

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4
5 By: Representative Rose
6 By: Senator J. Dotson
7

A Bill

HOUSE BILL 1113

For An Act To Be Entitled

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

15 TO AMEND ARKANSAS LAW CONCERNING THE
16 AWARD OF SCHOLARSHIPS UNDER THE SUCCEED
17 SCHOLARSHIP PROGRAM TO STUDENTS IN FOSTER
18 CARE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-41-901 is amended to read as follows:
24 6-41-901. Definitions – Establishment – Intent.

25 (a) As used in this subchapter:

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

27 (A) a group home or group facility on a twenty-four-hour-
28 a-day basis away from the home of the child’s parent or parents; or

29 (B) An individual or family that is licensed or approved
30 as a foster home or provisional foster home under Arkansas Code, Title 9,
31 Chapter 28;

32 (2) “Foster parent” means the:

33 (A) ~~responsible~~ Responsible official or officials of a
34 group home or group facility that provides foster care to a child; or

35 (B) Individual or individuals that are licensed or
36 approved as a foster home or provisional foster home under Arkansas Code,



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

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

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

6 (B) A member of the National Guard;

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

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

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

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

13 (A) Identified by a public school district as having a
 14 disability consistent with the Individuals with Disabilities Education Act,
 15 20 U.S.C. § 1401 et seq.; or

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

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

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

22 (2) Students with a disability; or

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

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

27 6-41-902. Student eligibility.

28 (a) A parent or legal guardian of a student in this state may apply
 29 for a Succeed Scholarship to enroll his or her child in an approved private
 30 school in this state if:

31 (1)(A) The student is currently enrolled in a public school and
 32 has attended public school for at least one (1) full academic year.

33 (B) Subdivision (a)(1)(A) of this section does not apply
 34 if:

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

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

3 (2) The student:

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

7 (B) Has been identified by a public school district as
 8 having a disability consistent with the Individuals with Disabilities
 9 Education Act, 20 U.S.C. § 1400 et seq., as evidenced by written notice of
 10 the decision from the public school district, or has been medically diagnosed
 11 by a licensed physician as a child with a disability under 20 U.S.C. §
 12 1401(3)(A);

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

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

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

19 (4) The parent has notified the student's current school
 20 district of the request for a scholarship at least sixty (60) days before the
 21 date of the first scholarship payment; and

22 (5)(A) For students in foster care, the Department of Human
 23 Services approves the student's placement in the private school.

24 (B) The department shall approve the student's placement
 25 in the private school if a determination is made that placement in the
 26 private school is in the best interest of the student.

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

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

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

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

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

7
 8 SECTION 3. Arkansas Code § 6-41-906(a), concerning rules and duties of
 9 the State Board of Education under the Succeed Scholarship Program, is
 10 amended to read as follows:

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

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

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

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

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

27 (i) Federal court order; or

28 (ii) Federal administrative order issued by an
 29 appropriate federal agency having proper authority to enforce remedial
 30 measures necessary to comply with Title VI of the federal Civil Rights Act of
 31 1964, Title IX of the federal Education Amendments of 1972, or the Equal
 32 Protection Clause of the Fourteenth Amendment to the United States
 33 Constitution.