

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas

*As Engrossed: H2/10/99 S2/18/99 S3/5/99*

2 82nd General Assembly

# A Bill

Act 858 of 1999

3 Regular Session, 1999

HOUSE BILL 1411

4

5 By: Representatives Cook, Magnus, Bookout, Allison, Ammons, Angel, Bennett, Bevis, Biggs, Bledsoe,  
6 Bond, Broadway, Buchanan, Courtway, Creekmore, Elliott, Files, French, Gillespie, Gipson,  
7 Glover, Green, Haak, Hale, Hausam, Hendren, Horn, Hunt, J. Jeffress, C. Johnson, Judy, King,  
8 Lancaster, Madison, Milligan, Morris, Pappas, Parks, Prater, Rodgers, Salmon, Seawel, Sheppard,  
9 Shoffner, Simmons, Simon, M. Smith, T. Smith, Taylor, Teague, T. Thomas, Weaver, White, Wilkins,  
10 Willis, Womack, Dees, Wilkinson, Cleveland, Gullett, P. Malone, Agee, Milum

11 By: Senators Russ, Roebuck, Riggs, Bisbee, Brown, D. Malone, Mahony, Argue

12

13

14

## For An Act To Be Entitled

15

"AN ACT TO AMEND THE ELIGIBILITY REQUIREMENTS FOR THE  
16 ACADEMIC CHALLENGE SCHOLARSHIP PROGRAM; TO CLARIFY THE  
17 EXISTING LANGUAGE; AND FOR OTHER PURPOSES. "

18

19

## Subtitle

20

"AN ACT TO AMEND THE ELIGIBILITY  
21 REQUIREMENT FOR THE ACADEMIC CHALLENGE  
22 SCHOLARSHIP PROGRAM; AND TO CLARIFY  
23 EXISTING LANGUAGE. "

24

25

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

27

28 SECTION 1. Arkansas Code 6-82-1002(5) pertaining to definitions is  
29 amended to read as follows:

30

31

32

33

34

"(5) 'Tuition' means charges levied for attendance at an eligible  
institution of higher education. For purposes of this subchapter, tuition  
charges shall not include any fees charged or used for student activities,  
including any student athletic fee-;"

35

36

SECTION 2. Arkansas Code 6-82-1002 pertaining to definitions is amended  
by adding the following:

1            "(6) 'Unemancipated child (or children)' means a dependent child  
2 (or children) as defined by the U. S. Department of Education for student aid  
3 purposes."  
4

5            SECTION 3. Arkansas Code 6-82-1004(e) pertaining to the Arkansas  
6 Academic Challenge Scholarship Program is amended to read as follows:

7            "(e) The Department of Education and the Department of Higher Education  
8 are directed to develop appropriate informational materials on the Arkansas  
9 Academic Challenge Scholarship Program and ensure their distribution to  
10 Arkansas students in grades ~~kindergarten~~ seven through twelve (~~K~~ - 12) each  
11 year as part of the packet of materials on precollegiate ~~and technical~~  
12 preparation distributed by the Department of Education as mandated by ~~§§ 6-61-~~  
13 ~~111, 6-61-217, 6-61-218, and 6-18-101(b)(2)~~. This shall be accomplished  
14 through the use of school counselors or other appropriate school personnel."  
15

16            SECTION 4. Arkansas Code 6-82-1005(b)(1)(A) pertaining to eligibility  
17 for the Arkansas Academic Challenge Scholarship Program is amended to read as  
18 follows:

19            "(A) The recipient shall have graduated from an Arkansas  
20 high school on or after March 5, 1991, and within ~~twenty-four (24)~~ twelve (12)  
21 months of enrolling as a full-time first-time freshman at an approved  
22 institution of higher education; and"  
23

24            SECTION 5. Arkansas Code 6-82-1005(b)(1)(D) pertaining to eligibility  
25 for the Arkansas Academic Challenge Scholarship Program is amended to read as  
26 follows:

27            "(D) The recipient must be accepted for admission at an  
28 approved institution of higher education as a full-time first-time freshman,  
29 as defined by the Department of Higher Education, and must enroll in an  
30 approved institution within ~~twenty-four (24)~~ twelve (12) months of high school  
31 graduation; and"  
32

33            SECTION 6. Arkansas Code 6-82-1005(b)(1)(E) pertaining to eligibility  
34 for the Arkansas Academic Challenge Scholarship program is amended to read as  
35 follows:

36            "(E) The recipient must have successfully completed the core

1 curriculum established by the State Board of Education and ~~State Board of~~  
2 ~~Higher Education~~ Arkansas Higher Education Coordinating Board pursuant to §§  
3 ~~6-61-111, 6-61-217, and 6-61-218.~~ "

4  
5 SECTION 7. Arkansas Code 6-82-1005(b)(3) pertaining to eligibility for  
6 the Arkansas Academic Challenge Scholarship Program is amended to read as  
7 follows:

8 "(3) The student must demonstrate financial need as defined by  
9 the Department of Higher Education. In calculating student financial need for  
10 applicants who graduate from an Arkansas high school after ~~May 1, 1991~~ January  
11 1, 1999, the following criteria shall be used:

12 (A) An applicant whose family includes one (1)  
13 unemancipated child ~~under the age of twenty-one (21)~~ shall have average family  
14 adjusted gross income over the previous two (2) years not exceeding ~~thirty-~~  
15 ~~five~~ seventy thousand dollars ~~(\$35,000)~~ (\$70,000) per year at the time of  
16 application to the program. ~~If the applicant is an adopted child who was at~~  
17 ~~least twelve (12) years of age at the time of adoption, and the applicant's~~  
18 ~~family includes one (1) unemancipated adopted child under twenty-one (21)~~  
19 ~~years of age, the adoptive family's average adjusted gross income for the~~  
20 ~~previous two (2) years shall not exceed forty thousand dollars (\$40,000) per~~  
21 ~~year.~~

22 (B) An applicant whose family includes two (2)  
23 unemancipated children ~~under the age of twenty-one (21)~~ shall have average  
24 family adjusted gross income over the previous two (2) years not exceeding  
25 ~~forty~~ seventy-five thousand dollars ~~(\$40,000)~~ (\$75,000) per year at the time  
26 of application to the program. ~~If the applicant is an adopted child who was at~~  
27 ~~least twelve (12) years of age at the time of adoption, and the applicant's~~  
28 ~~family includes two (2) unemancipated adopted children under twenty-one (21)~~  
29 ~~years of age, the adoptive family's average adjusted gross income for the~~  
30 ~~previous two (2) years shall not exceed fifty thousand dollars (\$50,000) per~~  
31 ~~year.~~

32 (C) An applicant whose family includes three (3) or more  
33 unemancipated children ~~under the age of twenty-one (21)~~ shall have average  
34 family adjusted gross income over the previous two (2) years not exceeding  
35 ~~forty-five~~ eighty thousand dollars ~~(\$45,000)~~ (\$80,000) per year at the time of  
36 application to the program, plus, for families with more than three (3)

1 unemancipated children ~~under the age of twenty-one (21)~~, an additional five  
 2 thousand dollars (\$5,000) per year for each such additional child. ~~If the~~  
 3 ~~applicant is an adopted child who was at least twelve (12) years of age at the~~  
 4 ~~time of adoption, and the applicant's family includes three (3) unemancipated~~  
 5 ~~adopted children under twenty-one (21) years of age, the adoptive family's~~  
 6 ~~average adjusted gross income for the previous two (2) years shall not exceed~~  
 7 ~~sixty thousand dollars (\$60,000) per year, plus, for families with more than~~  
 8 ~~three (3) unemancipated adopted children under the age of twenty-one (21), an~~  
 9 ~~additional ten thousand dollars (\$10,000) per year for each additional child.~~

10 (D) Any applicant whose family includes more than one (1)  
 11 unemancipated child ~~under the age of twenty-one (21)~~ enrolled full time at an  
 12 approved institution of higher education shall be entitled to an additional  
 13 ten thousand dollars (\$10,000) of adjusted gross income for each such  
 14 additional child when the Department of Higher Education calculates financial  
 15 need.

16 (E) If the applicant is an adopted child who was at least  
 17 twelve (12) years of age at the time of adoption and the applicant's family  
 18 includes unemancipated adopted children who were at least twelve (12) years of  
 19 age at the time of adoption, the adoptive family shall be entitled to an  
 20 additional ten thousand dollars (\$10,000) of adjusted gross income per adopted  
 21 unemancipated child."

22  
 23 SECTION 8. Arkansas Code 6-82-1005(e) pertaining to eligibility for the  
 24 Arkansas Academic Challenge Scholarship Program is amended to read as follows:

25 "(e) Students who meet the provisions of subdivisions (b)(1)(A)-(C),  
 26 but who have not completed the core curriculum defined in subdivision  
 27 (b)(1)(E) by the end of the senior year of high school, shall have the grace  
 28 period of ~~twenty-four (24)~~ twelve (12) months, established for this purpose in  
 29 subdivision (b)(1)(A) and (D), in which to make up any course or American  
 30 College Test score deficiencies required for program eligibility."

31  
 32 SECTION 9. Arkansas Code 6-82-1005(f) pertaining to eligibility for the  
 33 Arkansas Academic Challenge Scholarship Program is amended to read as follows:

34 "(f) ~~The State Board of Higher Education~~ Arkansas Higher Education  
 35 Coordinating Board shall have the authority to adjust these financial need  
 36 family income requirements. Other financial need criteria necessary for the

1 selection of recipients, including those defined as emancipated or independent  
2 by federal student aid regulations, shall be established through rules and  
3 regulations issued by the Department of Higher Education."

4  
5 SECTION 10. Arkansas Code 6-82-1006(b) and (c) pertaining to the  
6 duration and amount of scholarship is amended to read as follows:

7 "(b)(1) An eligible recipient shall receive a scholarship for one (1)  
8 academic year, renewable for up to three (3) additional academic years if the  
9 recipient meets continuing eligibility criteria established by the Department  
10 of Higher Education.

11 (2) *In addition to those continuing eligibility criteria*  
12 *established through rules and regulations; the following criteria apply to*  
13 *recipients who graduated from high school after December 31, 1998:*

14 (A) Recipients entering the sophomore year who achieve a  
15 cumulative grade point average of ~~3.0~~ 3.25 or above in the freshman year shall  
16 receive a scholarship award five hundred dollars (\$500) above the amount of  
17 the annual scholarship received in their first year of eligibility.

18 (B) Recipients entering the junior year who achieve a  
19 cumulative grade point average of ~~3.0~~ 3.25 or above shall receive a  
20 scholarship award five hundred dollars (\$500) above the amount received in the  
21 sophomore year.

22 (C) Recipients entering the senior year who achieve a  
23 cumulative grade point average of ~~3.0~~ 3.25 or above shall receive a  
24 scholarship award five hundred dollars (\$500) above the amount received in the  
25 *junior year.*

26 (3) In addition to those continuing eligibility  
27 criteria established through rules and regulations, the following criteria  
28 apply to recipients who graduated from high school before December 31, 1998:

29 (A) Recipients entering the sophomore year who  
30 graduated from high school before December 31, 1998, and who earned a  
31 cumulative grade point average of 3.0 or above in the freshman year shall  
32 receive a scholarship award five hundred dollars (\$500) above the amount of  
33 the annual scholarship received in their first year of eligibility.

34 (B) Recipients entering the junior year who graduated from  
35 high school before December 31, 1998, and who earned a cumulative grade point  
36 average of 3.0 or above shall receive a scholarship award five hundred dollars

1 (\$500) above the amount received in the sophomore year.

2 (C) Recipients entering the senior year who graduated from  
3 high school before December 31, 1998, and who earned a cumulative grade point  
4 average of 3.0 or above shall receive a scholarship award five hundred dollars  
5 (\$500) above the amount received in the junior year.

6 ~~(c)(1) The amount of the annual scholarship awarded to each recipient~~  
7 ~~shall be the lesser of one thousand five hundred dollars (\$1,500) or the~~  
8 ~~annual tuition charged by the approved institution in which the recipient is~~  
9 ~~enrolled. For recipients who graduated from high school prior to January 1,~~  
10 ~~1995, the amount of the annual scholarship awarded to each recipient shall be~~  
11 ~~the lesser of one thousand dollars (\$1,000) or the annual tuition charged by~~  
12 ~~the approved institution in which the recipient is enrolled.~~

13 ~~(2) For new recipients who enroll in college as first-time~~  
14 ~~entering freshmen after July 1, 1997, the amount of the annual scholarship~~  
15 ~~awarded to each recipient shall be the lesser of two thousand five hundred~~  
16 ~~dollars (\$2,500) or the annual tuition charged by the approved institution in~~  
17 ~~which the recipient is enrolled. For recipients who graduated from high school~~  
18 ~~between January 1, 1995, and December 31, 1996, the amount of the annual~~  
19 ~~scholarship awarded to each recipient shall be the lesser of one thousand five~~  
20 ~~hundred dollars (\$1,500) or the annual tuition charged by the approved~~  
21 ~~institution in which the recipient is enrolled.~~

22 ~~(3) For recipients who graduated from high school between January~~  
23 ~~1, 1997, and December 31, 1998, the amount of the annual scholarship awarded~~  
24 ~~to each recipient shall be the lesser of two thousand five hundred dollars~~  
25 ~~(\$2,500) or the annual tuition charged by the approved institution in which~~  
26 ~~the recipient is enrolled.~~

27 ~~(4) For new recipients who graduated from high school after~~  
28 ~~December 31, 1998, the amount of the annual scholarship awarded to each~~  
29 ~~recipient shall be two thousand five hundred dollars (\$2,500).~~

30 ~~(3)(5) Tuition shall mean the charges defined in § 6-82-1002(5)."~~

31  
32 SECTION 11. Arkansas Code 6-82-1001 pertaining to legislative findings  
33 and declarations of public necessity is amended to read as follows:

34 "6-82-1001. Legislative findings and declarations of public necessity.

35 The General Assembly hereby recognizes that taking the proper coursework  
36 in high school is essential for success in college. Arkansas high school

1 students who complete the recommended precollegiate or technical preparation  
2 core curriculum score significantly higher on standardized preadmissions tests  
3 and are more likely to be successful in college. Because the State of  
4 Arkansas also benefits from the academic success of well-prepared college  
5 students, there is hereby established the Arkansas Academic Challenge  
6 Scholarship Program, a ~~guaranteed~~ college scholarship plan to promote academic  
7 achievement and encourage academically prepared Arkansas high school graduates  
8 to enroll in the state's colleges and universities."

9  
10 SECTION 12. Arkansas Code 6-82-1004 pertaining to the authority of the  
11 Department of Higher Education is amended to add a new subsection to read as  
12 follows:

13 "(g) The Department of Higher Education is authorized to determine the  
14 necessary procedures for the awarding of scholarships should the number of  
15 eligible applicants exceed the funds available."

16  
17 SECTION 13. 6-82-1006(d) pertaining to the duration and amount of  
18 scholarship is amended to read as follows:

19 "(d) The amount of the annual scholarship awarded to each recipient  
20 shall not be less than that provided for in subsection (c) of this section.  
21 ~~Provided that, based on analysis of the program's operation during the 1991-~~  
22 ~~1993 biennium with respect to the number of applicants and recipients, and~~  
23 ~~based on the receipts of additional funding for this program in subsequent~~  
24 ~~biennia, the Department of Higher Education shall have authority to increase~~  
25 ~~the size of the award up to the maximum tuition charged at a public~~  
26 ~~university in Arkansas."~~

27  
28 SECTION 14. All provisions of this act of a general and permanent  
29 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
30 Code Revision Commission shall incorporate the same in the Code.

31  
32 SECTION 15. If any provision of this act or the application thereof to  
33 any person or circumstance is held invalid, such invalidity shall not affect  
34 other provisions or applications of the act which can be given effect without  
35 the invalid provision or application, and to this end the provisions of this  
36 act are declared to be severable.

1  
2 SECTION 16. All laws and parts of laws in conflict with this act are  
3 hereby repealed.

4  
5 SECTION 17. EMERGENCY. It is hereby found and determined by the  
6 Eighty-Second General Assembly that in order to provide adequate scholarships  
7 and financial assistance to Arkansas high school students graduating in 1999  
8 that it is necessary to amend the eligibility requirements of the academic  
9 challenge scholarship program; that a delay in the effective date of this act  
10 could work irreparable harm upon the proper administration of the scholarship  
11 program and high school students graduating in 1999. Therefore, an emergency  
12 is declared to exist and this act being immediately necessary for the  
13 preservation of the public peace, health and safety shall become effective on  
14 the date of its approval by the Governor. If the bill is neither approved nor  
15 vetoed by the Governor, it shall become effective on the expiration of the  
16 period of time during which the Governor may veto the bill. If the bill is  
17 vetoed by the Governor and the veto is overridden, it shall become effective  
18 on the date the last house overrides the veto.

19 /s/ Cook

20  
21  
22 APPROVED: 3/25/1999  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36