

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

SENATE BILL 604

5 By: Senator B. Davis
6 By: Representative Brooks
7

For An Act To Be Entitled

8 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
9 REGARDING THE COURSE CHOICE PROGRAM; AND FOR OTHER
10 PURPOSES.
11
12
13

Subtitle

14 TO AMEND PROVISIONS OF THE ARKANSAS CODE
15 REGARDING THE COURSE CHOICE PROGRAM.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code § 6-16-1702 is amended to read as follows:
21 6-16-1702. Definitions.

22 As used in this subchapter:

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

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

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

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

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

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

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



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

5 (b) A public school or an open-enrollment
 6 public charter school with a rating of "D" or "F" under §§ 6-15-2105 and 6-
 7 15-2106 and state board rules shall not be eligible to offer courses to
 8 eligible students under this subchapter.

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

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

15 (B) Is attending a public school that received a letter
 16 grade of "~~C~~", "D", or "F", or any variation thereof, under §§ 6-15-2105 and
 17 6-15-2106 and state board rules, and would like to take a ~~required~~ course
 18 required for graduation at the eligible student's school through the Course
 19 Choice Program; and

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

22
 23 SECTION 2. Arkansas Code § 6-16-1703 is amended to read as follows:
 24 6-16-1703. Course Choice Program.

25 (a) There is established the Course Choice Program.

26 (b) To support student participation, not later than the ~~2025-2026~~
 27 2026-2027 school year, the State Board of Education shall promulgate rules on
 28 the Course Choice Program, including a process that includes without
 29 limitation the following:

30 (1) The determination regarding whether each:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20
21 SECTION 3. Arkansas Code § 6-16-1704(a)(1), concerning policies and
22 procedures for eligible students established by each local school district
23 board of directors, is amended to read as follows:

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

27
28 SECTION 4. Arkansas Code § 6-16-1704(d)(1), concerning aggregate test
29 scores of eligible students who participate in the Course Choice Program, is
30 amended to read as follows:

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

36

1 SECTION 5. Arkansas Code § 6-16-1705 is amended to read as follows:
 2 6-16-1705. Funding – Definition.

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

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

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

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

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

26 ~~(c)(1)(b)(1) For each eligible student, an amount equal to ten percent~~
 27 ~~(10%) of the per pupil amount according to the pro rata share as determined~~
 28 ~~each year by the foundation funding amount, established under § 6-20-2305,~~
 29 ~~allotted per student for the local school district in which an eligible~~
 30 ~~student resides shall remain with~~ Each eligible student shall be included in
 31 the average daily membership of the public school district in which the
 32 eligible student is enrolled full time for the purpose of generating
 33 foundation funding under § 6-20-2305.

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

1 determined by the State Board of Education.

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

5 (2) The remaining funds for each eligible student up to the
 6 maximum amount for the public school district in which the eligible student
 7 resides as determined each year by the foundation funding, established under
 8 § 6-20-2305, allotted per student or the actual tuition and fees, as
 9 applicable, shall remain with the participating public school district in
 10 which the student is enrolled full time.

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

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

18 ~~(3)(A)(2)(A)~~ Fifty percent (50%) of the per-course amount of
 19 ~~tuition to be for a course provider that is~~ paid or transferred to a course
 20 provider shall be paid or transferred upon after verification of eligible
 21 student enrollment in a course on October 1 of each year and fifty percent
 22 (50%) shall be paid or transferred upon course completion and the eligible
 23 student receiving credit according to the published course length.

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

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

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

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

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

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36