

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

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/9/17 S3/23/17

# A Bill

HOUSE BILL 1567

By: Representatives Hammer, House

## For An Act To Be Entitled

AN ACT TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP PROGRAM; TO  
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO MAKE FOSTER CHILDREN ELIGIBLE FOR A  
SCHOLARSHIP IN THE SUCCEED SCHOLARSHIP  
PROGRAM; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-41-801 is amended to read as follows:  
6-41-801. Definitions – Establishment – Intent.

(a) As used in this section:

(1) "Foster care" means the care of a child by a group home or group facility on a twenty-four-hours-a-day basis away from the home of the child's parent or parents;

(2) "Foster parent" means the responsible official or officials of a group home or group facility that provides foster care to a child; and

(3) "Parent" means a student's parent or foster parent.

(b) The Succeed Scholarship Program is established and intended to provide a scholarship to a private school of choice for:

(1) ~~students~~ Students in foster care; or

(2) 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.~~

SECTION 2. Arkansas Code § 6-41-802(a), concerning students eligible for a Succeed Scholarship, is amended to read as follows:

(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)~~ (a)(1)(A) of this section does not apply;

(2) The student:

(A) Is in foster care; or

(B) has 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; and

(5)(A) For students in foster care, the Department of Human Services approves the student's placement in the private school.

(B) The department shall approve the student's placement in the private school if a determination is made that placement in the private school is in the best interest of the student.

SECTION 3. Arkansas Code § 6-41-802, concerning students eligible for the Succeed Scholarship, is amended to add an additional subsection to read as follows:

(c) The Department of Education shall approve a maximum of twenty (20) scholarships under this subchapter per academic year for students in foster care.

SECTION 4. Arkansas Code § 6-41-803(a), concerning private school notification of intent to participate in the Succeed Scholarship Program, is amended to read as follows:

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

(2) ~~The~~ If the private school intends to enroll students with disabilities who have an individualized education program in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., 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~~ Succeed Scholarship Program.

SECTION 5. Arkansas Code § 9-28-113(j), concerning the use of state or federal funding for the placement of a foster child in a nonpublic school, is amended to read as follows:

(j)(1) Notwithstanding any of the provisions of this section, if it is in the best interest of the child, a foster child may be placed in a nonpublic school, including a private, parochial, or home school.

(2)(A) ~~as long as no~~ Except as provided in subdivision (j)(2)(B) of this section, state or federal funding ~~is~~ shall not be used for the placement of a foster child in a nonpublic school, including a private, parochial, or home school.

(B) The prohibition under subdivision (j)(2)(A) of this section shall not apply to a foster child who receives a Succeed Scholarship under § 6-41-801 et seq.

SECTION 6. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that improvements are needed in the methods available for the provision of education for foster children; that expanding the educational options for foster children will enhance the chances of foster children to become healthy, well-rounded adults; and that this act is immediately necessary to ensure that foster children are given the greatest chance of achieving that outcome. 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.

*/s/Hammer*