

Stricken language would be deleted from and underlined language would be added to present law.
Act 1178 of the Regular Session

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/20/15
A Bill

HOUSE BILL 1552

By: Representative House

For An Act To Be Entitled

AN ACT TO ESTABLISH THE SUCCEED SCHOLARSHIP PROGRAM FOR STUDENTS WITH DISABILITIES; SPECIFYING PROCEDURES AND STARTING DATE; ESTABLISHING ELIGIBILITY REQUIREMENTS FOR STUDENTS; ESTABLISHING ELIGIBILITY REQUIREMENTS FOR PRIVATE SCHOOLS; AND FOR OTHER PURPOSES.

Subtitle

TO ESTABLISH THE SUCCEED SCHOLARSHIP PROGRAM FOR STUDENTS WITH DISABILITIES.

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

SECTION 1. Arkansas Code Title 6, Chapter 41, is amended to add an additional subchapter to read as follows:

Subchapter 7 – Succeed Scholarship Program

6-41-701. Intent.

(a) The Succeed Scholarship Program is established and intended to provide a scholarship to a private school of choice for students with disabilities that have an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.

(b) The program shall begin awarding scholarships in the 2016-2017 school year.

6-41-702. Student eligibility.



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

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

(B) If the student is a dependent of an active duty member of any branch of the United States armed forces, subdivision (1)(A) of this section does not apply;

(2) The student has an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.;

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

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

(b) If a student is accepted to a private school upon the availability of space, a parent or legal guardian shall notify the student's school district at least sixty (60) days before the student enrolls in the private school and receives the first scholarship payment.

6-41-703. Private school eligibility.

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

(2) The notice shall specify the grade levels and services that the private school has available for students with *severe disabilities* who are participating in the program.

(b) The department shall approve a private school as eligible to participate in the program if the private school:

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

(2)(A) Demonstrates fiscal soundness by having been in operation for one (1) school year or providing the department with a statement by a

certified public accountant confirming that the private school is insured and the private school has sufficient capital or credit to operate in the upcoming school year.

(B) In lieu of a statement, a surety bond or letter or credit for the amount equal to the scholarship funds for any quarter may be filed with the department;

(3) Complies with the antidiscrimination provisions of 42 U.S.C. § 2000d;

(4) Meets state and local health and safety requirements;

(5) Is academically accountable to the parent or legal guardian for meeting the educational needs of the student;

(6) Employs or contracts with teachers who hold baccalaureate or higher degrees;

(7) Complies with all state laws and regulations governing private schools; and

(8) Adheres to the tenets of its published disciplinary procedures before an expulsion of a student receiving a scholarship.

(c) The department shall maintain a list of private schools eligible to participate in the program and make the list available on the department's website.

(d)(1) An eligible private school shall administer annually or make provisions for a student participating in the scholarship program to take a nationally recognized norm-referenced test as established by the State Board of Education.

(2) A student with an individual education plan that provides for an exemption to standardized testing is not required to take the test required under subdivision (d)(1) of this section.

(3) An eligible private school shall annually prepare a portfolio that provides information on a student's progress to the student's parent or guardian if a student is exempt from standardized testing as permitted under subdivision (d)(2) of this section.

6-41-704. Responsibilities of scholarship recipients.

(a) The parent or legal guardian of a Succeed Scholarship Program recipient shall:

(1) Select the private school from the list of private schools

eligible to participate in the program that is maintained by the Department of Education;

(2) Apply for the scholarship at least sixty (60) days before the date of the first scholarship payment and notify the superintendent of the student's resident school district within five (5) business days of submitting the application;

(3) Fully comply with the parental involvement requirements of the private school unless excused by the school for illness or other good cause;

(4) Sign a waiver that releases the State of Arkansas from any legal obligation to provide services or education to the student participating in the program except for funding provided for the program under the rules established by the State Board of Education;

(5) Sign a waiver that releases the student's resident school district from any legal obligation to provide services or education to the student participating in the program while the student is not enrolled in the student's resident school district as provided under the rules established by the state board; and

(6) Notify the state board or the state board's designee if the student ceases to be enrolled in or regularly attend the private school for any reason.

(b) A student participating in the program shall:

(1) Attend the private school throughout the school year unless excused by the school for illness or other good cause; and

(2) Comply fully with the code of conduct for the private school.

(c) The state board may terminate the scholarship of a student if the student or the student's parent or guardian materially fail to comply with the responsibilities under this section.

6-41-705. Scholarship payments – Funding.

(a) The maximum scholarship available under the Succeed Scholarship Program is the foundation funding amount for the current school year under § 6-20-2305.

(b) The amount of the scholarship shall be the amount calculated under subsection (a) of this section or the amount of tuition and fees for the

private school, whichever is less.

(c) Scholarship payments shall be disbursed in equal amounts on a monthly basis by the Department of Education or another state agency, person, firm, or corporation designated by the department to administer and disburse funds.

(d) Beginning on July 1, 2015, the department shall prepare a budget, including cost estimates and projections so that a separate appropriation can be made for the program for the 2016-2017 school year.

(e) The program shall be funded separately from the Public School Fund and other funds or appropriations designated for public schools.

(f) The program shall not be funded with county, city, or school district tax revenues.

6-41-706. Rules and duties.

(a) The State Board of Education shall adopt rules and develop notices and other documentation necessary to administer the Succeed Scholarship Program that are in the best interest of students.

(b) The state board shall not:

(1) Become a party to a contract between a participating school and a student's parent or guardian, however the state board shall make payments to a participating school as long as a student is enrolled and attending the participating school in good standing as required under § 6-41-704; or

(2) Make payments to a participating school after the state board is notified from either the participating school or a student's parent or guardian that the student is no longer enrolled or attending the participating school.

6-41-707. Autonomy of participating schools.

(a) A private school that participates in the Succeed Scholarship Program is not considered an agent or instrumentality of the State of Arkansas or a school district.

(b) The curriculum and education plan for a student with a disability attending a private school is not subject to the regulatory authority of the State Board of Education.

(c) As a condition of continued participation in the program, the

state board may require a participating school that is receiving funds from the program to certify on a semiannual basis under oath that a student is and has been enrolled and attending the participating school except for excused absences.

/s/House

APPROVED: 04/07/2015