECTION 16. Arkansas Code § 6-62-107 is repealed.

~~6-62-107. Reduction of state funds expended on remediation.~~

~~(a) As a condition for receiving state funds, all public two year and four year institutions of higher education shall report the following information by October 1 of each year to the Department of Higher Education in a format developed by the department in consultation with the institutions:~~

~~(1) The total direct and indirect costs of remediation for the previous academic year; and~~

~~(2) All sources of revenue, by amount and source, used to fund direct and indirect costs of all remedial courses and programs.~~

~~(b) The department shall develop a system to calculate the total amount of state funds spent on remediation of first-time entering freshmen students.~~

~~(c) The amount spent on remediation at public four-year educational~~

1 ~~institutions shall not exceed the amount spent as of the 1996-1997 school~~
 2 ~~year.~~

3
 4 SECTION 17. TEMPORARY LANGUAGE. NOT TO BE CODIFIED. GENERAL REVENUE
 5 FUND TRANSFERS.

6 (a)(1) Beginning July 1, 2017, and each month thereafter, the Chief
 7 Fiscal Officer of the State shall transfer on his or her books and those of
 8 the State Treasurer and the Auditor of the State the amount listed under
 9 "Monthly Deduction" in the Institutions General Revenue Deduction Schedule in
 10 subsection (b) of this section from the total monthly allocation of general
 11 revenue authorized for distribution in the Revenue Stabilization Act for the
 12 four-year institutions of higher education, two-year institutions of higher
 13 education, and technical colleges that are listed in the schedule in
 14 subsection (b) of this section.

15 (2) The total amount transferred under subdivision (a)(1) of
 16 this section shall not exceed the amount listed in "Total Annual Deductions"
 17 in the Institutions General Revenue Deduction Schedule in subsection (b) of
 18 this section.

19 (b) The following four-year institutions of higher education, two-year
 20 institutions of higher education, and technical colleges shall have monthly
 21 deductions from general revenue distributions authorized in the Revenue
 22 Stabilization Act for a total annual amount listed in the Institutions
 23 General Revenue Deduction Schedule.

Institutions General Revenue Deduction Schedule:

| <u>Institutions</u> | <u>Monthly Deduction</u> | <u>Total Annual Deduction</u> |
|--|--------------------------|-------------------------------|
| <u>Arkansas State University</u> | <u>\$23,108</u> | <u>\$277,300</u> |
| <u>Henderson State University</u> | <u>\$9,248</u> | <u>\$110,973</u> |
| <u>University of Arkansas Fayetteville</u> | <u>\$10,171</u> | <u>\$122,057</u> |
| <u>University of Arkansas Fort Smith</u> | <u>\$19,230</u> | <u>\$230,760</u> |
| <u>University of Arkansas at Little Rock</u> | <u>\$21,260</u> | <u>\$255,123</u> |
| <u>University of Arkansas at Pine Bluff</u> | <u>\$55,957</u> | <u>\$671,486</u> |
| <u>University of Central Arkansas</u> | <u>\$15,316</u> | <u>\$183,797</u> |
| <u>Arkansas Northeastern College</u> | <u>\$50,292</u> | <u>\$603,498</u> |
| <u>Arkansas State University Beebe</u> | <u>\$44,771</u> | <u>\$537,253</u> |

| | | |
|--|--------------------|---------------------|
| <u>Arkansas State University Mountain Home</u> | <u>\$23,465</u> | <u>\$281,581</u> |
| <u>Arkansas State University Mid-South</u> | <u>\$110,077</u> | <u>\$1,320,926</u> |
| <u>Arkansas State University Newport</u> | <u>\$24,323</u> | <u>\$291,875</u> |
| <u>Black River Technical College</u> | <u>\$49,360</u> | <u>\$592,315</u> |
| <u>Cossatot Community College of</u> | | |
| <u>the University of Arkansas</u> | <u>\$25,859</u> | <u>\$310,303</u> |
| <u>College of The Ouachitas</u> | <u>\$30,962</u> | <u>\$371,538</u> |
| <u>East Arkansas Community College</u> | <u>\$44,039</u> | <u>\$528,473</u> |
| <u>North Arkansas College</u> | <u>\$29,159</u> | <u>\$349,907</u> |
| <u>National Park College</u> | <u>\$40,071</u> | <u>\$480,846</u> |
| <u>Northwest Arkansas Community College</u> | <u>\$105,269</u> | <u>\$1,263,229</u> |
| <u>Ozarka College</u> | <u>\$15,744</u> | <u>\$188,930</u> |
| <u>Phillips Community College of</u> | | |
| <u>the University of Arkansas</u> | <u>\$101,759</u> | <u>\$1,221,112</u> |
| <u>Pulaski Technical College</u> | <u>\$90,183</u> | <u>\$1,082,198</u> |
| <u>Rich Mountain Community College</u> | <u>\$26,231</u> | <u>\$314,773</u> |
| <u>South Arkansas Community College</u> | <u>\$18,766</u> | <u>\$225,195</u> |
| <u>SAU-Tech</u> | <u>\$15,155</u> | <u>\$181,864</u> |
| <u>Southeast Arkansas College</u> | <u>\$67,571</u> | <u>\$810,851</u> |
| <u>University of Arkansas Community</u> | | |
| <u>College at Batesville</u> | <u>\$27,040</u> | <u>\$324,484</u> |
| <u>University of Arkansas Community</u> | | |
| <u>College at Hope</u> | <u>\$38,449</u> | <u>\$461,387</u> |
| <u>University of Arkansas Community</u> | | |
| <u>College at Morrilton</u> | <u>\$28,817</u> | <u>\$345,798</u> |
| <u>Total Monthly Deductions</u> | <u>\$1,161,653</u> | |
| <u>Total Annual Deductions</u> | | <u>\$13,939,832</u> |

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(c) One-third (1/3) of the monthly deduction authorized in subsection
(a)(1) of this section shall be transferred monthly until the total annual
transfer deposit is equal to two million three hundred ninety-four thousand
dollars (\$2,394,000) for the following:
(1)s Nine percent (9%) shall be transferred monthly to the State
Highway and Transportation Department Fund for the Arkansas State Highway and
Transportation Department to provide bonus payments of up to two thousand

1 dollars (\$2,000) for each highway police officer who completes certified law
2 enforcement training as determined by the Arkansas State Highway and
3 Transportation Department;

4 (2) Forty-five percent (45%) shall be transferred monthly to the
5 Department of Arkansas State Police Fund to provide bonus payments of up to
6 two thousand dollars (\$2,000) for each law enforcement officer who completes
7 certified law enforcement training as determined by the Department of
8 Arkansas State Police;

9 (3) Forty-four percent (44%) shall be transferred monthly to the
10 Department of Community Correction Fund Account for the Department of
11 Community Correction to provide bonus payments of up to two thousand dollars
12 (\$2,000) for each parole officers who completes certified law enforcement
13 training as determined by the Department of Community Correction; and

14 (4) Two percent (2%) shall be transferred monthly to the State
15 Central Services Fund to provide bonus payments of up to two thousand dollar
16 (\$2,000) for each Secretary of State police officer who completes certified
17 law enforcement training as determined by the Secretary of State.

18 (d) One-third (1/3) of the monthly deduction authorized in subsection
19 (a) of this section shall be transferred monthly to the Merit Adjustment Fund
20 until the total annual deposit is equal to four million seven hundred ninety-
21 five thousand twenty-seven dollars (\$4,795,027) which shall be used
22 exclusively to provide a one percent (1%) cost-of-living adjustment increase
23 for state employees as authorized by the Governor.

24 (e) One-third (1/3) of the monthly deduction authorized in subsection
25 (a) of this section shall be transferred monthly to the State Highway and
26 Transportation Department Fund to provide funding to be used exclusively by
27 the Arkansas State Highway and Transportation Department for the purchase and
28 acquisition of equipment and materials related to the removal of snow and ice
29 from Arkansas roads.

30 (f) When subsection (c) of this section is fully funded, the monthly
31 transfers authorized in subsection (a) of this section shall be equally
32 divided and transferred as authorized in subsections (d) and (e) of this
33 section.

34 (g) When subsections (c) and (d) of this section are fully funded, the
35 total monthly transfers authorized in subsection (a) of this section shall be
36 transferred as authorized in subsection (e) of this section until subsection

1 (e) of this section is fully funded.

2
3 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that state funds used for
5 remediation activities at institutions of higher education could be better
6 used elsewhere; that other areas of state government are in need of state
7 funding; and that this act is immediately necessary to provide funding for
8 the 2018 fiscal year to ensure the proper administration of important state
9 functions. Therefore, an emergency is declared to exist, and this act being
10 immediately necessary for the preservation of the public peace, health, and
11 safety shall become effective on:

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

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

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

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