

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
91st General Assembly  
Regular Session, 2017

# A Bill

HOUSE BILL 1308

By: Representatives Cozart, C. Douglas, D. Ferguson, Fielding, V. Flowers, M.J. Gray, G. McGill,  
Murdock, Rushing, Sturch, Vaught

By: Senator Irvin

## For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING THE BUILDING BETTER FUTURES PROGRAM AND  
THE BUILDING BETTER FUTURES HIGH SCHOOL PROGRAM; AND  
FOR OTHER PURPOSES.

## Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE  
CONCERNING THE BUILDING BETTER FUTURES  
PROGRAM AND THE BUILDING BETTER FUTURES  
HIGH SCHOOL PROGRAM.

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

SECTION 1. Arkansas Code Title 6, Chapter 41, Subchapter 7 is amended  
to read as follows:

~~Subchapter 7—Building Better Futures High School Program~~

~~6-41-701. Program established—Purpose.~~

~~(a) There is established a Building Better Futures High School  
Program.~~

~~(b) The purpose of the program is to allow students with intellectual  
disabilities to broaden their career opportunities in an inclusive and age-  
appropriate environment while completing the additional years of high school  
as allowed by law.~~



~~6-41-702. Definitions.~~

~~As used in this subchapter:~~

~~(1) "Approved institution" means a public or private nonprofit institution of higher education located in Arkansas that:~~

~~(A) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools; and~~

~~(B) Is approved or seeking approval by the United States Department of Education as a comprehensive transition and postsecondary program;~~

~~(2)(A) "Arkansas resident" means a recipient or a recipient's parent or guardian who is domiciled in Arkansas for at least twelve (12) months before applying for the Building Better Futures High School Program.~~

~~(B) A recipient or a recipient's parent or guardian may be asked to provide proof of domicile as evidenced by one (1) of the following:~~

~~(i) Information from the Free Application for Federal Student Assistance;~~

~~(ii) A valid Arkansas driver's license;~~

~~(iii) Documentation of current payment for personal or real property taxes for the previous year;~~

~~(iv) Current vehicle registration;~~

~~(v) Current voter registration; or~~

~~(vi) Other forms that establish residency;~~

~~(3) "Eligible student" means a person who satisfies the criteria established in this subchapter;~~

~~(4) "Home school" means an educational program provided by the student's parent or guardian as permitted under § 6-15-501 et seq.;~~

~~(5) "Home schooled student" means a student educated in a school provided by a parent or legal guardian for his or her own child;~~

~~(6) "Intellectual disability" means a condition characterized by significant limitations in both intellectual functioning and in adaptive behavior;~~

~~(A) As defined by the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and~~

~~(B) Diagnosed by a physician, psychologist, or other individual qualified by license or statute to diagnose; and~~

~~(7) "Selective admission" means acceptance into the program is~~

~~based on specific criteria that are used by each approved institution for its Building Better Futures High School Program.~~

~~6-41-703. Eligibility.~~

~~To be eligible for selective admission into a Building Better Futures High School Program, a student shall:~~

~~(1)(A) Be a current student at a public high school who is currently served under an individual education program.~~

~~(B)(i) The parent or guardian of the student shall notify the student's individual education program committee at least one (1) calendar year in advance of the Building Better Futures High School Program's application deadline of the parent or guardian's desire for the student's individual education program to include participation, if admitted, in the nearest Building Better Futures High School Program.~~

~~(ii) The student's individual education program committee shall notify the parent or guardian within sixty (60) days of the parent's or guardian's making the request of whether or not participation in the Building Better Futures High School Program is deemed appropriate for the student to receive a free appropriate public education.~~

~~(C) If the student's individual education program committee determines that seeking admission to a Building Better Futures High School Program should be part of the student's individual education program, the individual education program committee shall submit an application to the nearest Building Better Futures High School Program located not more than fifty (50) miles from the public high school attended by the student;~~

~~(2) Be a current private high school or home-schooled student;~~

~~(3)(A) Be an Arkansas resident.~~

~~(B) A nonresident may be eligible for the program if there are openings available after all Arkansas residents are admitted;~~

~~(4) Not have reached twenty two (22) years of age;~~

~~(5) Be selected for admission by an approved institution into the institution's comprehensive transition and postsecondary program or a program in the process of becoming a comprehensive transition and postsecondary program;~~

~~(6) Have an intellectual disability;~~

~~(7) Be able and willing to learn and participate in an inclusive classroom and work setting; and~~

~~(8) Not be a danger to himself or herself or others, as determined by the accepting institution of higher education.~~

~~6-41-704. Program information.~~

~~A Building Better Futures High School Program implemented by an approved institution shall:~~

~~(1) Have a selective admission process for students with documented intellectual disabilities;~~

~~(2) Be exempt from the higher education state minimum core curriculum as determined by the Arkansas Higher Education Coordinating Board under § 6-61-218;~~

~~(3) Be exempt from program review by the board under §§ 6-61-207 and 6-61-208;~~

~~(4) Be part of a comprehensive transition and postsecondary program approved by the United States Department of Education within three (3) years of establishing the Building Better Futures High School Program at the approved institution;~~

~~(5) Allow a certificate to be awarded to a student who successfully completes the Building Better Futures High School Program; and~~

~~(6) Not permit hours completed in the Building Better Futures High School Program to be transferred towards credit for an associate or baccalaureate degree program.~~

~~6-41-705. Responsibilities.~~

~~(a)(1) An institution of higher education that wishes to establish a Building Better Futures High School Program on campus shall seek recognition as a comprehensive transition and postsecondary program by the United States Department of Education.~~

~~(2) Only approved institutions are eligible for funding for the Building Better Futures High School Program if funding is available.~~

~~(b) The Department of Higher Education shall provide information on the options for postsecondary education for students with intellectual disabilities statewide to each secondary school in the state.~~

~~(c)(1) Each public high school in Arkansas shall provide the information distributed by the Department of Higher Education to the parent or guardian of a student with an intellectual or developmental disability enrolled in the public high school.~~

~~(2) A public high school shall begin providing the information when transition services for a student are discussed at an annual review conference of the individual education program committee meeting.~~

~~(d)(1) Nothing in this subchapter relieves a school district from satisfying the requirements of a student's individual education plan.~~

~~(2)(A) The lack of an available Building Better Futures High School Program located within fifty (50) miles of a student's public high school or the failure of a Building Better Futures High School Program to admit a public school student is not a failure on the part of the public high school to provide a free and appropriate public school education subject to 34 C.F.R. 300.507.~~

~~(B) A student who is dismissed from a Building Better Futures High School Program has no recourse against the student's public high school under 34 C.F.R. 300.507.~~

~~(e) A public high school shall:~~

~~(1) Provide transportation for an admitted and eligible student to and from the closest approved Building Better Futures High School Program that is located no more than fifty (50) miles from the student's public high school; and~~

~~(2) Continue to provide activities of daily living skills to eligible students at the public high school campus in addition to other requirements of the student's individual educational plan.~~

~~(f) Instructional and support staff for a student attending a Building Better Futures High School Program shall be provided by the institution providing the Building Better Futures High School Program while the student is on the campus of the institution.~~

~~(g) A variety of sources may be used to support the Building Better Futures High School Program, including the costs associated with tuition and support services.~~

~~(h)(1) With regard to the Building Better Futures High School Program, an institution of higher education shall not charge tuition and fees at a higher rate for secondary school students than for other students from the community.~~

~~(2) The tuition and fees shall be charged to the student's public high school and be proportionate to the student's participation in the Building Better Futures High School Program established by the student's~~

~~individual education program.~~

Subchapter 7 – Building Better Futures Program

6-41-701. Program established – Purpose.

(a) The Building Better Futures Program is established.

(b) The purpose of the program is to allow students with intellectual disabilities to broaden their career opportunities through education and job training in an inclusive and age-appropriate environment.

6-41-702. Definitions.

As used in this subchapter:

(1) “Approved institution” means a public or private nonprofit institution of higher education located in Arkansas that:

(A) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools; and

(B) Is approved or seeking approval by the United States Department of Education as a comprehensive transition and postsecondary program;

(2)(A) “Arkansas resident” means a recipient or a recipient’s parent or guardian who is domiciled in Arkansas for at least twelve (12) months before applying for the Building Better Futures Program.

(B) A recipient or a recipient’s parent or guardian may be asked to provide proof of domicile as evidenced by one (1) of the following:

(i) Information from the Free Application for Federal Student Aid;

(ii) Valid Arkansas driver’s license;

(iii) Documentation of current payment for personal or real property taxes for the previous year;

(iv) Current vehicle registration;

(v) Current voter registration; or

(iv) Other forms that establish residency;

(3)(A) “Citizen” means a person who is a United States citizen or lawful permanent resident.

(B) If the person is a lawful permanent resident, he or she shall submit a copy of the lawful permanent resident form when submitting

an application to the Building Better Futures Program;

(4) "Eligible student" means a person who satisfies the criteria established in this subchapter;

(5) "Intellectual disability" means a condition characterized by significant limitations in both intellectual functioning and in adaptive behavior;

(A) As defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; and

(B) Diagnosed by a physician, psychologist, or other individuals qualified by license or statute to diagnose; and

(6) "Selective admission" means acceptance into the Building Better Futures Program is based on specific criteria that are used by each approved institution for its Building Better Futures Program.

#### 6-41-703. Eligibility.

To be eligible for selective admission into a Building Better Futures Program, a student shall:

(1) Be a citizen;

(2)(A) Be an Arkansas resident.

(B) A nonresident may be eligible for the Building Better Futures Program if there are openings available after all Arkansas residents are admitted;

(3) Be selected for admission by an approved institution into the institution's comprehensive transition and postsecondary program or a program in the process of becoming a comprehensive transition and postsecondary program;

(4) Have an intellectual disability;

(5) Be able and willing to learn and participate in an inclusive classroom and work setting; and

(6) Not be a danger to himself or herself or others, as determined by the accepting institution of higher education.

#### 6-41-704. Program information.

A Building Better Futures Program implemented by an approved institution shall:

- (1) Have a selective admission process for students with documented intellectual disabilities;
- (2) Be exempt from the higher education state minimum core curriculum as determined by the Arkansas Higher Education Coordinating Board under § 6-61-218;
- (3) Be exempt from program review by the board under §§ 6-61-207 and 6-61-208;
- (4) Be part of a comprehensive transition and postsecondary program approved by the United States Department of Education within three (3) years of establishing the Building Better Futures Program at the approved institution;
- (5) Allow a certificate to be awarded to a student who successfully completes the Building Better Futures Program; and
- (6) Not permit hours completed in the Building Better Futures Program to be transferred toward credit for an associate or baccalaureate degree program.

6-41-705. Responsibilities.

- (a)(1) An institution of higher education that wishes to establish a Building Better Futures Program on campus shall seek recognition as a comprehensive transition and postsecondary program by the United States Department of Education.
- (2) Only approved institutions are eligible for funding for the Building Better Futures Program if funding is available.
- (b)(1) The Department of Higher Education shall provide information statewide, including to each high school in the state, on the options for postsecondary education for students with intellectual disabilities.
- (2) Each public high school in Arkansas shall provide the information distributed by the Department of Higher Education to the parent or guardian of a student with an intellectual or developmental disability enrolled in the public high school.
- (3) A public high school shall begin providing the information when transition services for a student are discussed at an annual review conference of the individualized education program committee meeting.
- (c) A variety of sources may be used to support the Building Better Futures Program, including the costs associated with tuition and support

services.

SECTION 2. Arkansas Code Title 6, Chapter 41, is amended to add an additional subchapter to read as follows:

Subchapter 8 – Building Better Futures High School Program.

6-41-801. Program established – Purpose.

(a) There is established a Building Better Futures High School Program.

(b) The purpose of the program is to allow students with intellectual disabilities to broaden their career opportunities in an inclusive and age-appropriate environment while completing the additional years of high school as allowed by law.

6-41-802. Definitions.

As used in this subchapter:

(1) “Approved institution” means a public or private nonprofit institution of higher education located in Arkansas that:

(A) Is accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools; and

(B) Is approved or seeking approval by the United States Department of Education as a comprehensive transition and postsecondary program;

(2)(A) “Arkansas resident” means a recipient or a recipient’s parent or guardian who is domiciled in Arkansas for at least twelve (12) months before applying for the Building Better Futures High School Program.

(B) A recipient or a recipient’s parent or guardian may be asked to provide proof of domicile as evidenced by one (1) of the following:

(i) Information from the Free Application for Federal Student Aid;

(ii) Valid Arkansas driver’s license;

(iii) Documentation of current payment for personal or real property taxes for the previous year;

(iv) Current vehicle registration;

(v) Current voter registration; or

(vi) Other forms that establish residency;

(3)(A) "Citizen" means a person who is a United States citizen or lawful permanent resident.

(B) If the person is a lawful permanent resident, he or she shall submit a copy of the lawful permanent resident form when submitting an application to the Building Better Futures High School Program;

(4) "Eligible student" means a person who satisfies the criteria established in this subchapter;

(5) "Home school" means an educational program provided by the student's parent or guardian as permitted under §6-15-501 et seq.;

(6) "Home-schooled student" means a student educated in a school provided by a parent or legal guardian for his or her own child;

(7) "Intellectual disability" means a condition characterized by significant limitations in both intellectual functioning and in adaptive behavior:

(A) As defined by the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; and

(B) Diagnosed by a physician, psychologist, or other individuals qualified by license or statute to diagnose; and

(8) "Selective admission" means acceptance into the Building Better Futures High School Program is based on specific criteria that are used by each approved institution for its Building Better Futures High School Program.

#### 6-41-803. Eligibility.

To be eligible for selective admission into a Building Better Futures High School Program, a student shall:

(1) Be either:

(A)(i) A current student at a public high school who is currently served under an individualized education program.

(ii)(a) The parent or guardian of the student shall make a request to the student's individualized education program committee at least one (1) calendar year in advance of the Building Better Futures High School Program's application deadline that the student's individualized education program include participation, if admitted, in the nearest Building Better Futures High School Program.

(b) The student's individualized education program committee shall notify the parent or guardian within sixty (60) days of the parent or guardian making the request of whether or not participation in the Building Better Futures High School Program is deemed appropriate for the student to receive a free appropriate public education.

(iii) If the student's individualized education program committee determines that seeking admission to a Building Better Futures High School Program should be part of the student's individualized education program, the individualized education program committee shall submit an application to the nearest Building Better Futures High School Program located not more than fifty (50) miles from the public high school attended by the student; or

(B) A current private high school or home-schooled student;

(2) Be a citizen;

(3)(A) Be an Arkansas resident.

(B) A nonresident may be eligible for the program if there are openings available after all Arkansas residents are admitted;

(4) Not have reached twenty-two (22) years of age;

(5) Be selected for admission by an approved institution into the institution's comprehensive transition and postsecondary program or a program in the process of becoming a comprehensive transition and postsecondary program;

(6) Have an intellectual disability;

(7) Be able and willing to learn and participate in an inclusive classroom and work setting; and

(8) Not be a danger to himself or herself or others, as determined by the accepting institution of higher education.

6-41-804. Program information.

A Building Better Futures High School Program implemented by an approved institution shall:

(1) Have a selective admission process for students with documented intellectual disabilities;

(2) Be exempt from the higher education state minimum core curriculum as determined by the Arkansas Higher Education Coordinating Board

under § 6-61-218;

(3) Be exempt from program review by the board under §§ 6-61-207 and 6-61-208;

(4) Be part of a comprehensive transition and postsecondary program approved by the United States Department of Education within three (3) years of establishing the Building Better Futures High School Program at the approved institution;

(5) Allow a certificate to be awarded to a student who successfully completes the Building Better Futures High School Program; and

(6) Not permit hours completed in the Building Better Futures High School Program to be transferred towards credit for an associate or baccalaureate degree program.

6-41-805. Responsibilities.

(a)(1) An institution of higher education that wishes to establish a Building Better Futures High School Program on campus shall seek recognition as a comprehensive transition and postsecondary program by the United States Department of Education.

(2) Only approved institutions are eligible for funding for the Building Better Futures High School Program if funding is available.

(b)(1) The Department of Higher Education shall provide information statewide, including to each high school in the state, on the options for postsecondary education for students with intellectual disabilities.

(2) Each public high school in Arkansas shall provide the information distributed by the Department of Higher Education to the parent or guardian of a student with an intellectual or developmental disability enrolled in the public high school.

(3) A public high school shall begin providing the information when transition services for a student are discussed at an annual review conference of the individualized education program committee meeting.

(c)(1) Nothing in this subchapter relieves a school district from satisfying the requirements of a student's individualized education plan.

(2)(A) The lack of an available Building Better Futures High School Program located within fifty (50) miles of a student's public high school or the failure of a Building Better Futures High School Program to admit a public school student is not a failure on the part of the public high

school to provide a free and appropriate public school education under 34 C.F.R. 300.507.

(B) A student who is dismissed from a Building Better Futures High School Program has no recourse against the student's public high school under 34 C.F.R. 300.507.

(d) A public high school shall:

(1) Provide transportation for an admitted and eligible student to and from the closest approved Building Better Futures High School Program that is located no more than fifty (50) miles from the student's public high school; and

(2) Continue to provide activities of daily living skills to eligible students at the public high school campus in addition to other requirements of the student's individualized educational plan.

(e) Instructional and support staff for a student attending a Building Better Futures High School Program shall be provided by the institution providing the Building Better Futures High School Program while the student is on the campus of the institution.

(f)(1) With regard to the Building Better Futures High School Program, an institution of higher education shall not charge tuition and fees at a higher rate for secondary school students than for other students from the community.

(2) The tuition and fees shall be charged to the student's public high school and be proportionate to the student's participation in the Building Better Futures High School Program established by the student's individualized education program.

(g) A variety of sources may be used to support the Building Better Futures Program, including the costs associated with tuition and support services.

SECTION 3. DO NOT CODIFY. The Arkansas Code Revision Commission shall renumber current § 6-41-801 et seq. as § 6-41-901 et seq.