

State of Arkansas  
94th General Assembly  
Regular Session, 2023

# A Bill

SENATE BILL 568

By: Senators J. Dismang, B. Davis, Gilmore

By: Representatives Barker, Brooks

## For An Act To Be Entitled

AN ACT TO AMEND ACTS 2023, NO. 237; TO AMEND THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM; TO AMEND THE LIMITATION ON THE FUNDS A PARTICIPATING STUDENT MAY RECEIVE UNDER THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND ACTS 2023, NO. 237; AND TO AMEND THE LIMITATION ON THE FUNDS A PARTICIPATING STUDENT MAY RECEIVE UNDER THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM.

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

SECTION 1. Arkansas Code § 6-18-2506(e), concerning the funds a participating student may receive under the Arkansas Children's Educational Freedom Account Program, is amended to read as follows:

(e)(1) A Except as provided under subdivision (e)(2) of this section, a participating student may only participate in and receive funds from one (1) of the following:

~~(1)(A)~~ The Arkansas Children's Educational Freedom Account Program established by this subchapter; or

~~(2)(B)~~ The Philanthropic Investment in Arkansas Kids Program Act, § 6-18-2301 et seq.



(2)(A) A student with a disability as described by subdivision (a)(3)(A)(i)(a) who has an annual family income that is less than or equal to two hundred percent (200%) of the federal poverty guidelines as determined annually in the Federal Register by the United States Department of Health and Human Services under 42 U.S.C. § 9902(2), as required under the Philanthropic Investment in Arkansas Kids Program may receive funds from both the Arkansas Children’s Educational Freedom Account Program established by this subchapter and the Philanthropic Investment in Arkansas Kids Program.

(B) However, a student who qualifies under subdivision (e)(2)(A) of this section may receive funds from both the Arkansas Children’s Educational Freedom Account Program established by this subchapter and the Philanthropic Investment in Arkansas Kids Program only to the extent necessary to cover qualifying expenses.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the provision of educational services to children in the State of Arkansas impacts the public peace, health, and safety through its effect upon student learning, which is critical for the future success of the state; that educational services for children with disabilities is essential for purposes of helping those children with disabilities reach their full potential; that the State of Arkansas has made extensive amendments to the Arkansas Code as it pertains to education, which will require new rules and procedures to be put in place before the beginning of the 2023-2024 school year; and that this act is immediately necessary because to give the Department of Education time to promulgate rules that are necessary to implement this act in sync with the other changes to the Arkansas Code and to allow time for families with low incomes to plan for the educational placement of their children with disabilities. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

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

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

(3) If the bill is vetoed by the Governor and the veto is

overridden, the date the last house overrides the veto.

**APPROVED: 4/11/23**