

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

State of Arkansas
92nd General Assembly
Regular Session, 2019

A Bill

SENATE BILL 675

By: Senator B. Davis

For An Act To Be Entitled

AN ACT CONCERNING THE ARKANSAS HIGHER EDUCATION
COORDINATING BOARD; TO ESTABLISH THE TWO-YEAR HIGHER
EDUCATION COORDINATING BOARD; AND FOR OTHER PURPOSES.

Subtitle

CONCERNING THE ARKANSAS HIGHER EDUCATION
COORDINATING BOARD; AND TO ESTABLISH THE
TWO-YEAR HIGHER EDUCATION COORDINATING
BOARD.

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

SECTION 1. Arkansas Code § 6-61-201(b)(1), concerning the appointment of individuals from recent or current boards of campuses to the Arkansas Higher Education Coordinating Board, is amended to read as follows:

(b)(1) After the appointment of the initial board, the members to be appointed from recent or current boards of ~~two-year and four-year~~ public campuses shall be appointed by the Governor subject to confirmation by the Senate.

SECTION 2. Arkansas Code § 6-61-202 is amended to read as follows:
6-61-202. Powers and duties generally.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the following powers and duties~~ may:



(1)(A) ~~To receive~~ Receive, within one (1) year of ~~their~~ the appointment of its members and each year thereafter, a minimum of eight (8) clock hours of instruction and training, to include without limitation higher education issues, policies, laws, and the duties and responsibilities associated with the position of board member.

(B) The members of the boards of all ~~publicly supported~~ state-supported four-year institutions of higher education shall receive similar instruction and training within one (1) year of their appointment or election and each year thereafter, which shall be conducted by the individual institutions;

(2) Along with its director, ~~to~~ be responsible, within fiscal and staff capabilities, for directing an integrated program for defining, popularizing, and securing acceptance of the major goals and objectives of higher education in Arkansas and for relating them to the state's various problems;

(3) ~~To request~~ Request and receive any information from the ~~publicly supported~~ state-supported four-year institutions of higher education as the board deems necessary for the performance of its duties;

(4) ~~To promulgate~~ Promulgate and adopt uniform definitions and forms in such matters as financial reporting, academic statistics, and resident status of students for use in making financial recommendations and standard enrollment data to be followed by the state-supported four-year institutions of higher ~~learning~~ education;

(5) ~~To determine~~ Determine the need for and recommend to the Governor and the General Assembly the establishment and location of any new state-supported four-year institutions of higher education and ~~to~~ recommend, when appropriate, changes in the names of existing state-supported supported four-year institutions of higher ~~learning~~ education;

(6) ~~To recommend~~ Recommend the level of funding and the method of distribution of state-supported scholarships and loan programs, and ~~to~~ seek the cooperation of the state-supported four-year institutions of higher ~~learning~~ education to develop policies to coordinate all student loan and scholarship programs, including without limitation those federally financed; and

(7) ~~To review~~ Review all proposed bond issues to be made by any ~~public institution of higher learning~~ state-supported four-year institution

of higher education and ~~to~~ advise the board of trustees of each of the respective state-supported four-year institutions of higher education as to the economic feasibility ~~thereof~~ of proposed bond issues, as ~~set forth~~ established in § 6-62-306.

(b) The board shall encourage the cooperation of private four-year institutions of higher ~~learning~~ education in its efforts to plan more effectively for the coordinated development of higher education in this state.

SECTION 3. Arkansas Code § 6-61-204(b)(1), concerning the composition of the Presidents Council of the Arkansas Higher Education Coordinating Board, is amended to read as follows:

(b)(1) The Presidents Council shall be composed of all presidents and chancellors of ~~public two-year and four-year colleges and universities~~ state-supported four-year institutions of higher education.

SECTION 4. Arkansas Code § 6-61-204(c)(1), concerning the Executive Council of the Arkansas Higher Education Coordinating Board, is amended to read as follows:

(c)(1)(A) There is created the Executive Council, which shall be selected by the Presidents Council from its membership.

(B) The Executive Council shall consist of ~~four (4)~~ eight (8) ~~members from two-year campuses and four (4)~~ members from four-year campuses.

SECTION 5. Arkansas Code § 6-61-207(a)(1), concerning the power of the Arkansas Higher Education Coordinating Board's power to establish role and scope designations, is amended to read as follows:

(a)(1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the power and duty to~~ may establish, in consultation with college and university personnel, appropriate role and scope designations within which boards of trustees ~~must~~ shall operate the ~~institution or~~ state-supported four-year institutions of higher education under their jurisdiction.

SECTION 6. Arkansas Code § 6-61-208 is amended to read as follows:

6-61-208. New units of instruction, research, and public service.

(a)(1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the power and duty to~~ may request, receive, evaluate, and approve proposals for all new units of instruction, research, and public service, consistent with established role and scope designations ~~which~~ that have been approved by the board of trustees and the president of ~~an~~ a state-supported four-year institution of higher education, and to determine, based upon established policies, whether new units of instruction, research, or public service are justified.

(2)(A) "Established policies" as used in this subsection means a written statement developed by the board in consultation with and upon the advice of representatives of each of the state's state-supported four-year institutions of higher learning education, which shall set forth the relevant criteria ~~which~~ that a proposal for a new unit of instruction ~~must~~ shall meet before its establishment by ~~an institution~~ a state-supported four-year institution of higher education is justified.

(B)(i) The term "new unit of instruction, research, or public service" used in this subsection includes establishment of a college, school, division, institute, center, department, new curricula, majors leading to a new degree program, or an extension service not presently included in the program of ~~the institution~~ a state-supported four-year institution of higher education.

(ii) ~~The term~~ "New unit of instruction, research, or public service" does not include reasonable and moderate extensions, as defined by the board, of existing curricular research or public service programs which have a direct relationship to existing programs at the several ~~public~~ state-supported four-year institutions of higher ~~learning~~ education.

(b) General revenues appropriated by the General Assembly shall not be expended for new programs that have not been recommended by the board.

SECTION 7. Arkansas Code § 6-61-209 is amended to read as follows:

6-61-209. Budgets.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the following powers and duties may:~~

(1)(A) ~~To review~~ Review, evaluate, and coordinate budget requests for the state-supported four-year universities and colleges and present to the General Assembly and to the Governor prior to each regular session of the General Assembly a single budget report containing the recommendations for separate appropriations to each of the respective ~~institutions~~ state-supported four-year institutions of higher education.

(B) The recommendations ~~will~~ under subdivision (1)(A) of this section shall be consistent with a comprehensive master plan of postsecondary education in Arkansas as developed by the board.

(C) The recommendations under subdivision (1)(A) of this section, insofar as possible, ~~will~~ shall be based upon standard techniques of objective measurement of need and unit cost figures arrived at through comparative data secured from the several ~~institutions~~ state-supported four-year institutions of higher education.

(D) Specific needs of ~~institutions~~ state-supported four-year institutions of higher education based upon existing programs and deficiencies ~~will~~ shall be given consideration when developing recommendations under subdivision (1)(A) of this section; and

(2)(A) ~~To develop~~ Develop, in conjunction with the state-supported four-year institutions of higher ~~learning~~ education, the Governor, and the Legislative Council, a single set of budget forms ~~which will~~ that shall be utilized by all parties in making requests and recommendations for the funding of state-supported four-year colleges and universities ~~institutions of higher education~~.

(B) The forms and process ~~will~~ shall require that the total income and expenditures of each institution ~~must~~ be considered in the request process.

SECTION 8. Arkansas Code § 6-61-212 is amended to read as follows:

6-61-212. State agency for federal programs.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the power and duty to~~ may serve as the state agency ~~of this state~~ for such federal programs ~~which~~ that can most appropriately be administered by it.

SECTION 9. Arkansas Code § 6-61-213(a), concerning the provision of administrative assistance by the Arkansas Higher Education Coordinating Board, is amended to read as follows:

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the power and duty to~~ may provide administrative assistance in accordance with terms agreed upon by both the Department of Higher Education and parties establishing trusts, endowments, or otherwise providing funds in support of scholarships, research, or other educational activities at state-supported four-year ~~Arkansas~~ institutions of higher education.

SECTION 10. Arkansas Code § 6-61-214(a), concerning review of academic degree programs by the Arkansas Higher Education Coordinating Board, is amended to read as follows:

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the ~~publicly supported~~ state-supported four-year institutions of higher education, the Arkansas Higher Education Coordinating Board ~~shall have the power and duty to~~ may establish minimum standards of quality and cost effectiveness and review each existing academic degree program in the ~~state~~ state-supported four-year institutions of higher education at least every ten (10) years but no more frequently than every seven (7) years.

SECTION 11. Arkansas Code § 6-61-215 is amended to read as follows:

6-61-215. Student tuition and fees – Reporting.

Annually, by July 1, the Department of Higher Education shall report the tuition and mandatory fees charged to students, including without

limitation all changes to tuition and mandatory fees, for each state-supported four-year institution of higher education to the House Committee on Education and the Senate Committee on Education.

SECTION 12. Arkansas Code § 6-61-221 is amended to read as follows:

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 four-year 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 four-year 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 under § 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 under this section 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 four-year 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 four-year 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 13. Arkansas Code § 6-61-222(a)(1) and (2), concerning the development of uniform reporting standards by the Arkansas Higher Education Coordinating Board, ~~is~~ are amended to read as follows:

(a)(1) The Arkansas Higher Education Coordinating Board is authorized and directed to establish uniform reporting standards to report biennially all current funds' revenues and expenditures associated with each academic department and, within each department, with the academic programs offered at each state-supported four-year institution of higher education.

(2) ~~Such~~ The reports required under subdivision (a)(1) of this section shall be subject to biennial review by the board and House Committee on Education and the Senate Committee on Education.

SECTION 14. Arkansas Code § 6-61-226 is amended to read as follows:
6-61-226. Guidelines for course review.

(a)(1) ~~Arkansas public colleges and universities~~ State-supported four-year institutions of higher education shall submit to the Arkansas Higher Education Coordinating Board an application for courses to be included in the state minimum core curriculum.

(2) Courses submitted under subdivision (a)(1) of this section shall be reviewed and recommended by a peer review project team established in the discipline.

(b)(1)(A) The Department of Higher Education shall establish peer review project teams composed of faculty members of ~~Arkansas universities and two-year colleges~~ state-supported four-year institutions of higher education.

(B)(i) The peer review project team for each discipline shall include no fewer than four (4) faculty members ~~equally divided between two-year and four-year institutions~~ who teach in the discipline.

(ii) Members shall be appointed by a majority vote of the Executive Council established under this subchapter.

(2)(A) The peer review project team for each discipline shall review and recommend to the department courses in the applicable discipline to be recommended to the board for inclusion in the curriculum.

(B)(i) Courses not receiving a recommendation by the peer review project team shall receive from the peer review project team suggested improvements or revisions for the course or its application.

(ii) ~~Colleges and universities~~ State-supported four-year institutions of higher education may resubmit course applications to the peer review project team if the original application is not recommended to the board after appropriate adjustments have been made based on the suggested improvements or revisions from the peer review project team.

SECTION 15. Arkansas Code § 6-61-227 is amended to read as follows:
6-61-227. Annual transfer credit report.

All state-supported four-year public institutions of higher education

and any participating four-year private institutions of higher education shall file a report annually with the Department of Higher Education identifying the number of students who requested transfer credit for a completed course in the state minimum core curriculum but were not given credit.

SECTION 16. Arkansas Code § 6-61-232 is amended to read as follows:
 6-61-232. Maximum semester hours required for a degree program.

~~(a)(1) An associate degree program shall require no more than sixty (60) semester hours of lower division college credit, which may be satisfied by completing the state minimum core curriculum under § 6-61-231.~~

~~(2) An associate degree program may require more than sixty (60) semester hours of lower division college credit if prior approval has been granted by the board of trustees of the state-supported institution of higher education and the Arkansas Higher Education Coordinating Board.~~

~~(b)(1)(a)(1)~~ A baccalaureate degree program shall require no more than one hundred twenty (120) semester hours of college credit, which shall include without limitation the state minimum core curriculum under § 6-61-231.

(2) A baccalaureate degree program may require more than one hundred twenty (120) semester hours of college credit if:

(A) Prior approval has been granted by the board of trustees of the state-supported four-year institution of higher education and the Arkansas Higher Education Coordinating Board; or

(B) It is a requirement of an independent licensing or accrediting body.

~~(e)(b)~~ All required coursework shall count toward the ~~associate of arts degree, associate of science degree, associate of arts in teaching degree, or~~ selected baccalaureate degrees.

SECTION 17. Arkansas Code Title 6, Chapter 61, is amended to add an additional subchapter to read as follows:

Subchapter 17 – Two-Year Higher Education Coordinating Board

6-61-1701. Members – Meetings.

(a)(1) The Two-Year Higher Education Coordinating Board shall consist

of nine (9) members appointed by the Governor as follows:

(A)(i) Three (3) members shall be selected from the current or recent membership of the boards of state-supported two-year institutions of higher education.

(ii) If a person selected under subdivision (a)(1)(A)(i) of this section is serving on the membership of the board of a public two-year campus, the person shall relinquish his or her membership on the board; and

(B)(i) Six (6) members shall be selected from business, industry, education, agriculturally related industry, and medical services and shall not be current members of a board of a public two-year campus.

(ii) At least one (1) of the appointees shall have a strong interest in and commitment to economic and workforce development.

(iii) At least one (1) of the appointees shall have experience in a knowledge-based technology field.

(2) No more than three (3) members of the board shall be appointed from any one (1) congressional district as the districts exist at the time of the appointment.

(3) No more than one (1) member of the board at any one (1) time shall be a graduate of a program of any one (1) state-supported two-year institutions of higher education.

(b)(1) After the appointment of the initial board, the members to be appointed from recent or current boards of state-supported two-year institutions of higher education under this section shall be appointed by the Governor subject to confirmation by the Senate.

(2) The Governor shall consult the Two-Year Presidents Council before making an appointment under this section.

(c) Vacancies on the board shall be filled for the unexpired terms, and the appointments shall be made in the same manner as the positions vacated.

(d)(1) The members of the board shall serve staggered terms of six (6) years.

(2) The terms of three (3) members shall expire each year.

(3) The members may serve no more than two (2) terms.

(e) An intensive orientation program designed by the council shall be mandatory for board members.

(f) The board annually shall elect from its membership a chair and other officers necessary to carry on its business.

(g)(1) The board shall meet at least one (1) time during each calendar quarter and at other times upon the call of the chair or of any other four (4) members.

(2) The board shall, at the times that it desires, meet on any campus of a state-supported two-year or four-year institution of public education in this state.

(h) Members of the board shall serve without compensation but may receive expense reimbursement in accordance with § 25-16-901 et seq.

6-61-1702. Powers and duties generally.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may:

(1)(A) Receive within one (1) year of the appointment of its members and each year thereafter a minimum of eight (8) clock hours of instruction and training, to include higher education issues, policies, laws, and the duties and responsibilities associated with the position of board member.

(B) The members of the boards of all state-supported two-year institutions of higher education shall receive similar instruction and training within one (1) year of their appointment or election and each year thereafter, which shall be conducted by each respective state-supported two-year institution of higher education;

(2) Along with its director, be responsible, within fiscal and staff capabilities, for directing an integrated program for defining, popularizing, and securing acceptance of the major goals and objectives of higher education in Arkansas and for relating them to the state's various problems;

(3) Request and receive any information from the state-supported two-year institutions of higher education as the board deems necessary for the performance of its duties;

(4) Promulgate and adopt uniform definitions and forms in such matters as financial reporting, academic statistics, and resident status of

students for use in making financial recommendations and standard enrollment data to be followed by the state-supported two-year institutions of higher education;

(5) Determine the need for and recommend to the Governor and the General Assembly the establishment and location of any new state-supported two-year institutions of higher education and to recommend, when appropriate, changes in the names of existing state-supported two-year institutions of higher education;

(6) Recommend the level of funding and the method of distribution of state-supported two-year institution of higher education scholarships and loan programs, and to seek the cooperation of the state-supported two-year institutions of higher education to develop policies to coordinate all student loan and scholarship programs, including those federally financed; and

(7) Review all proposed bond issues to be made by any state-supported two-year institution of higher education and to advise the board of trustees of each of the respective state-supported two-year institutions of higher education as to the economic feasibility thereof, as set forth in § 6-62-306.

(b) The board shall encourage the cooperation of private two-year institutions of higher education in its efforts to plan more effectively for the coordinated development of higher education in this state.

6-61-1703. Director and staff – Funds – Central office.

(a)(1)(A) The Two-Year Higher Education Coordinating Board shall appoint a director through a search and selection process that includes substantial input, review, and recommendation from the Two-Year Presidents Council, subject to confirmation by the Governor.

(B) The Director of the Two-Year Higher Education Coordinating Board shall serve at the pleasure of the Governor.

(2)(A) The director and other staff employed by the board shall demonstrate competence in the field of institutional management or agency management, institutional finance, financial aid, or institutional research.

(B) The director shall exhibit advanced coordination and communication skills.

(b) The salary of the director and other members of the staff employed

by the board shall be comparable to the positions requiring similar qualifications and experience.

(c) The staff of the board shall be under the direction and supervision of the director.

(d) The board shall be provided sufficient operating funds to enable it to carry out adequately the programs and functions assigned to the Department of Higher Education.

(e) The central office of the board shall be maintained in Little Rock.

(f)(1) The board shall evaluate the director annually.

(2) The Two-Year Presidents Council shall provide to the board an evaluation report of the department and the director at least annually.

6-61-1704. Advisory committees and councils.

(a) The Two-Year Higher Education Coordinating Board and the Two-Year Presidents Council may establish advisory committees and councils for the effective development and coordination of two-year higher education in this state.

(b)(1) The Two-Year Presidents Council shall be composed of all presidents and chancellors of state-supported two-year institutions of higher education.

(2) The Two-Year Presidents Council shall meet at least quarterly.

(3) The Two-Year Presidents Council shall serve in a strong advisory capacity to the Director of the Two-Year Higher Education Coordinating Board and to the board.

(4) All board items shall be reviewed by the Two-Year Presidents Council before being placed on the board's agenda.

(c)(1)(A) There is created the Executive Council, the members of which shall be selected by the Two-Year Presidents Council from its membership.

(B) The Executive Council shall consist of four (4) members from the board.

(2) Executive Council members shall serve for staggered terms of two (2) years.

(3) The Executive Council shall:

(A) Elect officers as it deems necessary; and

(B) Meet at least monthly with the director and senior staff.

(4)(A) All items to be considered as board agenda items shall be reviewed by the Executive Council before being placed on any board agenda.

(B) In the event that the director and staff are not in agreement with the Executive Council on a matter to be considered by the board, the Executive Council's recommendation shall be placed on the board agenda automatically for a presentation and explanation of the Executive Council's position, and the board will thereafter make its decision in consideration of both the position of the board and the position of the Two-Year Executive Council.

(d)(1)(A) A working committee structure shall be established involving the Two-Year Presidents Council or its designees.

(B) Examples of possible committees include, but are not limited to, accountability, graduate studies, undergraduate studies, workforce development, continuing education, financial and funding.

(2) The committees shall make recommendations to the Two-Year Presidents Council and the director when policy or funding issues are to be decided.

(3) The Department of Higher Education employees shall staff each committee.

6-61-1705. Master plan.

(a) In order to promote a coordinated system of two-year higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may accept responsibility for continuous master planning.

(b)(1) The board shall appoint a broadly representative advisory committee in the development of a comprehensive master plan for all two-year postsecondary education and shall continually use the advisory committee to keep the master plan updated.

(2) Broad citizen participation shall be sought by the board in the development of the plan required under subdivision (b)(1) of this section.

6-61-1706. Studies, surveys, evaluations, etc.

In order to promote a coordinated system of two-year higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may conduct:

(1) Studies, surveys, and evaluations regarding two-year postsecondary education, including without limitation:

(A) Studies of:

(i) Space utilization and development of guidelines for space utilization;

(ii) Personnel and staffing needs and their implications for program development; and

(iii) Programs for purposes of identifying and reducing unnecessary program duplication and identifying needs for new programs;

(B) Analyses of:

(i) Class size, faculty loads, and cost of instruction, sabbatical leave, and other fringe benefits; and

(ii) Enrollments, extension programs, sources of students, and retention of students; and

(C) Recommendations to state-supported two-year institutions of higher education regarding plans and needed improvements for the state-supported two-year institutions of higher education; and

(2) Continuing studies regarding state-supported two-year institutions of higher education as the bases for recommendations submitted to the Governor, the General Assembly, and each state-supported two-year institution of higher education.

6-61-1707. Role and scope designations.

(a)(1) In order to promote a coordinated system of two-year higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board shall establish, in consultation with personnel of state-supported two-year institutions of higher education, appropriate role and scope designations within which state-supported two-year institutions of higher education boards of trustees shall operate the state-

supported two-year institutions of higher education.

(2) The role and scope designations established under subdivision (a)(1) of this section shall be reviewed at least once every five (5) years.

(3) Before establishing or making a change in role and scope designations under subdivision (a)(1) of this section, the board shall:

(A) Study the change in consultation with institutional personnel;

(B) Announce the board's intent to consider a change; and

(C) Publicly reveal the change that is being proposed at a regular quarterly meeting, with the vote to happen no sooner than the board's next regular quarterly meeting.

(b) To assist the board and the Department of Higher Education in the effort to promote a coordinated system of two-year higher education in Arkansas that addresses and responds to the changing economic needs of the state and the new economy, the Arkansas Economic Development Commission shall provide the department a list of the state's overall and regional economic development goals by September 1 of each year.

(c)(1) The department may retain the services of consultants or other experts as may be necessary to carry out a review of information provided under subsection (b) of this section, and the department staff shall work directly with the consultants to handle the logistics of needed discussion groups, meeting minutes, and recommendation dissemination.

(2) The review process under subdivision (c)(1) of this section shall include without limitation an opportunity for state-supported two-year institutions of higher education to provide input, as well as a time for public and business comment.

(3) Upon completion of the review under subdivision (c)(1) of this section, the department shall provide a report regarding its findings to the board, the Governor, the cochairs of the Legislative Council, and the Director of the Bureau of Legislative Research.

(4) The requirements for a review under this section shall be contingent upon the appropriation and availability of funding for that purpose.

6-61-1708. New units of instruction, research, and public service.

(a)(1) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may:

(A) Request, receive, evaluate, and approve proposals for all new units of instruction, research, and public service, consistent with role and scope designations established and approved by the board of trustees and the president of each state-supported two-year institution of higher education under § 6-61-1707;

(B)(i) Determine, based upon established policies, whether new units of instruction, research, or public service are necessary.

(ii) "Established policies" as used in this subsection means a written statement developed by the board in consultation with and upon the advice of representatives of each of the state-supported two-year institutions of higher education; and

(C)(i) Create the relevant criteria that a proposal for a new unit of instruction shall meet before its establishment by a state-supported two-year institution of higher education is deemed necessary.

(ii) "New unit of instruction, research, or public service" as used in this subsection includes the establishment of a college, a school, a division, an institute, a center, a department, new curricula, majors leading to a new degree program, or an extension service not presently included in the program of the state-supported two-year institution of higher education.

(iii) "New unit of instruction, research, or public service" does not include reasonable and moderate extensions, as defined by the board, of existing curricular research or public service programs that have a direct relationship to existing programs at a state-supported two-year institution of higher education.

(b) General revenues appropriated by the General Assembly shall not be expended for new programs that have not been recommended by the board.

6-61-1709. Budgets.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year

Higher Education Coordinating Board may:

(1)(A) Review, evaluate, and coordinate budget requests for the state-supported two-year institutions of higher education and present to the General Assembly and to the Governor before each regular session of the General Assembly a single budget report containing the recommendations for separate appropriations to each state-supported two-year institution of higher education.

(B) The recommendations under subdivision (1)(A) of this section shall be:

(i) Consistent with a comprehensive master plan of two-year postsecondary education in Arkansas as developed by the board; and

(ii) Based upon standard techniques of objective measurement of need and unit cost figures arrived at through comparative data secured from the state-supported two-year institutions of higher education.

(C) Specific needs of state-supported two-year institutions of higher education based upon existing programs and deficiencies shall be given consideration; and

(2)(A) Develop, in conjunction with the state-supported two-year institutions of higher education, the Governor, and the Legislative Council, a single set of budget forms that shall be utilized by all parties in making requests and recommendations for the funding of state-supported two-year institutions of higher education.

(B) The forms and process shall require that the total income and expenditures of each state-supported two-year institution of higher education be considered in the request process.

6-61-1710. State agency for federal programs.

In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may serve as a state agency for federal programs that can most appropriately be administered by the board.

6-61-1711. Administration of trusts, endowments, etc.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the

state-supported two year institutions of higher education, the Two-Year Higher Education Coordinating Board may provide administrative assistance in accordance with terms agreed upon by both the Department of Higher Education and parties establishing trusts, endowments, or otherwise providing funds in support of scholarships, research, or other educational activities at state-supported two-year institutions of higher education.

(b) The department shall not be the custodian of, or in any way participate in, the financial management of trusts, endowments, or other funds established for purposes of §§ 6-61-101 – 6-61-103, 6-61-201 – 6-61-209, 6-61-212 – 6-61-216, 6-61-301 – 6-61-305, 6-61-401, 6-61-402, 6-61-501 – 6-61-524, and 6-61-601 – 6-61-603.

(c)(1) The assistance of the department is limited to administrative support in the allocation or awarding of funds to be disbursed by the donor or a properly authorized trustee.

(2) The department may supplement administrative costs for such assistance by charging a minimal administrative fee acceptable to the department and the parties establishing the endowments or providing the funds.

6-61-1712. Review of existing degree programs – Minimum standards.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may:

(1) Establish minimum standards of quality and cost effectiveness; and

(2) Review each existing academic degree program in the state-supported two-year institutions of higher education at least every ten (10) years but no more frequently than every seven (7) years.

(b)(1) Existing academic degree programs under subdivision (a)(2) of this section shall be certified as having met established standards for quality and cost effectiveness under subdivision (a)(1) of this section.

(2)(A) If an academic degree program under subdivision (a)(2) of this section is not certified as having met established standards, the academic degree program shall be placed on two-year probationary status.

(B) During the probationary period under subdivision

(b)(2)(A) of this section, at the request of the state-supported two-year institution of higher education, the board shall provide guidance to the state-supported two-year institution of higher education in an attempt to qualify the academic degree programs to meet the minimum standards for quality and cost effectiveness required under subdivision (a)(1) of this section.

(c) At the end of the two-year probationary period under subdivision (b)(2)(A) of this section, the board shall make recommendations concerning the continuation, termination, or extended probation of the academic degree program of the affected state-supported two-year institution of higher education to the:

(1) Affected state-supported two-year institution of higher education;

(2) Governor; and

(3) General Assembly.

(d)(1) General revenues shall not be expended for operation of academic degree programs beyond the deadline set by the board without the specific approval of the General Assembly.

(2) The deadline under subdivision (d)(1) of this section shall coincide with the end of the biennium.

6-61-1713. Student tuition and fees – Reporting.

Annually, by July 1, the Department of Higher Education shall report the tuition and mandatory fees charged to students, including without limitation all changes to tuition and mandatory fees, for each state-supported two-year institution of higher education to the House Committee on Education and the Senate Committee on Education.

6-61-1714. Transfer students.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported two-year institutions of higher education, the Two-Year Higher Education Coordinating Board may develop, with the assistance of institutional advisory committees, policies for transfers of students:

(1) From state-supported two-year institutions of higher education to state-supported four-year institutions of higher education;

(2) Among institutions of the same type; and

(3) From vocational and technical schools to other institutions.

(b) The policies required under subsection (a) of this section shall:

(1) Be part of the comprehensive master plan of a state-supported two-year institution of higher education; and

(2) Receive review from appropriate citizens throughout the state before adoption by the board for their recommendation to the boards of trustees of state-supported two-year institutions of higher education.

6-61-1715. Minimum core courses for college preparation.

(a) In order to promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each state-supported institution of higher education, the Arkansas Higher Education Coordinating Board, after consultation with the State Board of Education and the Department of Higher Education, shall identify a minimum core of high school courses recommended for preparation for college.

(b) The Arkansas Higher Education Coordinating Board shall communicate this information identified under subsection (a) of this section at least annually to public school superintendents, who shall make copies available each year to public school students enrolled in grades seven through twelve (7-12).

(c) The Arkansas Higher Education Coordinating Board may revise the list of minimum core high school courses required under subsection (a) of this section from time to time, as needed.

6-61-1716. Minimum college core – Transferability.

To promote a coordinated system of higher education in Arkansas and to assure an orderly and effective development of each of the state-supported institutions of higher education, the Two-Year Higher Education Coordinating Board shall establish, in consultation with state-supported two-year institutions of higher education, a minimum core of courses that shall:

(1) Apply toward the general education core curriculum requirements for degrees at state-supported two-year institutions of higher education; and

(2) Be fully transferable among all state-supported two-year institutions of higher education.

6-61-1717. Retention and graduation rate information.

(a) Accurate information about the retention and graduation rates of students at state-supported two-year institutions of higher education is necessary in order for the Two-Year Higher Education Coordinating Board, boards of trustees of state-supported two-year institutions of higher education, the General Assembly, and faculty members and administrators of state-supported two-year institutions of higher education to make informed decisions related to the coordination, governance, financing, and academic policies of two-year higher education in Arkansas.

(b)(1) The Department of Higher Education, in consultation with state-supported two-year institutions of higher education, shall recommend a system for the collection of information necessary under subsection (a) of this section for the board, the Governor, the House Committee on Education, the Senate Committee on Education, and state-supported two-year institutions of higher education.

(2) Except as provided in subsection (c) of this section, officials of state-supported two-year institutions of higher education shall provide to the department the information requested by the department by December 1 of each year, beginning in 2020.

(3)(A) For the purpose of analysis by the Bureau of Legislative Research to guide the General Assembly's evaluation of the need for adjustments to eligibility and funding levels for state-supported student financial assistance, the Office of Accountability of the Department of Education shall provide annually to the bureau all individual student demographic and test result data on ACT or ACT-equivalent college placement exams.

(B) The office shall provide the data under subdivision (b)(3)(A) of this section in a database or spreadsheet format that omits personally identifiable information.

(c) Subject to an adequate appropriation for the personnel and equipment necessary to implement the procedure required under subdivision (b)(1) of this section, the Department of Higher Education shall collect the information necessary under subsection (a) of this section and report its findings to the board, the Governor, the committees established under § 6-61-1704, and state-supported institutions of higher education by May 1 of each

year, beginning in 2020.

(d) The board is hereby authorized to promulgate rules consistent with the intent and purpose of this section.

6-61-1718. Reporting of graduates requiring postsecondary remediation.

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

(2) The Department of Higher Education may contract with appropriate organizations for the preparation of the reports required under subdivision (a)(1) of this section.

(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 two-year 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 from a state-supported two-year institution of higher education; and

(B) From a public high school after completing:

(i) A program of the minimum core of high school courses recommended for preparation for postsecondary education by the Two-Year Higher Education Coordinating Board and the State Board of Education under § 6-61-1715; or

(ii) A non-Smart Core curriculum; and

(3) The number of attempts required for each student to pass a postsecondary remedial course, beginning in the 2019-2020 school year.

(c)(1) The compilation report required under subdivision (a)(1) of this section 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 is 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 without limitation the cost of remediation for each state-supported two-year 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 two-year 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 section shall be separate from the uniform reporting standards report required under § 6-61-1719.

6-61-1719. Uniform reporting standards.

(a)(1) The Two-Year Higher Education Coordinating Board may establish uniform reporting standards to report biennially all current funds' revenues and expenditures associated with each academic department and, within each department, with the academic programs offered at each state-supported two-year institution of higher education.

(2) The reports required under subdivision (a)(1) of this

section shall be subject to biennial review by the board and House Committee on Education and the Senate Committee on Education.

(3) The reports shall be predicated on the following definitions:

(A) "Academic department" means each organizational and budgetary unit associated with the delivery of instruction, research, or public service activities;

(B) "Academic program" means any program of study leading to a degree or certificate and any other program as defined by the Department of Higher Education;

(C) "Academic department and program revenues" means tuition and fees, both undergraduate and graduate, endowments, gifts and grants, sponsored research, and all other revenues associated with each academic department and with specific academic programs;

(D)(i) "Academic department and program expenditures" means all direct and prorated indirect expenses.

(ii) Direct expenses include faculty salaries, staff salaries, fringe benefits, scholarships and fellowships, graduate stipends and graduate assistant tuition, student labor, materials and supplies, equipment, travel, and telephone expenses.

(iii) Indirect expenses include central administrative management, institution-wide services, departmental administration, student services, research, indirect cost recovery, public services and information, financial aid, plant operations and maintenance, utilities, debt service, nonmandatory transfers, and all other indirect expenses.

(iv) Total academic department and program expenditures shall equal the current funds' expenditures as reported in the institution's financial statement;

(E) "State subsidy" means that within each academic department, any difference between academic program revenues and academic program expenditures shall be determined to be the "state subsidy" of that academic program; and

(F) "Productivity by academic program" means the number of declared majors, the number of undergraduate and graduate student semester credit hours produced, and the number of degrees and certificates conferred

in each program.

(4) The board may promulgate rules necessary for the implementation of this section and shall report to the House Committee on Education and the Senate Committee on Education the failure of a state-supported two-year institution of higher education to comply with the provisions of this section.

(b)(1) By September 15 of each year, all state-supported two-year institutions of higher education shall report academic department and program revenues, expenditures, and productivity utilizing the uniform report established by the board.

(2) The academic department and program report required under this section shall identify programs that produce fewer graduates than are required to meet the degree productivity standards set by the board.

(3) The board shall review the reports required under this section and submit them to the House Committee on Education and the Senate Committee on Education by January 15 of each odd-numbered year, beginning in January 2021.

(c) The board may establish uniform reporting standards to report any other information that may be required to meet any other state or federal statutory or regulatory requirements.

(d) The report required under this section shall be separate from the reports required under § 6-61-1718.

6-61-1720. Guidelines for course review.

(a)(1) A state-supported two-year institution of higher education shall submit to the Two-Year Higher Education Coordinating Board an application for courses to be included in the state minimum core curriculum.

(2) Courses shall be reviewed and recommended by a peer review project team established in the discipline.

(b)(1)(A) The Department of Higher Education shall establish peer review project teams composed of faculty members of state-supported two-year institutions of higher education.

(B)(i) The peer review project team for each discipline shall include no fewer than four (4) faculty members who teach in the discipline.

(ii) Members shall be appointed by a majority vote

of the Two-Year Higher Education Presidents Council's established under this subchapter.

(2)(A) The peer review project team for each discipline shall review and recommend to the department courses in the applicable discipline to be recommended to the board for inclusion in the curriculum.

(B)(i) Courses not receiving a recommendation by the peer review project team under this section shall receive from the peer review project team suggested improvements or revisions for the course or its application.

(ii) A state-supported two-year institution of higher education may resubmit course applications to the peer review project team if the original application is not recommended to the board after appropriate adjustments have been made based on the suggested improvements or revisions from the peer review project team.

6-61-1721. Annual transfer credit report.

A state-supported two-year institution of higher education shall file a report annually with the Department of Higher Education identifying the number of students who requested transfer credit for a completed course in the state minimum core curriculum but were not given credit.

6-61-1722. Maximum semester hours required for a degree program.

(a)(1) An associate degree program shall require no more than sixty (60) semester hours of credit.

(2) An associate degree program may require more than sixty (60) semester hours of credit if prior approval has been granted by the board of trustees of the state-supported two-year institution of higher education and the Two-Year Higher Education Coordinating Board.

(b) All required coursework shall count toward an associate of arts degree, associate of science degree, or associate of arts in teaching degree.