

State of Arkansas
93rd General Assembly
Regular Session, 2021

A Bill

SENATE BILL 129

By: Senator J. English

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING PRIVATE RESIDENT AND CORRESPONDENCE
SCHOOLS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING PRIVATE RESIDENT AND
CORRESPONDENCE SCHOOLS.

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

SECTION 1. Arkansas Code § 6-51-602(7)-(12), concerning definitions applicable to private resident and correspondence schools, are amended to read as follows:

~~(7) "Private Career Education Arbitration Panel" means the three person panel established for the purpose of arbitrating student and school grievances;~~

~~(8)~~(7) "Program of study" means an organized unit of courses or an individual course in which instruction is offered;

~~(9)~~(8) "Resident school" means any school in which all programs of study are conducted in resident classrooms or held in public meeting facilities;

~~(10)~~(9) "Satellite school" means a location within the State of Arkansas away from the school where programs of study are offered on a regular continuing basis by Arkansas schools;

~~(11)(A)~~(10)(A) "School" means any person, firm, partnership, association, corporation, or other form of business organization seeking to



do business or offering in the State of Arkansas resident or correspondence training that leads to or enhances occupational qualifications, ~~whether or not the institution is subject to the jurisdiction of the Arkansas Higher Education Coordinating Board under § 6-61-301.~~

(B) "School" also means any firm, partnership, association, corporation, or other form of business organization that offers instruction in airframe or power plant mechanics.

(C) "School" also means any firm, partnership, association, corporation, or other form of business organization ~~which~~ that offers training as preparation for passing exams ~~which~~ that may lead to employment.

(D) "School" also means any firm, partnership, association, corporation, or other form of business organization ~~which~~ that offers driver education training, excluding those courses taught motor vehicle violators pursuant to court order.

(E) "School" does not ~~mean~~ include:

(i) a program of instruction in yoga or in yoga-teacher training; or

(ii) An institution that is subject to the jurisdiction of the Arkansas Higher Education Coordinating Board under § 6-61-301; and

~~(12)~~(11) "Student", ~~or "enrollee", "trainee", or "pupil"~~ means a person who is seeking to enroll, ~~or who~~ has been enrolled, ~~or who~~ is sought for enrollment, or is seeking training or instruction, in a school as defined in this ~~subchapter~~ section.

SECTION 2. Arkansas Code § 6-51-604(a), concerning notice of possible violations, responses, and injunctions, is amended to read as follows:

(a) ~~In consultation with the State Board of Private Career Education or its director acting for the board, if~~ If the Division of Higher Education has probable cause to believe that a person, agent, group, or entity has committed any acts that would be in violation of this subchapter such as fraud, misrepresentation, or unethical practices, the division shall first give notice in writing by certified mail or in person to the agency or entity affected.

SECTION 3. Arkansas Code § 6-51-605(b), concerning the State Board of Private Career Education, is amended to read as follows:

(b)(1) The board may elect the necessary officers, acting by and through the Director of the Division of Higher Education.

~~(2) In consultation with the board, the~~ The Division of Higher Education shall have the sole authority to:

~~(1)(A)~~ (A) Approve all schools offering programs of study leading to or enhancing an occupational objective;

~~(2)(B)~~ (B) Administer and enforce this subchapter; and

~~(3)(C)~~ (C) Issue licenses to schools that have met the standards set forth for the purposes of this subchapter by the Division of Higher Education, including without limitation programs of study, adequate facilities, financial stability, qualified personnel, and legitimate operating practices.

SECTION 4. Arkansas Code § 6-51-606(e), concerning school licenses generally, is repealed.

~~(e)(1) If the division, after evaluating the school as to kind and type, is unable to make a determination regarding initial approval of a licensure application within sixty (60) days of receipt of the application and required documentation, it shall issue a temporary license valid for a period of not more than six (6) months, pending an investigation.~~

~~(2) If the investigation of the school under subdivision (e)(1) of this section does not reveal anything that justifies revoking or denying reissue of the temporary license, a license will be issued that will continue in force until the time of such expiration as a regular license.~~

SECTION 5. Arkansas Code § 6-51-612(a), concerning penalties for operating a school without a license, is amended to read as follows:

(a) ~~Any~~ A person, an admissions representative, each member of ~~any~~ an association of persons, or each officer of ~~any~~ a corporation who opens and conducts a school, satellite school, or extension course site, as defined in this subchapter, ~~or an out-of-state school which offers to sell a program of study in Arkansas, without first having obtained a license required in this subchapter,~~ shall be upon conviction is guilty of a misdemeanor punishable by a fine of not less than one thousand dollars (\$1,000) nor more than five

thousand dollars (\$5,000) or thirty (30) days' imprisonment, or both, at the discretion of the court.

SECTION 6. Arkansas Code § 6-51-616(b)-(f), concerning student grievance procedures, are amended to read as follows:

(b)(1) All complaints shall be investigated, and attempts shall be made to resolve them informally.

(2) If an informal resolution cannot be achieved, the aggrieved party may request a formal hearing to be held before the State Board of Private Career Education Arbitration Panel.

(c) The aggrieved party may not pursue ~~arbitration~~ resolution before the ~~panel~~ board if legal action has been filed.

(d) The request for ~~arbitration~~ must a hearing shall be in writing and filed with the director within one (1) year of completion of, or withdrawal from, the school.

(e) The written request for ~~arbitration~~ must a hearing shall name the parties involved and specific facts giving rise to the dispute.

(f) The ruling of the ~~panel~~ board shall be binding upon the parties.

SECTION 7. Arkansas Code § 6-51-617 is amended to read as follows:

6-51-617. State Board of Private Career Education Arbitration Panel = Dispute resolution.

(a) The State Board of Private Career Education Arbitration Panel ~~as referenced in this section~~ shall represent the sole authority to resolve disputes between a student and ~~schools~~ a school as to grievances relating to:

(1) The failure of the school to perform agreements made with the student; or

(2) An admissions representative's misrepresentations in enrolling the student.

~~(b)(1) In consultation with the State Board of Private Career Education, the Director of the Division of Higher Education shall appoint the panel, which shall be composed of three (3) members. One (1) member shall be from the school sector, and two (2) members shall be from the general public.~~

~~(2) No member of the panel may serve for hearings which involve the member's school.~~

~~(e)(1)(b)(1)~~ In resolving disputes, the ~~panel~~ board shall be exempt

from judicial redress for failure to exercise skill or care in the performance of its duties.

(2) The ~~arbitration~~ proceeding, confirmation, or vacation of an award and appeal shall be conducted pursuant to the ~~Uniform Arbitration Act, § 16-108-201 et seq.~~ Arkansas Administrative Procedures Act, § 25-15-201 et seq.

APPROVED: 3/4/21