

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1113

By: Representative Rose
By: Senator J. Dotson

For An Act To Be Entitled

AN ACT TO AMEND ARKANSAS LAW CONCERNING THE AWARD OF SCHOLARSHIPS UNDER THE SUCCEED SCHOLARSHIP PROGRAM TO STUDENTS IN FOSTER CARE; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND ARKANSAS LAW CONCERNING THE AWARD OF SCHOLARSHIPS UNDER THE SUCCEED SCHOLARSHIP PROGRAM TO STUDENTS IN FOSTER CARE.

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

SECTION 1. Arkansas Code § 6-41-901 is amended to read as follows:
6-41-901. Definitions – Establishment – Intent.

(a) As used in this subchapter:

(1) “Foster care” means the care of a child by:

(A) a group home or group facility on a twenty-four-hour-a-day basis away from the home of the child’s parent or parents; or
(B) An individual or family that is licensed or approved as a foster home or provisional foster home under Arkansas Code, Title 9, Chapter 28;

(2) “Foster parent” means the:

(A) responsible Responsible official or officials of a group home or group facility that provides foster care to a child; or
(B) Individual or individuals that are licensed or approved as a foster home or provisional foster home under Arkansas Code,



Title 9, Chapter 28, and provide foster care to a child;

(3) "Member of the uniformed services" means:

(A) An active duty or reserve component member of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, or United States Coast Guard;

(B) A member of the National Guard;

(C) A member of the National Oceanic and Atmospheric Administration Commissioned Officer Corps; or

(D) A member of the active or reserve component of the United States Commissioned Corps of the Public Health Service;

(4) "Parent" means a student's parent or foster parent; and

(5) "Student with a disability" means students who have been:

(A) Identified by a public school district as having a disability consistent with the Individuals with Disabilities Education Act, 20 U.S.C. § 1401 et seq.; or

(B) Medically diagnosed by a licensed physician as a child with a disability under the Individuals with Disabilities Education Act, 20 U.S.C. § 1401(3)(A).

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

(1) Students in foster care as defined in this section;

(2) Students with a disability; or

(3) Students who are children of a member of the uniformed services.

SECTION 2. Arkansas Code § 6-41-902 is amended to read as follows:

6-41-902. Student eligibility.

(a) A parent or legal guardian of a student in this state may apply for a Succeed Scholarship to enroll his or her child in an approved private school in this state 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) Subdivision (a)(1)(A) of this section does not apply if:

(i) The student is a dependent of an active duty member of any branch of the United States Armed Forces; or

(ii) The superintendent of the student's resident school district in this state waives the requirement;

(2) The student:

(A) Is in foster care as defined in § 6-41-901 or has been in the foster care system and achieved permanency through adoption, reunification, or permanent guardianship;

(B) Has been identified by a public school district as having a disability consistent with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as evidenced by written notice of the decision from the public school district, or has been medically diagnosed by a licensed physician as a child with a disability under 20 U.S.C. § 1401(3)(A);

(C) Participated in the Succeed Scholarship Program during the prior school year and has not yet graduated from high school or attained twenty-one (21) years of age; or

(D) Is a child of a member of the uniformed services;

(3) The student has been accepted for admission into a private school in this state that is eligible to participate in the program;

(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.

(b) If a student is accepted to a private school upon the availability of space, a parent or legal guardian shall notify the student's school district at least sixty (60) days before the student enrolls in the private school and receives the first scholarship payment.

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

~~(d)~~ For purposes of continuity of educational choice, the program payments made under this subchapter shall remain in effect until a student who is participating in the program returns to a public school district or

open-enrollment public charter school, graduates from high school, or attains twenty-one (21) years of age, whichever occurs first.

~~(e)~~(d) An eligible student who is a child of a member of the uniformed services may receive a scholarship under this subchapter only if funds remain after all eligible students as described by subdivisions (a)(2)(A)-(C) of this section have received a scholarship under this subchapter.

SECTION 3. Arkansas Code § 6-41-906(a), concerning rules and duties of the State Board of Education under the Succeed Scholarship Program, is amended to read as follows:

(a)(1) The State Board of Education shall adopt rules and develop notices and other documentation necessary to administer the Succeed Scholarship Program, including without limitation rules concerning the method for applying for a scholarship, that are in the best interest of students.

(2)(A) The state board may promulgate rules and develop a process to award scholarships using a lottery selection process if parent applications exceed the number of available scholarships.

~~(B)(i) Twenty (20) scholarships shall be reserved for students in foster care during the initial lottery each year if a lottery selection process is used.~~

~~(ii) Any remaining scholarships shall be made available to students with a disability through the lottery process if fewer than twenty (20) students in foster care apply for a scholarship and are eligible for a scholarship before the initial lottery.~~

~~(C)~~(B) A weighted lottery may only be used when necessary to comply with a:

(i) Federal court order; or

(ii) Federal administrative order issued by an appropriate federal agency having proper authority to enforce remedial measures necessary to comply with Title VI of the federal Civil Rights Act of 1964, Title IX of the federal Education Amendments of 1972, or the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.