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Proposed Rulemaking

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Promulgated by:
Division of Higher Education

Title 6. Education

Chapter IV. Division of Higher Education, Department of Education

Subchapter B. Scholarships and Grants

Part 409. Arkansas Heroes Scholarship

Subpart 1. Generally

6 CAR § 409-101. Creation & Purpose.

(a) This part shall be known as the Division of Higher Education's Rules Governing the Arkansas Heroes Scholarship.

(b) This scholarship honors the heroic efforts of the individuals who served as Arkansas' heroes and their families.

6 CAR § 409-102. Definitions.

As used in this part:

(1) "Academic year" means a measure of academic work to be accomplished by the recipient during the fall, spring, and summer semesters, in that order;

(2) "Approved institution of higher education" means an institution of higher education that is approved by the Division of Higher Education to offer the Arkansas Heroes Scholarship that is a:

(A) State-supported two-year or four-year institution of higher education;

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(B) Private, nonprofit two-year or four-year institution of higher education that has its primary headquarters located in Arkansas and is eligible to receive Title IV federal student aid funds; or

(C) A public or private vocational school or public or private vocational technical school that is:

(i) Located in Arkansas; and

(ii) Approved by the Higher Learning Commission or has achieved candidacy status;

(3) "Arkansas hero" means:

(A) One (1) of the following who suffers a fatal injury or wound or becomes permanently and totally disabled as a result of injuries or wounds that occurred in the performance of a hazardous duty within the scope of his or her employment or that occurred en route to or returning from a location where a hazardous situation existed:

(i) A law enforcement officer;

(ii) A firefighter;

(iii) An emergency medical technician;

(iv) A state highway employee;

(v) A state correction employee;

(vi) A Division of Community Correction employee;

(vii) A state parks employee; or

(viii) A state forestry employee;

(B) A veteran with a disability;

(C) A prisoner of war;

(D) A recipient of a Medal of Honor or Purple Heart;

(E) A person declared to be missing in action or killed in action;

(F) A person killed on ordnance delivery;

(G) A teacher who suffers a fatal injury or wound or becomes permanently and totally disabled as a result of injuries or wounds that occurred due to an act of violence at a public school or open-enrollment charter school in this state;

(4) "Child" means a natural child, an adopted child, or a stepchild who is eligible to receive a scholarship under this part;

(5) "Division of Community Correction employee" means an employee of the Division of Community Correction who suffers a fatal injury or wound or becomes permanently and totally disabled because of an injury or wound that occurred through contact with a parolee, probationer, or center resident;

(6)(A) "Emergency medical services personnel" means an individual licensed by the Department of Health at any level established by the rules adopted by the State Board of Health under the Emergency Medical Services Act, Arkansas Code § 20-13-201 et seq., and authorized to perform the services under the rules.

(B) "Emergency medical services personnel" includes without limitation:

(i) An emergency medical technician;

(ii) An advanced emergency medical technician;

(iii) A paramedic;

(iv) An emergency medical services instructor; and

(v) An emergency medical services instructor trainer;

(7) "Firefighter" means a firefighter employed on a full-time or volunteer status while actually engaged in the performance of his or her duties;

(8) "Law enforcement officer" means a:

(A) Constable, including without limitation all elected constables of any beat of any county within the state while actually engaged in the performance of his or her duties concerning the criminal laws of the county and state;

(B) Game warden, including without limitation all appointed game wardens employed by the state on a full-time status while actually engaged in his or her duties concerning the game laws of this state;

(C)(i) Municipal and a state-supported institution of higher education police officer, including without limitation all law enforcement officers of any municipality or state-supported institution of higher education who are regular duty personnel on full-time status.

(ii) Municipal and a state-supported institution of higher education police officer does not include auxiliary officers or those serving on a temporary or part-time status;

(D)(i) Sheriff or deputy sheriff, including without limitation all law enforcement officers on full-time status on a regular basis serving the sheriff's department of any county.

(ii) Sheriff or deputy sheriff does not include a deputy sheriff who is:

(a) Engaged in administrative or civil duty; or

(b) Serving in a temporary capacity or part-time status;

(E) State highway patrolman, including without limitation any law enforcement officer, regardless of department or bureau, of the Division of Arkansas State Police; and

(F) Any other person employed by the State of Arkansas or a political subdivision of the State of Arkansas as an appointed law enforcement officer who is responsible for the prevention and detection of crime and the enforcement of the criminal, traffic, or highway laws of this state;

(9) "Ordnance delivery" means the piloting of or flying in an experimental or test aircraft while determining its fitness or ability to perform its military function or mission;

(10)(A) "Prisoner of war", "person missing in action", "person killed in action", and "person killed on ordnance delivery" mean a person who:

(i) Was a legal resident of the State of Arkansas at the time that person entered the service of the United States Armed Forces or whose official residence is within the State of Arkansas; and

(ii) Who, while serving in the United States Armed Forces, has been declared to be a prisoner of war, a person missing in action, a person killed in action as established by the United States Secretary of Defense after January 1, 1960, or a person killed on ordnance delivery.

(B) "Prisoner of war", "person missing in action", "person killed in action", and "person killed on ordnance delivery" apply whether or not capture or death occurred during a declared war or as a result of hostile action.

(C) A death as a result of injuries received while serving in the United States Armed Forces or Arkansas National Guard is only covered by (9)(a) of this section if the death occurred while on active duty or state active duty;

(11) "State correction employee" means an employee of the Division of Correction or the Arkansas Correctional School District who becomes subject to injury through contact with an inmate or parolee of the Division of Correction;

(12) "State forestry employee" means an employee of the Arkansas Forestry Commission who is actively engaged in his or her duties of fighting forest fires;

(13) "State highway employee" means an employee of the Arkansas Department of Transportation 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;

(14) "State parks employee" means an employee of the 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;

(15) "Teacher" means a person employed by a public school district for the purpose of providing direct instruction to students and whose employment requires state certification; and

(16) "United States Armed Forces dependent" means a spouse, a child born to or conceived by, an adopted child, a child under legal guardianship, or a stepchild of a:

(A) Veteran with a disability;

(B) Prisoner of war; or

(C) Person declared to be:

(i) Missing in action;

(ii) Killed in action; or

(iii) Killed on ordnance delivery.

(17) "Verification roster" means an alphabetical listing by an approved institution of higher education of all students receiving the award for a given academic term that is completed by the certifying official at an eligible institution of higher education; and

(18) "Veteran with a disability" means a person who has been awarded either:

(A) United States Armed Forces disability retirement benefits; or

(B) Special monthly compensation by the United States Department of Veterans Affairs for service-connected, one hundred percent (100%) total and permanent disability.

6 CAR § 409-103. Eligibility.

(a) Eligibility for the Arkansas Heroes Scholarship requires one (1) of the following:

(1) The student has been a legal Arkansas resident for at least one (1) year before submitting a scholarship application;

(2) The student was born before the date of the death or disability of the Arkansas hero; or

(3) The Arkansas hero or the spouse of the Arkansas hero was pregnant with the student at the time of the death or disability of the Arkansas hero.

(b) In order for an adopted child to be eligible to receive a scholarship benefit:

(1) The adopted child is required to have been adopted before the date of the death or disability of the Arkansas hero; or

(2) The adopted child's adoption process is required to have begun before the date of the death or disability of the Arkansas hero.

(c) In order for a stepchild under nineteen (19) years of age to be eligible to receive a scholarship benefit, the stepchild under nineteen (19) years of age shall have:

(1) Been listed as a dependent on the federal and state income tax returns of the Arkansas hero in each of the five (5) income years immediately before the date of the death or disability of the Arkansas hero; and

(2) Received more than one-half (1/2) of his or her financial support from the Arkansas hero in each of the five (5) income years immediately before the date of the death or disability of the Arkansas hero.

(d) In order for a stepchild who is nineteen (19) years of age or older to be eligible to receive a scholarship benefit, the stepchild who is nineteen (19) years or older shall have:

(1) Been listed as a dependent on the federal and state income tax returns of the Arkansas hero in at least five (5) of the eight (8) income years immediately before the date of the death or disability of the Arkansas hero; and

(2) Received more than one-half (1/2) of his or her financial support from the Arkansas hero in at least five (5) of the eight (8) income years immediately before the date of the death or disability of the Arkansas hero.

(e) If a covered public employee, as defined in Arkansas Code § 21-5-701, or his or her heirs did not file for the available death or disability benefit but were otherwise eligible to receive the death or disability benefit within the time frame provided in Arkansas Code § 21-5-703, then the covered public employee's child or children who would have otherwise been eligible to receive the provided educational scholarship benefit under this section may individually file before his or her twenty-first birthday a claim to receive the provided educational scholarship benefit if:

(1) The student is considered a United States Armed Forces dependent as provided in Arkansas Code § 6-82-2503; or

(2) The student is a dependent of an Arkansas hero who suffered fatal injuries or wounds or became disabled as a result of injuries or wounds that occurred in the performance of a hazardous duty within the scope of his or her employment or that occurred en route to or returning from a location where a hazardous situation existed.

(f) Scholarship benefits may not accrue under this section to a person if the wound or injury suffered by an Arkansas hero is self-inflicted or if the death of an Arkansas hero is self-inflicted unless otherwise determined by the Arkansas State Claims Commission.

(g) Unless subsection (e) of this section is applicable, the Arkansas State Claims Commission shall award any scholarship benefit provided by this section at the same time that any death benefit or disability benefit is awarded by the commission under the provisions of Arkansas Code § 21-5-701 et seq.

6 CAR § 409-104. Eligibility Restrictions.

(a) A child shall not be entitled to receive benefits under this section during any semester or quarter when the child has reached twenty-six (26) years of age on or before the first day of the semester or quarter.

(b)(1) A spouse shall not be eligible to receive benefits under this subpart if he or she remarries.

(2) The benefits under this section shall cease at the end of the semester in which the spouse is currently enrolled at the time of the marriage.

6 CAR § 409-105. Applications.

(a) An eligible student shall apply to the Division of Higher Education for benefits under this section.

(b) A United States Armed Forces dependent shall:

(1) Apply for the Survivors' and Dependents' Educational Assistance program, 38 U.S.C. § 3500 et seq., as it existed on January 1, 2025, with the United States Department of Veterans Affairs; and

(2) Provide the division with proof of:

(A) Acceptance into the Survivors' and Dependents' Educational Assistance program; or

(B) Noneligibility for the Survivors' and Dependents' Educational Assistance program following application.

(c) Except as provided under subsection (d) of this section, a dependent of an Arkansas hero, upon his or her being accepted for enrollment into any private, nonprofit institution of higher education in the State of Arkansas or a state-supported institution of higher education in the State of Arkansas, may obtain his or her first bachelor's

degree for so long as he or she is eligible with state assistance for tuition, fees, or other charges as provided under this part.

(d)(1) The state assistance under this section is limited to the tuition, fees, or other charges that exceed the amount of monetary benefits the dependent is eligible to receive from the Survivors' and Dependents' Educational Assistance program during the months included in each semester in which the dependent is enrolled.

(2) If the dependent is not eligible for monetary benefits from the Survivors' and Dependents' Educational Assistance program but is eligible for the benefits under this section, an eligible dependent shall be entitled to a total of eight (8) semesters, or the equivalent thereof, of scholarship awards without cost, exclusive of books, food, school supplies, materials, and dues or fees for extracurricular activities, at any state-supported institution of higher education or technical institute of his or her choice within this state.

(3) However, the state assistance awarded to a dependent attending a private, nonprofit institution of higher education in this state shall not exceed the maximum amount of state assistance awarded to dependents attending a state-supported institution of higher education in this state.

(e) Once a person qualifies as a dependent under this section, unless otherwise stated in this part, there shall be no situation such as the return of the parent or the reported death of the parent that will remove the dependent from the provisions or benefits of this section.

(f) An eligible recipient shall receive a scholarship for one (1) academic year, renewable for up to three (3) additional academic years if the recipient meets continuing eligibility criteria established by the division.

(g) In compliance with the division's scholarship stacking policy, a student's total financial aid package, which can include multiple scholarships, shall not exceed the recognized cost of attendance at a state-supported institution of higher education.

(h) In the event the number of students who qualify for a scholarship under this section during an academic year exceeds the amount of funds appropriated to the Higher Education Grants Fund Account for purposes of funding students who qualify for

scholarship under this section during the given academic year, the excess awards that qualify for distribution under this section shall be funded with any net proceeds from the state lottery remaining after the division allocates sufficient funding to award the following scholarships at levels equivalent to the awards made in the previous academic year:

(1) Arkansas Academic Challenge Scholarship, Arkansas Code § 6-85-201 et seq.; and

(2) Arkansas Workforce Challenge Scholarship, Arkansas Code § 6-85-301 et seq.

6 CAR § 409-106. Continued eligibility.

(a) To retain eligibility for a scholarship benefit under this part, a recipient shall:

(1) Maintain a minimum of a 2.0 grade point average on a 4.0 scholastic grading scale; and

(2) Meet any other continuing eligibility criteria established by the Division of Higher Education.

(b) If a recipient fails to meet eligibility criteria, he or she may apply for state assistance under this part a maximum of one (1) additional time once eligibility is reestablished.

(c)(1) Students currently eligible for the Military Dependent Scholarship under 6 CAR pt. 393 shall continue receiving a scholarship under those provisions unless:

(A) The student completes their bachelor degree or the equivalent of eight (8) academic semesters; or

(B) The student fails to maintain eligibility.

(2) The Military Dependent Scholarship Program shall sunset with the fall 2028 semester.