

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: H3/11/15

A Bill

HOUSE BILL 1256

5 By: Representatives Broadaway, C. Armstrong, E. Armstrong, Baine, Baltz, Bennett, Branscum, Cozart,
6 D. Ferguson, Gossage, M.J. Gray, Harris, Hickerson, Hillman, M. Hodges, Holcomb, House, Jean, Jett,
7 Lampkin, Leding, Magie, G. McGill, Murdock, Ratliff, Richey, Sabin, Scott, Tucker, Walker, D.
8 Whitaker
9

For An Act To Be Entitled

11 AN ACT TO ESTABLISH THE BUILDING BETTER FUTURES HIGH
12 SCHOOL PROGRAM; AND FOR OTHER PURPOSES.
13
14

Subtitle

16 TO ESTABLISH THE BUILDING BETTER FUTURES
17 HIGH SCHOOL PROGRAM.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code Title 6, Chapter 41, is amended to add an
23 additional subchapter to read as follows:
24

25 Subchapter 7 – Building Better Futures High School Program.

26
27 6-41-701. Program established – Purpose.

28 (a) There is established a Building Better Futures High School
29 Program.

30 (b) The purpose of the program is to allow students with intellectual
31 disabilities to broaden their career opportunities in an inclusive and age-
32 appropriate environment while completing the additional years of high school
33 as allowed by law.
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35 6-41-702. Definitions.

36 As used in this subchapter:



1 (1) "Approved institution" means a public or private nonprofit
2 institution of higher education located in Arkansas that:

3 (A) Is accredited by the Higher Learning Commission of the
4 North Central Association of Colleges and Schools; and

5 (B) Is approved or seeking approval by the United States
6 Department of Education as a comprehensive transition and postsecondary
7 program;

8 (2)(A) "Arkansas resident" means a recipient or a recipient's
9 parent or guardian who is domiciled in Arkansas for at least twelve (12)
10 months before applying for the Building Better Futures High School Program.

11 (B) A recipient or a recipient's parent or guardian may be
12 asked to provide proof of domicile as evidenced by one (1) of the following:

13 (i) Information from the Free Application for
14 Federal Student Assistance;

15 (ii) Valid Arkansas driver's license;

16 (iii) Documentation of current payment for personal
17 or real property taxes for the previous year;

18 (iv) Current vehicle registration;

19 (v) Current voter registration; or

20 (iv) Other forms that establish residency;

21 (3) "Eligible student" means a person who satisfies the criteria
22 established in this subchapter;

23 (4) "Home school" means an educational program provided by the
24 student's parent or guardian as permitted under §6-15-501 et seq.;

25 (5) "Home schooled student" means a student educated in a school
26 provided by a parent or legal guardian for his or her own child;

27 (5) "Intellectual disability" means a condition characterized by
28 significant limitations in both intellectual functioning and in adaptive
29 behavior:

30 (A) As defined by the Diagnostic and Statistical Manual of
31 Mental Disorders published by the American Psychiatric Association; and

32 (B) Diagnosed by a physician, psychologist, or other
33 individuals qualified by license or statute to diagnose.; and

34 (7) "Selective admission" means acceptance into the program is
35 based on specific criteria that are used by each approved institution for its
36 program.

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2 6-41-703. Eligibility.

3 To be eligible for selective admission into a Building Better Futures
4 High School Program, a student shall:

5 (1)(A) Be a current student at a public high school who is
6 currently served under an individual education program.

7 (B)(i) The parent or guardian of the student shall notify
8 the student's individual education program committee at least one (1)
9 calendar year in advance of the Building Better Futures High School Program's
10 application deadline of the parent or guardian's desire for the student's
11 individual education program to include participation, if admitted, in the
12 nearest Building Better Futures High School Program.

13 (ii) The student's individual education program
14 committee shall notify the parent or guardian within sixty (60) days of the
15 parent or guardian making the request of whether or not participation in the
16 Building Better Futures High School Program is deemed appropriate for the
17 student to receive a free appropriate public education.

18 (C) If the student's individual education program committee
19 determines that seeking admission to a Building Better Futures High School
20 Program should be part of the student's individual education program, the
21 individual education program committee shall submit an application to the
22 nearest Building Better Futures High School Program located not more than
23 fifty (50) miles from the public high school attended by the student.

24 (2) Be a current private high school or home school student;

25 (3)(A) Be an Arkansas resident.

26 (B) A nonresident may be eligible for the program if there
27 are openings available after all Arkansas residents are admitted;

28 (4) Not have reached the age of twenty-two (22);

29 (5) Be selected for admission by an approved institution into
30 the institution's comprehensive transition and postsecondary program or a
31 program in the process of becoming a Comprehensive Transition and
32 Postsecondary Program;

33 (6) Have an intellectual disability;

34 (7) Be able and willing to learn and participate in an inclusive
35 classroom and work setting; and

36 (8) Not be a danger to themselves or others, as determined by

1 the accepting institution of higher education.

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3 6-41-704. Program information.

4 A Building Better Futures High School Program implemented by an
5 approved institution shall:

6 (1) Have a selective admission process for students with
7 documented intellectual disabilities;

8 (2) Be exempt from the higher education state minimum core
9 curriculum as determined by the Arkansas Higher Education Coordinating Board
10 under § 6-61-218;

11 (3) Be exempt from program review by the board under §§ 6-61-207
12 and 6-61-208;

13 (4) Be part of a Comprehensive Transition and Postsecondary
14 Program approved by the United States Department of Education within three
15 (3) years of establishing the Building Better Futures High School Program at
16 the approved institution;

17 (5) Allow a certificate to be awarded to a student who
18 successfully completes the Building Better Futures High School Program; and

19 (6) Shall not permit hours completed in the Building Better
20 Futures High School Program to be transferred towards credit for an associate
21 or baccalaureate degree program.

22
23 6-41-705. Responsibilities.

24 (a)(1) An institution of higher education that wishes to establish a
25 Building Better Futures High School Program on campus shall seek recognition
26 as a Comprehensive Transition and Postsecondary Program by the United States
27 Department of Education.

28 (2) Only approved institutions are eligible for funding for the
29 Building Better Futures High School Program if funding is available.

30 (b) The Department of Higher Education shall provide information on
31 the options for postsecondary education for students with intellectual
32 disabilities statewide to each secondary school in the state.

33 (c)(1) Each public high school in Arkansas shall provide the
34 information distributed by the Department of Higher Education to the parent
35 or guardian of a student with an intellectual or developmental disability
36 enrolled in the public high school.

1 (2) A public high school shall begin providing the information
2 when transition services for a student are discussed at an annual review
3 conference of the Individual Education Program Committee meeting.

4 (d)(1) Nothing in this subchapter relieves a school district from
5 satisfying the requirements of a student's individual education plan.

6 (2)(A) The lack of an available Building Better Futures High
7 School Program located within fifty (50) miles of a student's public high
8 school or the failure of a Building Better Futures High School Program to
9 admit a public school student is not a failure on the part of the public high
10 school to provide a free and appropriate public school education of subject
11 to 34 C.F.R. 300.507.

12 (B) A student who is dismissed from a Building Better
13 Futures High School Program has no recourse against the student's public high
14 school under 34 C.F.R. 300.507.

15 (e) A public high school shall:

16 (1) Provide transportation for an admitted and eligible student
17 to and from the closest approved Building Better Futures High School Program
18 that is located no more than fifty (50) miles from the student's public high
19 school; and

20 (2) Continue to provide activities of daily living skills to
21 eligible students at the public high school campus in addition to other
22 requirements of the student's individual educational plan.

23 (f) Instructional and support staff for a student attending a Building
24 Better Futures High School Program shall be provided by the institution
25 providing the Building Better Futures High School Program while the student
26 is on the campus of the institution.

27 (g) A variety of sources may be used to support the Building Better
28 Futures High School Program, including the costs associated with tuition and
29 support services.

30 (h)(1) With regard to the Building Better Futures High School Program,
31 an institution of higher education shall not charge tuition and fees at a
32 higher rate for secondary school students than for other students from the
33 community.

34 (2) The tuition and fees shall be charged to the student's
35 public high school and be proportionate to the student's participation in the
36 Building Better Futures High School Program established by the student's

1 individual education program.

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3 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
4 General Assembly of the State of Arkansas that the Building Better Futures
5 High School Program will be established by the 2015-2016 school year; that
6 immediate adoption is essential to ensure that eligible students are aware of
7 the program and have the information necessary to apply; and that this act is
8 immediately necessary to allow the Department of Higher Education time to
9 implement the program and disseminate information to potentially eligible
10 students. Therefore, an emergency is declared to exist, and this act being
11 immediately necessary for the preservation of the public peace, health, and
12 safety shall become effective on:

13 (1) The date of its approval by the Governor;

14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or

17 (3) If the bill is vetoed by the Governor and the veto is
18 overridden, the date the last house overrides the veto.

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20 /s/Broadaway

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23 **APPROVED: 04/02/2015**