

State of Arkansas  
90th General Assembly  
Regular Session, 2015

# A Bill

SENATE BILL 546

By: Senator J. English

## For An Act To Be Entitled

AN ACT TO CHANGE REFERENCES TO GENERAL EDUCATIONAL  
DEVELOPMENT IN THE ARKANSAS CODE TO HIGH SCHOOL  
EQUIVALENCY; AND FOR OTHER PURPOSES.

### Subtitle

TO CHANGE REFERENCES TO GENERAL  
EDUCATIONAL DEVELOPMENT IN THE ARKANSAS  
CODE TO HIGH SCHOOL EQUIVALENCY.

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

SECTION 1. Arkansas Code § 5-4-323 is amended to read as follows:

5-4-323. Additional conditions – High school diploma or ~~general  
education development certificate~~ high school equivalency diploma –  
Employment training.

(a)(1) As an additional requirement for suspension of sentence or probation, a court may require any person who is sentenced for a felony or a Class A misdemeanor to make a good faith effort toward completion of a high school diploma or a ~~general education development certificate~~ high school equivalency diploma approved by the Department of Career Education unless the person has already achieved a high school diploma or a ~~general education development certificate~~ high school equivalency diploma.

(2) The additional requirement under subdivision (a)(1) of this section shall be implemented only:

(A) After the appropriate school or adult education program has received notice from the court at least ten (10) working days prior to the person's making application to enroll so as to allow a school or adult



education program official to review the person's educational records; and

(B) Upon the acceptance of the person by the administrative head of the school or adult education program.

(3) If no appropriate school or adult education program can be found, the additional requirement under subdivision (a)(1) of this section is of no effect.

(4) In the alternative, the court may allow the defendant to pursue a prescribed course of study or vocational training approved by the court that is designed to equip him or her for suitable employment.

(5)(A) After consultation with the school or the adult education program, the court shall determine the appropriate documentation for a person participating under a provision of this section and shall report any documentation of school or adult education program participation on a quarterly basis to the Administrative Office of the Courts.

(B) The office shall then report to the Department of Career Education.

(b)(1) Unless the person is employed or has a skill that will facilitate immediate employment, the court may require any person sentenced for a felony or a Class A misdemeanor to make a good faith effort toward obtaining gainful employment by participating in an appropriate employment training program as an additional requirement for suspension of sentence or probation.

(2)(A) The additional requirement under subdivision (b)(1) of this section shall be implemented by the person's reporting to the local workforce center for registration, intake, and employability skills assessment.

(B) If the person is on probation, the additional requirement under subdivision (b)(1) of this section shall be accomplished in conjunction with the probation officer.

(C) In addition to the employability skills assessment, the person shall register for employment with the local workforce center and upon obtaining employment shall communicate the event to the:

- (i) Court if on suspension of sentence; or
- (ii) Probation officer if on probation.

(c) As used in this section, "good faith effort" means a person:

- (1) Has been enrolled in a program of instruction leading to a

high school diploma or a ~~general educational development certificate~~ high school equivalency diploma and is attending a school or an adult education course; or

(2) Is registered for employment and enrolled and participating in an employment-training program with the purpose of obtaining gainful employment.

(d) A person who fails to make a good faith effort to comply with a court order issued under this section upon conviction is guilty of a violation and shall be punished by a fine of at least one hundred dollars (\$100) but not more than one thousand dollars (\$1,000).

SECTION 2. Arkansas Code § 6-11-208(c)(3), concerning the Regional Educational Career Alternative School System for Adjudicated Youth, is amended to read as follows:

(3) Career education services, including ~~the General Educational Development Test~~ a high school equivalency test;

SECTION 3. Arkansas Code § 6-16-118 is amended to read as follows:

6-16-118. ~~General Educational Development~~ High school equivalency testing for adults – Fees.

(a) As used in this section, “~~general educational development~~ high school equivalency test” means the General Education Development (GED) test of the GED Testing Service or another test used to assess high school core subject competencies.

(b) ~~The general educational development~~ A high school equivalency test for adults shall be administered by the educational agencies and institutions approved by the Department of Career Education.

(c) The State Board of Career Education may approve fees for:

(1) Administering ~~the general educational development~~ a high school equivalency test;

(2) Administering other assessments; and

(3) Photocopying or duplicating a transcript or diploma.

(d) The board shall promulgate rules to implement this section.

SECTION 4. Arkansas Code § 6-17-706(a)(4), concerning professional development credit exemptions, is amended to read as follows:

(4) ~~General Educational Development Test~~ High school equivalency test examiners.

SECTION 5. Arkansas Code § 6-18-201(b)(2)(A), concerning compulsory attendance, is amended to read as follows:

(2)(A) After formal application and prior to any further action on the application, the student shall be administered either a ~~test for adult basic education~~ basic skills test or a ~~General Educational Development Practice Test~~ high school equivalency practice test under standardized testing conditions by a public school official designated by the school and shall score ~~8.5 grade level or above~~ an appropriate score as determined by the Adult Education Division of the Department of Career Education on the ~~test for adult basic education~~ basic skills test or a ~~minimum~~ passing score of ~~four hundred fifty (450) on each section and a minimum composite score of four hundred ninety (490) on the General Educational Development Practice Test~~ on all areas of the official high school equivalency practice test.

SECTION 6. Arkansas Code § 6-18-1005(a)(1)(K), concerning a student services program, is amended to read as follows:

(K) Coordinating administration of the Test for Adult Basic Education or ~~the General Educational Development~~ a high school equivalency pretest to students by designating appropriate personnel, other than the school guidance counselor, to administer the tests;

SECTION 7. Arkansas Code § 6-56-101(1), concerning definitions, is amended to read as follows:

(1) "Adult education program" means any classes designed to assist students in preparing for ~~the General Educational Development Test~~ a high school equivalency test and any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section of the Department of Career Education; and

SECTION 8. Arkansas Code § 6-56-107(d), concerning the effect of a merger on curriculum, is amended to read as follows:

(d) All adult basic education, ~~General Educational Development Test~~ high school equivalency test, and high school area center programs currently

provided by Foothills Technical Institute in 2002-2003 shall continue to be administered by Arkansas State University-Searcy, provided funding is available.

SECTION 9. Arkansas Code § 6-58-101(1), concerning definitions, is amended to read as follows:

(1) "Adult education program" means any classes designed to assist students in preparing for ~~the General Educational Development Test a~~ high school equivalency test, any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section of the Department of Career Education; and

SECTION 10. Arkansas Code § 6-58-107(c), concerning the effect of merger on curriculum, is amended to read as follows:

(c) All adult basic education, ~~general educational development tests~~ high school equivalency test, and high school programs currently provided by Quapaw Technical Institute or the Garland County Community College shall continue at National Park Community College.

SECTION 11. Arkansas Code § 6-59-101(1), concerning definitions, is amended to read as follows:

(1) "Adult education program" means any classes designed to assist students in preparing for ~~the General Educational Development Test a~~ high school equivalency test and any class designed to improve performance in general basic skills, parenting, English proficiency, or other areas funded by the Adult Education Section of the Department of Career Education; and

SECTION 12. Arkansas Code § 6-59-107(c), concerning the effect of merger on curriculum, is amended to read as follows:

(c) All adult basic education, ~~general educational development tests~~ high school equivalency tests, and high school programs provided by Cotton Boll Technical Institute or the Mississippi County Community College on March 27, 2003, shall continue at the Arkansas Northeastern College.

SECTION 13. Arkansas Code § 6-82-1101 is amended to read as follows:  
6-82-1101. Creation – Purpose.

(a) ~~The General Assembly hereby recognizes the importance to Arkansas of the General Educational Development Program~~ a high school equivalency program for Arkansans desiring to complete the high school degree and go on to postsecondary education.

(b)(1) ~~Arkansas students~~ An Arkansas student who ~~complete the General Educational Development Program~~ completes a high school equivalency program and ~~pass the General Educational Development Test~~ passes a high school equivalency test ~~are~~ is commended for ~~their~~ his or her initiative and persistence.

(2) ~~Those~~ A student who ~~succeed~~ succeeds in this endeavor should also be encouraged to enroll in a postsecondary education program.

(c) ~~To that end, there is hereby~~ There is established the Second Effort Scholarship Program to reward the top ten (10) scorers each year on ~~the General Educational Development Test~~ a high school equivalency test with a scholarship to an Arkansas postsecondary school or college.

SECTION 14. Arkansas Code § 6-82-1103(b)(4)-(6), concerning eligibility for the Second Effort Scholarship Program, is amended to read as follows:

(4) The recipient must be accepted for admission at an approved postsecondary school or college as a freshman, as defined by the Department of Higher Education, and must enroll in an approved institution within eighteen (18) months following passage of ~~the General Educational Development Test~~ a high school equivalency test;

(5) The recipient must have passed ~~the General Educational Development Test~~ a high school equivalency test in the calendar year prior to application for the scholarship; and

(6)(A) The recipient must have scored in the top ten (10) of all Arkansans who took ~~the General Educational Development Test~~ a high school equivalency test in the calendar year prior to application for the scholarship, ~~beginning with test takers in 1991~~, as certified to the Department of Higher Education by the Adult Education Section of the Department of Career Education.

(B) Provided, however, that the Department of Higher Education is authorized to award a ~~General Educational Development~~ high school equivalency scholarship to an otherwise eligible student who scored in

the top twenty-five (25) on the previous calendar year's ~~General Educational Development Test~~ high school equivalency test if all test-takers scoring above the applicant on ~~the General Educational Development Test~~ a high school equivalency test:

- (i) Have either received a scholarship;
- (ii) Have not applied by the application deadline; or
- (iii) Are otherwise ineligible to receive a

scholarship.

SECTION 15. Arkansas Code § 6-82-1105(d), concerning rules and regulations for the Second Effort Scholarship Program, is amended to read as follows:

(d) ~~Beginning in 1992, the Adult Education Section of the The Department of Career Education, Division of Adult Education is directed to~~ shall provide to the Department of Higher Education by February 1 each year a certified list of the twenty-five (25) top scorers on the ~~General Educational Development Test~~ a high school equivalency test administered in the previous calendar year.

SECTION 16. Arkansas Code § 6-82-1605(10)(A)(i), concerning eligibility for the Arkansas Workforce Improvement Grant Program, is amended to read as follows:

(A)(i) Graduated from high school or passed ~~the General Educational Development Test~~ a high school equivalency test; and

SECTION 17. Arkansas Code § 6-82-1702(5), concerning the definition of "high school graduate equivalent", is amended to read as follows:

(5) "High school graduate equivalent" means a student who passes ~~the General Educational Development test~~ a high school equivalency test in Arkansas;

SECTION 18. Arkansas Code § 6-85-204(10), concerning the definitions under the Arkansas Academic Challenge Scholarship Program - Part 2, is amended to read as follows:

(10) "~~General Educational Development~~ High school equivalency test" means a test measuring the knowledge and skills usually learned in high

school that is administered by a state-approved institution or organization;

SECTION 19. Arkansas Code § 6-85-207(3)(B), concerning additional eligibility requirements for traditional students, is amended to read as follows:

(B) In the year in which the student would have been a junior or senior in high school, completed the requirements for high school graduation and obtained a ~~Certificate of General Educational Development~~ high school equivalency diploma approved by the Department of Career Education instead of receiving a diploma.

SECTION 20. Arkansas Code § 6-85-208(2), concerning the additional eligibility requirements for a nontraditional student, is amended to read as follows:

(2) Graduated from an Arkansas public high school, a private high school, an out-of-state high school, a home school high school, or obtained a ~~Certificate of General Educational Development~~ high school equivalency diploma approved by the Department of Career Education and either:

SECTION 21. Arkansas Code § 9-14-233(d)(3), concerning work activities and incarceration, is amended to read as follows:

(3) If the obligated parent can demonstrate enrollment and full participation in job-related training, which may include on-the-job-training, job search and job readiness assistance, community service programs, vocational education training not to exceed twelve (12) months' duration, job skills training directly related to employment, education directly related to employment if the obligated parent has not received a high school diploma or ~~general education development certificate~~ high school equivalency diploma approved by the Department of Career Education, the circuit court may substitute such participation in lieu of work activities as set out in subsection (e) of this section.

SECTION 22. Arkansas Code § 9-27-330(a)(4)(B), concerning delinquency, is amended to read as follows:

(B)(i) In addition, the court shall have the right as a term of probation to require the juvenile to attend school or make

satisfactory progress toward attaining a ~~general educational development certificate~~ high school equivalency diploma approved by the Department of Career Education.

(ii) The court shall have the right to revoke probation if the juvenile fails to regularly attend school or if satisfactory progress toward attaining a ~~general educational development certificate~~ high school equivalency diploma approved by the Department of Career Education is not being made;

SECTION 23. Arkansas Code § 9-27-332(a)(6)(A), concerning a family in need of services, is amended to read as follows:

(6)(A) Place the juvenile on supervision terms, including, ~~but not limited to,~~ without limitation requiring the juvenile to attend school or make satisfactory progress toward attaining a ~~general educational development certificate~~ high school equivalency diploma approved by the Department of Career Education, requiring the juvenile to observe a curfew, and prohibiting the juvenile from possessing or using any alcohol or illegal drugs.

SECTION 24. Arkansas Code § 15-4-2901(b), concerning adult education, is amended to read as follows:

(b) The General Assembly finds that over four hundred ninety-one thousand eight hundred sixty-three (491,863) adults age eighteen (18) or older, approximately twenty-five percent (25%) of the adult population in Arkansas, lack a high school diploma or have not passed ~~the General Educational Development Test~~ a high school equivalency test, and thus there is a critical need for adult education and training services.

SECTION 25. Arkansas Code § 16-93-308(h), concerning probation generally, is amended to read as follows:

(h)(1) A court shall not revoke a suspension of sentence or probation because of a person's inability to achieve a high school diploma, ~~general educational development certificate~~ high school equivalency diploma approved by the Department of Career Education, or gainful employment.

(2)(A) However, the court may revoke a suspension of sentence or probation if the person fails to make a good faith effort to achieve a high school diploma, ~~general educational development certificate~~ high school

equivalency diploma approved by the Department of Career Education, or gainful employment.

(B) As used in this section a “good faith effort” means a person:

(i) Has been enrolled in a program of instruction leading to a high school diploma or a ~~general-education-development certificate~~ high school equivalency diploma approved by the Department of Career Education and is attending a school or an adult education course; or

(ii) Is registered for employment and enrolled and participating in an employment-training program with the purpose of obtaining gainful employment.

SECTION 26. Arkansas Code § 17-86-303(a)(4)(A), concerning massage therapist eligibility, is amended to read as follows:

(4)(A) Present a high school diploma, ~~Certificate of General Educational Development~~ high school equivalency diploma approved by the Department of Career Education, or college transcript and credentials issued by a board-accepted massage therapy school or a like institution with no less than five hundred (500) in-classroom hours of instruction.

SECTION 27. Arkansas Code § 20-76-404(b)(2), concerning public assistance, is amended to read as follows:

(2) The Department of Workforce Services may certify subsets of program recipients, including, ~~but not limited to,~~ without limitation recipients in a certain geographical area or employment opportunity district or program recipients with a high school diploma or ~~general-educational-development certificate~~ high school equivalency diploma approved by the Department of Career Education.

SECTION 28. Arkansas Code § 20-76-443(a)(2), concerning education and training, is amended to read as follows:

(2) Program recipients who are assessed as having basic education deficiencies shall be allowed to combine educational activities leading to a high school diploma or ~~general-educational-development certificate~~ high school equivalency diploma approved by the Department of Career Education and employment and work experience. Participants may be required to engage in

internships, work experience, or employment. Work requirements shall not exceed fifteen (15) hours per week unless the Department of Human Services certifies that allowing education to count toward program recipients' required work activities would affect the state's ability to meet federal work participation rates. To the extent possible, educational activities shall take place in a work context.

SECTION 29. Arkansas Code § 23-39-505(b)(2)(A), concerning qualifications for licensure, is amended to read as follows:

(2)(A) Have received a high school diploma or a ~~general educational development certificate~~ high school equivalency diploma approved by the Department of Career Education.

SECTION 30. Arkansas Code § 23-64-607(a)(2), concerning qualifications for licensure or certification, is amended to read as follows:

(2) Have received a high school diploma or a ~~general education development certificate~~ high school equivalency diploma approved by the Department of Career Education;

SECTION 31. Arkansas Code § 27-16-604(a)(1)(C), concerning persons not to be licensed, is amended to read as follows:

(C) Has successfully completed a ~~General Educational Development~~ high school equivalency test; or

**APPROVED: 04/06/2015**