

ARKANSAS HIGHER EDUCATION COORDINATING BOARD SPECIAL MEETING

Zoom

Monday, October 14, 2024

1:00 p.m.

Coordinating Board Members

Graycen Bigger, Chair

Dr. Jerry Cash, Vice Chair

Dr. Kyle Miller, Secretary

Dr. Jim Carr

Dr. Katherine Dudley

Chad Hooten

Heather Maxey

Lucas Pointer

Carolyn Rhinehart

AGENDA

- *1. Rules Governing the Osteopathic Rural Medical Practice Student Loan and Scholarship Program (Mrs. Alisha Lewis)
- *2. Rules Governing the Arkansas Geographical Critical Needs Scholarship Program (Mrs. Lewis)
- *3. Rules Governing the Emergency Response Equipment at Institutions of Higher Education (Mrs. Lewis)
- *4. Rules Governing the Student Undergraduate Research Fellowship Program (Mrs. Lewis)
- *5. Rules Governing the Arkansas Academic Challenge Scholarship Program (Mrs. Lewis)
- *6. Rules Governing the Graduate Medical Education Residency Expansion Board (Mrs. Lewis)

**RULES GOVERNING THE OSTEOPATHIC RURAL MEDICAL PRACTICE
STUDENT LOAN AND SCHOLARSHIP BOARD**

In compliance with Act 857 of 2019 and Act 725 of 2023, the rules for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board are presented to the Arkansas Higher Education Coordinating Board (AHECB) for initial approval.

The following resolution is offered for the Board's consideration:

RESOLVED, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board to be administered by the Arkansas Division of Higher Education.

FURTHER RESOLVED, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

FURTHER RESOLVED, That the Osteopathic Rural Medical Practice Student Loan and Scholarship Board rules be approved for public comment release.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE
OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND
SCHOLARSHIP BOARD**

Effective Date:

1.00 DEFINITIONS

1.01 “Medically Underserved Community” means an area in Arkansas that the Osteopathic Rural Medical Practice Student Loan and Scholarship Board determines has unmet needs for medical services due to factors, including without limitation:

1.01.1 The ratio of primary care physicians to population;

1.01.2 The infant mortality rate;

1.01.3 The percentage of:

1.01.3.1 Population with incomes below the federal poverty level, as it existed on January 1, 2019;

1.01.3.2 Resident individuals sixty (60) years of age and older; and

1.01.3.3 Physicians sixty (60) years of age and older;

1.01.4 Accessibility within the area to primary care medicine; and

1.01.5 Other relevant criteria the board may deem necessary for a determination of unmet needs for medical services.

1.02 “Primary Care Medicine” means health care provided in one (1) of the following areas of practice:

1.02.1 Family medicine;

1.02.2 General internal medicine;

1.02.3 General internal medicine and pediatrics;

1.02.4 General pediatrics;

1.02.5 General obstetrics and gynecology;

1.02.6 General surgery;

1.02.7 Emergency medicine; and

1.02.8 Geriatrics.

1.03 “Qualified rural community” means an area:

1.03.1 With a population below twenty thousand (20,000) according to the most recent federal census;

1.03.2 That is at least twenty (20) miles from a city or town with a population of more than twenty thousand (20,000) according to the most recent federal census; and

1.03.3 That is reasonably determined by the board to be medically underserved.

2.00 DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall administer the Osteopathic Rural Medical Practice Student Loan and Scholarship Program and the Community Match Rural Physician Recruitment Program and shall consist of six (6) members, including:

2.01.1 One (1) member appointed by the Governor after consultation with each medical school in Arkansas that is not the University of Arkansas for Medical Sciences;

2.01.2 One (1) member appointed by the Governor after consultation with the Arkansas Osteopathic Medical Association, who shall serve as vice chair;

2.01.3 Two (2) physician members appointed by the Governor after consultation with the Arkansas Osteopathic Medical Association, giving preference to physicians who have received:

2.01.3.1 Osteopathic rural medical practice loans;

2.01.3.2 Community match loans; or

2.01.3.3 Income incentives; and

2.01.4 Two (2) representatives appointed by the Governor after consultation with the Arkansas Hospital Association, Inc.

2.02 Members of the board shall:

2.02.1 Serve a term of three (3) years;

2.02.2 Not serve more than two (2) consecutive terms; and

2.02.3 Except as provided under 2.05.9, shall serve without compensation.

2.03 The board shall:

2.03.1 Prescribe forms for, and regulate the submission of, loan applications;

2.03.2 Determine eligibility of applicants;

2.03.3 Allow or disallow loan or income incentive applications;

2.03.4 Contract, increase, decrease, terminate, and otherwise regulate:

2.03.4.1 All loan and income incentive disbursements;

2.03.4.2 Receipts for their repayment; and

2.03.4.3 Convert loans to scholarships or grants, as applicable;

2.03.5 Manage, operate, and control all funds and property appropriated or otherwise contributed;

2.03.6 Accept gifts, grants, bequests, or devises and apply them as a part of the loan and scholarship program;

2.03.7 Sue and be sued as the board; and

2.03.8 Accept monies from federal programs that may be used for furtherance of the purposes of this rule.

2.04 The members of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

2.05 The board shall examine all osteopathic rural medical practice loan applications to determine whether the applicant needs a loan to advance his or her medical education.

2.05.1 To determine whether an applicant needs a loan to advance his or her medical education, the board shall investigate:

2.05.1.1 Ability, character, and qualifications of the applicant; and

2.05.1.2 Financial standing of the applicant or his or her parents.

2.06 The board shall make an annual report to the Governor concerning the activities of the board and shall file a copy of its report with the Legislative Council.

2.06.1 The report shall include:

2.06.1.1 The names of the recipients of the loans;

2.06.1.2 The amount of each loan;

2.06.1.3 An accounting of the funds granted, on hand, and expended for necessary expenses;

2.06.1.4 The total amount of funds received during the year from gifts, federal grants, bequests, and devises; and

2.06.1.5 The amount of loans which, during the year, become scholarships through compliance with the conditions of the loan contracts.

2.06.2 This report shall include the names and addresses, and amount of loans to each person, of those recipients who are in default of repayment obligations.

3.00 OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM ADMINISTRATOR

3.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Program administrator shall:

3.01.1 Be employed by the Division of Higher Education;

3.01.2 Serve as liaison between loan recipients and rural communities by:

3.01.2.1 Working with the communities to:

3.01.2.1.1 Identify their unique needs;

3.01.2.1.2 Develop profiles of their ideal candidates; and

3.01.2.1.3 Prepare for recruitment visits;

3.01.2.2 Assisting medical students and residents to:

3.01.2.2.1 Identify medically underserved and other rural communities that suit their personal and medical practice needs; and

3.01.2.2.2 Meet their contractual obligations;

3.01.3 Collect and monitor student loan and scholarship program data, including:

3.01.3.1 Demographic data of participants and communities;

3.01.3.2 Service completion rates;

3.01.3.3 Retention rates beyond service completion;

3.01.3.4 Satisfaction of obligated physicians and communities; and

3.01.3.5 Other relevant information;

3.01.4 Prepare annual program evaluations and present the evaluations to the Osteopathic Rural Medical Practice Student Loan and Scholarship Board;

3.01.5 Assist with preparation and submission of program reports;

3.01.6 Attend board meetings in a nonvoting capacity; and

3.01.7 Perform other functions assigned by the board.

4.00 LOAN APPLICATIONS

4.01 An individual may apply for a loan through the Scholarship Application Management System, which will then be reviewed by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, if the individual is:

4.01.1 Accepted for admission to, or enrolled in good standing in, in studies at an Arkansas medical school that lead to the degree of Doctor of Osteopathic Medicine;

4.01.2 A person of good moral character that has the talent and capacity to profit by medical studies;

4.01.2.1 The qualified rural community does not have to be determined at the time of application but instead at the completion of residency training.

4.01.3 In need of financial assistance to complete their medical studies through a "medically underserved and rural practice curriculum"; and

4.01.4 A bona fide resident of Arkansas.

- 4.02 A graduate of an accredited osteopathic medical school in the United States may apply for the community match income incentive program so long as the applicant satisfies the criteria set forth in section 8 of these rules.
- 4.03 The osteopathic rural medical practice loans are solely for paying the applicant's tuition, maintenance, educational, and necessary living expenses of his or her dependents while the applicant is enrolled in the program pursuant to these rules.
- 4.04 The board may make osteopathic rural medical practice loans to the applicant, subject to the provisions of 4.08 and 5.03, if the board finds that the applicant:
- 4.04.1 Is a bona fide resident of Arkansas;
- 4.04.2 Has been accepted for admission to or is enrolled in good standing in studies that lead to the degree of Doctor of Osteopathic Medicine;
- 4.04.3 Is enrolled in a medically underserved and rural practice curriculum;
- 4.04.4 Needs financial assistance to complete his or her medical studies;
- 4.04.5 Desires to practice medicine in an eligible qualified rural community; and
- 4.04.6 Has good moral character, talent, and capacity to profit by medical studies.
- 4.05 Subject to the availability of funds, an initial osteopathic rural medical practice loan for one (1) academic year shall:
- 4.05.1 Be renewable annually for the number of years required to complete studies leading to the Doctor of Osteopathic Medicine degree; or
- 4.05.2 For additional amounts, not to exceed the maximum amounts specified in 4.06; but
- 4.05.3 All subsequent osteopathic rural medical practice loans shall be granted only upon application by recipient and finding by the board that applicant:
- 4.05.3.1 Has completed successfully the medical studies of the preceding academic year and remains in good standing as an enrolled student in the college;
- 4.05.3.2 Is enrolled or participating in a medically underserved and rural practice curriculum;
- 4.05.3.3 Continues to be a resident of Arkansas; and
- 4.05.3.4 Continues to warrant financial assistance.

- 4.06 The maximum amount of each osteopathic rural medical practice loan for osteopathic medical students is \$12,000 per academic year or \$6,000 per academic semester, or those costs that are reasonable and necessary for the student's attendance as determined by the board.
- 4.07 The maximum amount of each community match income incentive shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise shall determine payable under 9.02 of these rules.
- 4.07.1 The board shall provide fifty percent (50%) of the community match income incentive, and the qualified rural community shall provide the other fifty percent (50%) of the income incentive.
- 4.07.2 However, if the board does not have sufficient funds to match the community's portion of the income incentive, nothing precludes a qualified rural community from providing the total income incentive amount.
- 4.08 All payments for osteopathic rural practice loans and community match loans shall be made on requisitions signed by the Chair of the board, drawn against the funds held for purposes of these rules.
- 4.08.1 The following funds shall be held in trust and disbursed by the fiscal officers of a medical school in Arkansas, that is not the University of Arkansas for Medical Sciences:
- 4.08.1.1 State appropriations so designated;
- 4.08.1.2 Revolving amounts received from repayment of loans and interest; and
- 4.08.1.3 All funds, property, and income received by the board under its authority to accept and apply gifts, bequests, and devises for the aforesaid purposes.
- 4.08.2 Funds collected because of a recipient's breach of an osteopathic rural practice loan contract or community match loan contract shall be:
- 4.08.2.1 Held in trust for either the use of the Osteopathic Rural Medical Practice Student Loan and Scholarship Program;
- 4.08.2.2 The Community Match Rural Physician Recruitment Program;
- 4.08.2.3 Or any other use otherwise deemed appropriate by the board in its discretion; and

4.08.2.4 Disbursed by the fiscal officer of an osteopathic medical school in Arkansas pursuant to these rules.

5.00 LOAN CONTRACTS — OBLIGATIONS AND CONDITIONS

5.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall enter into a loan contract with each osteopathic rural medical practice loan recipient.

5.02 Contracts shall be approved by the Attorney General and shall be:

5.02.1 Signed by the Chair of the board;

5.02.2 Countersigned by the Secretary of the board; and

5.02.3 Signed by the applicant.

5.03 Each applicant receiving an osteopathic rural medical practice loan granted by the board shall execute a written loan contract that incorporates the following obligations and conditions:

5.03.1 The recipient shall agree to practice primary care medicine full time in a qualified rural community upon completion of:

5.03.1.1 Medical internship of one (1) year undertaken immediately following earning a degree of Doctor of Osteopathic Medicine;

5.03.1.2 Four (4) additional years of medical training beyond the internship if:

5.03.1.2.1 The training has been approved in advance by the board; and

5.03.1.2.2 Includes practice experience in a rural community; or

5.03.1.3 At the request of the loan recipient, the board may approve practice in more than one (1) qualified rural community to meet the obligation to practice full time.

5.03.1.3.1 This requires a board determination that either:

5.03.1.3.1.1 Physician need in rural communities cannot sustain a full-time medical practice; or

5.03.1.3.1.2 Other compelling circumstances exist.

- 5.03.2 The recipient of a loan shall agree that for each year's loan that he or she shall practice medicine in accordance with 5.03.1 for a whole year.
- 5.03.3 For each continuous whole year of medical practice, subject to reasonable leave periods, including without limitation vacation, sick leave, continuing medical education, jury duty, funerals, holidays, or military service, the board shall cancel, by converting to a scholarship grant, the full amount of one (1) year's loan plus accrued interest;
- 5.03.3.1 Loans made for subsequent years will be converted in like manner, one year of service for each year of assistance until the loan obligation is retired.
- 5.03.3.2 Requests for deferment of payment must be approved by the board on an annual basis, however, allowance is made for involuntary military service.
- 5.04 The recipient of an osteopathic rural medical practice loan or loans shall agree that not engaging in the practice of medicine in accordance with these rules may result in suspension of his or her license to practice medicine in this state.
- 5.04.1 The recipient's medical license may not be suspended unless:
- 5.04.1.1 Recipient's contract contained a specific term that loss of license was a consequence of breach; and
- 5.04.1.2 Recipient signed a written acknowledgment that the suspension of license was explained orally as a potential consequence of breaching the contractual provisions.
- 5.04.2 The suspension may be for a period of years equivalent to the number of years recipient is obligated to practice medicine in a rural area, but has not so practiced, and until the loan with interest together with any civil money penalties, as reduced by each full year of medical practice according to the terms of the loan contract, is paid in full;
- 5.05 Any communication from a medical school in Arkansas, that is not the University of Arkansas for Medical Sciences, with any state medical licensing board shall include a notation that:
- 5.05.1 The recipient of an osteopathic rural medical practice loan has a contract with Arkansas to practice medicine in a rural community; and
- 5.05.2 Breach of contract may result in suspension of recipient's Arkansas medical license;

5.06 If any loan recipient does not engage in the practice of medicine in accordance with the terms of this rule and recipient's loan contract to have the loan contract recognized as a scholarship, the recipient shall remain obligated to repay the loan or loans received, together with interest at the maximum rate allowed by Arkansas law or the federal discount rate plus five percent (5%) per annum, whichever is the lesser, the interest to accrue from the date each payment of funds was received by the recipient.

5.06.1 Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

5.06.2 Repayment of principal with interest shall be due and payable in full at the earliest to occur of the following events:

5.06.2.1 Failure to remain enrolled in a medically underserved and rural practice curriculum;

5.06.2.2 Failure to remain in enrollment status continuously to completion of the degree of Doctor of Osteopathic Medicine for any reason other than temporary personal illness;

5.06.2.3 Failure to complete the internship;

5.06.2.4 Failure to engage in the full-time practice of medicine while residing in a qualified rural community;

5.06.2.4.1 However, the board may waive the residency requirement on a case-by-case basis; and

5.06.2.5 Failure to establish a practice as required in this rule within six (6) months following either internship or four (4) additional years of medical education that includes practice experience in a rural community.

5.06.3 In the event of the death of the recipient, the entire loan amount that has not been converted to a scholarship grant pursuant to the terms of the loan contract shall be due and payable.

5.07 Medical school alternate's contracts shall contain an additional term that breach of the contract may result in civil money penalties in the amount of one hundred percent (100%) of the loan amount if:

5.07.1 An alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas enters into an osteopathic rural medical practice

program contract conditioned only upon the applicant's being accepted for admission to the college;

5.07.2 The alternate otherwise meets the requirements of this rule; and

5.07.3 The applicant is moved to the top of the waiting list pursuant to section 9.

5.07.3.1 This shall not prohibit the board from considering and entering a negotiated settlement with the loan recipient involving:

5.07.3.1.1 The license suspension;

5.07.3.1.2 The amount of the civil money penalty; and

5.07.3.1.3 The terms of repayment of the loan.

5.08 The board may amend agreements entered into with any loan recipient at any time prior to full performance of the recipient's contractual obligations.

5.08.1 A loan recipient may apply to an osteopathic medical school in Arkansas for a waiver of the contractual provisions set forth in 5.04.

5.08.1.1 If the osteopathic medical school determines that exigent circumstances warrant a waiver, the loan recipient shall be notified in writing.

5.08.1.2 The osteopathic medical school in Arkansas shall immediately notify the State Medical Board of such a determination.

6.00 DISPUTE RESOLUTION

6.01 The following may appeal any decision or action by the Osteopathic Rural Medical Practice Student Loan and Scholarship Board relating to the application for a loan or income incentive or relating to a loan or income incentive granted by the board under the dispute resolution procedure:

6.01.1 Any applicant for a loan or income incentive issued by the board;

6.01.2 Any person who has been granted a loan or has been granted income incentives by the board; or

6.01.3 Any party to an osteopathic rural medical practice or community match loan or income incentive established under these rules.

6.02 The board shall establish and follow procedures, as required per § 6-81-1803(b)(1), used by a loan or income incentive recipient, the board, or a qualified

rural community, to resolve any dispute arising out of or relating to an osteopathic rural medical practice or community match loan or income incentive contract, including the validity or interpretation of a contract term, contract enforcement or defenses, the occurrence of an event of default or breach, loan repayment, the assessment or imposition of contract damages or civil money penalties, or other related disputes.

6.03 The dispute resolution procedure established by the board shall be followed before the initiation of any litigation related to:

6.03.1 An osteopathic rural medical practice or community match loan; or

6.03.2 Income incentive contract.

6.04 These rules do not prohibit informal disposition by:

6.04.1 Stipulation;

6.04.2 Settlement; or

6.04.3 Consent.

7.00 COMMUNITY MATCH CONTRACTS—ELIGIBILITY

7.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board shall administer the Community Match Rural Physician Recruitment Program.

7.01.1 Interested rural communities may apply to the board to participate in the program as a qualified rural community.

7.01.2 The board shall approve a designated representative of the qualified rural community to assist the board in matters relating to any community match contracts entered into by the board and the qualified rural community.

7.02 The board, in conjunction with a qualified rural community, may grant community match income incentives to applicants, each incentive being expressly made subject to section 8 of these rules, if it finds that:

7.02.1 The applicant is a graduate of:

7.02.1.1 An accredited osteopathic medical school in the United States;
or

7.02.1.2 A foreign medical school if the applicant:

7.02.1.2.1 Was a resident of Arkansas and citizen of the United States prior to enrollment in foreign medical school; and

7.02.1.2.2 Has been licensed by the State Medical Board;

7.02.2 The applicant satisfies one (1) of the following criteria:

7.02.2.1 Enrollment in a residency or other training program in an area of primary care medicine; or

7.02.2.2 No more than two (2) years before the date of the application, he or she completed a residency or other training program in an area of primary care medicine;

7.02.3 The applicant desires to practice medicine in the qualified rural community; and

7.02.4 The designated representative approve the applicant.

8.00 COMMUNITY MATCH CONTRACTS—OBLIGATIONS & CONDITIONS

8.01 The Osteopathic Rural Medical Practice Student Loan and Scholarship Board and the qualified rural community shall enter a joint community match income incentive contract with the applicant.

8.01.1 The community match contract shall be approved by the Attorney General and signed by the following:

8.01.1.1 The Chair of the board;

8.01.1.2 The Secretary of the board;

8.01.1.3 The designated representative of the qualified rural community; and

8.01.1.4 The applicant.

8.02 Each applicant granted a community match income incentive by the board shall execute a written contract incorporating the following obligations and conditions:

8.02.1 The recipient agrees to practice primary care medicine full time in the contracting qualified rural community for a period of four (4) years.

8.02.1.1 The recipient shall receive the community match funds according to a disbursement schedule acceptable to the board, the qualified rural community, and the recipient to the contract.

8.02.1.2 For each three-month period of full-time medical practice by the recipient, according to the terms of the contract, the board and the qualified rural community shall award one-fourth (¼) of the income incentive for the year of service;

8.02.2 If any recipient does not begin, or ceases the full-time practice of medicine in breach of contract, or otherwise breaches the contract, the recipient shall pay:

8.02.2.1 Twenty thousand dollars (\$20,000) for each uncompleted full year of the four-year contract term; and

8.02.2.2 Any civil money penalties that apply.

8.02.2.2.1 The board may impose civil money penalties of up to fifty percent (50%) of the principal amount of the income incentive under the terms of the contract because of breach; and

8.02.3 Neither interest nor the obligation to repay the principal sums accrued shall accrue during any one (1) period of time that the recipient involuntarily serves on active duty in the United States Armed Forces.

8.03 Section 8.02 of this rule does not prohibit the board from considering and entering into a negotiated settlement with the recipient involving the terms of repayment of amounts paid under the terms of the contract.

8.04 Contracts may be amended at any time before the income incentive has been paid in full or terms and conditions of the contract are satisfied.

9.00 MEDICAL SCHOOL ALTERNATES — RURAL MEDICAL PRACTICE LOANS

9.01 If an alternate on the waiting list for acceptance to an osteopathic medical school in Arkansas demonstrates a willingness to enter into an osteopathic rural medical practice loan contract and meets the requirements of 4.04, the applicant shall be moved to the top of the waiting list upon entering into an osteopathic rural medical practice student loan contract.

9.01.1 The priority on the waiting list for an alternate who enters into a loan contract shall be determined by the date and time such an alternate enters into the contract.

9.02 An osteopathic medical school in Arkansas shall:

9.02.1 Track graduates who were recipients of loans under this rule for the length of their contractual obligations; and

9.02.2 Report to the Legislative Council by October 1 of each even-numbered year regarding the compliance of those graduates with the terms of their contracts.

DRAFT

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

HOUSE BILL 1841

5 By: Representative L. Johnson
6 By: Senator M. Pitsch
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE OSTEOPATHIC RURAL MEDICAL
10 PRACTICE STUDENT LOAN AND SCHOLARSHIP; TO CREATE THE
11 OSTEOPATHIC RURAL MEDICAL PRACTICE STUDENT LOAN AND
12 SCHOLARSHIP BOARD; TO DECLARE AN EMERGENCY; AND FOR
13 OTHER PURPOSES.
14
15

Subtitle

16 TO CREATE THE OSTEOPATHIC RURAL MEDICAL
17 PRACTICE STUDENT LOAN AND SCHOLARSHIP; TO
18 CREATE THE OSTEOPATHIC RURAL MEDICAL
19 PRACTICE STUDENT LOAN AND SCHOLARSHIP
20 BOARD; AND TO DECLARE AN EMERGENCY.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 6, Chapter 81, is amended to add an
27 additional subchapter to read as follows:

28 Subchapter 18 – Osteopathic Rural Medical Practice Student Loans and
29 Scholarships
30

31 6-81-1801. Creation.

32 There is established within the Department of Higher Education the
33 Osteopathic Rural Medical Practice Student Loan and Scholarship fund to be
34 administered by the Osteopathic Rural Medical Practice Student Loan and
35 Scholarship Board.
36



1 6-81-1802. Definitions.

2 As used in this subchapter:

3 (1) "Medically underserved" means an area in Arkansas that the
 4 Osteopathic Rural Medical Practice Student Loan and Scholarship Board
 5 determines has unmet needs for medical services due to factors, including
 6 without limitation:

7 (A) The ratio of primary care physicians to population;

8 (B) The infant mortality rate;

9 (C) The percentage of:

10 (i) Population with incomes below the federal
 11 poverty level, as it existed on January 1, 2019;

12 (ii) Resident individuals sixty (60) years of age
 13 and older; and

14 (iii) Physicians sixty (60) years of age and older;

15 (D) Accessibility within the area to primary care
 16 medicine; and

17 (E) Other relevant criteria the board may deem necessary
 18 for a determination of unmet needs for medical services;

19 (2) "Primary care medicine" means health care provided in one
 20 (1) of the following areas of practice:

21 (A) Family medicine;

22 (B) General internal medicine;

23 (C) General internal medicine and pediatrics;

24 (D) General pediatrics;

25 (E) General obstetrics and gynecology;

26 (F) General surgery;

27 (G) Emergency medicine; and

28 (H) Geriatrics; and

29 (3) "Qualified rural community" means an area:

30 (A) With a population below twenty thousand (20,000)
 31 according to the most recent federal census;

32 (B) That is at least twenty (20) miles from a city or town
 33 with a population of more than twenty thousand (20,000) according to the most
 34 recent federal census; and

35 (C) That is reasonably determined by the board to be
 36 medically underserved.

1
2 6-81-1803. Osteopathic Rural Medical Practice Student Loan and
3 Scholarship Board.

4 (a)(1) There is established the Osteopathic Rural Medical Practice
5 Student Loan and Scholarship Board composed of:

6 (A) One (1) representative of each medical school in
7 Arkansas that is not the University of Arkansas for Medical Sciences;

8 (B) One (1) representative of the Arkansas Osteopathic
9 Medical Association, who shall serve as vice chair;

10 (C) Two (2) physician members appointed by the Arkansas
11 Osteopathic Medical Association, giving preference to physicians who have
12 received osteopathic rural medical practice loans, community match loans, or
13 income incentives; and

14 (D) Two (2) representatives appointed by the Arkansas
15 Hospital Association, Inc.

16 (2) Members of the board shall:

17 (A) Serve a term of three (3) years; and

18 (B) Not serve more than two (2) consecutive terms.

19 (3) Except as provided under subsection (c) of this section,
20 members of the board shall serve without compensation.

21 (4) Vacancies shall be filled in a similar manner as provided
22 under subdivisions (a)(1) and (2) of this section.

23 (b) The board shall:

24 (1) Promulgate reasonable rules necessary to execute the
25 provisions of this subchapter, including without limitation rules addressing
26 the requirements and in conformance with the requirements of the Arkansas
27 Administrative Procedure Act, § 25-15-201 et seq., and other appropriate
28 state laws in promulgating and placing rules into effect:

29 (A) For a health professions shortage area;

30 (B) To become a qualified rural community eligible to
31 participate in the Osteopathic Rural Medical Practice Student Loan and
32 Scholarship Program under this subchapter; and

33 (C) For a procedure to resolve disputes arising out of or
34 relating to a rural practice or community match loan or income incentive
35 contract;

36 (2) Prescribe forms for and regulate the submission of loan

1 applications;

2 (3) Determine eligibility of applicants;

3 (4) Allow or disallow loan or income incentive applications;

4 (5) Contract, increase, decrease, terminate, and otherwise
 5 regulate all loan and income incentive disbursements for these purposes,
 6 receipts for their repayment, and convert loans to scholarships or grants, as
 7 applicable;

8 (6) Manage, operate, and control all funds and property
 9 appropriated or otherwise contributed for this purpose;

10 (7) Accept gifts, grants, bequests, or devises and apply them as
 11 a part of the program;

12 (8) Sue and be sued as the board; and

13 (9) Accept moneys from federal programs that may be used for
 14 furtherance of the purposes of this subchapter.

15 (c) The members of the board may receive expense reimbursement and
 16 stipends in accordance with § 25-16-901 et seq.

17 (d) The board shall administer the Osteopathic Rural Medical Practice
 18 Student Loan and Scholarship Program and the Community Match Rural Physician
 19 Recruitment Program.

20
 21 6-81-1804. Loan applications – Medical students and medical school
 22 graduates.

23 (a) An individual may apply for a loan under this subchapter on forms
 24 prescribed by the Osteopathic Rural Medical Practice Student Loan and
 25 Scholarship Board if the individual is:

26 (1) Accepted for admission to or enrolled in good standing in a
 27 medical school in Arkansas in studies that lead to the degree of Doctor of
 28 Osteopathic Medicine; and

29 (2) A bona fide resident of Arkansas.

30 (b) A graduate of an accredited osteopathic medical school in the
 31 United States may apply for the community match income incentive program
 32 under this subchapter on forms prescribed by the board so long as the
 33 applicant satisfies the criteria set forth in § 6-81-1814.

34
 35 6-81-1805. Medical students – Investigation after application.
 36 When an osteopathic rural medical practice loan application is filed

1 with the Osteopathic Rural Medical Practice Student Loan and Scholarship
2 Board, the board shall examine the application, investigate the ability,
3 character, and qualifications of the applicant, and investigate the financial
4 standing of the applicant or his or her parents to determine whether the
5 applicant is in need of a loan to advance his or her medical education.

6
7 6-81-1806. Medical students – Purpose of loan.

8 Osteopathic rural medical practice loans provided for in this
9 subchapter shall be made for the sole purpose of paying the applicant's
10 tuition, maintenance, and educational expenses and the necessary living
11 expenses of his or her dependents while the applicant is enrolled in a
12 program of medical education as described in this subchapter.

13
14 6-81-1807. Medical students – Eligibility for initial and renewal
15 loans.

16 (a) The Osteopathic Rural Medical Practice Student Loan and
17 Scholarship Board may make osteopathic rural medical practice loans to the
18 applicant, each osteopathic rural medical practice loan being expressly made
19 subject to the provisions of § 6-81-1809(c) and § 6-81-1810, if it finds
20 that:

21 (1) The applicant is a bona fide resident of Arkansas;

22 (2) The applicant has been accepted for admission to or is
23 enrolled in good standing in studies that lead to the degree of Doctor of
24 Osteopathic Medicine;

25 (3) The applicant is enrolled in a medically underserved and
26 rural practice curriculum;

27 (4) The applicant needs financial assistance to complete his or
28 her medical studies;

29 (5) The applicant desires to practice medicine in an eligible
30 qualified rural community; and

31 (6) The applicant is a person of good moral character and one
32 who has the talent and capacity to profit by medical studies.

33 (b) Subject to the availability of funds, an initial osteopathic rural
34 medical practice loan for one (1) academic year shall be renewable annually
35 for the number of years required to complete studies leading to the Doctor of
36 Osteopathic Medicine degree or for additional amounts, not to exceed the

1 maximum amounts specified in § 6-81-1808, but all subsequent osteopathic
 2 rural medical practice loans shall be granted only upon application by the
 3 recipient and a finding by the board that:

4 (1) The applicant has completed successfully the medical studies
 5 of the preceding academic year and remains in good standing as an enrolled
 6 student in the college;

7 (2) The applicant is enrolled or participating in a medically
 8 underserved and rural practice curriculum;

9 (3) The applicant continues to be a resident of Arkansas; and

10 (4) The applicant's financial situation continues to warrant
 11 financial assistance made under the conditions of this section.

12
 13 6-81-1808. Maximum amount of loans.

14 (a) The maximum amount of each osteopathic rural medical practice loan
 15 for osteopathic medical students shall not exceed sixteen thousand five
 16 hundred dollars (\$ 16,500) per academic year or those costs that are
 17 reasonable and necessary for the student's attendance as determined by the
 18 Osteopathic Rural Medical Practice Student Loan and Scholarship Board.

19 (b)(1) The maximum amount of each community match income incentive
 20 shall not exceed eighty thousand dollars (\$80,000) or as the board otherwise
 21 shall determine payable under § 6-81-1816.

22 (2) The board shall provide fifty percent (50%) of the community
 23 match income incentive, and the qualified rural community shall provide the
 24 other fifty percent (50%) of the income incentive.

25 (3) However, if the board does not have sufficient funds to
 26 match the community's portion of the income incentive, nothing precludes a
 27 qualified rural community from providing the total income incentive amount.

28
 29 6-81-1809. Loan contracts – Osteopathic rural medical practice loans –
 30 Obligations and conditions.

31 (a) The Osteopathic Rural Medical Practice Student Loan and
 32 Scholarship Board shall enter into a loan contract with the applicant to whom
 33 an osteopathic rural medical practice loan is made.

34 (b) The contract shall be approved by the Attorney General and shall
 35 be signed by the Chair of the Osteopathic Rural Medical Practice Student Loan
 36 and Scholarship Board, countersigned by the Secretary of the board, and

1 signed by the applicant.

2 (c) Each applicant to whom an osteopathic rural medical practice loan
3 or loans is granted by the board shall execute a written loan contract that
4 incorporates the following obligations and conditions:

5 (1)(A) The recipient of an osteopathic rural medical practice
6 loan or loans shall bindingly contract that he or she shall practice primary
7 care medicine full time in a qualified rural community upon completion of:

8 (i) His or her medical internship of one (1) year
9 undertaken immediately following the earning of the degree of Doctor of
10 Osteopathic Medicine;

11 (ii) Four (4) additional years of medical training
12 beyond the internship if the training has been approved in advance by the
13 board and includes practice experience in a rural community; or

14 (iii) At the request of the recipient of an
15 osteopathic rural medical practice loan, the board may approve the
16 recipient's request to practice in more than one (1) qualified rural
17 community to meet his or her obligation to practice full time if the board
18 determines, based upon guidelines established by the board, that the
19 physician need in the rural communities cannot sustain a full-time medical
20 practice or that other compelling circumstances exist.

21 (B) The recipient of an osteopathic rural medical practice
22 loan or loans shall bindingly contract that for each year's loan he or she
23 shall practice medicine in accordance with subdivision (c)(1)(A) of this
24 section for a whole year.

25 (C) For each continuous whole year of medical practice, in
26 accordance with subdivision (c)(1)(A) of this section, subject to reasonable
27 leave periods, including without limitation vacation, sick leave, continuing
28 medical education, jury duty, funerals, holidays, or military service, the
29 board shall cancel, by converting to a scholarship grant, the full amount of
30 one (1) year's loan plus accrued interest;

31 (2)(A) The recipient of an osteopathic rural medical practice
32 loan or loans shall bindingly contract that not engaging in the practice of
33 medicine in accordance with the loan contract and with this subchapter may
34 result in suspension of his or her license to practice medicine in this
35 state.

36 (B) The recipient's medical license may not be suspended

1 unless the recipient's contract contained a specific term that loss of
2 license was a consequence of breach and the recipient signed a written
3 acknowledgment of understanding that the suspension of license was explained
4 to him or her orally as a potential consequence of breach of the contractual
5 provisions.

6 (C) The suspension may be for a period of years equivalent
7 to the number of years that the recipient is obligated to practice medicine
8 in a rural area but has not so practiced and until the loan with interest
9 together with any civil money penalties, as reduced by each full year of
10 medical practice according to the terms of the loan contract, is paid in
11 full;

12 (3) Any communication from a medical school in Arkansas that is
13 not the University of Arkansas for Medical Sciences with any state medical
14 licensing board shall include a notation that the recipient of an osteopathic
15 rural medical practice loan has a contract with the State of Arkansas to
16 practice medicine in a rural community and that breach of that contract may
17 result in suspension of the recipient's Arkansas medical license;

18 (4)(A) In the event that any osteopathic rural medical practice
19 loan recipient under this subchapter does not engage in the practice of
20 medicine in accordance with the terms of this section and of his or her loan
21 contract in order to have the loan contract recognized as a scholarship, the
22 recipient shall remain obligated to repay the loan or loans received,
23 together with interest at the maximum rate allowed by Arkansas law or the
24 federal discount rate plus five percent (5%) per annum, whichever is the
25 lesser, the interest to accrue from the date each payment of funds was
26 received by the recipient.

27 (B) Neither interest nor the obligation to repay the
28 principal sums accrued shall accrue during any one (1) period of time that
29 the recipient involuntarily serves on active duty in the United States Armed
30 Forces.

31 (C) Repayment of principal with interest shall be due and
32 payable in full at the earliest to occur of the following events:

33 (i) Failure to remain enrolled in a medically
34 underserved and rural practice curriculum;

35 (ii) Failure to remain in enrollment status
36 continuously to completion of the degree of Doctor of Osteopathic Medicine

1 for any reason other than temporary personal illness;

2 (iii) Failure to complete internship;

3 (iv)(a) Failure to engage in the full-time practice
4 of medicine while residing in a qualified rural community in Arkansas as
5 defined in § 6-81-1802.

6 (b) However, the board may waive the residency
7 requirement on a case-by-case basis; and

8 (v) Failure to establish a practice as described
9 under subdivision (c)(4)(C)(iv)(a) of this section within six (6) months
10 following either internship or four (4) additional years of medical education
11 that includes practice experience in a rural community.

12 (D) In the event of the death of the recipient, the entire
13 loan amount that has not been converted to a scholarship grant pursuant to
14 the terms of the loan contract shall be due and payable;

15 (5) If an alternate on the waiting list for acceptance to an
16 osteopathic medical school in Arkansas enters into an osteopathic rural
17 medical practice program contract conditioned only upon the applicant's being
18 accepted for admission to the college and otherwise meets the requirements of
19 § 6-81-1807 and if the applicant is moved to the top of the waiting list
20 under § 6-81-1815, the alternate's contract shall contain an additional term
21 that breach of the contract may result in civil money penalties in the amount
22 of one hundred percent (100%) of the loan amount; and

23 (6) This subsection shall not prohibit the board from
24 considering and entering into a negotiated settlement with the osteopathic
25 rural medical practice loan recipient involving the license suspension, the
26 amount of the civil money penalty, and the terms of repayment of the loan.

27 (d) The board may amend agreements entered into with any loan
28 recipient at any time prior to full performance of the recipient's
29 contractual obligations.

30 (e)(1) An osteopathic rural medical practice loan recipient may apply
31 to an osteopathic medical school in Arkansas for a waiver of the contractual
32 provisions set forth in subdivision (c)(2) of this section.

33 (2)(A) If the osteopathic medical school in Arkansas determines
34 that exigent circumstances warrant a waiver, the loan recipient shall be
35 notified in writing.

36 (B) The osteopathic medical school in Arkansas shall

1 immediately notify the Arkansas State Medical Board of such determination.

2
3 6-81-1810. Funding of loans.

4 (a)(1) All payments for osteopathic rural practice loans and community
5 match loans under this subchapter shall be made on requisitions signed by the
6 Chair of the Osteopathic Rural Medical Practice Student Loan and Scholarship
7 Board drawn against the funds held for the purpose of this subchapter.

8 (2) These funds, consisting of state appropriations so
9 designated, revolving amounts received from repayment of loans and interest,
10 and all funds and property and income received by the board under its
11 authority to accept and apply gifts, bequests, and devises shall be held in
12 trust and disbursed by the fiscal officers of a medical school in Arkansas
13 that is not the University of Arkansas for Medical Sciences for the aforesaid
14 purposes.

15 (b) Funds collected as a result of a recipient's breach of an
16 osteopathic rural practice loan contract or community match loan contract
17 shall be:

18 (1) Held in trust for the use of the Osteopathic Rural Medical
19 Practice Student Loan and Scholarship Program and the Community Match Rural
20 Physician Recruitment Program, or as otherwise deemed appropriate by the
21 board in its discretion; and

22 (2) Disbursed by the fiscal officer of an osteopathic medical
23 school in Arkansas under this subchapter.

24
25 6-81-1811. Annual report.

26 (a) The Osteopathic Rural Medical Practice Student Loan and
27 Scholarship Board shall make an annual report to the Governor concerning the
28 activities of the board and shall file a copy of its report with the
29 Legislative Council.

30 (b)(1) The report under subsection (a) of this section shall include:

31 (A) The names of the recipients of the loans;

32 (B) The amount of each loan;

33 (C) An accounting of the funds granted, on hand, and
34 expended for necessary expenses;

35 (D) The total amount of funds received during the year
36 from gifts, federal grants, bequests, and devises; and

1 (E) The amount of loans which, during the year, become
2 scholarships through compliance with the conditions of the loan contracts.

3 (2) This report shall include the names and addresses, and
4 amount of loans to each person, of those recipients who are in default of
5 repayment obligations.

6
7 6-81-1812. Dispute resolution – Determination of breach.

8 (a) Any applicant for a loan or income incentive issued by the
9 Osteopathic Rural Medical Practice Student Loan and Scholarship Board, any
10 person who has been granted a loan or has been granted income incentives by
11 the board, or any party to an osteopathic rural medical practice or community
12 match loan or income incentive may appeal any decision or action by the board
13 relating to the application for a loan or income incentive or relating to a
14 loan or income incentive granted by the board under the dispute resolution
15 procedure established under this subchapter.

16 (b)(1) The board, under § 6-81-1803(b)(1), shall promulgate rules
17 establishing a procedure that may be used by a loan or income incentive
18 recipient, the board, or a qualified rural community to resolve any dispute
19 arising out of or relating to an osteopathic rural practice or community
20 match loan or income incentive contract, including the validity or
21 interpretation of a contract term, contract enforcement or defenses, the
22 occurrence of an event of default or breach, loan repayment, the assessment
23 or imposition of contract damages or civil money penalties, or other related
24 disputes.

25 (2) The rules may provide for alternative dispute resolution,
26 such as mediation, as appropriate.

27 (3) The dispute resolution procedure established by the board
28 shall be followed before the initiation of any litigation related to an
29 osteopathic rural practice or community match loan or income incentive
30 contract.

31 (c) This subchapter does not prohibit informal disposition by
32 stipulation, settlement, or consent.

33
34 6-81-1813. Medical school graduates – Community match contract –
35 Eligibility.

36 (a)(1) The Osteopathic Rural Medical Practice Student Loan and

1 Scholarship Board shall administer the Community Match Rural Physician
 2 Recruitment Program.

3 (2)(A) Interested rural communities may apply to the board to
 4 participate in the program as a qualified rural community.

5 (B) The board shall approve a designated representative or
 6 representatives of the qualified rural community to assist the board in
 7 matters relating to any community match contracts entered into by the board
 8 and the qualified rural community.

9 (b) The board, in conjunction with a qualified rural community, may
 10 grant community match income incentives to applicants, each incentive being
 11 expressly made subject to § 6-81-1814, if it finds that:

12 (1) The applicant is a graduate of:

13 (A) An accredited osteopathic medical school in the United
 14 States; or

15 (B) A foreign medical school if the applicant:

16 (i) Was a resident of Arkansas and citizen of the
 17 United States prior to enrollment in the foreign medical school; and

18 (ii) Has been licensed by the Arkansas State Medical
 19 Board;

20 (2) The applicant satisfies one (1) of the following criteria:

21 (A) He or she is enrolled in a residency or other training
 22 program in an area of primary care medicine; or

23 (B) No more than two (2) years before the date of the
 24 application, he or she completed a residency or other training program in an
 25 area of primary care medicine;

26 (3) The applicant desires to practice medicine in the qualified
 27 rural community; and

28 (4) The designated representative or representatives of the
 29 qualified rural community approve the applicant.

30
 31 6-81-1814. Medical school graduates – Community match contract –
 32 Obligations and conditions.

33 (a)(1) The Osteopathic Rural Medical Practice Student Loan and
 34 Scholarship Board and the qualified rural community shall enter a joint
 35 community match contract with the applicant.

36 (2) The form of the community match contract shall be approved

1 by the Attorney General and shall be signed by the Chair of the board, the
2 Secretary of the board, the designated representative or representatives of
3 the qualified rural community, and the applicant.

4 (b) Each applicant to whom a community match income incentive is
5 granted by the board shall execute a written contract that shall incorporate
6 the following obligations and conditions:

7 (1)(A) The recipient of a community match income incentive shall
8 bindingly contract that he or she shall practice primary care medicine full
9 time in the contracting qualified rural community for a period of four (4)
10 years.

11 (B)(i) The recipient shall receive the income incentive
12 funds according to a disbursement schedule acceptable to the board, the
13 qualified rural community, and the recipient as set forth in writing in the
14 community match contract.

15 (ii) For each three-month period of full-time
16 medical practice by the recipient, according to the terms of the community
17 match contract, the board and the qualified rural community shall award one-
18 fourth ($\frac{1}{4}$) of the income incentive for the year of service;

19 (2)(A) If any recipient does not begin or ceases the full-time
20 practice of medicine in breach of the community match contract or otherwise
21 breaches the community match contract, the recipient shall pay twenty
22 thousand dollars (\$20,000) for each uncompleted full year of the four-year
23 contract term, and any civil money penalties that apply.

24 (B) The board may impose civil money penalties of up to
25 fifty percent (50%) of the principal amount of the income incentive under the
26 terms of the community match contract as a consequence of breach; and

27 (3) Neither interest nor the obligation to repay the principal
28 sums accrued shall accrue during any one (1) period of time that the
29 recipient involuntarily serves on active duty in the United States Armed
30 Forces.

31 (c) Subsection (b) of this section does not prohibit the board from
32 considering and entering into a negotiated settlement with the income
33 incentive recipient involving the terms of repayment of amounts paid under
34 the terms of the community match contract.

35 (d) Community match contracts may be amended at any time before the
36 income incentive has been paid in full or terms and conditions of the

1 contract are satisfied.

2 (e) The board shall promulgate rules setting forth additional terms
3 and conditions of community match contracts.

4
5 6-81-1815. Medical school alternates – Rural medical practice loans.

6 (a) If an alternate on the waiting list for acceptance to an
7 osteopathic medical school in Arkansas demonstrates a willingness to enter
8 into an osteopathic rural medical practice loan contract and meets the
9 requirements of § 6-81-1807, the applicant shall be moved to the top of the
10 waiting list upon entering into an osteopathic rural medical practice loan
11 contract.

12 (b) The priority on the waiting list for an alternate who enters into
13 an osteopathic rural medical practice loan contract shall be determined by
14 the date and time such alternate enters into the rural medical practice loan
15 contract.

16
17 6-81-1816. Tracking loan contract compliance.

18 An osteopathic medical school in Arkansas shall:

19 (1) Track graduates who were recipients of osteopathic rural
20 medical practice loans under this subchapter for the length of their
21 contractual obligations; and

22 (2) Report to the Legislative Council by October 1 of each even-
23 numbered year regarding the compliance of those graduates with the terms of
24 their contracts.

25
26 6-81-1817. Osteopathic Rural Medical Practice Student Loan and
27 Scholarship Program Administrator.

28 (a) There is established an Osteopathic Rural Medical Practice Student
29 Loan and Scholarship Program Administrator.

30 (b) The administrator shall:

31 (1) Be employed by the Department of Higher Education;

32 (2) Serve as liaison between loan recipients and rural
33 communities by:

34 (A) Working with the communities to identify their unique
35 needs, to develop profiles of their ideal candidates, and to prepare for
36 recruitment visits; and

1 (B) Assisting medical students and residents to identify
 2 medically underserved and other rural communities that suit their personal
 3 and medical practice needs and to meet their contractual obligations;

4 (3) Collect and monitor program data, including demographic data
 5 of participants and communities, service completion rates, retention rates
 6 beyond service completion, satisfaction of obligated physicians and
 7 communities, and other information;

8 (4) Prepare annual program evaluations and present the
 9 evaluations to the Osteopathic Rural Medical Practice Student Loan and
 10 Scholarship Board;

11 (5) Assist with preparation and submission of program reports;

12 (6) Attend board meetings in a nonvoting capacity; and

13 (7) Perform other functions assigned by the board.

14
 15 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 16 General Assembly of the State of Arkansas that, in order to carry out the
 17 requirements of this act for the next fiscal year, it is necessary that this
 18 act become effective in time for purposes of budgeting. Therefore, an
 19 emergency is declared to exist, and this act being necessary for the
 20 preservation of the public peace, health, and safety shall become effective
 21 on July 1, 2019.

22
 23
 24 **APPROVED: 4/10/19**

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

As Engrossed: S4/4/23

A Bill

HOUSE BILL 1544

5 By: Representative L. Johnson
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE OSTEOPATHIC RURAL MEDICAL
10 PRACTICE STUDENT LOAN AND SCHOLARSHIP PROGRAM; TO
11 AMEND THE APPOINTMENT PROCESS FOR THE OSTEOPATHIC
12 RURAL MEDICAL PRACTICE STUDENT LOAN AND SCHOLARSHIP
13 BOARD; AND FOR OTHER PURPOSES.
14
15

Subtitle

16 TO AMEND THE APPOINTMENT PROCESS FOR THE
17 OSTEOPATHIC RURAL MEDICAL PRACTICE
18 STUDENT LOAN AND SCHOLARSHIP BOARD.
19
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-81-1803(a), concerning the composition of
25 the Osteopathic Rural Medical Practice Student Loan and Scholarship Board, is
26 amended to read as follows:

27 (a)(1) There is established the Osteopathic Rural Medical Practice
28 Student Loan and Scholarship Board ~~composed of~~ that shall consist of six (6)
29 members, which shall include:

30 (A) One (1) ~~representative of~~ member who shall be
31 appointed by the Governor after consultation with each medical school in
32 Arkansas that is not the University of Arkansas for Medical Sciences;

33 (B) One (1) ~~representative of~~ member who shall be
34 appointed by the Governor after consultation with the Arkansas Osteopathic
35 Medical Association, who shall serve as vice chair;

36 (C) Two (2) physician members appointed by the Governor



1 after consultation with the Arkansas Osteopathic Medical Association, giving
2 preference to physicians who have received osteopathic rural medical practice
3 loans, community match loans, or income incentives; and

4 (D) Two (2) representatives appointed by the Governor
5 after consultation with the Arkansas Hospital Association, Inc.

6 (2) Members of the board shall:

7 (A) Serve a term of three (3) years; and

8 (B) Not serve more than two (2) consecutive terms.

9 (3) Except as provided under subsection (c) of this section,
10 members of the board shall serve without compensation.

11 (4) Vacancies shall be filled in a similar manner as provided
12 under subdivisions (a)(1) and (2) of this section.

13
14 /s/L. Johnson

15
16
17 **APPROVED: 4/12/23**
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**RULES GOVERNING THE ARKANSAS GEOGRAPHICAL CRITICAL NEEDS
MINORITY TEACHER SCHOLARSHIP PROGRAM**

In compliance with Act 413 of 2023, the rules for the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program are presented to the Arkansas Higher Education Coordinating Board (AHECB) for initial approval.

The following resolution is offered for the Board's consideration:

RESOLVED, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program to be administered by the Arkansas Division of Higher Education.

FURTHER RESOLVED, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program.

FURTHER RESOLVED, That the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program rules be approved for public comment release.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE ARKANSAS
GEOGRAPHICAL CRITICAL NEEDS MINORITY TEACHER
SCHOLARSHIP PROGRAM**

Effective Date:

1.00 Program Definitions

The following definitions are used in the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program:

- 1.01 “Academic Year” means ~~a~~ a measure of the academic work to be accomplished by the recipient.
- 1.01.1 The academic year is defined as two semesters, two trimesters, or three quarters.
- 1.02 “Approved Institution” means ~~A~~ an Arkansas postsecondary public or private college or university school that is currently accredited by a nationally recognized accrediting agency or association that has a teacher education program or a regionally accredited two-year Arkansas institution where those courses are directly creditable toward teacher education in a baccalaureate institution.
- 1.02.1 The institution must 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.
- 1.02.2 The institution must have a signed administrative agreement with ~~ADHE~~ Division of Higher Education.
- 1.03 “Award Year” means ~~T~~ the award year ~~begins~~ beginning on July 1 of one calendar year and ~~ends~~ ending on June 30 of the next calendar year.
- 1.04 “Cancellation” means ~~the~~ University of Arkansas ~~at~~ Pine Bluff ~~UAPB~~ shall cancel a recipient's repayment obligation if it determines:
- 1.04.1 On the basis of a sworn affidavit of a licensed physician, that the recipient is unable to teach on a full-time basis because of an impairment that is expected to continue indefinitely or result in death.
- 1.04.1.1 ~~UAPB~~ The university reserves the right to require a second opinion by an ~~UAPB~~ university approved physician; or
- 1.04.1.2 On the basis of a death certificate or other evidence of death, that is conclusive under state law, that the recipient is deceased.

- 1.05 “Default” means ~~F~~failure to repay the ~~Arkansas Geographical Critical Needs Minority Teacher S~~scholarship in accordance with the terms of the promissory note provided that this failure persists for 180 days for monthly payments.
- 1.06 “Deferment” means ~~This is~~ a postponement of repayments and the accrual of interest. ~~UAPB~~ The university shall not consider that the recipient has violated the repayment schedule if he or she does not meet the payments during the time he or she is in deferment status.
- 1.07 “Delta Region” means ~~T~~the following 42 counties of Arkansas are designated as being in the Delta Region: Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, Izard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searcy, Sharp, Stone, Union, Van Buren, White, and Woodruff. (Information obtained from the Delta Foundation in Mississippi.)
- 1.08 “Due Diligence” means ~~This process refers to those steps~~ UAPB the university takes to collect ~~Arkansas Geographical Critical Needs Minority Teacher S~~scholarship funds when a recipient enters repayment status.
- 1.08.1 It includes:
- 1.08.1.1 ~~B~~billing the recipient,
 - 1.08.1.2 ~~S~~ending overdue notices,
 - 1.08.1.3 ~~C~~onducting address searches if the recipient cannot be located,
 - 1.08.1.4 ~~R~~eporting the account to credit bureaus, collection, and
 - 1.08.1.5 ~~L~~itigation.
- 1.08.2 Due diligence also includes keeping the recipient informed of all changes in the ~~Arkansas Geographical Critical Needs Minority Teacher S~~scholarship that affect his or her rights and responsibilities and responding promptly to the recipient's inquiries.
- 1.09 “Full-time Student” means ~~A~~ a student enrolled for a minimum of 12 semester credit hours or the equivalent.
- 1.10 “Grace Period” means ~~A~~ a nine-month period of time following graduation and before the recipient must either take employment in a public school in Arkansas or begin repayment of the scholarship.

- 1.11 “Minority” means ~~P~~persons who are Black Americans, Hispanic Americans, Asian Americans, and Native Americans which group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.
- 1.12 “Part-time Student” means ~~a~~A student enrolled in at least 6 semester credit hours of the equivalent, but less than 12 semester credit hours or the equivalent.
- 1.13 “Permanent Resident Alien” means ~~A~~an individual who can provide documentation from the Immigration and Naturalization Service (~~INS~~) that he or she is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident.
- 1.13.1 Valid documentation is an I-551, I-151, I-181, I-94, or passport stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence".
- 1.13.2 A completed Form G-641 can also be used to document permanent resident status.
- 1.14 “Promissory Note” ~~The promissory note is~~ means a legal document obligating the recipient to repay the loan if he or she does not teach one year for each year of scholarship assistance received.
- 1.14.1 The recipient must be licensed to teach in a public school district in a geographical area of the state where there is a critical shortage of teachers, or in the Delta, as designated by the Department of Education.
- 1.14.2 The recipient's rights and responsibilities will be stated on the promissory note.
- 1.15 “Satisfactory Academic Progress” ~~Satisfactory academic progress~~ is maintained if the recipient has a minimum grade point average of:
- 1.15.1 2.75 on a 4.0 scale if attending an approved two-year institution; or
- 1.15.2 3.0 on a 4.0 scale if attending an approved four-year institution.
- 1.16 “Skip Tracing” means ~~A~~ a process for locating a recipient that is in repayment status.
- 1.16.1 ~~The university’s~~ UAPB’s efforts may include contacting relatives, friends, references, and other individuals or entities in the recipient's file.
- 1.17 “Teach on a Full-time Basis” means ~~T~~teaching the same number of hours required of teachers who have full-time contracts, as determined by the institution or

agency at which an individual is teaching, for a minimum of one academic term, as defined by the institution or agency in which an individual is teaching.

1.18 ~~“U.S. Citizen or National”~~ ~~The term “U.S. citizen”~~ includes persons born or who have become naturalized citizens of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and Trust Territory - Palau.

1.19 ~~“U.S. National”~~ ~~The term “national”~~ includes citizens of American Samoa or Swain's Island.

2.00 ~~RULE 1-~~ Organization and Structure

2.01 ~~I.~~ The University of Arkansas at Pine Bluff (UAPB) shall administer the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program.

2.01.1 ~~The purpose of the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program~~ this scholarship program is to attract qualified minority teachers to the Delta and those geographical areas of this state where there exists a critical shortage of teachers by awarding full scholarships to minorities declaring an intention to serve in the teaching field who actually render service to this state while possessing an appropriate teaching license.

2.02 ~~H.~~ All formal communications shall be addressed to or signed by the Chancellor of the University of Arkansas at Pine Bluff university or his/her designee.

2.03 ~~III.~~ The final responsibility for selecting scholarship recipients shall rest with the Chancellor ~~of the University of Arkansas at Pine Bluff~~.

3.00 ~~RULE 2-~~ Scholarship Eligibility Criteria

3.01 ~~I.~~ Applicants must meet the following requirements to be eligible to receive the Arkansas Geographical Critical Need Minority Teacher Scholarship:

3.01.1 ~~A.~~ Be African-American, Hispanic-American, Asian-American or Native American, which group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

3.01.2 ~~B.~~ Be enrolled in or accepted for enrollment at a baccalaureate degree-granting institution of higher education whose teacher education program is approved by the State Board of Education or at an accredited state-supported community college in the State of Arkansas.

3.01.3 ~~C.~~ Be either full-time or part-time.

3.01.4 ~~D~~. Agree, in writing, of an intention to teach in the Delta or a geographical area of the state in which there exists a critical shortage of teachers, as designated by the state board ~~State Board of Education~~ for a term of:

3.01.4.1 At least two (2) years of service as a licensed teacher if he or she received four (4) annual awards, or the equivalent of four (4) annual awards; or

3.01.4.2 At least one (1) school semester of service as a licensed teacher, for each year that the person received a full-time student scholarship, or for the number of academic hours equivalent to one (1) school year, as determined by the University of Arkansas at Pine Bluff, for which a part-time student received a scholarship, if he or she received fewer than four (4) annual awards, or the equivalent of four (4) annual awards.

3.01.5 ~~E~~. Have successfully completed the core curriculum established by the ~~State Board of Education~~ state board and the Arkansas Higher Education Coordinating Board.

3.01.5.1 Applicants who have not completed the core curriculum due to unavailability of the courses in the applicant's high school, shall have a grace period of twelve (12) months from the date of high school graduation in which to make up any course deficiencies.

3.01.6 ~~F~~. Have a 2.75 on a 4.0 scale in the core curriculum courses if attending an approved two-year institution or 3.0 on a 4.0 scale in the core curriculum courses if attending an approved four-year institution.

3.01.7 ~~G~~. Have scored nineteen (19) or above on the ACT composite or the equivalent as defined by the ~~University of Arkansas at Pine Bluff~~ university.

3.01.8 ~~H~~. Be a citizen of the United States or permanent resident alien.

3.02 ~~H~~. Continued Eligibility Requirements:

3.02.1 The ~~University of Arkansas at Pine Bluff~~ university will renew awards for succeeding years to recipients who:

3.02.1.1 ~~C~~ontinue to meet the criteria set forth in subsections 3.01.1 through 3.01.8 Rule 2, Paragraphs I, A-H; and

3.02.1.2 ~~Who~~ who complete at least 24 semester credit hours (or the equivalent) unless they are a part-time student.

4.00 ~~RULE 3~~ Selection Process

4.01 ~~F.~~ Application

4.01.1 Students must submit an application to the University of Arkansas at Pine Bluff.

4.01.1.1 Applications will be mailed to Education Departments, financial aid directors, Deans of Colleges of Education, and Teacher Certification Officials at all public and independent 2-year and 4-year institutions in the State of Arkansas.

4.01.1.2 Applications may also be obtained from the ~~University of Arkansas at Pine Bluff,~~ university's School of Education upon request.

4.02 ~~H.~~ Deadline for Applications

4.02.1 The application deadline will be established by the ~~university~~ University of Arkansas at Pine Bluff and the Department of Education and announced to each participating institution when applications are distributed.

4.03 ~~III.~~ Review of Applications

4.03.1 For applications that are either incomplete or ineligible, a notice will be sent to the applicant identifying the reason for incompleteness or ineligibility.

4.03.1.1 The applicant will then have the opportunity to provide the missing information or correct any inaccurate information.

4.04 ~~IV.~~ Ranking of Applicants

4.04.1 Applications are ranked according to a combination of components including cumulative grade point average and major grade point average.

4.05 ~~V.~~ Selection and Notification of Recipients

4.05.1 ~~A. UAPB~~ The university and the ~~department~~ Arkansas Department of Education shall review ranked applicants and make recommendations for scholarship recipients based on allocation of funds.

4.05.1.1 If sufficient funds are not available to fully fund scholarship awards to all eligible students, ~~UAPB~~ the university shall make awards to first-time students on a first-come, first-served basis.

4.05.2 ~~B.~~ The final responsibility for selecting scholarship recipients shall rest with the Chancellor of the university ~~University of Arkansas at Pine Bluff~~.

4.06 ~~VI.~~ Institutional Eligibility

4.06.1 The institution to be attended under the scholarship program must be a baccalaureate degree-granting institution of higher education whose teacher education program is approved by the State Board of Education or at an accredited state-supported community college in the State of Arkansas.

5.00 ~~RULE 4~~— Awarding of Scholarship

5.01 ~~I.~~ Award Process

5.01.1 Selected scholarship recipients will be mailed award notices stating their eligibility for the program and the conditions for continued eligibility.

5.01.2 Prior to the disbursement of funds, recipients will receive promissory notes for the purpose of entering into an agreement with the University of Arkansas at Pine Bluff.

5.01.2.1 The terms of the agreement will include the general purpose, repayment and deferment procedures, interest calculations, and a schedule of advances.

5.01.2.2 The promissory note shall be signed by the scholarship recipient and by a co-maker of eligible age.

5.01.2.3 Modifications to any award amounts will be confirmed through the issuance of a new promissory note.

5.02 ~~II.~~ Disbursement Scholarship

5.02.1 The scholarship will be divided equally according to the number of terms at each institution:

5.02.1.1 ~~T~~three payments for those institutions on trimesters; and

5.02.1.2 ~~T~~two payments for those institutions on semesters.

5.02.1.2.1 Disbursements may be made during fall, spring, or summer semesters, trimesters, or their equivalent, based on the guidance in 5.02.1.1 and 5.02.1.2.

5.02.2 Funds will be sent to the institution via electronic funds transfer.

5.02.3 After verification of full-time enrollment for the scholarship recipient, the institution disburses the funds in accordance with its policy.

5.03 ~~III~~ Limitation Scholarship

5.03.1 ~~A~~. Students may receive up to \$1,500 per academic year for full-time attendance.

5.03.1.1 Awards for part-time students will be \$750.00 if they attend at least six (6) semester credit hours, but less than 12 semester credit hours or the equivalent.

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

5.03.2 ~~B~~. Students may receive scholarships for a maximum of four (4) annual awards for full-time students.

5.03.2.1 Part-time students may receive the number of academic hours equivalent to one (1) school year, as determined by the ~~university~~ University of Arkansas at Pine Bluff.

5.03.2.2 No student may receive an award after they have completed certification requirements, as determined by the teacher certification official to teach in Arkansas.

5.03.3 ~~C~~. Recipients must indicate an intention to teach in a public school district in a geographical area of the State of Arkansas where there is a critical shortage of teachers, or in the Delta, as designated by the Department of Education.

5.03.4 ~~D~~. 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.

5.03.5 The institution must follow ~~ADHE~~ the Division of Higher Education 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.

6.00 ~~RULE 5~~—Repayment of Scholarship

6.01 I- Terms of Repayment

6.01.1 ~~A-~~ Scholarship recipients who teach full-time in an Arkansas public school district in a geographical areas of the state where there is a critical shortage of teachers, or in the Delta, as designated by the Department of Education, following certification shall ~~render one year of service as a licensed teacher for each year of scholarship assistance received, when the total scholarship and accumulated interest will be forgiven.;~~

6.01.1.1 Render two (2) years' service as a licensed teacher if the person received four (4) annual awards, or the equivalent of four (4) annual awards; or

6.01.1.2 If the person received fewer than four (4) annual awards, or the equivalent of four (4) annual awards, the person shall render one (1) school semester of service as a licensed teacher for each year that the person received a full-time student scholarship or for the number of academic hours equivalent to one (1) school year, as determined by the University of Arkansas at Pine Bluff, for which a part-time student received a scholarship.

6.01.2 The University of Arkansas at Pine Bluff will verify the recipient's employment once a year in June by contacting the superintendent's office in the recipient's employment district.

6.01.3 ~~C- Recipients~~ A recipient's scholarship will convert to a loan and the recipient who shall, within a maximum of five (5) years from the completion of study or withdrawal from school, repay the full remaining balance, plus accrued interest according to an interest and repayment schedule provided by the university if the they recipient:

6.01.3.1 ~~Do~~ Does not teach full-time in an Arkansas public school district in a geographical areas of the state where there is a critical shortage of teachers, or in the Delta, as designated by the Department of Education following certification, or

6.01.3.2 ~~who d~~ Discontinues their studies prior to completing their program of study ~~shall, within a maximum of five (5) years from the completion of study or withdrawal from school, repay the full remaining balance, plus accrued interest according to~~

~~an interest and repayment schedule provided by the university
University of Arkansas at Pine Bluff.~~

~~6.01.3.3 At this point, the recipient's scholarship converts to a loan.~~

6.01.4 The repayment schedule will be set in monthly payments based on the total amount of the loan remaining at the time of entry into repayment, plus interest.

6.01.5 Payments will be computed to ensure that repayment will be completed within a maximum of five years from the completion of study or withdrawal from school.

6.01.5.1 Minimum repayment is \$50.00 per month.

6.02 ~~H.~~ Interest on Loan

6.02.1 Interest will accrue from the beginning of the repayment period at a maximum annual percentage rate of 10 percent on the unpaid balance.

6.02.2 Interest will be calculated as a simple, per annum interest charge on the outstanding principal.

6.02.3 Interest will not accrue, and installments need not be paid, when a deferment has been approved by the ~~university~~ University of Arkansas at Pine Bluff.

6.02.4 Any recipient who wishes a deferment must submit an application for deferment to ~~UAPB~~ the university for approval.

6.03 ~~III.~~ Deferment of Loan

6.03.1 ~~A.~~ At ~~UAPB's~~ the university's discretion, scheduled loan repayments may be deferred if ~~UAPB~~ the university determines that extraordinary circumstances prevent the recipient from making such repayments.

6.03.2 Deferments may be granted for the following conditions:

6.03.2.1 ~~1.~~ The recipient is engaged in a full-time course of undergraduate or graduate study at an institution of higher education.

6.03.2.1.1 This must be verified by the Registrar's Office.

6.03.2.2 ~~2.~~ The recipient is seeking and unable to find employment as a teacher in an Arkansas public school district in a geographical

areas of the state where there is a critical shortage of teachers, or in the Delta, as designated by the ~~D~~Department of Education approved for a single period not to exceed twelve (12) months.

6.03.2.2.1 The loan recipient must submit a list of schools contacted for employment.

6.03.2.2.2 ~~UAPB~~The university will verify this information with the superintendent's office in each of those school districts.

6.03.2.3 ~~3.~~ The recipient is temporarily totally disabled, for a period not to exceed three years, as established by sworn affidavit from a licensed physician.

6.03.2.3.1 ~~UAPB~~ The university reserves the right to require a second opinion by an ~~UAPB~~ university approved physician.

6.03.2.4 ~~4.~~The recipient is unable to secure employment for a period not to exceed twelve (12) months by reason of the care of a spouse who is disabled, as established by the signature of a licensed physician.

6.03.2.4.1 ~~UAPB~~ The university reserves the right to require a second opinion by an ~~UAPB~~ university approved physician.

6.03.2.5 ~~5.~~ Other extraordinary circumstances which would prevent the recipient from repaying the debt within the contractual obligations of the note may be considered.

6.03.3 ~~B-~~ To qualify for any of the deferments, recipients must notify ~~UAPB~~ the university of their claim to the deferment on a Request for Deferment form which will be supplied by ~~UAPB~~ the university upon request.

6.03.3.1 The recipient must complete the ~~Request for Deferment~~ form and return it, along with supporting documentation, to ~~UAPB~~ the university.

6.03.3.2 ~~UAPB~~The university will notify the recipient within ten (10) working days of approval or disapproval of any application for a deferment.

6.04 ~~IV.~~ Cancellation of Scholarship

6.04.1 ~~UAPB-The university~~ will cancel a recipient's repayment obligations if it determines:

6.04.1.1 ~~A-~~ On the basis of a sworn affidavit of a licensed physician, that the recipient is unable to teach on a full-time basis because of an impairment that is expected to continue indefinitely or result in death.

6.04.1.1.1 ~~UAPB-The university~~ reserves the right to require a second opinion by an ~~UAPB~~ university approved physician; or

6.04.1.2 ~~B-~~ On the basis of a death certificate or other evidence of death, that is conclusive under state law, that the recipient has died.

6.05 ~~V-~~ Prepayment of Loan

6.05.1 There shall be no penalty for prepayment or repayment of all or any portion of the principal.

6.06 ~~VI-~~ Grace Period

6.06.1 There will exist a nine-month grace period following graduation before the recipient must either:

6.06.1.1 ~~ƒ~~Take employment in an Arkansas public school district in a geographical area of the state where there is a critical shortage of teachers, or in the Delta, as designated by the ~~D~~epartment of Education; or

6.06.1.2 ~~h~~Begin repayment of the scholarship.

6.07 ~~VII-~~ Failure to Repay

6.07.1 Scholarship recipients who fail to meet their repayment obligations may have added to their total obligation any costs for collection of the debt.

7.00 ~~RULE 6~~—Institutional Responsibilities

7.01 ~~I-~~ The University of Arkansas at Pine Bluff shall:

7.01.1 ~~A-~~ Be the administering agency of the program;:

7.01.2 ~~B-~~ Deposit all funds received from the repayment of scholarship awards by program participants in the funds that provides funding for the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program;: and

7.01.3 ~~C-~~ Make an annual report to the General Assembly that:

- 7.01.3.1 ~~1-~~ Contains a complete enumeration of the program's activities, scholarships granted, names of persons to whom granted, and the institutions attended by those receiving the scholarships, the teaching location of applicants who have received their education and become licensed teachers within this state as a result of the scholarship;
- 7.01.3.2 ~~2-~~ Accounts for receipts and expenditures for salaries and expenses incurred; and
- 7.01.3.3 ~~3-~~ Distinguishes between those recipients who have breached their contracts but with ~~UAPB's~~ the university's permission who have paid their financial obligations in full, and those recipients who have breached their contracts and remain financially indebted to the state.

7.01.4 ~~B-~~ Institutional Verification

7.01.4.1 The institution shall provide certification to ~~UAPB~~ the university each semester after registration, giving the names of the program scholarship recipients who are officially enrolled as full-time students.

7.01.4.1.1 This information is reported on a verification roster.

7.01.4.1.2 The certifying official is responsible for completing the verification roster two times a year for those schools on the semester system and three times a year for those schools on the trimester system.

7.01.4.2 The verification roster will be mailed to the financial aid director at the time of registration for each term.

7.01.4.3 The signed verification roster should be returned to ~~UAPB~~ the university by:

7.01.4.3.1 November 1 for the fall term;

7.01.4.3.2 March 15 for the winter and/or spring term; and

7.01.4.3.3 May 1 of the spring term for institutions on the trimester system.

7.01.4.4 The verification roster is an alphabetical listing by institution of all persons receiving an ~~Arkansas Geographical Critical Needs Minority Teacher Scholarship~~ scholarship for a given academic semester or trimester.

7.01.4.5 Students who are not enrolled in the current term or making satisfactory progress according to the rules and regulations of ~~Arkansas Geographical Critical Needs Minority Teacher Scholarships~~ scholarships shall not receive scholarship benefits in that term.

7.01.5 ~~C~~. Deadlines for Disbursement of Funds

7.01.5.1 The deadline for disbursement of funds is no later than 10 days after written receipt of funds.

7.01.5.2 Any outstanding funds not disbursed must be returned to the ~~University of Arkansas at Pine Bluff~~ university.

7.01.6 ~~D~~. Refund Policy

7.01.6.1 It is the institution's responsibility to notify ~~UAPB~~ the university of the names of any persons owing a refund, the date of the withdrawal, and the refund amount.

7.01.6.1.1 This information should be placed on the institution's verification roster before returning it to the university ~~UAPB~~.

7.01.7 ~~E~~. Due Diligence

7.01.7.1 The institution will exercise due diligence in providing complete, accurate, and timely information as requested by ~~UAPB~~ the university on any current or former loan recipient.

7.01.7.2 In addition, the institution will exercise due diligence in complying with all the rules and regulations of the ~~Arkansas Geographical Critical Needs Minority Teacher Scholarship Program~~ scholarship program.

7.01.7.3 The ~~University of Arkansas at Pine Bluff~~ university will periodically review the institution's records concerning this program in an effort to exercise its due diligence requirements as a steward of state funds.

8.00 ~~RULE 7~~—Scholarship Recipient Responsibilities

8.01 ~~I~~ Recipient's Responsibility

8.01.1 It is the recipient's responsibility to notify the University of Arkansas at Pine Bluff of any change in status within 21 days.

8.01.1.1 This will include:

8.01.1.1.1 Change in name;

8.01.1.1.2 Change in residence;

8.01.1.1.3 Change in institution;

8.01.1.1.4 Change in full-time status (below twelve college semester credit hours or its equivalent per semester or trimester);

8.01.1.1.5 Change in course of study; and/or

8.01.1.1.6 Change in employment.

8.01.1.2 Failure to notify the ~~University of Arkansas at Pine Bluff~~ university of a change in status will affect future eligibility or collection status.

9.00 ~~RULE 8~~—Collection of Loan

9.01 ~~I~~ Collection of Loan

9.01.1 Accounts will be retained by the University of Arkansas at Pine Bluff ~~UAPB~~ in the School of Education until the individual is no longer eligible for forgiveness or deferment due to the recipient's failure to remain employed in the teaching field for the specified time period.

9.01.1.1 At that time, the scholarship will be converted to a loan and the account will be turned over to a vendor for servicing.

9.01.1.2 ~~UAPB~~-The university will notify the student by mail of this action and include a loan amortization schedule with the notification letter.

9.01.1.3 The account will remain with the vendor until repaid or 120 days past due.

9.01.1.4 Upon determination that a loan recipient is 120 days delinquent, ~~UAPB~~ the university will mail both the recipient and the co-signer a first letter of notification ten (10) days after the installment payment is due.

9.01.1.5 If payment is not received within 60 days from the original payment due date, a second letter of notification will be sent to the loan recipient and the co-signer declaring the account delinquent and requesting that it be immediately brought up to date.

9.01.1.6 If no response is received by 90 days from the original payment due, the third and final letter of notification will be sent to the recipient and co-signer informing them that the account will officially be in default if outstanding payments are not received within 30 days.

9.02 ~~H~~ Skip Tracing Mechanisms

9.02.1 If letters are returned as undeliverable, the Department of Finance and Administration's Motor Vehicle Division can be used to perform skip tracing activities.

9.02.1.1 Motor Vehicle Division's records are updated in March and September each year.

9.02.2 To get this information, mail name, current address, and social security number on ~~University of Arkansas at Pine Bluff~~ university letterhead to:

**Department of Finance and Administration
Motor Vehicle Division
P. O. Box 1272 Little Rock, AR 72202
ATTENTION: Correspondence Desk**

9.02.3 A response from the Motor Vehicle Division should be received within ten (10) working days.

9.02.4 Additionally, ~~UAPB~~ the university will use these steps to locate recipients and/or co-signers if communications are returned as undelivered:

9.02.4.1 ~~1~~ Contact references listed on the recipient's application;

9.02.4.2 ~~2~~ Utilize telephone directory or check with directory assistance in the area of the recipient and/or co-signer's last known address;

- 9.02.4.3 ~~3~~: Contact institutional offices (alumni office, admissions office, registrar's office, fraternity or sorority, and the department that the recipient majored in) at the campus where the recipient last attended;
- 9.02.4.4 ~~4~~: Contact creditors, such as credit card companies, credit bureaus, or GSL lender;
- 9.02.4.5 ~~5~~: Contact recipient's field of study professional organization, union, or licensing board;
- 9.02.4.6 ~~6~~: Contact post office;
- 9.02.4.7 ~~7~~: Contact utility companies; and,
- 9.02.4.8 ~~8~~: Contact Chamber of Commerce.

9.03 ~~III~~: Credit Reporting Agencies

9.03.1 Defaulted recipients and/or co-signers will be reported to the following credit reporting agencies:

- 9.03.1.1 ~~1~~: CSC Credit Reporting Services, Inc.
- 9.03.1.2 ~~2~~: T R W Credit Data
- 9.03.1.3 ~~3~~: Trans Union Credit Reporting Forms for reporting defaulted loan recipients and/or co-signers are located in the collections file.

9.03.2 ~~UAPB~~ The university will also respond promptly to any inquiries it receives from credit reporting agencies concerning delinquent or defaulted loan recipients and/or co-signers.

9.04 ~~IV~~: State Income Tax Set-Off

9.04.1 By the authority of Act 345 of 1993, ~~UAPB~~ the university is a claimant agency for the set-off of debts against state tax refunds.

9.04.2 To access the Set-Off Section of the State Tax Administration Office, ~~UAPB~~ the university must submit name, address, social security number, and amount of debt via computer magnetic tape by December 1 to intercept taxes for the next year.

9.05 ~~V~~: Litigation

9.05.1 No sooner than 30 days after sending the third letter of notification, ~~UAPB~~ the university shall institute a civil suit against the recipient and co-signer for repayment of the scholarship.

9.05.1.1 Small Claims Courts will be used to satisfy debts of accounts up to \$3,000.00.

9.05.1.2 If over \$3,000.00, ~~UAPB~~ the university must use Circuit Court.

9.05.1.3 If the account is \$3,000.01 or above, ~~UAPB~~ the university may choose to use Small Claims Courts and waive the difference because of the expense involved in going to Circuit Court.

9.05.1.4 If ~~UAPB~~ the university chooses to waive the difference, it may not, at a later date, attempt to collect the difference.

9.05.2 Forms to take the recipient and/or co-signer to Small Claims Court are requested from the recipient's and/or co-signer's county of residence.

9.06 ~~VI.~~ Write-Offs

9.06.1 Arkansas Geographical Critical Needs Minority Teacher Scholarships may be written off as uncollectible if ~~UAPB~~ the university shows due diligence to satisfy the collection of the debt, and documents in the recipient's file that:

9.06.1.1 ~~A. The cost of litigation would exceed the likely recovery if litigation were commenced; or~~

9.06.1.2 ~~B. The recipient and/or co-signer does not have the means to satisfy a judgment on the debt, or a substantial portion thereof.~~

9.06.2 Proof of due diligence collections activities must be submitted to the administrator of the Department of Finance and Administration and approved by the administrator before scholarship ~~Arkansas Geographical Critical Needs Minority Teacher Scholarship~~ accounts may be written off as uncollectible.

9.07 ~~VII.~~ Nonpayment Penalties

9.07.1 Scholarship recipients who fail to meet their repayment obligations may have added to their total obligation any costs for collection of the debt.

RULE 9 – Program Definitions

The following definitions are used in the Arkansas Geographical Critical Needs Minority Teacher Scholarship Program:

Academic Year

A measure of the academic work to be accomplished by the recipient. The academic year is defined as two semesters, two trimesters, or three quarters.

Approved Institution

An Arkansas postsecondary public or private college or university school that is currently accredited by a nationally recognized accrediting agency or association that has a teacher education program or a regionally accredited two-year Arkansas institution where those courses are directly creditable toward teacher education in a baccalaureate institution. The institution must 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. The institution must have a signed administrative agreement with ADHE.

Award Year

The award year begins on July 1 of one calendar year and ends on June 30 of the next calendar year.

Cancellation

UAPB shall cancel a recipient's repayment obligation if it determines: On the basis of a sworn affidavit of a licensed physician, that the recipient is unable to teach on a full-time basis because of an impairment that is expected to continue indefinitely or result in death. UAPB reserves the right to require a second opinion by an UAPB-approved physician; or on the basis of a death certificate or other evidence of death, that is conclusive under state law, that the recipient is deceased.

Default

Failure to repay the Arkansas Geographical Critical Needs Minority Teacher Scholarship in accordance with the terms of the promissory note provided that this failure persists for 180 days for monthly payments.

Deferment

This is a postponement of repayments and the accrual of interest. UAPB shall not consider that the recipient has violated the repayment schedule if he or she does not meet the payments during the time he or she is in deferment status.

Delta Region

The following 42 counties of Arkansas are designated as being in the Delta Region: Arkansas, Ashley, Baxter, Bradley, Calhoun, Chicot, Clay, Cleveland, Craighead, Crittenden, Cross, Dallas, Desha, Drew, Fulton, Grant, Greene, Independence, IZard, Jackson, Jefferson, Lawrence, Lee, Lincoln, Lonoke, Marion, Mississippi, Monroe, Ouachita, Phillips, Poinsett, Prairie, Pulaski, Randolph, St. Francis, Searey, Sharp, Stone, Union, Van Buren, White, and Woodruff. (Information obtained from the Delta Foundation in Mississippi.)

Due Diligence

This process refers to those steps UAPB takes to collect Arkansas Geographical Critical Needs Minority Teacher Scholarship funds when a recipient enters repayment status. It includes: billing the recipient, sending overdue notices, conducting address searches if the recipient cannot be located, reporting the account to credit bureaus, collection, and litigation. Due diligence also includes keeping the recipient informed of all changes in the Arkansas Geographical Critical Needs Minority Teacher Scholarship that affect his or her rights and responsibilities and responding promptly to the recipient's inquiries.

Full-time Student

A student enrolled for a minimum of 12 semester credit hours or the equivalent.

Grace Period

A nine-month period of time following graduation and before the recipient must either take employment in a public school in Arkansas or begin repayment of the scholarship.

Minority

Persons who are Black Americans, Hispanic Americans, Asian Americans, and Native Americans which group includes all persons having origins in any of the original peoples of North America and who maintain cultural identification through tribal affiliation or community recognition.

Part-time Student

A student enrolled in at least 6 semester credit hours of the equivalent, but less than 12 semester credit hours or the equivalent.

Permanent Resident Alien

An individual who can provide documentation from the Immigration and Naturalization Service (INS) that he or she is in the U.S. for other than a temporary purpose with the intention of becoming a citizen or permanent resident. Valid documentation is an I-551, I-151, I-181, I-94, or passport stamped with the notation "Processed for I-551, Temporary Evidence of Lawful Admission for Permanent Residence". A completed Form G-641 can also be used to document permanent resident status.

Promissory Note

The promissory note is a legal document obligating the recipient to repay the loan if he or she does not teach one year for each year of scholarship assistance received. The recipient must be licensed to teach in a public school district in a geographical area of the state where there is a critical shortage of teachers, or in the Delta, as designated by the Department of Education. The recipient's rights and responsibilities will be stated on the promissory note.

Satisfactory Academic Progress

Satisfactory academic progress is maintained if the recipient has a minimum 2.75 on a 4.0 scale if attending an approved two-year institution or 3.0 on a 4.0 scale if attending an approved four-year institution.

Skip Tracing

A process for locating a recipient that is in repayment status. UAPB's efforts may include contacting relatives, friends, references, and other individuals or entities in the recipient's file.

Teach on a Full-time Basis

Teach the same number of hours required of teachers who have full-time contracts, as determined by the institution or agency at which an individual is teaching, for a minimum of one academic term, as defined by the institution or agency in which an individual is teaching.

U.S. Citizen or National

The term "U.S. citizen" includes persons born or who have become naturalized citizens of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and Trust Territory Palau. The term "national" includes citizens of American Samoa or Swain's Island.

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.

Subtitle

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

**RULES GOVERNING THE EMERGENCY RESPONSE EQUIPMENT AND
TRAINING AT ARKANSAS INSTITUTIONS OF HIGHER EDUCATION**

In compliance with Act 737 and 811 of 2023, the rules for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education are presented to the Arkansas Higher Education Coordinating Board (AHECB) for initial approval.

The following resolution is offered for the Board's consideration:

RESOLVED, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education to be administered by the Arkansas Division of Higher Education.

FURTHER RESOLVED, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education.

FURTHER RESOLVED, That the Emergency Response Equipment and Training at Arkansas Institutions of Higher Education rules be approved for public comment release.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING EMERGENCY
RESPONSE EQUIPMENT AND TRAINING AT ARKANSAS INSTITUTIONS OF
HIGHER EDUCATION**

Effective:

1.0 PURPOSE

1.01 The purpose of these rules is to establish the requirements and procedures for governing emergency response equipment and training at Arkansas institutions of higher education, including:

1.01.1 Automated external defibrillator (AED) devices;

1.01.2 Cardiopulmonary resuscitation (CPR) programs; and

1.01.3 Opioid overdose rescue kits.

2.00 REGULATORY AUTHORITY

2.01 This rule is promulgated pursuant to Ark. Code Ann. § 6-60-119.

3.00 DEFINITIONS

3.01 “Automated external defibrillator (AED)” means a device that:

3.01.1 Is used to administer an electric shock through the chest wall to the heart;

3.01.2 Has built-in computers within the device to assess the patient’s heart rhythm and judge whether defibrillation is needed;

3.01.3 Has audible or visual prompts, or both, to guide the user through the process;

3.01.4 Has received approval from the United States Food and Drug Administration of its pre-market modification, filed pursuant to 21 U.S.C. 360(k);

3.01.5 Is capable of recognizing the presence or absence of ventricular fibrillation and rapid ventricular tachycardia and is capable of determining without intervention by an operator whether defibrillation should be performed; and

3.01.6 Upon determining if the defibrillation should be performed, the AED either automatically charges and delivers an electrical impulse to an individual’s heart or charges and delivers an electrical impulse at the command of the operator.

- 3.02 “Cardiac arrest” means a condition, often sudden, that is due to abnormal heart rhythms called arrhythmias. It is generally the result of some underlying form of heart disease.
- 3.03 “Cardiopulmonary resuscitation (CPR)” means a combination of rescue breathing, chest compressions, and external cardiac massage used to sustain a person’s life until advanced assistance arrives.
- 3.04 “CPR provider” or “AED provider” means a member or employee of an institutional campus who has completed training in CPR in addition to knowledge and understanding of an AED’s operation and use under the requirements set forth in this rule.
- 3.05 “Defibrillation” means administration of an electrical impulse to an individual’s heart in order to stop ventricular fibrillation or rapid ventricular tachycardia.
- 3.06 “Emergency Medical Services (EMS)” means the transportation and medical care provided the ill or injured prior to arrival at a medical facility by a licensed emergency medical technician or other health care provider and continuation of the initial emergency care within a medical facility subject to the approval of the medical staff and governing board of that facility.
- 3.07 “Extra-curricular event” means any institution sponsored program or voluntary activity sponsored by the institution, or an organization sanctioned by the institution where students are competing for the purpose of receiving an award, rating, recognition, or criticism, or qualification for additional competition or including preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays and club activities.
- 3.08 “FDA” means the Food and Drug Administration
- 3.09 “Institution of higher education” or “institution” means a state-supported two-year or four-year college or university;
- 3.10 “Institutional campus” means any institution’s building or cluster of buildings, including grounds, that is used for any purpose, including, without limitation:
- 3.10.1 Extracurricular activities; or
- 3.10.2 Campus administration.
- 3.11 “Institutional personnel” means any employee of the institution, or independent contractor working under contract with an institution, that is required to follow campus policy and procedures.

- 3.12 “Program coordinator” means an individual, appointed by the institution, who is responsible for administration of the Automated External Defibrillation program for their respective campus.
- 3.13 “Protocol” means currently approved and accepted procedures describing specific steps a provider must follow in assessing and treating a patient.
- 3.14 “Renewal” means training and demonstration of competence in the application and use of automated defibrillation equipment.
- 3.15 “School-sponsored event” means any event or activity sponsored by the institution which includes but is not limited to:
- 3.15.1 Athletic events;
 - 3.15.2 Student organization events; or
 - 3.15.3 Any activity designed to enhance the student experience whether or not it is organized on an institutional campus.
- 3.16 “Sudden cardiac arrest (SCA)” means a sudden or unexpected cessation of heart function, most often caused by a sudden arrhythmia, such as ventricular fibrillation (VF).
- 3.17 “Ventricular Fibrillation (VF)” means the most common arrhythmia that causes cardiac arrest.
- 3.17.1 When this condition occurs, the heart’s electrical impulses suddenly become chaotic, often without warning, causing the heart’s pumping action to stop abruptly.

4.00 REQUIREMENTS

- 4.01 Each institution must have an AED, and appropriate institutional personnel must be adequately trained in use of the AED on an ongoing basis as outlined in Section 9.0 of these rules.

5.00 AUTOMATED EXTERNAL DEFIBRILLATOR MODEL

- 5.01 AEDs used by institutions of higher education must be:
- 5.01.1 Approved for use by the FDA;
 - 5.01.2 Automated and require AED provider intervention to initiate a defibrillation shock; and

5.01.3 Capable of automatically collecting data.

5.02 No modifications shall be made to defibrillation equipment which results in:

5.02.1 Deviation from the original manufacturer's specifications, or

5.02.2 Deviation from AED protocols which include:

5.02.2.1 Early access – calling 911;

5.02.2.2 Early CPR – starting CPR immediately;

5.02.2.3 Early Defibrillation – utilizing the onsite AED within 3-5 minutes of onset; and

5.02.2.4 Early Advanced Care – trained health care providers arriving to provide advanced care.

6.00 DEFIBRILLATOR PREVENTATIVE MAINTENANCE AND REPAIR

6.01 Each institution shall designate appropriate personnel to be responsible for the maintenance of the AED(s).

6.02 All components of the AED and integrated data recording system shall be inspected by a qualified service technician at least one (1) time per calendar year or as recommended by the manufacturer to ensure that:

6.02.1 The equipment meets original manufacturer's specifications; and

6.02.2 The equipment maintains the currently approved treatment protocols based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED.

6.03 The battery of the AED shall be maintained and replaced in accordance with manufacturer's specifications.

6.04 All maintenance and repairs shall be performed by a qualified service technician recognized by the manufacturer.

6.05 Written records shall be maintained for all maintenance, repairs, and inspections performed on all components for mandated annual state reporting purposes.

7.00 AVAILABILITY OF AUTOMATED EXTERNAL DEFIBRILLATOR

7.01 Each institution shall designate appropriate personnel to be responsible for ensuring the availability of the AED.

7.02 The location of AEDs shall be based on the following:

7.02.1 Size and physical layout of the buildings;

7.02.2 Number and ages of individuals in the building;

7.02.3 Types and locations of curricular, extracurricular, and school- sponsored events; and

7.02.4 Design features that might be unique to the building.

7.03 Each institution shall report, in a format approved by the Division, maintenance records and any use of an AED.

7.04 During instructional hours, the AED will be placed at designated locations.

7.05 These locations shall be specific to each campus but should allow the device to be easily seen and accessed by staff.

7.06 The locations should allow staff members to retrieve the device outside of normal instructional hours.

7.07 AEDs shall not be located or stored in a locked office or room.

8.00 INSTITUTIONAL APPOINTED PROGRAM COORDINATOR

8.01 The institutional appointed program coordinator shall:

8.01.1 Maintain current provider status in CPR/AED;

8.01.2 Assure that the CPR/AED providers on campus receive appropriate training in the use and maintenance of the school's AED(s);

8.01.3 Oversee training operations for the campus and maintain organizational training reports;

8.01.4 Ensure AED equipment is maintained according to manufacturer and treatment protocol specifications based on the current American Heart Association scientific guidelines, standards, and recommendations for the use of the AED;

8.01.4.1 This includes, but is not limited to, ensuring that AED pads and batteries have not expired;

8.01.5 Provide professional development opportunities annually for AED providers and all institutional employees, if applicable;

8.01.6 Verify credentials of personnel functioning as an AED provider within the institution; and

8.01.7 Review each use of the AED.

8.02 If the Program Coordinator is not a healthcare provider, a healthcare provider must oversee these activities.

9.00 QUALITY TRAINING

9.01 Appropriate training of anticipated rescuers in the use of the AED and in CPR will incorporate at least the following:

9.01.1 Testing of psychomotor skills based on the American Heart Association scientific guidelines, standards, and recommendations for the use of the AED, as they existed on January 1, 2021; and

9.01.2 Providing CPR as published by the American Heart Association, or the American Red Cross, or equivalent course materials, as they existed on January 1, 2021;

9.01.3 Coordination with the emergency medical services system; and

9.01.4 An ongoing quality improvement program to monitor training and evaluate response with each use of an AED.

10.00 OPIOID OVERDOSE RESCUE KITS

10.01 The Division of Higher Education shall consult and collaborate with the Arkansas Drug Director within the Department of Human Services to implement requirements related to ensuring that each institutional campus has an opioid overdose rescue kit in a clearly visible location that is labeled with the words “Opioid Overdose Rescue Kit — Naloxone Nasal Spray.”

10.02 An opioid overdose rescue kit required under this section shall:

10.02.1 Be visually free of advertisements;

10.02.2 Be located where it is readily available for public use; and

10.02.3 Include without limitation:

10.02.3.1 Narcan;

10.02.3.2 Naloxone; or

10.02.3.3 Another medication approved by the Department of Health and the United States Food and Drug Administration that, when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the human body.

10.03 The location of each opioid overdose rescue kit required under this section shall be registered with the campus police of the institution higher education.

10.04 An opioid overdose rescue kit required under this section shall be located within the storage locations that contain automated external defibrillators in each of the following on each campus of each institution without limitation:

10.04.1 An educational building;

10.04.2 A dormitory;

10.04.3 A student union;

10.04.4 A sporting venue;

10.04.5 An on-campus, freestanding, institution-owned sorority or fraternity house;

10.04.6 A campus health center; and

10.04.7 Other locations as necessary.

10.05 In the event that an automated external defibrillator is not available in a location required under this section, an opioid overdose rescue kit shall be on an affixed wall mount that is clearly visible and located by the nearest fire extinguisher.

10.06 Each institution shall:

10.06.1 Perform inspections during the first month of each academic semester to determine if an opioid overdose rescue kit required under this section is in the required location; and

10.06.2 Replace used or expired opioid overdose rescue kits located on the institutional campus of the as necessary.

10.07 A list of locations of each opioid overdose rescue kit required under this section shall be available through each institution's campus health center and the Department of Public Safety.

10.08 The administering institution official or other appropriate individual as designated shall report the use of an opioid overdose rescue kit required under this section to the Arkansas Drug Director within the Department of Human Services.

10.08.1 Reporting for purposes of complying with subdivision (d)(1) of this section may be made via:

10.08.1.1 A quick response code visible on a Naloxone box or an affixed wall mount on which an opioid overdose rescue kit is; or

10.08.1.2 The NARCANSas App made available by the Department of Human Services.

10.09 Each institution shall provide training regarding the use and location of each opioid overdose rescue kit required under subsection (a) of this section during a freshman student orientation program sponsored by the institution.

10.09.1 Training regarding the use and location of each opioid overdose rescue kit required under subsection (a) of this section for students other than those students attending a freshman student orientation program may be made available through the following offered by the Department of Human Services:

10.09.1.1 The NARCANSas App; or

10.09.1.2 An in-person Collegiate NARCAN Campaign (SOR II).

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

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1643

5 By: Representative L. Johnson
6 By: Senator B. Davis
7

For An Act To Be Entitled

9 AN ACT TO REQUIRE AUTOMATED EXTERNAL DEFIBRILLATORS
10 AT CERTAIN SCHOOL-SPONSORED SPORTING EVENTS AND ON
11 CAMPUSES OF INSTITUTIONS OF HIGHER EDUCATION; AND FOR
12 OTHER PURPOSES.
13

Subtitle

14
15
16 TO REQUIRE AUTOMATED EXTERNAL
17 DEFIBRILLATORS AT CERTAIN SCHOOL-
18 SPONSORED SPORTING EVENTS AND ON CAMPUSES
19 OF INSTITUTIONS OF HIGHER EDUCATION.
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-10-122(a), concerning automated external
25 defibrillators required on school campuses, is amended to read as follows:

26 (a)(1) The State Board of Education shall promulgate rules to require
27 that:

28 (A) Each school campus have an automated external
29 defibrillator; ~~and~~

30 (B) Appropriate school personnel be adequately trained on
31 an ongoing basis; and

32 (C) Each school-sponsored sporting event for grades seven
33 through twelve (7-12) have an automated external defibrillator at the school-
34 sponsored sporting event.

35 (2) To enhance the potential life-saving capability of each
36 automated external defibrillator, the rules shall include without limitation



1 provisions regarding the availability of the school's automated external
2 defibrillator at school-related activities, such as athletic events.

3
4 SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended
5 to add an additional section to read as follows:

6 6-60-119. Automated external defibrillators required – Automated
7 external defibrillator and cardiopulmonary resuscitation programs.

8 (a) The Arkansas Higher Education Coordinating Board, in collaboration
9 with all public university and community college presidents and chancellors
10 or their designees, shall develop and adopt rules to require:

11 (A) An automated external defibrillator to be placed in
12 appropriate locations across each institution of higher education campus as
13 determined by rule;

14 (B) Appropriate personnel be adequately trained on an
15 ongoing basis; and

16 (C) Each institution of higher education-sponsored
17 sporting event have an automated external defibrillator at the institution of
18 higher education-sponsored sporting event.

19 (b) The board, after consultation with the Department of Health, shall
20 develop rules based on guidelines for automated external defibrillator and
21 cardiopulmonary resuscitation training that incorporates at least the
22 following:

23 (1) Healthcare provider oversight, including planning and review
24 of the selection, placement, and maintenance of automated external
25 defibrillators;

26 (2) Appropriate training of anticipated rescuers in the use of
27 the automated external defibrillator and in cardiopulmonary resuscitation;

28 (3) Testing of psychomotor skills based on the American Heart
29 Association scientific guidelines, standards, and recommendations for the use
30 of the automated external defibrillator, as they existed on January 1, 2023,
31 and for providing cardiopulmonary resuscitation as published by the American
32 Heart Association or the American Red Cross as they existed on January 1,
33 2023, or equivalent course materials;

34 (4) Coordination with the emergency medical services system; and

35 (5) An ongoing quality improvement program to monitor training
36 and evaluate response with each use of the automated external defibrillator.

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(c) Automated external defibrillator and cardiopulmonary resuscitation training shall count fully toward the existing professional development requirements for personnel.

/s/L. Johnson

APPROVED: 4/12/23

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

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1514

5 By: Representatives T. Shephard, F. Allen, Barker, M. Berry, Clowney, A. Collins, Cozart, Ennett,
6 Eubanks, K. Ferguson, V. Flowers, D. Garner, Gazaway, Gramlich, Hudson, Magie, McCullough, Nicks,
7 Painter, Pilkington, J. Richardson, Schulz, Scott, Springer, Tosh, Unger, Wardlaw, D. Whitaker
8 By: Senators L. Chesterfield, F. Love, C. Tucker, G. Leding, K. Hammer, Hester
9

For An Act To Be Entitled

10 AN ACT TO REQUIRE THAT OPIOID OVERDOSE RESCUE KITS BE
11 LOCATED ON EACH CAMPUS OF EACH PUBLIC HIGH SCHOOL AND
12 STATE-SUPPORTED INSTITUTION OF HIGHER EDUCATION; AND
13 FOR OTHER PURPOSES.
14
15
16

Subtitle

17 TO REQUIRE THAT OPIOID OVERDOSE RESCUE
18 KITS BE LOCATED ON EACH CAMPUS OF EACH
19 PUBLIC HIGH SCHOOL AND STATE-SUPPORTED
20 INSTITUTION OF HIGHER EDUCATION.
21
22
23

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
25

26 SECTION 1. Arkansas Code Title 6, Chapter 18, Subchapter 7, is amended
27 to add an additional section to read as follows:

28 6-18-720. Opioid overdose rescue kit – Required.

29 (a) The Division of Elementary and Secondary Education shall consult
30 and collaborate with the Criminal Justice Institute and the office of the
31 Arkansas Drug Director to ensure that, no later than January 1, 2024, each
32 public high school campus in the State of Arkansas has an opioid overdose
33 rescue kit that is clearly visible and labeled with the words "Overdose
34 Rescue Kit – Naloxone Nasal Spray" or other language approved by the
35 division.

36 (b) The location of each opioid overdose rescue kit required under



1 subsection (a) of this section shall be registered with the school nurse and
2 school resource officer.

3 (c) A school nurse and a school resource officer shall
4 carry on their person at all times:

5 (1) Narcan;

6 (2) Naloxone; or

7 (3) Another medication approved by the Department of Health and
8 the United States Food and Drug Administration that, when administered,
9 negates or neutralizes, in whole or in part, the pharmacological effects of
10 an opioid in the human body.

11 (d) An opioid overdose rescue kit required under subsection (a) of
12 this section shall:

13 (1) Be:

14 (A) Located where it is readily available for public use;
15 and

16 (B) Placed within all storage locations that currently
17 contain an automated external defibrillator for public use;

18 (2) Be visually free of advertisement; and

19 (3) Include without limitation:

20 (A) Narcan;

21 (B) Naloxone; or

22 (C) Another medication approved by the Department of
23 Health and the United States Food and Drug Administration that, when
24 administered, negates or neutralizes, in whole or in part, the
25 pharmacological effects of an opioid in the human body.

26 (e) A school resource officer or school nurse, as appropriate, shall
27 report through the Criminal Justice Institute to the office of the Arkansas
28 Drug Director within the Department of Human Services immediately following
29 the use of an opioid overdose rescue kit required under this section.

30
31 SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 1, is amended
32 to add an additional section to read as follows:

33 6-60-119. Opioid overdose rescue kit – Required.

34 (a) The Division of Higher Education shall consult and collaborate
35 with the Arkansas Drug Director within the Department of Human Services to
36 implement requirements related to ensuring that each campus of each

1 institution in the State of Arkansas, by January 1, 2024, has an opioid
2 overdose rescue kit in a clearly visible location that is labeled with the
3 words "Opioid Overdose Rescue Kit – Naloxone Nasal Spray" or other language
4 approved by the division.

5 (b) An opioid overdose rescue kit required under subsection (a) of
6 this section shall:

7 (1) Be visually free of advertisements;

8 (2) Be located where it is readily available for public use; and

9 (3) Include without limitation:

10 (A) Narcan;

11 (B) Naloxone; or

12 (C) Another medication approved by the Department of
13 Health and the United States Food and Drug Administration that, when
14 administered, negates or neutralizes, in whole or in part, the
15 pharmacological effects of an opioid in the human body.

16 (c)(1) The location of each opioid overdose rescue kit required under
17 subsection (a) of this section shall be registered with the campus police of
18 the institution.

19 (2)(A) An opioid overdose rescue kit required under subsection
20 (a) of this section shall be located within the storage locations that
21 currently contain automated external defibrillators in each of the following
22 on each campus of each institution without limitation:

23 (i) An educational building;

24 (ii) A dormitory;

25 (iii) A student union;

26 (iv) A sporting venue;

27 (v) An on-campus, free-standing, institution-owned
28 sorority or fraternity house;

29 (vi) A campus health center; and

30 (vii) Other locations as necessary.

31 (B) In the event that an automated external defibrillator
32 is not available in a location required under subdivision (c)(2)(A) of this
33 section, an opioid overdose rescue kit shall be on an affixed wall mount that
34 is clearly visible and located by the nearest fire extinguisher.

35 (3) Each institution shall:

36 (A) Perform inspections during the first month of each

1 academic semester to determine if an opioid overdose rescue kit required
2 under subsection (a) of this section is in the required location; and

3 (B) Replace used or expired opioid overdose rescue kits
4 located on the campus of the institution as necessary.

5 (4) A list of locations of each opioid overdose rescue kit
6 required under subsection (a) of this section shall be available through each
7 institution's campus health center and the Department of Public Safety.

8 (d)(1) The administering institution official or other appropriate
9 individual as designated shall report the use of an opioid overdose rescue
10 kit required under this section to the Arkansas Drug Director within the
11 Department of Human Services.

12 (2) Reporting for purposes of complying with subdivision (d)(1)
13 of this section may be made via:

14 (A) A quick response code visible on a Naloxone box or an
15 affixed wall mount on which an opioid overdose rescue kit is; or

16 (B) The NARCANSas App made available by the Department of
17 Human Services.

18 (e)(1) Each institution shall provide training regarding the use and
19 location of each opioid overdose rescue kit required under subsection (a) of
20 this section during a freshman student orientation program sponsored by the
21 institution.

22 (2) Training regarding the use and location of each opioid
23 overdose rescue kit required under subsection (a) of this section for
24 students other than those students attending a freshman student orientation
25 program may be made available through the following offered by the Department
26 of Human Services:

27 (A) The NARCANSas App; or

28 (B) An in-person Collegiate NARCAN Campaign (SOR II).

29
30 (f) As used in this section, "institution" means a state-supported
31 two-year or four-year institution of higher education located in the State of
32 Arkansas.

33
34 /s/T. Shephard

35 **APPROVED: 4/13/23**

**RULES GOVERNING THE STUDENT UNDERGRADUATE
RESEARCH FELLOWSHIP**

In compliance with Act 413 and 870 of 2023, the rules for the Student Undergraduate Research Fellowship are presented to the Arkansas Higher Education Coordinating Board (AHECB) for initial approval.

The following resolution is offered for the Board's consideration:

RESOLVED, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Student Undergraduate Research Fellowship to be administered by the Arkansas Division of Higher Education.

FURTHER RESOLVED, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Student Undergraduate Research Fellowship.

FURTHER RESOLVED, That the Student Undergraduate Research Fellowship rules be approved for public comment release.

~~STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP~~

~~RULE 1 – ORGANIZATION AND STRUCTURE~~

- ~~I. The Arkansas Department of Higher Education (ADHE) shall administer the Student Undergraduate Research Fellowship (SURF) 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 Department of Higher Education or his/her designee. The Student Undergraduate Research Fellowship Selection Panel shall select recipients for awards.~~
- ~~II. The Student Undergraduate Research Fellowship Selection Panel shall consist of:
 - ~~A. Faculty or administrators at an Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed.~~
 - ~~B. Other panel members will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.~~
 - ~~C. The Director of the Arkansas Department of Higher Education or his/her designee shall serve as presiding officer of the Student Undergraduate Research Fellowship Selection Panel and shall ensure that staff services for the Panel are provided.~~~~
- ~~III. The focus of the Student Undergraduate Research Fellowship is the continued development of undergraduate academic research efforts at Arkansas's public and private institutions of higher education and to provide funding to encourage students to conduct in-depth research projects in specific fields of study under the tutelage of tenured or full-time faculty member. The program is designed to assist all students throughout the state.~~
- ~~IV. The Director of the Arkansas Department of Higher Education has the final responsibility for selecting fellowship recipients pursuant to the provisions of Act 2124 of 2005 and subsequent legislation, and program rules and regulations.~~
- ~~V. The Arkansas Department of Higher Education shall follow the provisions of the Administrative Procedures Act when functioning under Act 2124 of 2005 and subsequent legislation.~~

~~RULE 2 – FELLOWSHIP ELIGIBILITY
CRITERIA~~

~~I. Eligibility Criteria~~

~~An applicant must meet the following requirements to be eligible to receive the Student Undergraduate Research Fellowship:~~

- ~~A. The applicant must be a citizen of the United States or a permanent resident alien.~~
- ~~B. The applicant shall be enrolled in an approved Arkansas institution of higher education as a full-time student, as defined by the Department of Higher Education.~~
- ~~C. The applicant must be enrolled in a program of study that leads to or is creditable towards a baccalaureate degree. These programs include baccalaureate and associate degree programs.~~
- ~~D. The applicant must have completed at least 30 semester credit hours before funds are awarded.~~
- ~~E. The applicant must have a minimum cumulative 3.25 grade point average.~~
- ~~F. The applicant must have a tenured or full-time faculty member to serve as his/her mentor.~~

~~II. Continued Eligibility~~

~~A student may compete for additional years, but cannot receive more than three years of funding.~~

~~RULE 3 – APPLICATION PROCESS~~

~~I. Solicitation of Applicants~~

~~The Arkansas Department of Higher Education will disseminate the Student Undergraduate Research Fellowship announcement through workshops, meetings, press releases, ADHE newsletter, ADHE website and other means deemed appropriate.~~

~~Student Undergraduate Research Fellowship announcements will be emailed to:~~

A. ~~Presidents and Chancellors~~

B. ~~Chief Academic Officers~~

~~C. Directors of Research and Sponsored Programs~~

~~D. Previous SURF panel members and mentors~~

~~E. Faculty, administrators, and other interested persons~~

~~II. Application~~

~~Students must submit an application for the Student Undergraduate Research Fellowship to the Arkansas Department of Higher Education. The Arkansas Department of Higher Education will provide an application on the Department's website. The Arkansas Department of Higher Education will also provide application forms to any individual upon request. The applicant must complete the Student Undergraduate Research Fellowship application to be considered for the fellowship.~~

~~III. Submission of Application and Application Deadline~~

~~Any interested student who has met the eligibility criteria listed in Rule 2 may apply.~~

~~The Arkansas Department of Higher Education shall establish the deadline for receipt of applications each year. The deadline date shall be clearly printed on the application and website.~~

~~All applications and supporting documentation must be postmarked by the established deadline date in order to be considered. It is the responsibility of the individual applicant to ensure that the application is postmarked by the deadline date.~~

~~*If any deadline date occurs on a weekend or holiday, the deadline will be extended to the following business day.~~

~~IV. Application Review Process~~

~~A. The SURF Panel will read and score applications.~~

~~B. SURF Panel members meet at ADHE or another centrally located location to make recommendations for SURF awards based upon the selection criteria listed in Rule 4. The SURF Panel is divided into two groups (STEM and non-STEM). Based upon appropriations, the STEM SURF Panel will award 60% of the funds to STEM applicants; the non-STEM SURF Panel will award 40% of the funds to non-STEM applicants. Should there not be enough qualified applicants in the STEM or Non-STEM group to make recommendations for awards, funds can be shifted from one group to another until all funds are exhausted.~~

V. ~~Amount of Fellowship~~

~~The amount of the fellowship awarded to each recipient shall be as follows:~~

~~\$1,250 maximum award Student Stipend*~~

~~\$ 750 maximum award Student Travel~~

~~\$ 750 maximum award Mentor Award~~

~~\$1,250 maximum award Institution Match~~

~~**\$4,000** Maximum SURF Award~~

~~*Student stipend Spring only \$ 625 maximum award~~

~~Spring & Summer \$1,250 maximum award~~

~~Spring & Fall \$1,250 maximum award~~

~~Spring, Summer & Fall \$1,250 maximum award~~

VI. ~~Award Notification~~

~~The Arkansas Department of Higher Education shall notify each eligible applicant of his/her award. The award notice includes the student's name, address, faculty mentor's name, institution, and the actual amount the student is eligible to receive. The award notice also explains the Arkansas Department of Higher Education's disbursement procedures and conditions, as detailed in Rule 5.~~

~~ADHE shall notify the Presidents/Chancellors, Chief Academic Officers, Offices of Research and Sponsored Programs, and the SURF Panel of SURF awardees.~~

VII. ~~Ineligible Notification~~

~~The Arkansas Department of Higher Education shall notify applicants who are determined to be ineligible and provide the reason for ineligibility.~~

VIII. ~~No Funds Left Notification~~

~~Once all applicants have accepted his/her SURF award and all funds are exhausted, the Arkansas Department of Higher Education shall notify the remaining eligible applicants that all funds have been awarded via a "no award" notice.~~

RULE 4 – FELLOWSHIP SELECTION CRITERIA

I. All proposals will be reviewed by the Student Undergraduate Research Fellowship Panel that is selected by the Arkansas Department of Higher Education. The SURF Panel will use the following selection criteria for judging proposals.

Grading Criteria	Possible Points	Points Awarded
Student's performance and accomplishments (G.P.A., activities, community service, etc.).	10	
Appropriateness of courses completed for proposed research.	10	
Mentor's letter of support.	10	
Two letters of reference.	10	
Mentor has prior experience supervising students in the discipline. (New faculty should be considered, as well as faculty recently beginning involvement in research.)	10	
Appropriateness of proposed mentor's previous experience for the proposed project.	10	
Research/scholarly activity/productivity by the mentor.	10	
The proposed research project. *	30	
TOTAL POINTS AWARDED	100	

*Criteria for the awarding of points vary with the area of the endeavor. Criteria may include:

- ✓ Feasibility of the project, i.e., is the project reasonable for the proposed student with the available facilities?
- ✓ Is the proposed research/scholarly activity of value to the field of study?
- ✓ Is the project of sufficient difficulty to challenge the student?
- ✓ Will the project teach the student skills that are transferable to other research endeavors/ scholarly activities?
- ✓ Other criteria deemed appropriate by SURF Panel.
- ✓ Is there some justifiable reason to give this proposal consideration because the candidate is from a group under-represented in the area of endeavor such as women and minorities in science, technology, engineering, or mathematics (STEM)?

~~The SURF Panel shall meet and make recommendation of students to be awarded a SURF fellowship based upon the above selection criteria. Recommendation of awards shall be made until all funds are exhausted. The SURF Panel shall also select alternates to be awarded in the event a student does not accept his/her SURF award.~~

~~The Director of the Arkansas Department of Higher Education has the final responsibility for selecting fellowship recipients.~~

~~RULE 5 – FELLOWSHIP PAYMENT POLICIES~~

~~I. Limits of Payment~~

~~A. Disbursement of Fellowships~~

~~The Arkansas Department of Higher Education shall disburse fellowship funds to the institution designated on the student's application. The Arkansas Department of Higher Education shall send funds to the Office of Research and Sponsored Programs (ORSP) or Financial Aid Office via electronic funds transfer or state warrant. Additionally, the ORSP or Financial Aid will be sent an Award Roster and Receipt Confirmation. The Award Roster lists the students to be awarded and the disbursement amounts. The Receipt Confirmation should be signed by the disbursement officer and returned to ADHE. The institution will disburse the grant funds to the student according to the institution's disbursement procedures.~~

~~B. Cancellation of the Fellowship~~

~~1. The award will be terminated for any of the following reasons:~~

- ~~a. Failure to maintain at least a 3.25 cumulative grade point average on a 4.00 scale.~~
- ~~b. Failure to maintain satisfactory academic progress as defined by the institution.~~
- ~~c. Failure to conduct the research for which the SURF fellowship was awarded.~~

~~2. The recipient is responsible for notifying, in writing, the Arkansas Department of Higher Education of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.). Failure to provide written notification may result in the cancellation of the fellowship for that term.~~

~~C. Military Service~~

~~Recipients who are members of the Arkansas National Guard or Armed Forces Reserve units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will be allowed to repeat the missed term. In addition, they will be placed in deferred status until six months after release from active duty, at which time they must be re-enrolled and continue research with the same mentor.~~

~~D. Refunds~~

~~The Arkansas Department of Higher Education is entitled to a refund of the fellowship amount, for that semester, if the recipient of a fellowship withdraws, drops out, is expelled, falls below the minimum standards detailed in Rule 2, or does not conduct the research for which the SURF award was made.~~

~~RULE 6 – INSTITUTIONAL RESPONSIBILITIES~~

~~I. College/University Responsibilities~~

~~A. Administrative Agreement~~

~~The chief executive officer of the eligible institution is responsible for designating one institutional representative to act as administrator of the Student Undergraduate Research Fellowship and to receive all communications, forms, etc. This representative is responsible for verification, data and compliance with all program rules and regulations. The institution must comply with all rules and regulations in order to maintain continued eligibility status.~~

~~The Authorizing Institutional Official ensures that by signing the SURF application that the applicant has met all conditions of the Fellowship Eligibility Criteria in Rule 2.~~

~~B. Disbursement Records~~

~~The institution shall maintain information on the student indicating disbursement of fellowship funds.~~

~~C. Institutional Verification~~

~~The institution shall provide certification of full-time enrollment, as of the close of business on the eleventh day of classes. The institution must comply with OMB Circular A21 (Cost Principles for Educational Institutions) and OMB Circular A110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations) when~~

~~managing SURF funds. Each institution shall establish a separate account for each student awarded a SURF fellowship.~~

~~Each Department\Division\Dean\Chair is responsible for ensuring that the student and mentor are conducting research as set forth in the Student Undergraduate Research Fellowship proposal submitted to the Arkansas Department of Higher Education.~~

~~D. Deadlines for Disbursement of Funds & Refunds~~

~~Funds shall be disbursed to students and mentors in accordance with the institution's disbursement procedures according to OMB Circular A21 and OMB Circular A110. Any outstanding funds not disbursed by the end of the semester must be returned to ADHE within 15 days of the semester's end.~~

~~The Arkansas Department of Higher Education is entitled to a refund of the fellowship amount, for that semester, if the recipient of a fellowship withdraws, drops out, is expelled or does not conduct the research for which the SURF award was made. The Institutional Representative is responsible for issuing a refund to ADHE within 15 days of the semester's end.~~

~~E. Due Diligence~~

~~The institution will exercise due diligence in providing complete, accurate, and timely information as requested by the Arkansas Department of Higher Education on any Student Undergraduate Research Fellowship recipient or former recipient. In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Student Undergraduate Research Fellowship Program. The Arkansas Department of Higher Education shall periodically review the SURF program.~~

~~RULE 7 — FELLOWSHIP RECIPIENT'S RESPONSIBILITIES~~

- ~~I. It is the recipient's responsibility to notify the Arkansas Department of Higher Education, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.). Failure to provide written notification may result in the cancellation of the fellowship for that term.~~

~~Change in the research project is not allowed for the Student Undergraduate Research Fellowship.~~

- ~~II. Fellowship recipient is required to submit a one page abstract on the findings of his/her research upon completion of the project to the Arkansas Department of Higher Education as follows:~~

~~May 1 — Spring term project completion~~
~~August 1 — Summer term project completion~~
~~December 1 — Fall term project completion~~

~~III. Fellowship recipients are required to present the findings of his/her research at a state or national conference in his/her discipline or attend a meeting of experts in his/her discipline as directed by his/her mentor.~~

~~Failure by a fellowship recipient to comply with any of the above may result in forfeiture of his/her SURF fellowship funds.~~

RULE 8 – PROGRAM DEFINITIONS

The following definitions are used in the Student Undergraduate Research Fellowship Program:

APPROVED INSTITUTION — a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds.

CITIZEN — a person who is a U.S. citizen or a permanent resident alien. If the recipient is not a U.S. citizen, but a permanent resident alien, the recipient must attach a copy of the permanent resident alien card to the application.

ELIGIBLE APPLICANT — any applicant who meets the eligibility criteria established in Rule 2.

FELLOWSHIP — an amount of money given to a student for a specified period of time that allows them to study and research a subject.

FULL-TIME STUDENT — 12 semester credit hours or its equivalent per semester.

INSTITUTIONAL MATCH — amount of funds the institution must match the student's stipend.

OMB Circular A110 — sets forth the uniform administrative requirements for grants and agreements with institutions of higher education, hospitals, and other non-profit organizations.

OMB Circular A21 — sets forth the rules governing the eligibility and calculation of costs in support of sponsored research, development, training and other works produced in agreement with the United States Federal Government, but does not attempt to identify or dictate agency or institutional participation in those works.

MENTOR — tenured or full-time faculty member.

MENTOR COST — salary, fringe benefits, materials, supplies and travel costs awarded to the mentor associated with mentoring the student.

- SEMESTER** ————— Spring, Summer or Fall terms.
- STUDENT STIPEND** ————— an amount of money awarded to the student to conduct his/her research.
- STUDENT TRAVEL** ————— cost incurred by student to present the results of his/her research at a state or national conference or to attend a meeting of experts in his/her discipline.
- SURF PANEL** ————— shall consist of faculty or administrators of Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed. Other reviewers will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE STUDENT
UNDERGRADUATE RESEARCH FELLOWSHIP**
Effective date: [insert date here]

1.00 PURPOSE

- 1.01 The purpose of the Student Undergraduate Research Fellowship (SURF) Program is to support the continued development of undergraduate academic research efforts at state-supported colleges and universities.

2.00 DEFINITIONS

- 2.01 “Approved institution” means a public-supported or private, non-profit postsecondary institution with its primary headquarters located in Arkansas that is eligible to receive Title IV Federal student aid funds.
- 2.02 “Citizen” means a person who is a U.S. citizen or a permanent resident alien.
- 2.02.1 If the recipient is not a U.S. citizen, but a permanent resident alien, the recipient must attach a copy of the permanent resident alien card to the application.
- 2.03 “Eligible applicant” means any applicant who meets the eligibility criteria established in Section 4.00.
- 2.04 “Fellowship” means an amount of money given to a student for a specified period that allows them to study and research a subject.
- 2.05 “Full-time student” means a student enrolled in 12 semester credit hours or its

equivalent per semester.

2.06 “Institutional match” means the amount of funds institution must match for a student’s stipend.

2.07 “Mentor” means a tenured or full-time faculty member.

2.08 “Mentor cost” means any salary, fringe benefits, materials, supplies and travel costs awarded to the mentor associated with mentoring the student.

2.09 “Semester” means a spring, summer or fall term.

2.10 “Student stipend” means an amount of money awarded to the student to conduct his or her research.

2.11 “Student travel” means costs incurred by a student to present the results of his or her research at a state or national conference or to attend a meeting of experts in his or her discipline.

2.12 “SURF Selection Panel” means a panel of faculty or administrators of Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline being reviewed.

2.12.1 Other reviewers will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher education or an education-related entity.

3.00 ORGANIZATION AND STRUCTURE

3.01 The Division of Higher Education shall administer the Student Undergraduate Research Fellowship (SURF) within the policies set by the Arkansas Higher Education Coordinating Board.

3.01.1 All formal communications shall be addressed to or signed by the Commissioner of Higher Education or his or her designee.

3.01.2 The SURF Selection Panel shall select recipients for awards.

3.02 The SURF Selection Panel shall consist of:

3.02.1 Faculty or administrators at an Arkansas public or private institution of higher education who have earned a Ph.D. or terminal degree in the discipline to be reviewed.

3.02.2 Other panel members will be considered who have earned a Ph.D. or terminal degree in the discipline to be reviewed and who have an affiliation with an Arkansas public or private institution of higher

education or an education- related entity.

3.02.3 The commissioner or his/her designee shall serve as presiding officer of the SURF Selection Panel.

3.03 The focus of the Student Undergraduate Research Fellowship is the continued development of undergraduate academic research efforts at Arkansas's public and private institutions of higher education and to provide funding to encourage students to conduct in-depth research projects in specific fields of study under the tutelage of tenured or full-time faculty member. The program is designed to assist all students throughout the state.

3.04 The commissioner has the final responsibility for selecting fellowship recipients subject to the provisions of Arkansas Code 6-61-236 these rules.

4.00 FELLOWSHIP ELIGIBILITY CRITERIA

4.01 An applicant must meet the following requirements to be eligible to receive the Student Undergraduate Research Fellowship:

4.01.1 The applicant must be a citizen of the United States or a permanent resident alien.

4.01.2 The applicant shall be enrolled in an approved Arkansas institution of higher education as a full-time student, as defined by the Department of Higher Education ADHE.

4.01.3 The applicant must be enrolled in a program of study that leads to or is creditable towards a baccalaureate degree.

4.01.3.1 These programs include baccalaureate and associate degree programs.

4.01.4 The applicant must have completed at least 30 semester credit hours before funds are awarded.

4.01.5 The applicant must have a minimum cumulative 3.25 grade point average.

4.01.6 The applicant must have a tenured or full-time faculty member to serve as his or her mentor.

4.02 A student may compete for additional years, but cannot receive more than three academic years of funding.

5.00 APPLICATION PROCESS

- 5.01 The Division of Higher Education will disseminate the Student Undergraduate Research Fellowship announcement through workshops, meetings, press releases, division newsletters, the division's website and by other appropriate methods.
- 5.02 Student Undergraduate Research Fellowship announcements will be emailed to:
- 5.02.1 Presidents and chancellors of institutions of higher education.
 - 5.02.2 Chief Academic Officers
 - 5.02.3 Directors of Research and Sponsored Programs
 - 5.02.4 Previous SURF panel members and mentors
 - 5.02.5 Faculty, administrators, and other interested persons
- 5.03 Students must submit an application for the Student Undergraduate Research Fellowship to the division.
- 5.03.1 The division shall provide an application form on its website and to any individual upon request.
 - 5.03.2 The applicant must complete and submit the Student Undergraduate Research Fellowship application to be considered for the fellowship.
- 5.04 Any interested student who meets the eligibility criteria in Section 4.00 may apply.
- 5.05 The division shall establish the deadline for receipt of applications each year.
- 5.05.1 The deadline date shall be clearly printed on the application and website.
 - 5.05.2 All applications and supporting documentation must be postmarked by the established deadline date in order to be considered.
 - 5.05.2.1 It is the responsibility of the individual applicant to ensure that the application is postmarked by the deadline date.
 - 5.05.3 If any deadline date occurs on a weekend or holiday, the deadline will be extended to the following business day.
- 5.06 The SURF Selection Panel shall read and score applications.
- 5.07 SURF Selection Panel members shall meet with the division to make recommendations for SURF awards based upon the selection criteria listed in Section 6.00.

- 5.07.1 The SURF Selection Panel is divided into two groups to represent STEM disciplines and non-STEM disciplines.
- 5.07.2 Each group will make recommendations for applicants from the respective disciplines.
- 5.07.1.1 Subject to appropriations, the SURF Selection Panel will award 60% of the funds to STEM applicants and 40% of the funds to non-STEM applicants.
- 5.07.1.2 Should there not be enough qualified applicants in the STEM or Non-STEM group to make recommendations for awards, funds can be shifted from one group to another until all funds are exhausted.
- 5.08 The amount of the fellowship awarded to each recipient shall be as follows:
- 5.08.1 Up to \$1,250.00 for a student stipend;
- 5.08.1.1 If a student is awarded a fellowship for only a spring or fall semester, the student stipend shall not exceed \$625.00.
- 5.08.2 Up to \$750.00 for student travel;
- 5.08.3 Up to \$750.00 for a mentor award; and
- 5.08.4 Up to \$1,250.00 for the institution match.
- 5.09 The maximum award shall not exceed \$4,000.
- 5.10 The division shall notify each eligible applicant of his or her award.
- 5.10.1 The award notice shall include the student's name, address, faculty mentor's name, institution, and the actual amount the student is eligible to receive.
- 5.10.2 The award notice shall explain the division's disbursement procedures and conditions, as detailed in Section 7.00.
- 5.11 The division shall notify the appropriate faculty and administration at each institution, and the SURF Panel of SURF awardees.
- 5.12 The division shall notify applicants who are determined to be ineligible and provide the reason for ineligibility.
- 5.13 Once each applicant have accepted his or her SURF award and all funds are exhausted, the division shall notify all remaining eligible applicants that all funds have been awarded via a "no award" notice.

6.00 FELLOWSHIP SELECTION CRITERIA

- 6.01 All proposals will be reviewed by the Student Undergraduate Research Fellowship Selection Panel that is selected by the Arkansas Department of Higher Education ADHE.
- 6.02 The SURF Selection Panel will use the following scale to grade the selection criteria found in the table at Appendix A (the selection criteria), 1 being the best score and 9 being the worst score:
- 1 – Superior: Extraordinary and needs little to no revision, improvement, or both.
 - 2 – Excellent: Easily addressable issues and needs little revision, improvement, or both.
 - 3 – Above Average: Has strong quality and would benefit from revision, improvement, or both.
 - 4 – Good: Has slightly above average quality and needs some revision, improvement, or both.
 - 5 – Average: Has average quality and needs revision, improvement, or both.
 - 6 – Fair: Has slightly below average quality and needs revision, improvement, or both.
 - 7 – Below Average: Has weak quality and requires revision, improvement, or both.
 - 8 – Minimal: Multiple issues and severely requires revision, improvement, or both.
 - 9 – Poor: Not recommended for funding or consideration.
- 6.03 The SURF Selection Panel shall meet and make recommendation for students to be awarded a fellowship based upon the selection criteria.
- 6.03.1 Recommendation of awards shall be made until all funds are exhausted.
 - 6.03.2 The SURF Panel shall also select alternates to be awarded in the event a student does not accept his or her SURF award.
- 6.04 The Commissioner of Higher Education has the final responsibility for selecting fellowship recipients.

7.00 FELLOWSHIP PAYMENT PROCEDURES

- 7.01 The Division of Higher Education shall disburse fellowship funds to the institution designated on the student's application.
- 7.01.1 The division shall send funds to the appropriate administrative staff at the institution via electronic funds transfer or state warrant.
- 7.01.2 The division will also send an award roster and receipt confirmation to the appropriate institution.
- 7.01.2.1 The award roster lists the students to be awarded and the disbursement amounts.
- 7.01.2.2 The Receipt Confirmation should be signed by the disbursement officer and returned to the division.
- 7.01.3 The institution will disburse the grant funds to the student according to the institution's disbursement procedures.
- 7.02 Fellowships shall be terminated for a recipient's:
- 7.02.1 Failure to maintain at least a 3.25 cumulative grade point average on a 4.00 scale.
- 7.02.2 Failure to maintain satisfactory academic progress as defined by the institution.
- 7.02.3 Failure to conduct the research for which the fellowship was awarded.
- 7.03 The recipient is responsible for notifying the division, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.).
- 7.03.1 A recipient's failure to provide written notification may result in the cancellation of the fellowship for that term.
- 7.04 Recipients who are members of the Arkansas National Guard or Armed Forces Reserve units who are called to active duty for reasons other than regular unit training and are unable to complete the current term will be allowed to repeat the missed term.
- 7.04.1 Those recipients shall be placed in deferred status until six months after release from active duty, at which time they must be re-enrolled and continue research with the same mentor.
- 7.05 If the recipient of a fellowship withdraws, drops out, is expelled, falls below the minimum standards in Section 4.00, or does not conduct the research for which the fellowship award was received, the fellowship award for that semester shall

be refunded to the division.

8.00 INSTITUTIONAL RESPONSIBILITIES

8.01 The chief executive officer of the eligible institution is responsible for designating one institutional representative to act as administrator of the Student Undergraduate Research Fellowship and to receive all communications, forms, and the like for that institution.

8.01.1 This representative is responsible for verification, data and compliance with all law and Division of Higher Education rules related to the program.

8.01.2 The institution must comply with all law and rules in order to maintain continued eligibility status.

8.02 Each authorizing institutional official certifies, by signing the program application, that the applicant has met all conditions of the fellowship eligibility criteria in Section 4.00.

8.03 The institution shall maintain information on the student indicating disbursement of fellowship funds.

8.04 The institution shall provide certification of full-time enrollment, as of the close of business on the eleventh day of classes.

8.05 The institution must comply with OMB Circular A21 (Cost Principles for Educational Institutions) and OMB Circular A110 (Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non- Profit Organizations) when managing fellowship funds.

8.06 Each institution shall establish a separate account for each student awarded a SURF fellowship.

8.07 The appropriate faculty head of the academic discipline for which a recipient is conducting research under the fellowship is responsible for ensuring that the student and mentor are conducting research as set forth in the fellowship application submitted to the division.

8.08 Funds shall be disbursed to students and mentors in accordance with the institution's disbursement procedures according to OMB Circular A21 and OMB Circular A110.

8.08.1 Any outstanding funds not disbursed by the end of the semester must be returned to the division within 15 days of the semester's end.

8.08.2 The Institutional Representative is responsible for issuing a refund under

7.05 to the division within 15 days of the semester's end.

8.09 Each institution shall exercise due diligence in providing complete, accurate, and timely information as requested by the division on any fellowship recipient or former recipient.

8.10 The Arkansas Department of Higher Education ADHE shall periodically review the program.

9.00 FELLOWSHIP RECIPIENT'S RESPONSIBILITIES

9.01 It is the recipient's responsibility to notify the Division of Higher Education, in writing, of any change in status (i.e. change of address, email, transfer of research to another mentor, etc.).

9.01.1 Failure to provide written notification may result in the cancellation of the fellowship for that term.

9.02 A fellowship recipient shall not change the purpose for his or her research project.

9.03 Each fellowship recipient shall submit a one page abstract on the findings of his or her research upon completion of the project to the division as follows:

9.03.1 By May 1 for a spring term project completion;

9.03.2 By August 1 for a summer term project completion;

9.03.3 By December 1 for a fall term project completion

9.04 Fellowship recipients are required to present the findings of his or her research at a state or national conference in his/her discipline or attend a meeting of experts in his or her discipline as directed by his/her mentor.

9.04.1 Failure by a fellowship recipient to comply with any of the above may result in forfeiture of his/her SURF fellowship funds.

**APPENDIX A: STUDENT UNDERGRADUATE RESEARCH FELLOWSHIP
SELECTION CRITERIA**

<p><u>Student's Academic Success:</u> GPA, Extracurricular Activities, Leadership, etc.</p>
<p><u>Qualifications of the Mentor and Research Team (if applicable):</u> Clear plan for support, research history, experience in the field of proposal, contributions to undergraduate research.</p>
<p><u>Innovation/Originality:</u> Generates new ideas and/or applies existing ideas in a new context.</p>
<p><u>Significance of the Study:</u> Outcomes are clearly proposed and Impact is anticipated. STEM – Addresses an area of importance to the discipline and shows potential to advance the science. Non-STEM - Expands knowledge of best/creative practices in the field, increases creative output.</p>
<p><u>Appropriateness of the methodology:</u> STEM - Research design, Sampling approach, Data collection protocol/plan, Data analysis procedure/plan, Protection of human subjects and/or plan for seeking IRB approval. Non-STEM – Preliminary Research showing selection and citation of primary and secondary sources, Hermeneutic framework, analytical approach is well defined or creative process and products are well planned/described.</p>
<p><u>Merit:</u> STEM - Utilizes established scientific principles, Demonstrates how scientific knowledge will be gained, Problem/topic being investigated is of value to the larger scientific community. Non-STEM – Uses best practices and innovative approaches in the field, betters the understanding of the human experience, benefits and engages the fields community.</p>
<p><u>Other Criteria:</u> Reference Letters, plan for dissemination, appropriate budget, feasibility of completing the project in projected timeframe, cohesiveness and coherency, clarity of writing</p>

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

Subtitle

16
17
18 TO REQUIRE THE DIVISION OF HIGHER
19 EDUCATION TO PROMULGATE CERTAIN RULES
20 CONCERNING THE ADMINISTRATION OF
21 SCHOLARSHIPS FUNDED WITH STATE FUNDS AND
22 LOTTERY PROCEEDS; AND TO DECLARE AN
23 EMERGENCY.
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 (½) 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**

**RULES GOVERNING THE ARKANSAS ACADEMIC CHALLENGE
SCHOLARSHIP PROGRAM**

In compliance with Acts 413, 438, 539 of 2023, the rules for the Arkansas Academic Challenge Scholarship are presented to the Arkansas Higher Education Coordinating Board (AHECB) for initial approval.

The following resolution is offered for the Board's consideration:

RESOLVED, That the Arkansas Higher Education Coordinating Board reviews the rules presented in this agenda item for the Arkansas Academic Challenge Scholarship to be administered by the Arkansas Division of Higher Education.

FURTHER RESOLVED, That the Commissioner of the Arkansas Division of Higher Education or his designee is authorized to make technical changes and corrections, when necessary, in the program rules for the Arkansas Academic Challenge Scholarship.

FURTHER RESOLVED, That the Arkansas Academic Challenge Scholarship rules be approved for public comment release.

Arkansas Division of Higher Education
Rules Governing Arkansas Academic Challenge Scholarship Program
(Effective Date: ~~May 2, 2022~~)

Policy Statement 1.00 PURPOSE AND AUTHORITY

~~These rules shall be known as the Arkansas Division of Higher Education Rules Governing the Arkansas Academic Challenge Scholarship Program. This policy 1.01~~ This rule is promulgated by the Higher Education Coordinating Board under its authority in Arkansas Code § 6-61-202 and § 6-85-202 and addresses the student eligibility criteria, method for recipient selection, continuing eligibility requirements, procedures for making payments to an approved institution of higher education, and other administrative procedures necessary for operation of the program.

Applicable Arkansas Code

~~Ark. Code Ann. 6-85-202 ET. Seq.~~

2.00 DEFINITIONS

- ~~(1)~~ 2.01 “Academic ~~Year~~ year” means fall, spring, ~~first and second~~ summer semesters in that order, ~~or as defined by the Division of Higher Education;~~
- ~~(2)~~ 2.02 "ACT" means the ~~ACT~~ American College Testing college readiness assessment administered by ACT, Inc.;
- ~~(3)~~ 2.03 "ACT equivalent" means the Scholastic Aptitude Test (SAT), COMPASS, ACCUPLACER, Asset or other nationally normed test that is correlated with the ACT and approved by the ~~Division of Higher Education~~ division for use by institutions of higher education to assess a person's college readiness;
- ~~(4)~~ 2.04 "Approved institution of higher education" means an institution of higher education approved by the ~~Division of Higher Education~~ division to participate in the Arkansas Academic Challenge Scholarship Program and that is:
 - ~~(a)~~ 2.04.1 A state-supported two-year or four-year college or university;
 - ~~(b)~~ 2.04.2 A private, nonprofit two-year or four-year college or university with its primary headquarters located in Arkansas that is eligible to receive Title IV federal student aid funds; ~~or~~
 - ~~(c)~~ 2.04.3 An approved school of nursing, subject to the provisions of Arkansas Code § 6-85-213(c);
- ~~(5)~~ 2.05 "Approved school of nursing" means a school of nursing with its primary headquarters located in Arkansas that:

- ~~(a)~~ 2.05.1 Prepares students as registered nurses;
 - ~~(b)~~ 2.05.2 Grants nursing diplomas;
 - ~~(c)~~ 2.05.3 Is eligible to participate in the Higher Education Act of 1965, Title IV federal student aid programs;
 - ~~(d)~~ 2.05.4 Is approved by the Arkansas State Board of Nursing;
 - ~~(e)~~ 2.05.5 Has been approved by the Division of Higher Education as eligible to participate in the Arkansas Academic Challenge Scholarship Program; and
 - ~~(f)~~ 2.05.6 Is not a two-year or four-year college or university;
- ~~(6)~~ 2.06 "Arkansas resident" means a natural person who provides evidence deemed sufficient by the Division of Higher Education that:
- ~~(a)~~ 2.06.1 For the twelve-month period required under basic eligibility requirements the person:
 - ~~(b)~~ 2.06.1.1 Maintained a permanent home in Arkansas where the person resides for an average of no less than four (4) days and nights per calendar week; and
 - ~~(c)~~ 2.06.1.2 Either:
 - ~~(a)~~ 2.06.1.2.a Is an Arkansas registered voter;
 - ~~(b)~~ 2.06.1.2.b Holds a valid Arkansas motor vehicle driver's license;
 - ~~(c)~~ 2.06.1.2.c Receives benefits under an Arkansas public assistance program;
 - ~~(d)~~ 2.06.1.2.d Uses an Arkansas residence address for federal or state tax purposes; or
 - 2.06.1.2.e Claims Arkansas as a residence to hold public office or for judicial actions; or
 - ~~(d)~~ 2.06.2 Before the deadline for filing a scholarship application under this rule the applicant:
 - ~~(e)~~ 2.06.2.1 Is on active military status;
 - ~~(f)~~ 2.06.2.2 Qualifies for in-state tuition and fees if the student is a:

2.06.2.2.a Veteran who was honorably discharged or released from a period of not less than ninety (90) days of active duty in the military, naval, or air service within three (3) years before the date of enrollment in a program of study;

2.06.2.2.b Dependent of a veteran under subdivision (1) of this section;

2.06.2.2.c Member of the armed forces; or

2.06.2.2.d Spouse of a member of the armed forces; and,

~~(g)~~ 2.06.2.3 Meets one (1) of the conditions under ~~subdivision (6)(A)(ii) of this section~~ 2.06.1.2;

~~(7)~~ 2.07 "Continuously enrolled" means:

~~(a)~~ 2.07.1 For a traditional student, he or she successfully completes at an approved institution of higher education twenty-seven (27) semester hours in the first academic year as a recipient and, except while the recipient is enrolled as a part-time student if the recipient is enrolled in the number of credit hours necessary to complete the recipient's degree program, successfully completes thirty (30) semester hours each academic year thereafter;

~~(b)~~ 2.07.2 For a full-time nontraditional student, he or she successfully completes at an approved institution of higher education at least fifteen (15) semester hours of courses in consecutive semesters;

~~(c)~~ 2.07.3 For a part-time nontraditional student, he or she successfully completes at an approved institution of higher education at least six (6) semester hours of courses in consecutive semesters; and

~~(d)~~ 2.07.4 For a student who is enrolled in a degree plan that has a maximum number of semester hours in a semester that is less than the requirements of subdivisions (7)(A)-(C) of this section, he or she successfully completes at an approved institution of higher education the maximum number of hours required by the degree plan for the semester;

~~(8)~~ 2.08 "Cost of attendance" means the recognized cost of attendance of an institution of higher education calculated under rules established by the Division of Higher Education;

~~(9)~~ 2.09 "Full Time Student" means a student enrolled in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this rule, or the equivalent as defined by the Division of Higher Education;

- ~~(10)~~ 2.10 "Enrolled" means that the approved institution of higher education where the student is attending class counts the student as enrolled for the hours claimed on the last day to add or drop a class at the approved institution of higher education;
- ~~(11)~~ 2.11 High school grade point average" means the numbered grade average on a student's high school transcript calculated:
- ~~(a)~~ 2.11.1 For a traditional student, using the first seven (7) of the last eight (8) semesters the student completed prior to graduating high school; or
 - ~~(b)~~ 2.11.2 For a nontraditional student, using the last eight (8) semesters the student completed before graduating high school;
- ~~(12)~~ 2.12 "Incarcerated" means a person who has been convicted of a crime and is imprisoned for that crime or is being held in custody for trial or sentencing. Incarceration will result in applicant or recipient being ineligible for the Academic Challenge Scholarship;
- ~~(13)~~ 2.13 "Lawful permanent resident" means a non-United States citizen who resides in the United States under a legally recognized and lawfully recorded permanent residence and who may receive state public benefits under 8 U.S.C. § 1622;
- ~~(14)~~ 2.14 "Qualified certificate program" means a program:
- ~~(a)~~ 2.14.1 That is offered by an approved institution of higher education;
 - ~~(b)~~ 2.14.2 For which credit hours are awarded that are creditable toward an associate degree or baccalaureate degree; and
 - ~~(c)~~ 2.14.3 Recognized by the United States Division of Education for financial aid purposes;
- ~~(15)~~ 2.15 "Recipient" means an applicant awarded a scholarship funded through the program;
- ~~(16)~~ 2.16 "Semester" means one-half (1/2) of a traditional academic year at an institution of higher education, or an equivalent approved by the Division of Higher Education, in which a student enrolls for not less than:
- ~~(a)~~ 2.16.1 Fifteen (15) credit hours as a full-time student, except that in the first semester as a first-time full-time freshman, a traditional student shall enroll in not less than twelve (12) credit hours; or
 - ~~(b)~~ 2.16.2 Six (6) credit hours as a part-time student; or
 - 2.16.3 For purposes of summer courses at an institution of higher

education, "semester" means between six (6) and fifteen hours (15) of credit across traditional first and second summer terms, combined.

- ~~(17)~~ 2.17 "State-supported student financial assistance" means a state-supported scholarship, grant, tuition waiver, or tuition reimbursement funded with state funds or net proceeds from the state lottery awarded by:
- ~~(a)~~ 2.17.1 The Division of Higher Education; or
 - ~~(b)~~ 2.17.2 A scholarship or grant awarded by an institution of higher education in this state in whole or in part by state funds, including without limitation:
 - ~~i.~~ 2.17.2.1 Scholarships awarded on the basis of entrance exam scores or high school academic achievement;
 - ~~ii.~~ 2.17.2.2 Tuition waivers based on age, military service, occupation, or other factors;
 - ~~iii.~~ 2.17.2.3 Out-of-state tuition waivers for undergraduate students from contiguous states in close proximity to a college or university;
 - ~~iv.~~ 2.17.2.4 Scholarships for transfers from two-year institutions;
 - ~~v.~~ 2.17.2.5 Performance scholarships for band, musical performing groups, arts, theater, forensics, and similar activities that are not awarded on the basis of entrance exam scores or high school academic achievement; and
 - ~~vi.~~ 2.17.2.6 Any other publicly funded program under which students are not charged or are reimbursed by the institution of higher education for tuition, fees, books, or other costs of attendance;
- ~~(18)~~ 2.18 "Superscore" means the final composite score that is calculated according to a combination of the highest individual section scores across all of the ACT tests taken by an individual.
- ~~(19)~~—2.19 "Traditional student" means a student who:
- ~~(a)~~ 2.19.1 Will enter postsecondary education as a full-time first-time freshman on or before the fall semester of the academic year that begins immediately following:
 - ~~(a)~~ 2.19.1.1 The student's graduation from high school; or

~~(b)~~ 2.19.1.2 The last day of the school year:

~~(1)~~ 2.19.1.2.a That would have been the student's junior or senior year of high school; and

~~(2)~~ 2.19.1.2.b In which the student completes the requirements for high school graduation and obtains a General Educational Development certificate instead of receiving a diploma; and

~~(ii)~~ 2.19.2 Remains continuously enrolled as a full-time student;

~~(B)~~ 2.20 “Traditional student” includes a student who otherwise meets this definition but delays entering postsecondary education under a scholarship hold approved by the Division of Higher Education.

2.21 “Verification roster” means an alphabetical listing by institution of all persons receiving the award for a given academic term.

Procedures

3.00 Basic Eligibility Requirements:

3.01 The basic requirements for an applicant to be eligible for an award from the Arkansas Academic Challenge Scholarship Program are:

~~(1)~~ — ~~(A)~~ 3.01.1 The applicant has been an Arkansas resident for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

~~(B)~~ 3.01.2 If the applicant is less than twenty-one (21) years of age, either the applicant or a parent or guardian of the applicant shall have maintained Arkansas residency for at least the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education.

~~(C)~~ — ~~(i)~~ 3.01.2.1 To be considered an Arkansas resident, an applicant shall demonstrate residency by evidence deemed sufficient to the Division of Higher Education.

~~(ii)~~ 3.01.2.2 Evidence of residency may include without limitation information provided by the applicant on the Free Application for Federal Student Aid or a subsequent application required by the United States Division of Education for federal financial aid.

~~(D)~~ 3.01.3 During the twelve (12) months immediately preceding the date an applicant will enroll in an approved institution of higher education if the person for whom the twelve-month period is calculated under subdivision (1)(A) or (1)(B) of this section is deployed outside of Arkansas under military orders, the Division of Higher Education shall calculate the twelve (12) months by:

- (i) 3.01.3.1 Excluding months of military deployment outside of Arkansas that are within the twelve (12) months immediately preceding the date the applicant will enroll in an approved institution of higher education; and
 - (ii) 3.01.3.2 Including months the person maintained Arkansas residency immediately preceding the military deployment outside of Arkansas;
- (2) 3.01.4 The applicant is a citizen of the United States or is a lawful permanent resident;
- (3) ~~(A)~~ 3.01.5 The applicant is accepted for admission as a full-time student or part-time student at an approved institution of higher education in a program of study that leads to or is creditable toward:
- (a) 3.01.5.1 A baccalaureate degree;
 - (b) 3.01.5.2 An associate degree;
 - (c) 3.01.5.3 A certificate from a qualified certificate program; ~~or~~
 - (d) 3.01.5.4 A graduate-level or professional degree; or
 - (ii) 3.01.5.5 An approved school of nursing in a program of study that leads to a nursing diploma under § 6-85-213.
 - (B) 3.01.5.6 A full-time student shall enroll in at least twenty-seven (27) semester hours the first academic year and thirty (30) semester hours per academic year thereafter or the equivalent, as described in this rule, or the equivalent as defined by the Division of Higher Education.
 - (C) 3.01.5.7 A part-time student shall complete at least six (6) semester hours but less than the minimum number of semester hours for a full-time student, as defined by the Division of Higher Education.
- (4) 3.01.6 The applicant has not met the maximum continuing education eligibility requirements under Arkansas Code § 6-85-210;
- (5) 3.01.7 The applicant does not owe a refund on a federal or state student financial aid grant for higher education;
- (6) 3.01.8 The applicant is not in default on a state or federal student financial aid loan for higher education;
- (7) 3.01.9 The applicant has not borrowed, as determined by the approved

institution of higher education to be attended, in excess of the annual loan limits under the Federal Family Educational Loan Program Systems, William D. Ford Federal Direct Loan Program, Income Contingent Loan Demonstration Program, Stafford Loan Program, Parent Loan for Undergraduate Students Program, or Supplemental Loan for Students Program in the same academic year for which the student has applied for assistance under this rule;

- ~~(8)~~ 3.01.10 _____ The applicant is not incarcerated at the time of the application for or during the time the applicant receives a scholarship under this rule;
- ~~(9)~~ 3.01.11 _____ The applicant has complied with United States Selective Service System requirements for registration;
- ~~(10)~~ 3.01.12 _____ The applicant has completed and submitted to the United States Division of Education a Free Application for Federal Student Aid or a subsequent application required by the United States Division of Education for federal financial aid; and
- ~~(11)~~ 3.01.13 _____ The applicant certifies that he or she is drug-free and pledges in writing on the application form to refrain from the use or abuse of illegal substances in order to become eligible and maintain eligibility for this program.

4.00 Additional Eligibility Requirements for Traditional Students.

4.01 _____ In addition to the basic eligibility requirements an applicant is eligible as a traditional student if the applicant:

- ~~(1)~~ 4.01.1 _____ Graduated from an Arkansas public high school and has a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent;
- ~~(2)~~ 4.01.2 _____ Has a disability identified under the Individuals with Disabilities Education Act, 20 U.S.C § 1400 et seq., as it existed on July 1, 2009, and graduated from an Arkansas public high school, and either:
 - ~~(A)~~ 4.01.2.1 _____ Had a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent;
- ~~(3)~~ 4.01.3 _____ Achieved a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; and
 - ~~(B)~~ 4.01.3.1 _____ Graduated from a private high school, an out-of-state high school, or a home school high school; or
 - ~~(C)~~ 4.01.3.2 _____ In the year in which the student would have been a junior or senior in high school, completed the requirements for

high school graduation and obtained a high school equivalency diploma approved by the Division of Workforce Services instead of receiving a diploma; or

- ~~(4)~~ 4.01.4 Meets the following criteria:
 - ~~(D)~~ 4.01.4.1 Was enrolled at an institution of higher education in the immediately preceding academic year as a full-time, first-time freshman;
 - ~~(E)~~ 4.01.4.2 Did not receive a scholarship under this rule as a first-time, full-time freshman;
 - ~~(F)~~ 4.01.4.3 Successfully completed with the equivalent of a minimum letter grade of “D” at least twenty-seven (27) semester hours of courses as a full-time, first-time freshman; and
 - ~~(G)~~ 4.01.4.4 Achieved a postsecondary grade point average of at least 2.5 on a 4.0 scale as a full-time, first-time freshman.

5.00 Additional eligibility requirements for a nontraditional student.

5.01 In addition to the basic eligibility requirements an applicant is eligible as a nontraditional student if the applicant meets one (1) of the following requirements:

- ~~(5)~~ 5.01.1 If the applicant has not been enrolled in an approved institution of higher education, has graduated from an Arkansas public high school, a private high school, an out-of-state high school, a home school high school, or obtained a high school equivalency diploma approved by the Division of Workforce Services and had a minimum superscore of nineteen (19) on the ACT or the equivalent score on an ACT equivalent; or
- ~~(6)~~ 5.01.2 If the applicant has been enrolled in an approved institution of higher education, has earned a postsecondary grade point average of at least 2.5 on a 4.0 scale.

6.00 Continuing eligibility.

- ~~(a)~~ ~~(1)~~ ~~(A)~~ 6.01 A recipient who meets continuing eligibility criteria under this rule shall receive a scholarship for one (1) academic year renewable annually until the recipient has earned one hundred twenty (120) semester credit hours.
- ~~(B)~~ 6.02 A recipient may continue to receive a scholarship after he or she has earned one hundred twenty (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, if the student is enrolled in a baccalaureate degree program that requires more than one hundred twenty (120)

semester credit hours as provided under Arkansas Code § 6-61-232.

- ~~(1)~~ 6.03 _____ A semester in which a student withdraws or fails to complete the number of credit hours for which the student first enrolled is counted toward the maximum number of semesters for which the student may receive a scholarship award under this rule.
- ~~(2)~~ 6.04 _____ The maximums under ~~this subsection~~ section 6.00 apply to any degree program, regardless of whether or not the degree program requires additional semesters.
- ~~(3)~~ 6.05 _____ A recipient may attend summer terms at the student's own expense to earn credit hours necessary to maintain eligibility for a scholarship under this rule.

6.05.1 A student may use a scholarship under this program for a summer term if the student maintained continuing eligibility for the program during the immediately preceding spring semester.

6.05.1.1 However, the institution at which a student who is a recipient of a scholarship under this rule is enrolled shall advise the recipient that if he or she chooses to utilize a scholarship under this rule for a summer term:

6.05.1.1.a That Arkansas Code § 6-85-212 provides that a recipient shall receive no more than one (1) year of a scholarship under this rule; and

6.05.1.1.b That if the student does not earn the maximum number of credit hours during the summer semester, the student will be at a shortfall for potential scholarship funds for a traditional academic semester.

~~(4)~~ 6.06 _____ For each eligible term, all required hours for continuing eligibility must be taken at one approved institution.

~~(5)~~ 6.07 _____ To maintain eligibility for an Arkansas Academic Challenge Scholarship under this rule, a recipient shall:

~~(6)~~ 6.07.1 Continue to meet the relevant eligibility requirements of this rule while a recipient of a scholarship under this rule;

~~(2)~~ ~~(A)~~ 6.07.2 Meet the satisfactory academic progress standards required to receive other financial aid at the approved institution of higher education where the recipient is enrolled, as determined by the Division of Higher Education in conjunction with the institution of higher education where the recipient is enrolled.

~~(H)~~ ~~(i)~~ 6.07.2.1 _____ A recipient who does not successfully complete any

credit hours toward degree completion in a semester in which he or she received a scholarship under this rule immediately forfeits the remainder of the scholarship award for that academic year.

~~(ii)~~ 6.07.2.2 The Division shall notify the recipient of the loss of eligibility under this subdivision.

~~(C)~~ 6.07.2.3 By accepting scholarship funds under this rule, the receiving institution certifies that students will be enrolled in courses that will meet satisfactory academic progress standards leading toward a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree.

~~(7)~~ 6.07.3 If enrolling in one (1) or more remedial courses, complete all remedial courses required by the approved institution of higher education by the time the student completes the first thirty (30) semester hours attempted after receiving the scholarship;

~~(8)~~ 6.07.4 Earn a postsecondary grade point average of 2.5 or higher on a 4.0 scale at an approved institution of higher education;

~~(9)~~ 6.07.5 Enroll in courses that lead toward a baccalaureate degree or graduate-level or professional degree after attempting the lesser of:

~~(A)~~ 6.07.5.1 Five (5) semesters; or

~~(B)~~ 6.07.5.2 The completion of an associate degree program; and

~~(10)~~ 6.07.6 Meet any other continuing eligibility criteria established by the Division of Higher Education.

~~(b)~~ 6.08 A traditional student recipient who loses eligibility for a scholarship may apply as a first-time nontraditional student.

~~(2)~~ 6.08.1 A recipient under ~~subdivision (c)(1) of this section~~ 6.08 who loses eligibility for the nontraditional student scholarship is not eligible to apply for a scholarship under any eligibility provision of this rule.

~~(e)~~ 6.09 If a recipient is subject to losing a scholarship under ~~subsection (e) of this section~~ 6.08 due to a catastrophic event experienced by the recipient or a family member of the recipient, the Division may waive the requirements of this section and determine the appropriate requirements for the recipient to either retain or regain the scholarship.

7.00 Scholarship award amounts.

~~(a)~~ The General Assembly may use net proceeds from the state lottery to fund the scholarships awarded under this rule and to supplement the state-supported student financial assistance that

~~the General Assembly determines is necessary to meet the state's objective for broadening and increasing access of Arkansas citizens to higher education.~~

~~(b) Net proceeds from the state lottery used to fund scholarships under this rule shall:~~

~~(1) Be used exclusively for the purposes set out in Arkansas Constitution, Amendment 87, and this rule; and~~

~~(2) Supplement and shall not supplant nonlottery state educational resources.~~

~~(c) The scholarships established under this rule are subject to available funding and do not create for any student an entitlement to financial assistance to enable the student's attendance at an approved institution of higher education.~~

~~(d)(1)(A)~~ 7.01 Subject to the availability of net revenue, the scholarship award amount under this rule for an academic year for a full-time recipient enrolled in a four-year approved institution of higher education is:

~~(i)~~ 7.01.1 One thousand dollars (\$1,000) for a recipient who has earned less than twenty-seven (27) semester credit hours;

~~(ii)~~ 7.01.2 Four thousand dollars (\$4,000) for a recipient who has earned at least twenty- seven (27) semester credit hours but less than fifty-seven (57) semester credit hours;

~~(iii)~~ 7.01.3 Four thousand dollars (\$4,000) for a recipient who has earned at least fifty- seven (57) semester credit hours but less than eighty-seven (87) semester credit hours; and

~~(iv)(a)~~ 7.01.4 Five thousand dollars (\$5,000) for a recipient who has earned at least eighty-seven (87) semester credit hours but no more than one hundred twenty (120) semester credit hours, unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred (120) semester credit hours, but not more than one hundred thirty (130) semester credit hours, ~~as provided under Arkansas Code § 6-61-232~~, then up to the number of credit hours required to complete the baccalaureate program.

~~(b)~~ 7.01.4.1 A recipient shall receive no more than one (1) year of the scholarship provided under ~~subdivision (d)(1)(A)(iv)(a) of this section~~ 7.01.4 unless the recipient is enrolled in a baccalaureate degree program that requires more than one hundred (120) semester credit hours as provided under Arkansas Code § 6-61-232.

~~(c)(1)~~ 7.01.4.2 A recipient who is eligible to receive the scholarship under ~~subdivision (d)(1)(A)(iv)(a) of this section~~ 7.01.4 may receive the scholarship while enrolled in a semester as a part-time student.

~~(2)~~ 7.01.4.3 The scholarship amount for the semester in which a recipient is enrolled as a part-time student ~~under subdivision (d)(1)(A)(iv)(c)(1) of this section~~ 7.01.4.2 shall be prorated by the number of credit hours in which the recipient is

enrolled.

~~(B)(i)~~ 7.02 To determine the correct scholarship award amount based on credit hours, a first-time recipient shall submit a current college or university transcript if the first-time recipient has earned any semester credit hours to the Division of Higher Education no later than a date determined by the division prior to the academic year for which the first-time recipient will receive an initial scholarship award.

~~(ii)~~ 7.02.1 _____ A first-time recipient who does not submit a transcript to the Division on or before the date determined by the division shall receive the award amount under ~~subdivision (d)(1)(A)(i) of this section~~ 7.01.1.

~~(C)(i)~~ 7.03 An applicant may elect for the earned semester credit hours under ~~subdivision (d)(1)(A) of this section~~ 7.01 to be only those semester credit hours earned after graduating from high school or obtaining a high school equivalency diploma approved by the Division of Workforce Services.

~~(ii)~~ 7.03.1 _____ If the applicant makes the election under ~~subdivision (d)(1)(C)(i) of this section~~ 7.03, any semester credit hours earned through concurrent credit or any other method before graduating high school or obtaining a high school equivalency diploma approved by the Division of Workforce Services shall not be counted as earned semester credit hours for the purposes of determining a recipient's scholarship award amount under ~~subdivision (d)(1)(A) of this section~~ 7.01.

~~(2)(A)~~ 7.04 An aggregate amount of scholarship awards to ~~nontraditional students of up to fifteen million dollars (\$15,000,000)~~ shall be awarded to nontraditional students.

~~(B)(i)~~ 7.04.1 _____ Any excess funding that the Division of Higher Education receives for scholarship awards ~~the Division received under Arkansas Code § 23-115-801~~ shall be returned to the Office of the Arkansas Lottery.

~~(ii)~~ 7.04.2 _____ Priority for scholarships awarded to nontraditional students is based on:

~~(C)~~ 7.04.2 _____ Priority for scholarships awarded to nontraditional students is based on:

~~(i)~~ 7.04.2.1 _____ The applicant's level of progress toward completion of a certificate, an associate degree, a nursing diploma, a baccalaureate degree, or a graduate-level or professional degree; or

~~(ii)~~ 7.04.2.2 _____ Other criteria established by the ~~Division of Higher Education~~ division.

~~(3)~~ 7.04.3 Subject to the availability of net revenue, the scholarship award for an academic year for a full-time student enrolled in one (1) of the following institutions of higher education is one thousand dollars (\$1,000) for the first year and three thousand dollars (\$3,000) for the second year:

~~(A)~~ 7.04.3.1 A two-year approved institution of higher education;

~~(B)~~ 7.04.3.2 A branch campus of a four-year approved institution of higher education; or

~~(C)~~ 7.04.3.3 An approved school of nursing.

~~(4)~~ 7.04.4 Subject to the availability of net revenue, the scholarship award amount for a part-time student recipient shall be:

~~(A)~~ 7.04.4.1 One-half (1/2) of the award amount for a full-time student recipient, if the recipient is enrolled in at least six (6) semester hours but less than nine (9) semester hours; or

~~(B)~~ 7.04.4.2 Three-quarters (3/4) of the award amount for a full-time student recipient, if the recipient is enrolled in at least nine (9) semester hours but less than the number of hours required for a full-time student recipient.

~~(5)~~ 7.04.5 A current recipient who maintains eligibility for the scholarship under this rule shall continue to receive the scholarship award amount first awarded to the recipient.

~~(6)~~ 7.04.6 The division shall give priority for a scholarship award to a full-time or part-time student:

~~(A)~~ 7.04.6.1 Who meets the eligibility requirements under this rule; and

~~(B)~~ 7.04.6.2 Whose parent, by birth or legal adoption:

~~(i)~~ 7.04.6.2.a Was a 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 in Arkansas; and

~~(ii)~~ 7.04.6.2.b Was a member of the United States Armed Forces who was killed while performing military duty:

~~(a)~~ 7.04.6.2.b.i In a status identified under 32 U.S.C. § 101 et seq. or 10 U.S.C. § 101 et seq. as they existed on January 1, 2011; or

~~(b)~~ 7.04.6.2.b.ii In state active duty status.

~~(c)~~ Annually by December 15, the Legislative Council shall provide to the General Assembly its—
—recommendations for any changes to the:

~~(1)~~ Award amounts;

~~(2)~~ Number or type of scholarships; and

~~(3)~~ Eligibility requirements.

~~(f)~~ It is the intent of the General Assembly that in determining award amounts under this rule, the General Assembly will consider whether sufficient funds will be available to pay for scholarship awards through the anticipated completion of the degree or certificate a recipient is seeking.

~~(g)~~ 7.05 All awards under this subchapter rule are subject to the prohibition under Arkansas Code § 6-80-105 against using public funds in a student financial package in excess of the recognized cost of attendance at the institution where the student is enrolled.

~~(h)(1)~~ 7.06 If the division has less than a sufficient amount from net proceeds from the state lottery to provide for the scholarship commitments under this rule, ~~the division shall give priority for continued financial support under this rule to a student with continuing eligibility superior to first-time applicants~~ students with continuing eligibility shall have priority for continued financial support over first-time applicants.

~~(2)~~ 7.06.1 If the funding is insufficient to fully fund the scholarships for students with continuing eligibility—~~created under this rule~~, the division shall award scholarships based upon the following criteria to students with continuing eligibility as follows:

~~(A)~~ 7.06.1.1 First, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study that is:

i. 7.06.1.1.a In an area of critical workforce need as determined by the division; or

ii. 7.06.1.1.b In a science, technology, engineering, or mathematics field;

~~(B)~~ 7.06.1.2 Second, to students who have the highest level of progress toward completion of a certificate, an associate degree, a baccalaureate degree, or a graduate-level or professional degree, and who are enrolled in a program of study other than

those listed in ~~subdivision (h)(2)(A) of this section~~ 7.06.1.1; and

~~(C)~~ 7.06.1.3 Last, in the event funding is insufficient to fully fund students under ~~subdivision (h)(2)(A) or (h)(2)(B) of this sections~~ 7.06.1.1 or 7.06.1.2, to students who have the highest postsecondary grade point average.

~~(3)(A)~~ 7.06.2 If after funding all students with continuing eligibility under this ~~section~~ rule funding is insufficient to fund all qualified first-time applicants, ~~the division shall award~~ scholarships will be awarded to first-time applicants in order of priority based upon the applicants' ACT superscore or ACT-equivalent superscore.

~~(B)~~ 7.06.3 If after prioritizing first-time applicants based upon the applicants' ACT or ACT equivalent scores funding is insufficient to fund all applicants with like ACT or ACT equivalent scores, ~~the division shall determine who receives an award by random drawing~~ scholarships will be determined by lot from the remaining pool of applicants with like ACT or ACT equivalent scores.

8.00 Payments of Scholarships.

~~(A)~~ 8.01 The Arkansas Division of Higher Education shall disburse scholarships to the approved institution of higher education of the student's choice. ~~The Arkansas Division of Higher Education shall send funds to the institution~~ via electronic funds transfer or state warrant.

8.02 After ~~verification of full time enrollment,~~ the institution of higher education verifies that the student is enrolled, the institution of higher education will disburse the scholarship to the student according to the institution's disbursement procedures.

8.02.1 The scholarship payment ~~will~~ shall correspond to academic terms, semesters, quarters, or equivalent time periods at the eligible institution of higher education. ~~In no instance may however,~~ the entire amount of the scholarship disbursement for an educational academic year shall not be paid ~~to or on behalf of such student~~ in advance.

~~(B) Transfer of Scholarships to another Approved Institution~~

8.03 A recipient who has received an Academic Challenge Scholarship may transfer the scholarship to another approved Arkansas institution of higher education, provided that:

~~1-~~ 8.03.1 The student notifies the ~~Arkansas Division of Higher Education~~ division of the change of status by October 1 for the fall term and by February 1 for the ~~winter and/or winter term,~~ winter term, spring term, or summer term by changing the college on the student's ~~ADHE YOU~~ universal financial aid account managed by the division;

(C) Repayment of Scholarships

8.04 If the recipient of a scholarship withdraws, drops out, or is expelled on or after the first day of class of a payment period, the institution ~~of higher education will~~ shall determine whether the student received an overpayment of financial aid funds for non-institutional expenses, and recover any overpayments.

8.04.1 Overpayment is the difference between the amount received as cash disbursements and the amount incurred for non-institutional costs during the portion of the payment period that the student was actually enrolled. ~~It is the institution's responsibility to contact students and recover overpayments.~~

(D) Refunds

~~The Arkansas Academic Challenge Scholarship Program is entitled to a refund of the scholarship or loan amount, for that semester, if the~~ 8.05 ~~If a recipient of a scholarship or loan withdraws, drops out, or is expelled on or after his or her first day of class of the payment period a semester and the situation falls under the refund policy of the institution. The scholarship is required to be refunded to the institution under the institution's refund policy, then the institution shall pay remit the refund to the Arkansas Division of Higher Education division.~~

(E) Overpayment

8.06 If the award of an Arkansas Academic Challenge Scholarship results in an overpayment to the student ~~according to the state law (Arkansas Code § 6-80-105) governing the stacking of scholarships,~~ the institution shall follow the ADHE Scholarship Stacking Policy in reducing the student's financial package to prevent the student from receiving funds above the federally recognized cost of attendance.

9.00 Institutional Responsibilities.

I. College/University Responsibilities

A. Administrative Agreement

9.01 The chief executive officer of ~~the~~ an eligible institution ~~is responsible for appointing one~~ shall appoint a representative from the institution's financial aid office to act as administrator of the Arkansas Academic Challenge Scholarship Program and to receive all communications, forms, etc.

9.01.1 This representative is responsible for student eligibility verification, data management and compliance with all program rules and regulations. ~~The institution must comply with all rules and regulations in order to maintain continued eligibility status.~~

~~B. — Disbursement Records~~

~~9.02~~ The institution shall maintain information on the student indicating disbursement of scholarship funds.

~~C. — Institutional Verification~~

~~9.03~~ The institution shall provide certification of full-time enrollment and enrollment in courses that will meet satisfactory academic progress standards, as of the eleventh day of classes, by completing a verification roster each semester after registration.

~~The Verification Roster is an alphabetical listing by institution of all persons receiving the award for a given academic term. The certifying official is responsible for completing the verification rosters each semester or trimester. The Arkansas Division of Higher Education shall provide electronic~~ 9.03.1 Electronic verification rosters will be provided to the Financial Aid Administrator institutions for each semester or trimester as needed.

~~9.03.2~~ The electronic verification rosters shall be returned to the ~~Arkansas~~ Division of Higher Education by November 1 for the fall term and by March 15 for the spring term. ~~Students who are enrolled less than full time in the current term shall not receive scholarship benefits in that term.~~

~~The Arkansas Division of Higher Education shall also provide electronic~~ 9.03.3 Electronic continuing eligibility rosters will be provided to the Financial Aid Administrator institutions before the end of the spring term.

~~9.03.4~~ The continuing eligibility rosters shall be returned to the ~~Arkansas~~ Division of Higher Education division no later than June 1 to ensure that adequate time is provided to notify students of their status in the program.

~~D. — Deadlines for Disbursement of Funds~~

~~The deadline for disbursement of funds is no later than 10 days after receipt of funds. Any outstanding funds not disbursed by these dates must be returned to the Arkansas Division of Higher Education.~~ 9.04 Institutions shall disburse funds to students no fewer than ten (10) days after receipt of the funds from the division.

9.04.1 For those students whose applications are received by ~~ADHE~~ the division too late to allow disbursement by these dates, disbursement will be made within 10 working days of receipt of the verification roster and electronic transfer of funds.

~~E. — Due Diligence~~

~~The~~ 9.05 Each institution will exercise due diligence in providing shall provide

complete, accurate, and timely information as requested by the ~~Arkansas Division of Higher Education~~ division on any Arkansas Academic Challenge Scholarship recipient or former recipient. ~~In addition, the institution will exercise due diligence in complying with all the rules and regulations of the Arkansas Academic Challenge Scholarship Program.~~

~~9.05.1~~ 9.05.1 The ~~Arkansas Division of Higher Education~~ division will periodically review the institution's records concerning ~~this~~ the program ~~in an effort to exercise its due diligence requirements as a steward of state funds.~~

II. ~~Recipient's Responsibilities~~

It is the recipient's responsibility to 9.06 Each recipient shall notify the ~~Arkansas Division of Higher Education~~ division of any change in status within 21 days. ~~This will include:~~ including without limitation:

- 9.06.1 Change in name;
- 9.06.2 Change in address;
- 9.06.3 Change in institution;
- 9.06.4 Change in full-time status (~~twelve college credit hours for those students who are in their first fall semester following high school graduation, fifteen college credit hours for those students who are beyond the first fall semester following high school graduation~~)

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

10.00 Scholarship hold - Leave of absence.

~~(a)~~ 10.01 The Division of Higher Education may approve a scholarship hold or a leave of absence for a traditional student for a period of twenty-four (24) months or less.

~~(b)~~ 10.02 The reasons for a scholarship hold or a leave of absence may include without limitation:

~~(1)~~ 10.02.1 A medical condition of the student or a member of the student's immediate family that, on the basis of a physician's good-faith judgment, necessitates the student or the student's immediate family member to be hospitalized or receive outpatient or home-based medical care or to recuperate until released by the attending physician;

~~(2)~~ 10.02.2 A personal or family emergency that requires the student to:

~~(A)~~10.02.2.1 Attend the funeral of an immediate family member; or

~~(B)~~10.02.2.2 Visit a relative of the student if the relative has a medical condition in which death is possible or imminent; or

~~(3)~~10.02.3 Military service under § 6-61-112; or

~~(4)(A)~~10.02.4 A commitment of twelve (12) to twenty-four (24) months for service in a national or international humanitarian project sponsored by a nonprofit corporation organized with a charitable or educational purpose.

~~(B)~~10.02.4.1 The student's commitment shall be expressed in a written agreement with the nonprofit organization including the terms of completion for the student's service on the related project.

~~(C)~~10.02.4.2 The Division shall release a scholarship hold or a leave of absence, whichever is applicable, if the Division determines that the student did not complete the commitment under the written agreement.

11.00 ARKANSAS CHALLENGE PLUS SCHOLARSHIP

11.01 A student is eligible to receive an Arkansas Challenge Plus Scholarship for an academic semester or academic year if the student:

11.01.1 Applies for and maintains eligibility for a scholarship under the Arkansas Academic Challenge Scholarship Program; and

11.01.2 Demonstrates financial need as determined by the Free Application for Federal Student Aid (FAFSA).

11.02 An Arkansas Challenge Plus Scholarship shall be awarded to eligible applicants:

11.02.1 In addition to a scholarship awarded under the Arkansas Academic Challenge Scholarship Program;

11.02.2 Based on the amount of financial need as determined by the Free Application for Federal Student Aid (FAFSA);

11.02.3 As determined by the Division of Higher Education if sufficient funds are available; and

11.02.4 In increments of one thousand dollars (\$1,000) per eligible student per academic year, with a maximum of four thousand dollars (\$4,000) per eligible student per academic year, as determined by the division.

11.03 The sum of an Arkansas Challenge Plus Scholarship and an Arkansas Academic Challenge Scholarship shall not exceed five thousand dollars (\$5,000) total per eligible student per academic year.

11.04 Scholarship amounts awarded may vary each year depending on the amount of funding available.

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.

Subtitle

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

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

As Engrossed: H3/16/23

A Bill

HOUSE BILL 1333

5 By: Representatives Lundstrum, Long, McAlindon, R. Scott Richardson, Rose, Underwood, Unger
6 By: Senator J. English
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE ARKANSAS CONCURRENT CHALLENGE
10 SCHOLARSHIP PROGRAM; TO AMEND THE DEFINITION OF A
11 STUDENT UNDER THE ARKANSAS CONCURRENT CHALLENGE
12 SCHOLARSHIP PROGRAM; AND FOR OTHER PURPOSES.
13
14

Subtitle

15
16 TO AMEND THE DEFINITION OF A STUDENT
17 UNDER THE ARKANSAS CONCURRENT CHALLENGE
18 SCHOLARSHIP PROGRAM.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. Arkansas Code § 6-85-402(4), concerning the definition of
24 "student" under the Arkansas Concurrent Challenge Scholarship Program, is
25 amended to read as follows:

26 (4) "Student" means a person ~~who has junior or senior status and~~
27 in grade ten (10), grade eleven (11), or grade twelve (12) who is enrolled at
28 a:

- 29 (A) Public high school in Arkansas;
30 (B) Private high school in Arkansas; or
31 (C) Home school, as defined in § 6-15-501.
32

33 */s/Lundstrum*
34

35 **APPROVED: 4/4/23**
36

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

As Engrossed: H2/20/23 H4/5/23

A Bill

HOUSE BILL 1417

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

For An Act To Be Entitled

9 AN ACT TO AMEND THE ARKANSAS ACADEMIC CHALLENGE
10 SCHOLARSHIP PROGRAM TO INCLUDE VOCATIONAL-TECHNICAL
11 SCHOOLS AND TECHNICAL INSTITUTES AS APPROVED
12 INSTITUTIONS OF HIGHER EDUCATION; TO ENSURE THAT
13 CERTAIN FUNDS FROM THE HIGHER EDUCATION GRANTS FUND
14 ACCOUNT ARE EXPENDED ON STUDENTS ENROLLED IN A
15 TECHNICAL INSTITUTE OR A VOCATIONAL-TECHNICAL SCHOOL;
16 AND FOR OTHER PURPOSES.

Subtitle

17
18
19 TO AMEND THE ARKANSAS ACADEMIC CHALLENGE
20 SCHOLARSHIP PROGRAM CONCERNING APPROVED
21 INSTITUTIONS OF HIGHER EDUCATION; AND
22 CONCERNING THE HIGHER EDUCATION GRANTS
23 FUND ACCOUNT.
24
25
26

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

28
29 SECTION 1. Arkansas Code § 6-85-204(3), concerning the definition of
30 an "approved institution of higher education" under the Arkansas Academic
31 Challenge Scholarship Program, is amended to read as follows:

32 (3)(A) "Approved institution of higher education" means an
33 institution of higher education approved by the division to participate in
34 the Arkansas Academic Challenge Scholarship Program and that is:

35 ~~(A)(i)~~ A state-supported two-year or four-year
36 college or university;

1 ~~(B)(ii)~~ A private, nonprofit two-year or four-year
2 college or university with its primary headquarters located in Arkansas that
3 is eligible to receive Title IV federal student aid funds; ~~or~~

4 ~~(C)(iii)~~ An approved school of nursing, subject to
5 the provisions of § 6-85-213(c);

6 (iv)(a) A public or private vocational-technical
7 school.

8 (b) A public or private vocational-technical
9 school shall be bonded and insured; or

10 (v)(a) A public or private technical institute.

11 (b) A public or private technical institute
12 shall be bonded and insured.

13 (B) An approved institution of higher education that is a
14 private, nonprofit two-year or four-year college or university shall be
15 eligible to receive Title IV federal student aid funds;

16
17 SECTION 2. Arkansas Code Title 6, Chapter 85, Subchapter 2, is amended
18 to add an additional section to read as follows:

19 6-85-222. Vocational-technical school and technical institute
20 eligibility.

21 (a) An applicant for a scholarship under this subchapter who has
22 applied to or is currently enrolled in a public or private vocational-
23 technical school or a public or private technical institute shall, in
24 addition to the relevant eligibility requirements under this subchapter, be
25 accepted for admission in a program of study that leads to an associate
26 degree or a certificate program in one (1) of the following high-demand
27 fields:

28 (1) Industry;

29 (2) Health care; or

30 (3) Information technology.

31 (b) The Division of Higher Education shall file annually by November 1
32 a report to the Legislative Council in the manner and format that the
33 Legislative Council requires regarding:

34 (1) All state-supported student financial assistance awarded by
35 the division under this subchapter to students enrolled in vocational-
36 technical schools and technical institutes; and

1 (2) The permissible high-demand fields under subsection (a) of
2 this section, including without limitation recommendations for adding or
3 removing a high-demand field that is considered eligible for scholarship
4 purposes under subsection (a) of this section.

5
6 SECTION 3. Arkansas Code § 19-5-302(11), concerning the Higher
7 Education Grants Fund Account of the State General Government Fund, is
8 amended to read as follows:

9 (11) HIGHER EDUCATION GRANTS FUND ACCOUNT.

10 (A) The Higher Education Grants Fund Account shall be used for
11 the:

12 (i) State's contribution for tuition support for Arkansas
13 students attending out-of-state schools in dentistry, optometry, veterinary,
14 podiatry, osteopathy, and chiropractic; and

15 (ii)(a) Disbursement of funds for the Arkansas Academic
16 Challenge Scholarship Program, and other various scholarship, loan, and grant
17 programs as authorized by law and administered by the Division of Higher
18 Education or other state agencies made disbursing agents by the General
19 Assembly from the Higher Education Grants Fund Account.

20 **(b) Disbursement of additional funds allocated for**
21 **the Arkansas Academic Challenge Scholarship Program under this subdivision**
22 **(11)(A)(ii) shall account for the distribution of up to two million dollars**
23 **(\$2,000,000) by the Division of Higher Education on behalf of students who**
24 **are enrolled in a technical institute or a vocational-technical institute.**

25 (B) The Higher Education Grants Fund Account shall consist of
26 transfers from the Private Career School Student Protection Trust Fund under
27 § 6-51-607 and those general revenues and any other funds as may be provided
28 by law;

29
30 /s/Lundstrum

31
32
33 **APPROVED: 4/11/23**

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

As Engrossed: S2/14/23

A Bill

SENATE BILL 248

5 By: Senator J. English
6 *By: Representative Evans*
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS CHALLENGE PLUS
10 SCHOLARSHIP PROGRAM; AND FOR OTHER PURPOSES.
11

Subtitle

12
13
14 TO CREATE THE ARKANSAS CHALLENGE PLUS
15 SCHOLARSHIP PROGRAM.
16
17

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

20 SECTION 1. Arkansas Code Title 6, Chapter 85, is amended to add an
21 additional subchapter to read as follows:

22 Subchapter 6 – Arkansas Challenge Plus Scholarship Program
23

24 6-85-601. Creation.

25 There is created and established the Arkansas Challenge Plus
26 Scholarship Program.
27

28 6-85-602. Eligibility.

29 A student is eligible to receive an Arkansas Challenge Plus Scholarship
30 under this subchapter for an academic semester or academic year if the
31 student:

32 (1) Applies for and maintains eligibility for a scholarship
33 under the Arkansas Academic Challenge Scholarship Program; and

34 (2) Demonstrates financial need as determined by the Free
35 Application for Federal Student Aid (FAFSA).
36

1 6-85-603. Award of scholarship.

2 (a) An Arkansas Challenge Plus Scholarship under this subchapter shall
3 be awarded to eligible applicants:

4 (1) In addition to a scholarship awarded under the Arkansas
5 Academic Challenge Scholarship Program;

6 (2) Based on the amount of financial need as determined by the
7 Free Application for Federal Student Aid (FAFSA);

8 (3) As determined by the Division of Higher Education if
9 sufficient funds are available; and

10 (4)(A) In increments of one thousand dollars (\$1,000) per
11 eligible student per academic year, with a maximum of four thousand dollars
12 (\$4,000) per eligible student per academic year, as determined by the
13 division.

14 (B) The sum of an Arkansas Challenge Plus Scholarship
15 under this subchapter and an Arkansas Academic Challenge Scholarship shall
16 not exceed five thousand dollars (\$5,000) total per eligible student per
17 academic year.

18 (C) Scholarship amounts awarded under this subchapter may
19 vary each year depending on the amount of funding available.

20 (b)(1) Arkansas Challenge Plus Scholarships under this subchapter
21 shall be funded by available net proceeds remaining from the previous
22 academic year after the Office of the Arkansas Lottery:

23 (A) Transfers the funds requested by the division under §
24 23-115-801(c)(2); and

25 (B) Deposits the amount necessary to maintain the
26 Scholarship Shortfall Reserve Trust Account under § 23-115-802 in an amount
27 equal to twenty million dollars (\$20,000,000).

28 (2) However, an Arkansas Challenge Plus Scholarship under this
29 subchapter shall not be awarded for an academic year if:

30 (A) Less than two hundred fifty thousand dollars
31 (\$250,000) is available under subsection (b)(1)(A) of this section; or

32 (B) The division received a loan from the account under §
33 23-115-802 for the Arkansas Academic Challenge Scholarship Program for the
34 previous academic year.

35 (3) The total amount of scholarships awarded under this
36 subchapter shall not exceed twenty-five million dollars (\$25,000,000) for

1 academic year 2023-2024.

2
3 6-85-604. Authority.

4 (a) The Division of Higher Education shall administer the Arkansas
5 Challenge Plus Scholarship Program under this subchapter.

6 (b) The division may promulgate rules to administer the program under
7 this subchapter.

8
9 SECTION 2. EFFECTIVE DATE. This act is effective on and after July 1,
10 2023.

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12 */s/J. English*

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15 **APPROVED: 3/30/23**

**DIVISION OF HIGHER EDUCATION RULES GOVERNING THE
GRADUATE MEDICAL EDUCATION RESIDENCY EXPANSION BOARD**
Effective Date:

1.00 DEFINITIONS

1.01 “Accreditation” means the official decision made by a Review Committee based on its review and assessment of a Sponsoring Institution’s or program’s compliance with the applicable requirements of the Accreditation Council for Graduate Medical Education (ACGME).

1.01.1 The review committee is composed of volunteers that:

1.01.1.1 Sets accreditation standards;

1.01.1.2 Provides peer evaluation of Sponsoring Institutions or programs to assess the degree to which these comply with the applicable published accreditation requirements; and

1.01.1.3 Confirms an accreditation status on each Sponsoring Institution or program regarding substantial compliance with those requirements.

1.01.2 There are three types of Review Committee:

1.01.2.1 Specialty Review Committee;

1.01.2.2 Transitional Year Review Committee; and

1.01.2.3 Institutional Review Committee.

1.02 “Entity” means an Arkansas hospital or medical facility that seeks to provide medical residency opportunities.

1.03 “Fellow” means an individual enrolled in an ACGME-accredited fellowship (subspecialty or sub-subspecialty) program who has completed a residency program in a related specialty and/or a fellowship program in a related subspecialty.

1.03.1 “Fellow” may also refer to other learners by individual institutions or programs.

1.04 “Fellowship” means a program that provides advanced education and training in progressive levels of sub-specialization following completion of education and training in a primary specialty and, if applicable, a related subspecialty.

- 1.04.1 It is a structured educational activity comprising a series of clinical and/or other learning experiences designed to prepare physicians to enter the unsupervised practice of medicine in a subspecialty or sub-subspecialty.
- 1.05 “First-year residency position” means a position during the first year of residency occurring after medical school graduation.
- 1.05.1 This includes students who take a year or more off between medical school graduation and beginning their first year of residency.
- 1.06 “Fiscal Year” means the fiscal year of the state, for the conduct of its financial affairs, commencing on July 1st and ending on June 30th of the following year.
- 1.07 “Graduate Medical Education Program” means the period of education in a particular specialty (residency) or subspecialty (fellowship) following medical school.
- 1.07.1 The ACGME oversees the accreditation of residency and fellowship programs in the United States.
- 1.08 “Institution of Higher Education” means a medical school institution in Arkansas, not exclusive of private institutions, that has received certification from the Higher Education Coordinating Board under Ark. Code Ann. § 6-61-301 et seq. to offer studies leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree.
- 1.09 “Planning Grant” means a grant awarded by the Graduate Medical Education Residency Expansion Board to eligible entities and individuals under these rules.
- 1.10 “Primary Care” refers to the following:
- 1.10.1 Internal medicine;
- 1.10.2 Pediatrics;
- 1.10.3 Family medicine;
- 1.10.4 Obstetrics and gynecology; and
- 1.10.5 General Surgery.
- 1.11 “Resident” means an individual enrolled in an ACGME-accredited residency program.
- 1.12 “Residency Program” means a structured educational activity comprising a series of clinical and/or other learning experiences in graduate medical education.

designed to prepare physicians to enter the unsupervised practice of medicine in a primary specialty.

1.12.1 There are two types of residency programs:

1.12.1.1 Residency programs available for physician admission immediately upon graduation from a medical school or a college of osteopathic medicine as described in the ACGME Institutional Requirements; and

1.12.1.2 Residency programs available for physician admission after completion of prerequisite clinical education and training as described in the relevant specialty-specific Program Requirements.

1.13 “Sponsoring Institution” means the organization (or entity) that assumes the ultimate financial and academic responsibility for a program of graduate medical education consistent with the ACGME Institutional Requirements.

2.00 DUTIES AND RESPONSIBILITIES OF THE BOARD

2.01 The Graduate Medical Education Residency Expansion Board shall serve a single term of three (3) years and be composed of the following members:

2.01.1 One (1) representative appointed by the Governor from each medical school institution in Arkansas that has received certification from the Higher Education Coordinating Board under § 6-61-301 et seq. to offer studies leading to a Doctor of Medicine degree or Doctor of Osteopathic Medicine degree;

2.01.2 One (1) physician member appointed by the Governor, giving preference to a physician who has received a rural medical practice loan, a community match loan, or an income incentive;

2.01.3 One (1) representative from a hospital in Arkansas who shall be appointed by the Speaker of the House of Representatives;

2.01.4 One (1) representative from a hospital in Arkansas who shall be appointed by the President Pro Tempore of the Senate; and

2.01.5 One (1) representative appointed by the Governor based on the recommendation from the Accreditation Council for Graduate Medical Education-designated sponsoring institution in this state that has the largest number of residency positions approved by the council.

- 2.02 The Graduate Medical Education Residency Expansion Board shall be responsible for:
- 2.02.1 Prescribing forms for and regulating the submission of grant applications;
 - 2.02.2 Determining the eligibility of applicants;
 - 2.02.3 Managing, operating, and controlling all funds and property appropriated or otherwise contributed for this purpose;
 - 2.02.4 Accepting gifts, grants, bequests, or devises and applying them as a part of the program;
 - 2.02.5 Suing and be sued as the board; and
 - 2.02.6 Accepting money from federal programs that may be used for furtherance of the purposes herein.
- 2.03 The members of the Graduate Medical Education Residency Expansion Board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.
- 2.04 The Division of Higher Education shall administer the Graduate Medical Education Fund under § 19-5-1265 and disburse the funds at the direction of the Graduate Medical Education Residency Expansion Board.

3.00 PLANNING GRANTS

- 3.01 The Graduate Medical Education Residency Expansion Board shall allocate funds for the award of a one-time planning grant to an entity in this state that is:
- 3.01.1 In the process of creating a graduate medical education program; or
 - 3.01.2 Expanding an existing graduate medical education program;
- 3.02 The board, within its discretion, shall award planning grants on a competitive basis upon consideration of, but not limited to:
- 3.02.1 Development of new or expanded programs with specialties defined in these rules;
 - 3.02.2 Increasing positions for medical specialties having shortages within the state; and
 - 3.02.3 Increasing positions in medically underserved areas.

3.03 Planning Grant applications shall be submitted to the Arkansas Division of Higher Education no later than July 15th of the year preceding the year for which the planning grant will be used.

3.03.1 Planning Grants shall be awarded to the selected eligible entities no later than August 15th of the year the application was submitted.

3.03.2 An entity that establishes additional first-year residency positions after the receipt of a planning grant awarded that same year is eligible for additional funds for each position established.

4.00 PLANNING GRANTS FOR PROGRAM EXPANSION OR NEW PROGRAMS CRITERIA

4.01 The Graduate Medical Education Residency Expansion Board shall award planning grants to enable entities with existing graduate medical education programs to:

4.01.1 Increase the number of first-year residency positions; and

4.01.2 Provide for the establishment of new graduate medical education programs with first-year residency positions.

4.01.2.1 Once awarded, these grants shall be in effect for no more than three (3) consecutive fiscal years.

4.02 These grants shall be used to support the direct resident costs to the graduate medical education program, including without limitation:

4.02.1 Stipends;

4.02.2 Benefits; and

4.02.3 Start-up costs, at the board's discretion.

4.03 An entity applying for a planning grant under this section shall:

4.03.1 Submit a plan for receiving accreditation for the increased number of residency positions or for the new graduate medical education program, as applicable; and

4.03.1.1 The plan shall include, without limitation:

4.03.1.1.1 A timeline;

4.03.1.1.2 A budget;

4.03.1.1.3 A proposed program;

4.03.1.1.4 The size of the program;

4.03.1.1.5 Proof of accreditation application;

4.03.1.1.6 Letters of support from both the sponsoring institution and entity; and

4.03.1.1.7 The number of current residency slots available and the number of new residency slots that will be established.

4.04 Distribution of a planning grant for a residency position, under this section, will only occur after the board receives verification that the applicable residency position(s) has been filled.

4.04.1 Verification will be completed by sending the following to the Division of Higher Education upon receipt:

4.04.1.1 The notification of decision from the ACGME; and

4.04.1.2 Verification of resident contract.

4.05 For each first-year residency position for which an entity with a graduate medical education program receives an initial planning grant, the board shall award the entity with the graduate medical education program an equal subsequent grant amount for the following fiscal year, not to exceed three (3) fiscal years.

5.00 PRIORITY OF PLANNING GRANTS – ADJUSTMENT AMOUNTS

5.01 If the Graduate Medical Education Residency Expansion Board determines that the number of first-year residency positions proposed by eligible applicants under 4.00 exceeds the amount of funding appropriated for the planning grants, the board:

5.01.1 May give priority for up to fifty percent (50%) of the funded first-year residency positions to be in:

5.01.1.1 Primary care; or

5.01.1.2 A field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board, based on the Association of American Medical Colleges State Physician Workforce Data Report; and

5.01.2 Shall not reduce planning grant amounts awarded for each resident position but may proportionately reduce the number of positions funded for each graduate medical education program.

5.02 If the board determines that, based on the applications it has received for planning grants under 4.00, the entire appropriation for planning grants under this subchapter shall not be awarded for a particular year, the board may transfer and use the funds appropriated to award planning grants under 3.00.

6.00 PLANNING GRANTS FOR ADDITIONAL YEARS OF NEW FELLOWSHIPS

6.01 If the Graduate Medical Education Residency Expansion Board determines that funds appropriated are available after all eligible planning grant applications have been funded, the board shall award planning grants from excess funds to support new medical fellows who:

6.01.1 Have completed at least three (3) years of residency; and

6.01.2 Are enrolled in a new fellowship program in a field in which this state has less than eighty percent (80%) of the national average of physicians per one hundred thousand (100,000) people, as determined by the board.

6.02 A planning grant under this section shall be used to support the direct fellowship costs to the graduate medical education program, including without limitation:

6.02.1 Stipends; and

6.02.2 Benefits.

6.03 Distribution of a planning grant for a new fellowship position, under this section, will only occur after the board receives verification that the applicable new fellowship position has been filled.

6.03.1 Verification will be completed by sending the following to the Division of Higher Education upon receipt:

6.03.1.1 The notification of decision from the ACGME; and

6.03.1.2 Verification of the new fellowship contract.