

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

SENATE BILL 251

By: Senator B. King

For An Act To Be Entitled

AN ACT TO REMOVE REMEDIATION AS A FUNCTION OF INSTITUTIONS OF HIGHER EDUCATION; TO TRANSFER HIGHER EDUCATION REMEDIATION FUNDING TO OTHER STATE ENTITIES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO REMOVE REMEDIATION AS A FUNCTION OF INSTITUTIONS OF HIGHER EDUCATION; TO TRANSFER HIGHER EDUCATION REMEDIATION FUNDING TO OTHER STATE ENTITIES; TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-1-303(c)(10), concerning duties of the Arkansas Commission for Coordination of Educational Efforts, is repealed.

~~(10) Make recommendations related to the future need for remediation of beginning college students;~~

SECTION 2. Arkansas Code § 6-1-402(5), concerning the School Leadership Coordinating Council, is amended to read as follows:

(5) An effective statewide leadership development system will result in increased graduation rates, ~~reduced remediation rates~~, the closing of achievement gaps, increased student and adult performance, increased recruitment of effective leaders, and increased capacity for instructional leaders, and thus will increase the number of Arkansas citizens with



bachelor's degrees.

SECTION 3. Arkansas Code § 6-1-605(a)(1)(D), concerning evaluation of the College and Career Coaches Program, is repealed.

~~(D) Remediation rates; and~~

SECTION 4. Arkansas Code § 6-5-1103(a)(1), concerning the Council on Postsecondary Education and Career Readiness, is amended to read as follows:

(1) Develop a unified strategy to+

~~(A) Reduce remediation rates among high school graduates entering postsecondary education by at least fifty percent (50%) by the year 2020; and~~

~~(B) Increase increase postsecondary graduation and completion rates;~~

SECTION 5. Arkansas Code § 6-5-1104(a), concerning reporting requirements of the Council on Postsecondary Education and Career Readiness, is amended to read as follows:

(a) By June 30, 2014, the Council on Postsecondary Education and Career Readiness shall:

(1) Develop a written plan to ~~reduce remediation rates and~~ increase postsecondary graduation rates, including without limitation:

- (A) Annual goals;
- (B) Action strategies;
- (C) Assigned responsibilities for implementing strategies;
- (D) Timelines; and
- (E) Reporting mechanisms;

(2) Provide the written plan to:

- (A) The House Committee on Education and the Senate Committee on Education;
- (B) The board of directors of each school district and open-enrollment charter school in this state; and
- (C) The governing board of each state-supported institution of higher education in this state; and

(3) Encourage each school district board of directors and the governing board of each state-supported institution of higher education in

the state to participate in the council's plan and to work collaboratively to ~~reduce the remediation rates and~~ further postsecondary graduation and completion rates.

SECTION 6. Arkansas Code § 6-15-421(d)(5), concerning recommendations to the General Assembly, is repealed.

~~(5) The department shall biennially recommend to the General Assembly statutory changes to reduce the incidence of postsecondary remediation in mathematics, reading, and writing for recent high school graduates who enroll in an institution of higher education.~~

SECTION 7. Arkansas Code § 6-15-441(d)(4), concerning data collection by the Department of Education, is repealed.

~~(4) Reducing the college remediation rates of students; and~~

SECTION 8. Arkansas Code § 6-15-1402(b)(3)(A)(xii), concerning the school performance report for middle schools, junior high schools, and high schools, is repealed.

~~(xii) College remediation rate for high schools only;~~

SECTION 9. Arkansas Code § 6-15-2006(b)(3), concerning the public school district annual report, is amended to read as follows:

(3) The graduation rate, grade inflation rate, and drop-out rate for grades nine through twelve (9-12), ~~and college remediation rate;~~

SECTION 10. Arkansas Code § 6-15-2401 is repealed.

~~6-15-2401. Review of Arkansas Placement Status Reports—Reports of students needing remediation.~~

~~(a)(1) Representatives from the Department of Higher Education and the Department of Education shall meet with the respective chairs of the Senate Education Committee and the House Education Committee or their designees along with the selected superintendents, high school principals, and high school counselors one (1) time every biennium to review the Arkansas Placement Status Reports to determine whether any revisions in the format of the reports, the information that is reported, or the reporting process need~~

~~to be made.~~

~~(2) Agreed upon changes would be reported to the Arkansas Higher Education Coordinating Board, State Board of Education, Senate Education Committee, and House Education Committee.~~

~~(b) As a part of the school improvement plan pursuant to § 6-15-2201, the State Board of Education shall ensure that each school district and high school develops strategies to improve student readiness for the public postsecondary level based on annual analysis of the feedback report data.~~

SECTION 11. Arkansas Code § 6-18-1604(2), concerning the Universal ACT Assessment Program, is repealed.

~~(2) Prevent or minimize the continued remediation of nearly fifty percent (50%) of all students entering Arkansas institutions of higher education in one (1) or more subjects because they do not meet the college readiness score of nineteen (19) or higher on the ACT Assessment;~~

SECTION 12. Arkansas Code § 6-18-1608 is amended to read as follows:
6-18-1608. Reporting.

The Department of Higher Education and the Department of Education shall submit a combined annual report to the Legislative Council by December 1 of each year that establishes compliance with this subchapter, provides data on the number of participants in the Universal ACT Assessment Program, and outlines the impact of this program on the college readiness of high school seniors ~~and the remediation rates at institutions of higher education.~~

SECTION 13. Arkansas Code § 6-60-703(b)(1)(B), concerning the Comprehensive Arkansas Higher Education Annual Report, is repealed.

~~(B) Remediation rates, §§ 6-15-2401 and 6-61-221;~~

SECTION 14. Arkansas Code § 6-61-221 is repealed.

~~6-61-221. Reporting of graduates requiring postsecondary remediation.~~

~~(a)(1) The Department of Higher Education shall collect information necessary to prepare reports of college achievement of high school graduates from each state supported institution of higher education.~~

~~(2) The Department of Higher Education may contract with appropriate organizations for the preparation of the reports.~~

~~(b) The Department of Higher Education and the Office of Accountability of the Department of Education shall work together to develop a compatible system of reporting the number of:~~

~~(1) Students who required remediation during their first year of enrollment in a state supported institution of higher education if the enrollment occurred within two (2) years of graduation from a secondary school in this state;~~

~~(2) Students who required remediation and who graduated:~~

~~(A) With a 3.0 or higher grade point average on a 4.0 scale; and~~

~~(B) From a public high school after completing the:~~

~~(i) Program of the minimum core of high school courses recommended for preparation for postsecondary education by the Arkansas Higher Education Coordinating Board and the State Board of Education pursuant to § 6-61-217 known as Smart Core; or~~

~~(ii) Non-Smart Core curriculum; and~~

~~(3) Attempts it takes a student to pass a postsecondary remedial course, beginning in the 2011-2012 school year.~~

~~(c)(1) The compilation report generated by the Department of Higher Education shall not include individual student information if the information is reported in a manner that would identify a particular student.~~

~~(2) Any information gathered that identifies a particular student shall be confidential.~~

~~(d)(1) The Department of Higher Education shall include the reports developed under this section annually in the Comprehensive Arkansas Higher Education Annual Report and provide an electronic copy to the:~~

~~(A) Department of Education;~~

~~(B) Department of Career Education;~~

~~(C) Arkansas Higher Education Coordinating Board;~~

~~(D) Governor;~~

~~(E) House Committee on Education;~~

~~(F) Senate Committee on Education;~~

~~(G) State Board of Education; and~~

~~(H) School district administrators for each public high school.~~

~~(2) The reports developed under this section shall be prepared~~

~~on or before October 1 each year and include the cost of remediation for each state supported institution of higher education, which shall be submitted to the Department of Higher Education according to standards developed by the Department of Higher Education and shall include for each state supported institution of higher education:~~

~~(A) The amount of institutional revenue spent on remediation;~~

~~(B) The total general revenue subsidy spent on remediation;~~

~~(C) The total institutional expenditure for remediation;~~
~~and~~

~~(D) The general revenue percentage of total expenditures for remediation.~~

~~(3) The report required under this subsection shall be separate from the uniform reporting standards report required under § 6-61-222.~~

SECTION 15. Arkansas Code § 6-61-222(d), concerning the uniform report of institutions of higher education, is repealed.

~~(d) The report required under this section shall be separate from the cost of remediation reports required under § 6-61-221.~~

SECTION 16. Arkansas Code § 6-62-107 is repealed.

~~6-62-107. Reduction of state funds expended on remediation.~~

~~(a) As a condition for receiving state funds, all public two year and four year institutions of higher education shall report the following information by October 1 of each year to the Department of Higher Education in a format developed by the department in consultation with the institutions:~~

~~(1) The total direct and indirect costs of remediation for the previous academic year; and~~

~~(2) All sources of revenue, by amount and source, used to fund direct and indirect costs of all remedial courses and programs.~~

~~(b) The department shall develop a system to calculate the total amount of state funds spent on remediation of first-time entering freshmen students.~~

~~(c) The amount spent on remediation at public four-year educational~~

~~institutions shall not exceed the amount spent as of the 1996-1997 school year.~~

SECTION 17. TEMPORARY LANGUAGE. NOT TO BE CODIFIED. GENERAL REVENUE FUND TRANSFERS.

(a)(1) Beginning July 1, 2017, and each month thereafter, the Chief Fiscal Officer of the State shall transfer on his or her books and those of the State Treasurer and the Auditor of the State the amount listed under "Monthly Deduction" in the Institutions General Revenue Deduction Schedule in subsection (b) of this section from the total monthly allocation of general revenue authorized for distribution in the Revenue Stabilization Act for the four-year institutions of higher education, two-year institutions of higher education, and technical colleges that are listed in the schedule in subsection (b) of this section.

(2) The total amount transferred under subdivision (a)(1) of this section shall not exceed the amount listed in "Total Annual Deductions" in the Institutions General Revenue Deduction Schedule in subsection (b) of this section.

(b) The following four-year institutions of higher education, two-year institutions of higher education, and technical colleges shall have monthly deductions from general revenue distributions authorized in the Revenue Stabilization Act for a total annual amount listed in the Institutions General Revenue Deduction Schedule.

Institutions General Revenue Deduction Schedule:

<u>Institutions</u>	<u>Monthly Deduction</u>	<u>Total Annual Deduction</u>
<u>Arkansas State University</u>	<u>\$23,108</u>	<u>\$277,300</u>
<u>Henderson State University</u>	<u>\$9,248</u>	<u>\$110,973</u>
<u>University of Arkansas Fayetteville</u>	<u>\$10,171</u>	<u>\$122,057</u>
<u>University of Arkansas Fort Smith</u>	<u>\$19,230</u>	<u>\$230,760</u>
<u>University of Arkansas at Little Rock</u>	<u>\$21,260</u>	<u>\$255,123</u>
<u>University of Arkansas at Pine Bluff</u>	<u>\$55,957</u>	<u>\$671,486</u>
<u>University of Central Arkansas</u>	<u>\$15,316</u>	<u>\$183,797</u>
<u>Arkansas Northeastern College</u>	<u>\$50,292</u>	<u>\$603,498</u>
<u>Arkansas State University Beebe</u>	<u>\$44,771</u>	<u>\$537,253</u>

<u>Arkansas State University Mountain Home</u>	<u>\$23,465</u>	<u>\$281,581</u>
<u>Arkansas State University Mid-South</u>	<u>\$110,077</u>	<u>\$1,320,926</u>
<u>Arkansas State University Newport</u>	<u>\$24,323</u>	<u>\$291,875</u>
<u>Black River Technical College</u>	<u>\$49,360</u>	<u>\$592,315</u>
<u>Cossatot Community College of the University of Arkansas</u>	<u>\$25,859</u>	<u>\$310,303</u>
<u>College of The Ouachitas</u>	<u>\$30,962</u>	<u>\$371,538</u>
<u>East Arkansas Community College</u>	<u>\$44,039</u>	<u>\$528,473</u>
<u>North Arkansas College</u>	<u>\$29,159</u>	<u>\$349,907</u>
<u>National Park College</u>	<u>\$40,071</u>	<u>\$480,846</u>
<u>Northwest Arkansas Community College</u>	<u>\$105,269</u>	<u>\$1,263,229</u>
<u>Ozarka College</u>	<u>\$15,744</u>	<u>\$188,930</u>
<u>Phillips Community College of the University of Arkansas</u>	<u>\$101,759</u>	<u>\$1,221,112</u>
<u>Pulaski Technical College</u>	<u>\$90,183</u>	<u>\$1,082,198</u>
<u>Rich Mountain Community College</u>	<u>\$26,231</u>	<u>\$314,773</u>
<u>South Arkansas Community College</u>	<u>\$18,766</u>	<u>\$225,195</u>
<u>SAU-Tech</u>	<u>\$15,155</u>	<u>\$181,864</u>
<u>Southeast Arkansas College</u>	<u>\$67,571</u>	<u>\$810,851</u>
<u>University of Arkansas Community College at Batesville</u>	<u>\$27,040</u>	<u>\$324,484</u>
<u>University of Arkansas Community College at Hope</u>	<u>\$38,449</u>	<u>\$461,387</u>
<u>University of Arkansas Community College at Morrilton</u>	<u>\$28,817</u>	<u>\$345,798</u>
<u>Total Monthly Deductions</u>	<u>\$1,161,653</u>	
<u>Total Annual Deductions</u>		<u>\$13,939,832</u>

(c) One-third (1/3) of the monthly deduction authorized in subsection (a)(1) of this section shall be transferred monthly until the total annual transfer deposit is equal to two million three hundred ninety-four thousand dollars (\$2,394,000) for the following:

(1) Nine percent (9%) shall be transferred monthly to the State Highway and Transportation Department Fund for the Arkansas State Highway and Transportation Department to provide bonus payments of up to two thousand

dollars (\$2,000) for each highway police officer who completes certified law enforcement training as determined by the Arkansas State Highway and Transportation Department;

(2) Forty-five percent (45%) shall be transferred monthly to the Department of Arkansas State Police Fund to provide bonus payments of up to two thousand dollars (\$2,000) for each law enforcement officer who completes certified law enforcement training as determined by the Department of Arkansas State Police;

(3) Forty-four percent (44%) shall be transferred monthly to the Department of Community Correction Fund Account for the Department of Community Correction to provide bonus payments of up to two thousand dollars (\$2,000) for each parole officers who completes certified law enforcement training as determined by the Department of Community Correction; and

(4) Two percent (2%) shall be transferred monthly to the State Central Services Fund to provide bonus payments of up to two thousand dollar (\$2,000) for each Secretary of State police officer who completes certified law enforcement training as determined by the Secretary of State.

(d) One-third (1/3) of the monthly deduction authorized in subsection (a) of this section shall be transferred monthly to the Merit Adjustment Fund until the total annual deposit is equal to four million seven hundred ninety-five thousand twenty-seven dollars (\$4,795,027) which shall be used exclusively to provide a one percent (1%) cost-of-living adjustment increase for state employees as authorized by the Governor.

(e) One-third (1/3) of the monthly deduction authorized in subsection (a) of this section shall be transferred monthly to the State Highway and Transportation Department Fund to provide funding to be used exclusively by the Arkansas State Highway and Transportation Department for the purchase and acquisition of equipment and materials related to the removal of snow and ice from Arkansas roads.

(f) When subsection (c) of this section is fully funded, the monthly transfers authorized in subsection (a) of this section shall be equally divided and transferred as authorized in subsections (d) and (e) of this section.

(g) When subsections (c) and (d) of this section are fully funded, the total monthly transfers authorized in subsection (a) of this section shall be transferred as authorized in subsection (e) of this section until subsection

(e) of this section is fully funded.

SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that state funds used for remediation activities at institutions of higher education could be better used elsewhere; that other areas of state government are in need of state funding; and that this act is immediately necessary to provide funding for the 2018 fiscal year to ensure the proper administration of important state functions. 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.