

**DIVISION OF HIGHER EDUCATION RULES GOVERNING
LAW ENFORCEMENT OFFICERS' DEPENDENTS SCHOLARSHIP PROGRAM
Effective Date:**

1.00 Organization and Structure

- I. 1.01 The ~~Arkansas~~ Division of Higher Education shall administer the Law Enforcement Officers' Dependents Scholarship Program within the policies set by the ~~Arkansas~~ Higher Education Coordinating Board. All formal communications shall be addressed to or signed by the Director of the ~~Arkansas Division of Higher Education~~ division or ~~his/her~~ his or her designee.
- II. 1.02 The final responsibility for determining eligibility of scholarship recipients shall rest with the Director of the ~~Arkansas Division of Higher Education~~ division pursuant to the provisions of Act 521 of 1973, Act 47 of 1983, Act 190 of 1989, Act 153 of 1993, Act 1034 of 1999, Act 113 of 2001, Act 158 of 2001, and Act 172 of 2007, Act 1217 of 2009 and any subsequent legislation.
- III. 1.03 When functioning under Act 521 of 1973, Act 47 of 1983, Act 190 of 1989, Act 153 of 1993, Act 1034 of 1999, Act 113 of 2001, Act 158 of 2001, Act 172 of 2007, Act 1217 of 2009, and any subsequent legislation, the ~~Arkansas Division of Higher Education~~ division shall follow the provisions of the Administrative Procedure Act.

2.00 Program Definitions

2.01 The following definitions are used in the Law Enforcement Officers' Dependents Scholarship Program:

2.01.1 “Approved Institution” means a state-supported two-year or four-year college or university or technical institute located in the State of Arkansas that is accredited by the ~~North Central Association, Commission on Higher Education~~ Higher Learning Commission, or has achieved candidacy status, and does not discriminate against applicants, or employees on the basis of race, color, religion, sex, age, handicap, or national origin, consistent with the provisions of applicable state and federal laws.

2.01.2 “Dependent” means a spouse, natural child, adopted child, or step child of an Arkansas law enforcement officer, fireman, state correction employees, state forestry employees, certain Arkansas Department of Transportation employees, state parks employees, teacher, or Department of Community Correction employees killed or totally and permanently disabled in the line of duty.

2.01.3 “Satisfactory Progress” means satisfactory academic progress toward a degree as defined by the institution.

3.00 Scholarship Eligibility Criteria

I. 3.01 In order to be eligible for the Law Enforcement Officers' Dependents Scholarship, the student must be a natural child, adopted child, stepchild, or spouse of an Arkansas law enforcement officer, fireman, state highway employee, state forestry employee, state correction employee, state park employee, teacher, or Department of Community Correction employee who was killed or permanently and totally disabled as a result of injuries or wounds which occurred in the performance of duty or in the course of going to or returning from a location where a hazardous situation existed. Scholarship benefits shall not accrue to the dependents if the wounds or injuries suffered by the law enforcement officer, fireman, state highway employee, state forestry employee, state correction employee, state park employee, teacher, or Department of Community Punishment employee are self-inflicted or if death is self-induced.

3.01.1 A law enforcement officer means:

- A.** 3.01.1.1 Arkansas state highway patrolman, which includes any law enforcement officer, regardless of department or bureau, of the Division of Arkansas State Police;
- B.** 3.01.1.2 Arkansas municipal and college or university police officers, which includes all law enforcement officers of any municipality, college, or university who are regular duty personnel on full-time status and does not include auxiliary officers or those serving on a temporary or part-time status;
- C.** 3.01.1.3 Arkansas sheriff or deputy sheriff, which includes all law enforcement officers of full-time status on a regular basis serving the sheriff's department of any county located in Arkansas, but does not include deputy sheriffs who are engaged in administrative or civil duty or deputy sheriffs serving in a temporary capacity or part-time basis;
- D.** 3.01.1.4 Arkansas constable, which includes all duly elected constables of any beat of any county within the State of Arkansas while actually engaged in the performance of their duties concerning the criminal laws of the county and state; and,
- E.** 3.01.1.5 Arkansas game warden, which includes all appointed game wardens employed by the State of Arkansas on a full-time duty status while actually engaged in their duties concerning the game laws of this state.

3.01.2 A fireman means:

- A.** 3.01.2 1 Any Arkansas fireman employed on a full-time or volunteer duty status while actually engaged in the performance of his

or her duties;

3.01.3 A state highway employee means:

- A. 3.01.3.1 _____ An Arkansas Department of Transportation employee, which is defined as any employee who actively engages in highway maintenance, construction, or traffic operations on the roadways and bridges of the state highway system while the roadways and bridges are open for use by the traveling public;

3.01.4 A state forestry employee means:

- A. 3.01.4.1 _____ An employee of the Arkansas Forestry Commission who is actively engaged in his or her duties of fighting forest fires;

3.01.5 A state correction employee means:

- A. 3.01.5.1 _____ Any employee of the Arkansas Division of Correction or the Arkansas Correctional School District who becomes subject to injury through contact with inmates or parolees of the Division of Correction;

3.01.6 A state park employee means:

- A. 3.01.6.1 _____ Any employee of the Arkansas Department of Parks, Heritage, and Tourism who is a commissioned law enforcement officer or emergency response employee while actively engaged in the performance of his or her duties;

3.01.7 A teacher means:

- A. 3.01.7.1 _____ Any person employed by an Arkansas public school for the purpose of giving instructions and whose employment requires state certification; and

3.01.8 A Department of Community Correction employee means:

- A. 3.01.8.1 _____ Any employee of the Arkansas Department of Community Correction who suffers fatal injuries or wounds or becomes permanently and totally disabled as a result of injuries or wounds which occurred through contact with parolees, probationers, or center residents.

H. 3.02 To be eligible to receive the Law Enforcement Officer's Dependents Scholarship, the applicant must be:

- A. 3.02.1 A child must have been born prior to the date of the death or total and

permanent disability (See “Scholarship Eligibility Criteria,” Section I);

- B. 3.02.2 An adopted child must have been adopted prior to or the adoption process must have begun prior to the date of the death or total and permanent disability (See “Scholarship Eligibility Criteria,” Section I);
- C. 3.02.3 A stepchild must have been listed as a dependent on the federal and state income tax returns in each of the five (5) income tax years immediately prior to the death or total and permanent disability and must have received more than one-half (1/2) his or her financial support (See “Scholarship Eligibility Criteria,” Section I)
- D. 3.02.4 Enrolled or accepted for enrollment as an undergraduate student in any Arkansas state-supported college, university or technical institute;
- E. 3.02.5 Less than twenty-three (23) years old on or before the first day of the semester or quarter, unless the applicant is a spouse; and,
- F. 3.02.6 A bona fide resident of Arkansas, as defined by the Arkansas Division of Higher Education, for at least six (6) months prior to enrollment in an Arkansas institution.

III. 3.03 Continued Eligibility

3.03.1 The scholarship will be awarded for one academic year and renewed annually up to three years (for a total of 8 semesters) so long as the student maintains a minimum of a 2.0 grade point average on a 4.0 scale and satisfactory progress toward a degree as defined by the institution.

3.03.2 For purposes of scholarship payments, “academic semester” includes summer terms, semesters, quarters, or their equivalent, at the postsecondary institution in which the student is enrolled.

- IV. 3.04 The spouse will not be eligible for the educational benefits if he or she re-marries. The benefits will cease at the end of the semester in which the spouse is currently enrolled at the time of the marriage.

4.00 Application Process

I. 4.01 Applications

- A. 4.01.1 Applications and brochures regarding the Law Enforcement Officers' Dependents Scholarship are mailed to the following:

- I. 4.01.1.1 Counselors and principals at all public and private high schools in the State; and,

- 2. 4.01.1.2 Financial aid officers at all public colleges, universities, and public technical institutes in the state. The institutional financial aid officer is responsible for ensuring that eligible students at their institution are made aware of the Law Enforcement Officers' Dependents Scholarship Program and its benefits.
- B. 4.01.2 Applications will be made available online from the ~~Arkansas~~ Division of Higher Education.
- H. 4.02 Submission of Applications
 - A. 4.02.1 ~~The Arkansas Division of Higher Education~~ division shall establish the deadline for receipt of applications. The deadline date shall be clearly printed on the application.
 - B. 4.02.2 Scholarship applicants shall submit to the ~~Arkansas Division of Higher Education~~ division the following:
 - 1. 4.02.2.1 The Law Enforcement Officer's Dependents Scholarship Application;
 - 2. 4.02.2.2 Documentation in the form of a Death Certificate;
 - 3. 4.02.2.3 Order & Finding of Facts from the Arkansas State Claims Commission;
 - 4. 4.02.2.4 A copy of birth certificate, if a dependent child; and,
 - 5. 4.02.2.5 A copy of their marriage license, if a spouse.
 - C. 4.02.3 The applicant must apply for the scholarship prior to the published deadline in order to receive the scholarship. Reimbursement can only be made for the year in which the student is currently enrolled and has made application.

5.00 Award Process

- I. 5.01 Applications and supporting documentation will be reviewed for completeness and to determine whether the applicant meets all the required eligibility requirements. Applicants will be notified within thirty (30) days of receipt of all required documentation of the status of their application.
- II. 5.02 Eligible students will receive an award notice that contains the conditions of the award, the requirements for continued eligibility, an explanation of the benefits, and the student's responsibilities.
- III. 5.03 The institution will also receive an award notice that contains the student's name and social security number, the award limits, the conditions of the award, the

verification process, and the payment process. The institution will be asked to complete a Reimbursement Form listing all charges covered by this program.

- IV. 5.04 The institution will be responsible for verifying the student's continuing eligibility each semester.
- V. 5.05 The award will be renewed annually as long as the student satisfies the continued eligibility requirements as "Scholarship Eligibility Criteria," Section V.

6.00 Scholarship Payment Policies

- I. 6.01 A recipient may receive up to eight (8) semesters of tuition and fee waivers from the scholarship program. Payment to the scholarship recipient will be in the form of a tuition and fee waiver at the recipient's institution. The ~~Arkansas~~ Division of Higher Education will reimburse the institution upon verification of enrollment after the 11th day of classes each semester for approved charges.
- II. 6.02 The scholarship will pay the cost of tuition at the in-state rate and room in school-owned housing at any state-supported college, university or technical institute within the State of Arkansas. It does not include the cost of the following:
 - A. 6.02.1 Books
 - B. 6.02.2 Food
 - C. 6.02.3 School supplies and materials
 - D. 6.02.4 Dues and fees for extracurricular activities
- III. 6.03 ~~The Arkansas Division of Higher Education~~ division will pay the institution for tuition and fees covered by this program at the beginning of each term upon receipt of the Reimbursement Form and verification of the charges.

~~A. Transfer Policy~~

6.03.1 A recipient who has received a Law Enforcement Officers' Dependents Scholarship may transfer to another eligible institution provided the ~~Arkansas Division of Higher Education~~ division receives written notification of the change of status by October 1 for the Fall Term, February 1 for the Winter/Spring Terms, and May 1 for the Summer Terms.

~~B. Withdrawal Policy~~

6.03.2 Recipients may withdraw from the Law Enforcement Officers' Dependents Scholarship Program upon written notification to, and approval by, the ~~Arkansas Division of Higher Education~~ division. The

petition shall give the reason for withdrawal and shall be supported with documentation.

~~C.~~ ~~Revocation Policy~~

6.03.3 The award will be revoked if the recipient fails to:

1. 6.03.3.1 Enroll in an eligible Arkansas institution;
2. 6.03.3.2 Notify the ~~Arkansas Division of Higher Education~~ division, in writing, of transfer to another eligible institution by October 1 for the Fall term, February 1 for the Winter and/or Spring Terms, and May 1 for the Summer Terms; or,
3. 6.03.3.3 Petition the ~~Arkansas Division of Higher Education~~ division, in writing, for withdrawal from an institution by October 1 for the Fall Term, February 1 for the Winter/Spring Terms, and May 1 for the Summer Terms.
4. 6.03.3.4 Maintain a minimum GPA of 2.0 on a 4.0 per academic year.

6.03.4 At the discretion of the ~~Arkansas Division of Higher Education~~ Division, the award will not be revoked if the ~~ADHE~~ division determines that extraordinary circumstances prevented the student from notifying ~~ADHE~~ division by the required dates.

~~D.~~ ~~Military Service~~

6.03.5 Recipients who are members of the Arkansas National Guard or Armed Forces Reserves units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will not be penalized. They will be placed on deferred status until six (6) months after release from active duty.

7.00 Institutional Responsibilities

~~I.~~ 7.01 Administrative Agreement

7.02 The chief executive officer of the state-supported institution of higher education or technical institute is responsible for appointing one representative from the Financial Aid Office to act as administrator of the Law Enforcement Officers' Dependents Scholarship Program and to receive all communications and forms issued by the ~~Arkansas~~ Division of Higher Education. This representative is responsible for completing all forms, verification of data, and complying with all program rules and regulations.

7.03 The institution must comply with the following responsibilities in order to maintain continued eligibility status:

A. ~~Verification~~

7.04 The institution shall provide verification to the ~~Arkansas Division of Higher Education~~ division at the close of each term concerning the student's continuing eligibility. This is accomplished using the Verification Form issued by the division. Reimbursement to the institution will be made after the institution has completed the Verification Form and the Reimbursement Form and returned them to the ~~Arkansas Division of Higher Education~~ division.

B. ~~Identification of Eligible Students~~

7.05 Institutions will be responsible for publicizing the program and identifying students eligible for the program. Reimbursement can only be made for the year in which the student is currently enrolled and has made application. Applications made after May 1 of the academic year in which the student is enrolled will not be considered and the student will not be eligible for the scholarship.

C. ~~Disbursement Records~~

7.06 The institution shall maintain information on the student indicating disbursement of these funds.

D. ~~Deadline for Disbursement of Funds~~

7.07 The deadline for disbursement of funds is no later than 10 days after written receipt of funds. Any outstanding funds not disbursed must be returned to ~~ADHE~~ division.

E. ~~Refund Policy~~

7.08 It is the institution's responsibility to notify ~~ADHE~~ division of the names of any persons owing a refund, the date of the withdrawal, and the refund amount. This information should be placed on the institution's verification roster before returning it to ~~ADHE~~ division.

F. 7.09 Act 1180 of 1999 states that students who receive scholarships from public funds may not use those funds in a financial aid package to exceed the federally recognized cost of attendance at the institution where the student enrolls. The institution must follow ~~ADHE~~ division policy in repaying public funds in the amount exceeding the total cost of attendance for any student who receives public funds in a financial aid package above the cost of attendance.

G. ~~Due Diligence~~

7.10 The institution will exercise due diligence in providing complete, accurate, and timely information as requested by the ~~Arkansas Division of Higher Education~~ division on any scholarship recipient. In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Law Enforcement Officers' Dependents Scholarship Program.

8.00 Recipient Responsibilities

I. 8.01 The recipient must notify the ~~Arkansas Division of Higher Education~~, in writing, of any change in status within 30 days. This includes changes in:

A. 8.01.1 Name;

B. 8.01.2 Address;

C. 8.01.3 Institution; and/or,

D. 8.01.4 Withdrawal from an institution.

8.02 Failure to notify the ~~Arkansas Division of Higher Education~~ division of a change in status may affect future eligibility.

II. 8.03 It is also the recipient's responsibility to be knowledgeable of the rules and regulations of the Law Enforcement Officers' Dependents Scholarship Program.

Program Definitions

The following definitions are used in the Law Enforcement Officers' Dependents Scholarship Program:

~~Approved Institution~~ — A state-supported two-year or four-year college or university or technical institute located in the State of Arkansas that is accredited by the North Central Association, Commission on Higher Education, or has achieved candidacy status, and does not discriminate against applicants, or employees on the basis of race, color, religion, sex, age, handicap, or national origin, consistent with the provisions of applicable state and federal laws.

~~Dependent~~ — A spouse, natural child, adopted child, or step child of an Arkansas law enforcement officer, fireman, state correction employees, state forestry employees, certain Arkansas Department of Transportation employees, state parks employees, teacher, or Department of Community Correction employees killed or totally and permanently disabled in the line of duty.

~~Satisfactory Progress~~ — ~~Satisfactory academic progress toward a degree as defined by the institution.~~

DRAFT

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H2/14/23

A Bill

HOUSE BILL 1412

5 By: Representative J. Mayberry
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT CONCERNING RULES PROMULGATED BY THE DIVISION
10 OF HIGHER EDUCATION; TO REQUIRE THE DIVISION OF
11 HIGHER EDUCATION TO PROMULGATE CERTAIN RULES
12 CONCERNING THE ADMINISTRATION OF SCHOLARSHIPS FUNDED
13 WITH STATE FUNDS AND LOTTERY PROCEEDS; TO DECLARE AN
14 EMERGENCY; AND FOR OTHER PURPOSES.
15
16

Subtitle

17 TO REQUIRE THE DIVISION OF HIGHER
18 EDUCATION TO PROMULGATE CERTAIN RULES
19 CONCERNING THE ADMINISTRATION OF
20 SCHOLARSHIPS FUNDED WITH STATE FUNDS AND
21 LOTTERY PROCEEDS; AND TO DECLARE AN
22 EMERGENCY.
23
24
25

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
27

28 SECTION 1. Arkansas Code Title 6, Chapter 80, Subchapter 1, is amended
29 to add an additional section to read as follows:

30 6-80-109. Division of Higher Education – Rules.

31 (a) The Division of Higher Education shall promulgate or update
32 existing division rules to allow a student who is a recipient of a
33 scholarship to utilize scholarship funds to enroll in and attend courses
34 offered during a summer term at the postsecondary institution in which the
35 student is enrolled.

36 (b) Rules promulgated under this section shall include without



1 limitation requirements concerning:

2 (1) Student eligibility; and

3 (2) The disbursement and administration of scholarship funds
4 utilized by a student to enroll in and attend courses offered during a summer
5 term.

6 (c) As used in this section, "scholarship" shall include a scholarship
7 program that is:

8 (1) Funded with state funds or lottery proceeds; and

9 (2) Administered by the division.

10
11 SECTION 2. Arkansas Code § 6-85-204(14), concerning the definition of
12 "semester" under the Arkansas Academic Challenge Scholarship Program, is
13 amended to read as follows:

14 (14)(A) "Semester" means one-half ($\frac{1}{2}$) of a traditional academic
15 year at an institution of higher education, or an equivalent approved by the
16 division, in which a student enrolls for not less than:

17 ~~(A)(i)~~ Fifteen (15) credit hours as a full-time student,
18 except that in the first semester as a first-time full-time freshman, a
19 traditional student shall enroll in not less than twelve (12) credit hours;
20 or

21 ~~(B)(ii)~~ Six (6) credit hours as a part-time student.

22 (B) For purposes of summer courses at an institution of
23 higher education, a "semester" shall mean the same as is defined by the
24 division, as required by § 6-80-109;

25
26 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that the Division of Higher
28 Education must make certain arrangements to facilitate the use of Arkansas
29 Academic Challenge Scholarship funds for upcoming summer courses; and that
30 many of these arrangements must occur in time for the 2023-2024 school year.
31 Therefore, an emergency is declared to exist, and this act being necessary
32 for the preservation of the public peace, health, and safety shall become
33 effective on July 1, 2023.

34
35 */s/J. Mayberry*

36 **APPROVED: 3/30/23**