

APPENDIX B
ARKANSAS CODE

ACA §6-61-301. Incorporation generally.

- (a)(1)(A) Individuals desiring to establish a postsecondary education institution in the State of Arkansas, other than a state-supported institution, a school as defined by [§6-51-601](#) et seq., or a school which is regulated by the State Board of Cosmetology, shall be required to incorporate under the applicable laws of the State of Arkansas and to receive certification for offering educational programs from the Arkansas Higher Education Coordinating Board.
- (b) Any postsecondary education institution located in another state, other than those covered by [§6-51-601](#) et seq., or those regulated by the State Board of Cosmetology, which desires to offer coursework or degrees in the State of Arkansas shall be required, prior to offering any coursework, to obtain certification to do so from the Arkansas Higher Education Coordinating Board.
- (c) Any postsecondary education institution in the State of Arkansas desiring to offer programs leading to a degree which is customarily granted by colleges or universities shall be required to obtain certification to grant such degree from the Arkansas Higher Education Coordinating Board.
- (2) State-supported vocational and technical schools, institutions covered under [§6-51-601](#) et seq., or institutions regulated by the State Board of Cosmetology shall be required to obtain approval for programs in which such degrees would be granted from both the Arkansas Higher Education Coordinating Board and the State Board of Education.
- (3) Non-public colleges and universities currently incorporated and operating under the applicable laws of this state shall not be required to receive such certification.
- (b) The Arkansas Higher Education Coordinating Board shall be empowered to establish the criteria required for certification and to promulgate rules and regulations for the purpose of carrying out the provisions of this chapter and shall be charged with the final responsibility for decisions as required by the chapter.
- (c) Any person violating the provisions of subdivision (a)(1)(B) or (C) or subsection (b) shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than one thousand dollars (\$1,000) or be imprisoned in the county jail not more than three (3) months.
- (d)(1) To secure legal existence by act of incorporation, the individuals desiring to become a corporation as trustees of a college, university, or other postsecondary institution shall prepare a charter for the proposed institution

and shall present the charter to the Arkansas Higher Education Coordinating Board.

- (2) If the Arkansas Higher Education Coordinating Board determines that the charter is in accordance with the provisions of the laws of the State of Arkansas and the rules and regulations of the Arkansas Higher Education Coordinating Board, the Board shall issue to the trustees a certificate appended to a copy of the charter with the Great Seal of the State of Arkansas attached.
- (3) The certificate shall state that the accompanying charter is granted to the trustees, that they have complied with the provisions of law, and that they are thereby constituted as the board of directors of that institution and invested with all powers prescribed in the charter.
- (4) A copy of the charter and certificate shall be filed with the Secretary of State and recorded by him or her in a book to be kept for that purpose.
- (5) The Arkansas Higher Education Coordinating Board shall have the power, after giving thirty (30) days' notice in writing to the trustees to show cause why such action should not be taken, to revoke any certification issued by the board whenever the board shall find, after proper investigation, that the institution is conferring degrees or diplomas without requiring sufficient work therefore or is in violation of any of the provisions of the laws of this state or the regulations of the board relative thereto.

History. Acts 1911, No. 375, § 9; 1975, No. 903, §§ 1-6; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905.

6-61-302. Incorporation and certification - Advisory committee.

- (a) To assist the Arkansas Higher Education Coordinating Board in its responsibilities regarding incorporation and certification of postsecondary educational institutions, the board shall appoint an advisory committee.
- (b) The advisory committee shall include:
 - (1) Two (2) non-public postsecondary education institution chief administrators;
 - (2) Two (2) public postsecondary education institution chief administrators;
 - (3) Two (2) chief administrators of proprietary schools which are licensed under [§6-51-601](#) et seq.;
 - (4) The Director of the Department of Workforce Education or designated representative; and
 - (5) Two (2) legal residents of the state who are not officially affiliated with any postsecondary institution in any state as an employee or board member or in any other capacity.

(c) The members shall serve nine-year terms.

(d) Members shall serve without compensation but may be reimbursed for expenses in accordance with [§25-16-901](#) et. seq.

History. Acts 1975, No. 903, § 4; 1977, No. 560, § 5; A.S.A. 1947, § 80-4905; Acts 1997, No. 250, § 26; 2003, No. 1473, § 6.

6-2-107. Change of name or provisions.

1. Whenever the trustees of any corporate institution of learning are desirous of changing its name or the provisions of its charter, they may meet at the regular place of transacting business and change the name of the institution or the provision of its charter.
2. A majority of all the trustees shall consent to the change, and no change shall be made without due notice of the meeting and the notification thereof given to the several trustees at least ten (10) days before the time of such meeting.
3. When a change of name or of the provisions of the charter shall be made, the changes shall not be effective until they are approved by the State Board of Education [Arkansas Higher Education Coordinating Board].
4. When a change is approved, a copy of the resolution of the board of trustees providing for such a change, together with a certificate of the State Board of Education [Arkansas Higher Education Coordinating Board] as to its approval, shall be filed in the office of the Secretary of State and recorded by him in a book to be kept for such purposes.

History. Acts 1911, No. 375 §§ 11, 12; C&M Dig. §§ 1774, 1775; A.S.A 1947, §§ 64-1411, 64-1412.