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2 90th General Assembly
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A Bill

SENATE BILL 546

4
5 By: Senator J. English
6

For An Act To Be Entitled

8 AN ACT TO CHANGE REFERENCES TO GENERAL EDUCATIONAL
9 DEVELOPMENT IN THE ARKANSAS CODE TO HIGH SCHOOL
10 EQUIVALENCY; AND FOR OTHER PURPOSES.
11

Subtitle

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13
14 TO CHANGE REFERENCES TO GENERAL
15 EDUCATIONAL DEVELOPMENT IN THE ARKANSAS
16 CODE TO HIGH SCHOOL EQUIVALENCY.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 5-4-323 is amended to read as follows:

22 5-4-323. Additional conditions – High school diploma or ~~general~~
23 ~~education development certificate~~ high school equivalency diploma –
24 Employment training.

25 (a)(1) As an additional requirement for suspension of sentence or
26 probation, a court may require any person who is sentenced for a felony or a
27 Class A misdemeanor to make a good faith effort toward completion of a high
28 school diploma or a ~~general education development certificate~~ high school
29 equivalency diploma approved by the Department of Career Education unless the
30 person has already achieved a high school diploma or a ~~general education~~
31 ~~development certificate~~ high school equivalency diploma.

32 (2) The additional requirement under subdivision (a)(1) of this
33 section shall be implemented only:

34 (A) After the appropriate school or adult education program
35 has received notice from the court at least ten (10) working days prior to
36 the person's making application to enroll so as to allow a school or adult



1 education program official to review the person's educational records; and

2 (B) Upon the acceptance of the person by the administrative
3 head of the school or adult education program.

4 (3) If no appropriate school or adult education program can be
5 found, the additional requirement under subdivision (a)(1) of this section is
6 of no effect.

7 (4) In the alternative, the court may allow the defendant to
8 pursue a prescribed course of study or vocational training approved by the
9 court that is designed to equip him or her for suitable employment.

10 (5)(A) After consultation with the school or the adult education
11 program, the court shall determine the appropriate documentation for a person
12 participating under a provision of this section and shall report any
13 documentation of school or adult education program participation on a
14 quarterly basis to the Administrative Office of the Courts.

15 (B) The office shall then report to the Department of
16 Career Education.

17 (b)(1) Unless the person is employed or has a skill that will
18 facilitate immediate employment, the court may require any person sentenced
19 for a felony or a Class A misdemeanor to make a good faith effort toward
20 obtaining gainful employment by participating in an appropriate employment
21 training program as an additional requirement for suspension of sentence or
22 probation.

23 (2)(A) The additional requirement under subdivision (b)(1) of
24 this section shall be implemented by the person's reporting to the local
25 workforce center for registration, intake, and employability skills
26 assessment.

27 (B) If the person is on probation, the additional
28 requirement under subdivision (b)(1) of this section shall be accomplished in
29 conjunction with the probation officer.

30 (C) In addition to the employability skills assessment, the
31 person shall register for employment with the local workforce center and upon
32 obtaining employment shall communicate the event to the:

33 (i) Court if on suspension of sentence; or

34 (ii) Probation officer if on probation.

35 (c) As used in this section, "good faith effort" means a person:

36 (1) Has been enrolled in a program of instruction leading to a

1 high school diploma or a ~~general educational development certificate~~ high
 2 school equivalency diploma and is attending a school or an adult education
 3 course; or

4 (2) Is registered for employment and enrolled and participating
 5 in an employment-training program with the purpose of obtaining gainful
 6 employment.

7 (d) A person who fails to make a good faith effort to comply with a
 8 court order issued under this section upon conviction is guilty of a
 9 violation and shall be punished by a fine of at least one hundred dollars
 10 (\$100) but not more than one thousand dollars (\$1,000).

11
 12 SECTION 2. Arkansas Code § 6-11-208(c)(3), concerning the Regional
 13 Educational Career Alternative School System for Adjudicated Youth, is
 14 amended to read as follows:

15 (3) Career education services, including ~~the General Educational~~
 16 ~~Development Test~~ a high school equivalency test;

17
 18 SECTION 3. Arkansas Code § 6-16-118 is amended to read as follows:
 19 6-16-118. ~~General Educational Development~~ High school equivalency
 20 testing for adults – Fees.

21 (a) As used in this section, “~~general educational development~~ high
 22 school equivalency test” means the General Education Development (GED) test
 23 of the GED Testing Service or another test used to assess high school core
 24 subject competencies.

25 (b) ~~The general educational development~~ A high school equivalency test
 26 for adults shall be administered by the educational agencies and institutions
 27 approved by the Department of Career Education.

28 (c) The State Board of Career Education may approve fees for:

29 (1) Administering ~~the general educational development~~ a high
 30 school equivalency test;

31 (2) Administering other assessments; and

32 (3) Photocopying or duplicating a transcript or diploma.

33 (d) The board shall promulgate rules to implement this section.

34
 35 SECTION 4. Arkansas Code § 6-17-706(a)(4), concerning professional
 36 development credit exemptions, is amended to read as follows:

1 (4) ~~General Educational Development Test~~ High school equivalency
2 test examiners.

3
4 SECTION 5. Arkansas Code § 6-18-201(b)(2)(A), concerning compulsory
5 attendance, is amended to read as follows:

6 (2)(A) After formal application and prior to any further action
7 on the application, the student shall be administered either a ~~test for adult~~
8 ~~basic education~~ basic skills test or a ~~General Educational Development~~
9 ~~Practice Test~~ high school equivalency practice test under standardized
10 testing conditions by a public school official designated by the school and
11 shall score ~~8.5 grade level or above~~ an appropriate score as determined by
12 the Adult Education Division of the Department of Career Education on the
13 ~~test for adult basic education~~ basic skills test or a ~~minimum~~ passing score
14 ~~of four hundred fifty (450) on each section and a minimum composite score of~~
15 ~~four hundred ninety (490) on the General Educational Development Practice~~
16 ~~Test~~ on all areas of the official high school equivalency practice test.

17
18 SECTION 6. Arkansas Code § 6-18-1005(a)(1)(K), concerning a student
19 services program, is amended to read as follows:

20 (K) Coordinating administration of the Test for Adult Basic
21 Education or ~~the General Educational Development~~ a high school equivalency
22 pretest to students by designating appropriate personnel, other than the
23 school guidance counselor, to administer the tests;

24
25 SECTION 7. Arkansas Code § 6-56-101(1), concerning definitions, is
26 amended to read as follows:

27 (1) "Adult education program" means any classes designed to
28 assist students in preparing for ~~the General Educational Development Test~~ a
29 high school equivalency test and any class designed to improve performance in
30 general basic skills, parenting, English proficiency, or other areas funded
31 by the Adult Education Section of the Department of Career Education; and

32
33 SECTION 8. Arkansas Code § 6-56-107(d), concerning the effect of a
34 merger on curriculum, is amended to read as follows:

35 (d) All adult basic education, ~~General Educational Development Test~~
36 high school equivalency test, and high school area center programs currently

1 provided by Foothills Technical Institute in 2002-2003 shall continue to be
2 administered by Arkansas State University-Searcy, provided funding is
3 available.

4
5 SECTION 9. Arkansas Code § 6-58-101(1), concerning definitions, is
6 amended to read as follows:

7 (1) "Adult education program" means any classes designed to
8 assist students in preparing for ~~the General Educational Development Test a~~
9 high school equivalency test, any class designed to improve performance in
10 general basic skills, parenting, English proficiency, or other areas funded
11 by the Adult Education Section of the Department of Career Education; and
12

13 SECTION 10. Arkansas Code § 6-58-107(c), concerning the effect of
14 merger on curriculum, is amended to read as follows:

15 (c) All adult basic education, ~~general educational development tests~~
16 high school equivalency test, and high school programs currently provided by
17 Quapaw Technical Institute or the Garland County Community College shall
18 continue at National Park Community College.
19

20 SECTION 11. Arkansas Code § 6-59-101(1), concerning definitions, is
21 amended to read as follows:

22 (1) "Adult education program" means any classes designed to
23 assist students in preparing for ~~the General Educational Development Test a~~
24 high school equivalency test and any class designed to improve performance in
25 general basic skills, parenting, English proficiency, or other areas funded
26 by the Adult Education Section of the Department of Career Education; and
27

28 SECTION 12. Arkansas Code § 6-59-107(c), concerning the effect of
29 merger on curriculum, is amended to read as follows:

30 (c) All adult basic education, ~~general educational development tests~~
31 high school equivalency tests, and high school programs provided by Cotton
32 Boll Technical Institute or the Mississippi County Community College on March
33 27, 2003, shall continue at the Arkansas Northeastern College.
34

35 SECTION 13. Arkansas Code § 6-82-1101 is amended to read as follows:
36 6-82-1101. Creation – Purpose.

1 ~~(a) The General Assembly hereby recognizes the importance to Arkansas~~
 2 ~~of the General Educational Development Program~~ a high school equivalency
 3 program for Arkansans desiring to complete the high school degree and go on
 4 to postsecondary education.

5 ~~(b)(1) Arkansas students~~ An Arkansas student who ~~complete the General~~
 6 ~~Educational Development Program~~ completes a high school equivalency program
 7 and ~~pass the General Educational Development Test~~ passes a high school
 8 equivalency test ~~are~~ is commended for ~~their~~ his or her initiative and
 9 persistence.

10 ~~(2) Those~~ A student who ~~succeed~~ succeeds in this endeavor should
 11 also be encouraged to enroll in a postsecondary education program.

12 ~~(c) To that end, there is hereby~~ There is established the Second
 13 Effort Scholarship Program to reward the top ten (10) scorers each year on
 14 ~~the General Educational Development Test~~ a high school equivalency test with
 15 a scholarship to an Arkansas postsecondary school or college.

16
 17 SECTION 14. Arkansas Code § 6-82-1103(b)(4)-(6), concerning
 18 eligibility for the Second Effort Scholarship Program, is amended to read as
 19 follows:

20 (4) The recipient must be accepted for admission at an approved
 21 postsecondary school or college as a freshman, as defined by the Department
 22 of Higher Education, and must enroll in an approved institution within
 23 eighteen (18) months following passage of ~~the General Educational Development~~
 24 ~~Test~~ a high school equivalency test;

25 (5) The recipient must have passed ~~the General Educational~~
 26 ~~Development Test~~ a high school equivalency test in the calendar year prior to
 27 application for the scholarship; and

28 (6)(A) The recipient must have scored in the top ten (10) of all
 29 Arkansans who took ~~the General Educational Development Test~~ a high school
 30 equivalency test in the calendar year prior to application for the
 31 scholarship, ~~beginning with test takers in 1991~~, as certified to the
 32 Department of Higher Education by the Adult Education Section of the
 33 Department of Career Education.

34 (B) Provided, however, that the Department of Higher
 35 Education is authorized to award a ~~General Educational Development~~ high
 36 school equivalency scholarship to an otherwise eligible student who scored in

1 the top twenty-five (25) on the previous calendar year's ~~General Educational~~
 2 ~~Development Test~~ high school equivalency test if all test-takers scoring
 3 above the applicant on ~~the General Educational Development Test~~ a high school
 4 equivalency test:

5 (i) Have either received a scholarship;

6 (ii) Have not applied by the application deadline; or

7 (iii) Are otherwise ineligible to receive a

8 scholarship.

9
 10 SECTION 15. Arkansas Code § 6-82-1105(d), concerning rules and
 11 regulations for the Second Effort Scholarship Program, is amended to read as
 12 follows:

13 (d) ~~Beginning in 1992, the Adult Education Section of the The~~
 14 ~~Department of Career Education, Division of Adult Education is directed to~~
 15 shall provide to the Department of Higher Education by February 1 each year a
 16 certified list of the twenty-five (25) top scorers on the ~~General Educational~~
 17 ~~Development Test~~ a high school equivalency test administered in the previous
 18 calendar year.

19
 20 SECTION 16. Arkansas Code § 6-82-1605(10)(A)(i), concerning
 21 eligibility for the Arkansas Workforce Improvement Grant Program, is amended
 22 to read as follows:

23 (A)(i) Graduated from high school or passed ~~the General~~
 24 ~~Educational Development Test~~ a high school equivalency test; and

25
 26 SECTION 17. Arkansas Code § 6-82-1702(5), concerning the definition of
 27 "high school graduate equivalent", is amended to read as follows:

28 (5) "High school graduate equivalent" means a student who passes
 29 ~~the General Educational Development test~~ a high school equivalency test in
 30 Arkansas;

31
 32 SECTION 18. Arkansas Code § 6-85-204(10), concerning the definitions
 33 under the Arkansas Academic Challenge Scholarship Program - Part 2, is
 34 amended to read as follows:

35 (10) ~~"General Educational Development~~ High school equivalency
 36 test" means a test measuring the knowledge and skills usually learned in high

1 school that is administered by a state-approved institution or organization;

2
3 SECTION 19. Arkansas Code § 6-85-207(3)(B), concerning additional
4 eligibility requirements for traditional students, is amended to read as
5 follows:

6 (B) In the year in which the student would have been a
7 junior or senior in high school, completed the requirements for high school
8 graduation and obtained a ~~Certificate of General Educational Development~~ high
9 school equivalency diploma approved by the Department of Career Education
10 instead of receiving a diploma.

11
12 SECTION 20. Arkansas Code § 6-85-208(2), concerning the additional
13 eligibility requirements for a nontraditional student, is amended to read as
14 follows:

15 (2) Graduated from an Arkansas public high school, a private high
16 school, an out-of-state high school, a home school high school, or obtained a
17 ~~Certificate of General Educational Development~~ high school equivalency
18 diploma approved by the Department of Career Education and either:

19
20 SECTION 21. Arkansas Code § 9-14-233(d)(3), concerning work activities
21 and incarceration, is amended to read as follows:

22 (3) If the obligated parent can demonstrate enrollment and full
23 participation in job-related training, which may include on-the-job-training,
24 job search and job readiness assistance, community service programs,
25 vocational education training not to exceed twelve (12) months' duration, job
26 skills training directly related to employment, education directly related to
27 employment if the obligated parent has not received a high school diploma or
28 ~~general education development certificate~~ high school equivalency diploma
29 approved by the Department of Career Education, the circuit court may
30 substitute such participation in lieu of work activities as set out in
31 subsection (e) of this section.

32
33 SECTION 22. Arkansas Code § 9-27-330(a)(4)(B), concerning delinquency,
34 is amended to read as follows:

35 (B)(i) In addition, the court shall have the right as a
36 term of probation to require the juvenile to attend school or make

1 satisfactory progress toward attaining a ~~general educational development~~
 2 ~~certificate~~ high school equivalency diploma approved by the Department of
 3 Career Education.

4 (ii) The court shall have the right to revoke
 5 probation if the juvenile fails to regularly attend school or if satisfactory
 6 progress toward attaining a ~~general educational development certificate~~ high
 7 school equivalency diploma approved by the Department of Career Education is
 8 not being made;

9
 10 SECTION 23. Arkansas Code § 9-27-332(a)(6)(A), concerning a family in
 11 need of services, is amended to read as follows:

12 (6)(A) Place the juvenile on supervision terms, including, ~~but~~
 13 ~~not limited to~~, without limitation requiring the juvenile to attend school or
 14 make satisfactory progress toward attaining a ~~general education development~~
 15 ~~certificate~~ high school equivalency diploma approved by the Department of
 16 Career Education, requiring the juvenile to observe a curfew, and prohibiting
 17 the juvenile from possessing or using any alcohol or illegal drugs.

18
 19 SECTION 24. Arkansas Code § 15-4-2901(b), concerning adult education,
 20 is amended to read as follows:

21 (b) The General Assembly finds that over four hundred ninety-one
 22 thousand eight hundred sixty-three (491,863) adults age eighteen (18) or
 23 older, approximately twenty-five percent (25%) of the adult population in
 24 Arkansas, lack a high school diploma or have not passed ~~the General~~
 25 ~~Educational Development Test~~ a high school equivalency test, and thus there
 26 is a critical need for adult education and training services.

27
 28 SECTION 25. Arkansas Code § 16-93-308(h), concerning probation
 29 generally, is amended to read as follows:

30 (h)(1) A court shall not revoke a suspension of sentence or probation
 31 because of a person's inability to achieve a high school diploma, ~~general~~
 32 ~~education development certificate~~ high school equivalency diploma approved by
 33 the Department of Career Education, or gainful employment.

34 (2)(A) However, the court may revoke a suspension of sentence or
 35 probation if the person fails to make a good faith effort to achieve a high
 36 school diploma, ~~general education development certificate~~ high school

1 equivalency diploma approved by the Department of Career Education, or
 2 gainful employment.

3 (B) As used in this section a “good faith effort” means a
 4 person:

5 (i) Has been enrolled in a program of instruction
 6 leading to a high school diploma or a ~~general-education-development~~
 7 ~~certificate~~ high school equivalency diploma approved by the Department of
 8 Career Education and is attending a school or an adult education course; or

9 (ii) Is registered for employment and enrolled and
 10 participating in an employment-training program with the purpose of obtaining
 11 gainful employment.

12
 13 SECTION 26. Arkansas Code § 17-86-303(a)(4)(A), concerning massage
 14 therapist eligibility, is amended to read as follows:

15 (4)(A) Present a high school diploma, ~~Certificate of General~~
 16 ~~Educational Development~~ high school equivalency diploma approved by the
 17 Department of Career Education, or college transcript and credentials issued
 18 by a board-accepted massage therapy school or a like institution with no less
 19 than five hundred (500) in-classroom hours of instruction.

20
 21 SECTION 27. Arkansas Code § 20-76-404(b)(2), concerning public
 22 assistance, is amended to read as follows:

23 (2) The Department of Workforce Services may certify subsets of
 24 program recipients, including, ~~but not limited to~~, without limitation
 25 recipients in a certain geographical area or employment opportunity district
 26 or program recipients with a high school diploma or ~~general-educational~~
 27 ~~development certificate~~ high school equivalency diploma approved by the
 28 Department of Career Education.

29
 30 SECTION 28. Arkansas Code § 20-76-443(a)(2), concerning education and
 31 training, is amended to read as follows:

32 (2) Program recipients who are assessed as having basic education
 33 deficiencies shall be allowed to combine educational activities leading to a
 34 high school diploma or ~~general-educational-development certificate~~ high
 35 school equivalency diploma approved by the Department of Career Education and
 36 employment and work experience. Participants may be required to engage in

1 internships, work experience, or employment. Work requirements shall not
2 exceed fifteen (15) hours per week unless the Department of Human Services
3 certifies that allowing education to count toward program recipients'
4 required work activities would affect the state's ability to meet federal
5 work participation rates. To the extent possible, educational activities
6 shall take place in a work context.

7
8 SECTION 29. Arkansas Code § 23-39-505(b)(2)(A), concerning
9 qualifications for licensure, is amended to read as follows:

10 (2)(A) Have received a high school diploma or a ~~general~~
11 ~~educational development certificate~~ high school equivalency diploma approved
12 by the Department of Career Education.

13
14 SECTION 30. Arkansas Code § 23-64-607(a)(2), concerning qualifications
15 for licensure or certification, is amended to read as follows:

16 (2) Have received a high school diploma or a ~~general education~~
17 ~~development certificate~~ high school equivalency diploma approved by the
18 Department of Career Education;

19
20 SECTION 31. Arkansas Code § 27-16-604(a)(1)(C), concerning persons not
21 to be licensed, is amended to read as follows:

22 (C) Has successfully completed a ~~General Educational~~
23 ~~Development~~ high school equivalency test; or

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