

State of Arkansas  
94th General Assembly  
First Extraordinary Session, 2023

# A Bill

Call Item 6  
SENATE BILL 5

By: Senators B. Davis, J. Dotson, Gilmore, Hester, Hill, D. Sullivan  
By: Representatives Barker, Brooks, Lundstrum, McAlindon, Ray

## For An Act To Be Entitled

AN ACT TO AMEND THE PHILANTHROPIC INVESTMENT IN ARKANSAS KIDS PROGRAM ACT AND THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM; TO AMEND THE ELIGIBILITY REQUIREMENTS UNDER THE PHILANTHROPIC INVESTMENT IN ARKANSAS KIDS PROGRAM ACT; TO AMEND THE PERIOD OF TIME DURING WHICH A CHILD WITH A DISABILITY WHO IS PARTICIPATING IN THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM MAY RECEIVE FUNDING UNDER THE SUCCEED SCHOLARSHIP PROGRAM; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

## Subtitle

TO AMEND THE PHILANTHROPIC INVESTMENT IN ARKANSAS KIDS PROGRAM ACT AND THE ARKANSAS CHILDREN'S EDUCATIONAL FREEDOM ACCOUNT PROGRAM; AND TO DECLARE AN EMERGENCY.

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

SECTION 1. Arkansas Code § 6-18-2302(3)(C), concerning the definition of "qualified student" under the Philanthropic Investment in Arkansas Kids Program Act, is amended to add an additional subdivision to read as follows:

(v) Is a student with a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023;



SECTION 2. Arkansas Code § 6-18-2306(4), concerning the duties of a scholarship-granting organization under the Philanthropic Investment in Arkansas Kids Program Act, is amended to read as follows:

(4)(A) Ensure that first-time recipients of educational scholarships were not continuously enrolled in a private school within the state during the previous school year.

(B) The requirement under subdivision (4)(A) of this section shall not apply to a student with a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., as it existed on January 1, 2023;

SECTION 3. Arkansas Code § 6-18-2505(a)(2), concerning the amount of funds a student who is participating in the Succeed Scholarship Program shall receive under the Arkansas Children’s Educational Freedom Account Program, is amended to read as follows:

(2) For the 2023-2024 school year and each school year thereafter, a student who ~~is participating~~ participated in the Succeed Scholarship Program ~~under § 6-41-901 et seq.~~ during the 2022-2023 school year shall ~~continue to receive the scholarship amount awarded to him or her under § 6-41-905~~ one hundred percent (100%) of the prior year’s statewide foundation funding amount allotted per student under § 6-20-2305 until:

(A) The participating student graduates from high school;

(B) The participating student receives a certificate of completion; or

(C) An event that requires an account to be closed under subdivision (f)(1) or (f)(2) of this section occurs.

SECTION 4. Arkansas Code § 6-18-2506(a)(3)(A)(i)(d)(2), concerning student eligibility to participate in the Arkansas Children’s Educational Freedom Account Program during the 2023-2024 school year, is amended to read as follows:

(2) A student who ~~is currently enrolled~~ participated in the Succeed Scholarship Program, ~~§ 6-41-901 et seq.~~, during the 2022-2023 school year and elects to enroll in the Arkansas Children’s Educational Freedom Account Program under this subchapter shall ~~continue to~~

receive the scholarship amount awarded to him or her under § 6-41-905 one hundred percent (100%) of the prior year's statewide foundation funding amount allotted per student under § 6-20-2305 until:

(A) The participating student graduates from high school;

(B) The participating student receives a certificate of completion; or

(C) An event that requires an account to be closed under § 6-18-2505(f)(1) or § 6-18-2505(f)(2) occurs;

SECTION 5. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that the provision of educational services to children in the State of Arkansas impacts the public peace, health, and safety through its effect upon student learning, which is critical for the future success of the state; that educational services for children with disabilities is essential for purposes of helping those children reach their full potential, which is directly impacted by the services provided by schools and the State of Arkansas; that the State of Arkansas passed laws during its most recent Regular Session that provide access to additional funding for families of children with disabilities beginning in the 2023-2024 school year, and additional amendments are necessary to clarify those laws; that the 2023-2024 school year is already underway, which demonstrates the urgency with respect to amending the laws that affect families of children with disabilities; and that this act is immediately necessary to give the Department of Education time to promulgate rules necessary to implement this act and coordinate the rules with other changes to the law as well as to allow time for families with lower incomes to plan for the educational placement of their children with disabilities. 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.