

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

SENATE BILL 604

By: Senator B. Davis
By: Representative Brooks

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
REGARDING THE COURSE CHOICE PROGRAM; AND FOR OTHER
PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
REGARDING THE COURSE CHOICE PROGRAM.

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

SECTION 1. Arkansas Code § 6-16-1702 is amended to read as follows:
6-16-1702. Definitions.

As used in this subchapter:

(1)~~(A)~~ "Course provider" means an entity that offers individual courses in person or online, including without limitation:

~~(A)(i)~~ An online or virtual education provider that is not a public school district or an open-enrollment public charter school;

~~(B)(ii)~~ A postsecondary education institution; ~~and~~

~~(C)(iii)~~ A business or entity that offers vocational or technical course work in its field and has been authorized to provide such courses by the State Board of Education;

(iv) Arkansas School for Mathematics, Sciences, and the Arts; and

(v) An educational entity that is not a public school district or an open-enrollment public charter school.

(B)(i) A course provider does not include a public school district or an open-enrollment public charter school.



(ii)(a) Except as provided under subdivision (1)(B)(ii)(b) of this section, a public school district or an open-enrollment public charter school may make one (1) or more courses available to eligible students under this subchapter.

(b) A public school or an open-enrollment public charter school with a rating of "D" or "F" under §§ 6-15-2105 and 6-15-2106 and state board rules shall not be eligible to offer courses to eligible students under this subchapter.

(2) "Eligible student" means any student in grades six through twelve (6-12) who resides in Arkansas and meets at least one (1) of the following criteria:

(A) Is attending a public school that does not offer the course in which the student desires to enroll, as determined by the ~~state board~~ Division of Elementary and Secondary Education; or

(B) Is attending a public school that received a letter grade of ~~"C"~~, "D", or "F", or any variation thereof, under §§ 6-15-2105 and 6-15-2106 and state board rules, and would like to take a ~~required~~ required for graduation at the eligible student's school through the Course Choice Program; and

(3) "Non-completion" means that an enrolled student does not receive a passing grade or credit for the course.

SECTION 2. Arkansas Code § 6-16-1703 is amended to read as follows:
6-16-1703. Course Choice Program.

(a) There is established the Course Choice Program.

(b) To support student participation, not later than the ~~2025-2026~~ 2026-2027 school year, the State Board of Education shall promulgate rules on the Course Choice Program, including a process that includes without limitation the following:

(1) The determination regarding whether each:

(A) Proposed course provider complies with the law and ~~state board~~ State Board of Education rules;

(B) Proposal submitted by a proposed course provider is valid, complete, financially well-structured, and educationally sound;

(C) Proposal submitted by a proposed course provider provides a plan for collecting data; and

(D) Proposal submitted by a proposed course provider offers the potential for fulfilling the purposes of this subchapter;

(2) The provision for an independent evaluation of each proposal submitted by a proposed course provider by a third party with educational, organizational, legal, and financial expertise; and

(3) The provision for an agreement between the State Board of Education and course provider that shall include without limitation a plan for implementing or providing the following:

(A) Administration of state assessments by the course provider or an eligible student's resident public school district as determined by the Division of Elementary and Secondary Education and as required by the school rating system under § 6-15-2101 et seq.;

(B) The public school districts in which the course provider will operate;

(C) Proposed courses offered, alignment of the courses by the course provider with the Arkansas academic standards, and the designated length of each course offered; and

~~(D) Alignment of the courses offered by the course provider with approved Arkansas diploma requirements; and~~

~~(E)~~ Assurances that the course provider shall, to the best of its ability, collaborate and coordinate with a local public school district in which an eligible student is enrolled full time.

(c)(1) The initial authorization of a course provider shall be for a period of three (3) years.

(2)(A) After the second year of the initial authorization period, the State Board of Education shall conduct a thorough review of the course provider's activities and the academic performance of the eligible students enrolled in courses offered by the course provider ~~in accordance with the school rating system.~~

(B) If the performance of the eligible students enrolled in courses offered by the course provider does not meet performance standards set by the State Board of Education ~~under the school rating system~~, the State Board of Education shall place the course provider on probation.

(d) After the initial three-year authorization period, the State Board of Education may reauthorize a course provider for additional periods of not less than three (3) years nor more than five (5) years after thorough review

of the course provider's activities and the achievement of students enrolled in courses offered by the course provider.

(e) The State Board of Education shall monitor and evaluate the course provider in accordance with performance expectations set forth by the State Board of Education in which student achievement is the predominant criterion.

(f)(1) ~~The Division of Elementary and Secondary Education~~ division shall create a process for:

(A) Common course numbering of all courses listed in the course catalog; and

(B) Determining whether courses are ~~in compliance~~ aligned with Arkansas ~~state~~ academic standards.

(2) For courses offered by postsecondary educational institutions that are authorized course providers, the division shall consult with the Arkansas Higher Education Coordinating Board.

(g) ~~Prior to the 2025-2026 school year, the~~ The division shall create a course catalog for all courses offered by a course provider, a public school district, or an open-enrollment public charter school.

(h) The State Board of Education may promulgate rules to administer the program.

SECTION 3. Arkansas Code § 6-16-1704(a)(1), concerning policies and procedures for eligible students established by each local school district board of directors, is amended to read as follows:

(1) Credits earned through a course provider shall appear on each eligible student's official transcript and count fully towards ~~the~~ graduation requirements ~~of any approved Arkansas diploma;~~

SECTION 4. Arkansas Code § 6-16-1704(d)(1), concerning aggregate test scores of eligible students who participate in the Course Choice Program, is amended to read as follows:

(d)(1) The aggregate test scores of eligible students under this subchapter shall be ~~counted~~ included in the annual school performance report for the public schools in which the eligible students are enrolled full time, pursuant to rules promulgated by the Division of Elementary and Secondary Education.

SECTION 5. Arkansas Code § 6-16-1705 is amended to read as follows:
6-16-1705. Funding – Definition.

(a)(1) As used in this section, “per-course amount for a course provider” means ~~an amount equal to the~~ standard market rate as determined by a course provider and reported to the Department of Education that is up to ~~one sixth (1/6) of ninety percent (90%)~~ eight percent (8%) of the per-pupil amount each year as determined by the foundation funding amount, established under § 6-20-2305, allotted per student to each public school district in which an eligible student resides.

(2) The per-course amount for a public school district or an open-enrollment public charter school shall be the amount of foundation funding generated by including an eligible student in the public school district’s or open-enrollment public charter school’s average daily membership under § 6-20-2305 for one (1) or more courses.

~~(2)(A) Any remaining funds for an eligible student, except those specified under subsection (c) of this section, shall be returned to the state or the public school district according to the pro rata share for the per pupil amount each year as determined by the foundation funding amount for the public school district in which the eligible student resides.~~

~~(B)(3) Transfers of course payments~~ Payment for courses under this subchapter shall be made by the department on behalf of the responsible public school district ~~in which an eligible student resides~~ to the authorized course provider.

~~(b) A course provider shall receive a per course amount for each eligible student.~~

~~(c)(1)(b)(1) For each eligible student, an amount equal to ten percent (10%) of the per pupil amount according to the pro rata share as determined each year by the foundation funding amount, established under § 6-20-2305, allotted per student for the local school district in which an eligible student resides shall remain with~~ Each eligible student shall be included in the average daily membership of the public school district in which the eligible student is enrolled full time for the purpose of generating foundation funding under § 6-20-2305.

(2) Funds under subdivision ~~(c)(1)~~ (b)(1) of this section shall be used to finance any administrative or operational costs to support eligible students enrolled in courses offered by course providers, as

determined by the State Board of Education.

~~(d)(1)(c)(1)~~ For each eligible student, a course provider shall receive payment for only the courses in which an eligible student is enrolled as determined under this subchapter.

(2) The remaining funds for each eligible student up to the maximum amount for the public school district in which the eligible student resides as determined each year by the foundation funding, established under § 6-20-2305, allotted per student or the actual tuition and fees, as applicable, shall remain with the participating public school district in which the student is enrolled full time.

~~(e)(1)(d)(1)~~ A course provider ~~may charge an eligible student the cost of tuition in an amount equal to the amount determined by the course provider and reported to the department~~ shall receive only the per-course amount for a course provider and shall not charge an eligible student any amount above the per-course amount for a course provider.

~~(2)~~ A course provider shall accept the per-course amount as the total tuition and fees for an eligible student.

~~(3)(A)(2)(A)~~ Fifty percent (50%) of the per-course amount of ~~tuition to be~~ for a course provider that is paid or transferred to a course provider shall be paid or transferred ~~upon~~ after verification of eligible student enrollment in a course on October 1 of each year and fifty percent (50%) shall be paid or transferred upon course completion and the eligible student receiving credit according to the published course length.

~~(B)~~ If an eligible student does not complete a course, according to the published course length, in which the course provider has received the first payment, the course provider shall receive only forty percent (40%) rather than the remaining fifty percent (50%) of the course amount, but only if the eligible student completes the course and receives credit for the course prior to leaving school or graduating from high school.

~~(C)~~ For non-completion prior to leaving school or graduating from high school, the course provider shall receive only fifty percent (50%) of the per-course amount of ~~tuition~~ for course providers that is paid upon eligible student enrollment in the course.

~~(4)(A)~~ The remaining ten percent (10%) of the per-pupil amount according to the pro rata share as determined each year by foundation funding, established under § 6-20-2305, allotted per student for a public

~~school district in which an eligible student resides shall remain with the public school in which the eligible student is enrolled full time.~~

~~(B) The amount under subdivision (e)(4)(A) of this section shall be in addition to the ten percent (10%) provided under subsection (e) of this section.~~