

State of Arkansas

76th General Assembly

Regular Session, 1987 AS ENGROSSED 3/12/87 HOUSE BILL 1871

By: Representatives Lipton, Shaver, and Turner

"AN ACT TO AMEND VARIOUS ACTS IN ORDER TO CLARIFY THOSE RELATING TO THE STATE BOARD OF VOCATIONAL EDUCATION AND THE VOCATIONAL AND TECHNICAL EDUCATION DIVISION".

WHEREAS, State laws relating to vocational and technical education changed significantly during the past six years;

WHEREAS, a careful study of statutes affecting vocational and technical education reveals several conflicts among various sections, instances of legislation by inference rather than by specific provision, and inconsistency in terminology;

WHEREAS, the Arkansas Statute Revision Commission is presenting to the 1987 General Assembly recommendations for recodifying the statutes; and

WHEREAS, although the Commission members recognize the problems in vocational education, they believe that only the General Assembly has legal authority to resolve them;

NOW THEREFORE,

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

SECTION 1. Section 1 of Act 64 of 1981, the same being Arkansas Statute 5-910.1, is hereby amended to read as follows:

"Section 1. The purpose and intent of this Act is to divide the State Department of Education into two major divisions, the General Education Division and the Vocational and Technical Education Division, with each such major division to be under the supervision and direction of a separate director. It is also the intent of this Act to establish specifically a State Board of Vocational Education which heretofore existed by inference and to provide for the State Board of Vocational Education to be comprised of the same members as the State Board of Education with the same elected officers serving both boards and the same statutory provision for remuneration of Board

members to apply. It is intended that all authority and responsibility of the State Board of Vocational Education shall be administered through the Vocational and Technical Education Division under the direction and supervision of the Director of Vocational and Technical Education and that all authority and responsibility of the State Board of Education shall be administered through the General Education Division under the direction and supervision of the Director of General Education. It is further the purpose and intent of this Act that the authority and responsibility of the State Board of Vocational Education and the Vocational and Technical Education Division include general control and supervision of all programs of vocational, technical, and occupational education, including industry training (Arkansas Industry Training Program). This authority shall apply to programs in state vocational schools, area vocational high school centers, the public schools, business and industry (for industry training), and in any other public education facility or institution now in existence or hereafter established in the state with the exception of community colleges, universities, and colleges. The authority of the State Board of Vocational Education regarding community colleges, universities, and colleges shall be that of a coordinating board for the purposes of vocational, technical, and occupational budgets and programs."

SECTION 2. Subsections (2) and (3) of Section 10 of Act 38 of 1971, as amended, the same being Arkansas Statute 5-910(2) and (3), are hereby amended to read as follows:

"(2) The Department of Education shall consist of the State Board of Education, the General Education Division under the direction and supervision of the Director of General Education and the State Board of Vocational Education, the Vocational and Technical Education Division under the direction and supervision of the Director of Vocational and Technical Education, and such other divisions or subdivisions as presently exist within the Department of Education and as may hereafter be created by the State Board of Education and State Board of Vocational Education or created by law and placed under the Department of Education.

(3) The State Board of Education and the State Board of Vocational Education shall continue to perform their powers and duties as prescribed by law, except that the appointment by the Boards of the Director of General

Education and the Director of Vocational and Technical Education shall be subject to confirmation by the Governor and said Directors shall serve at the pleasure of the Governor. The Director of General Education and the Director of Vocational and Technical Education shall be co-equal and each shall be a member of the Governor's Cabinet. The Director of General Education shall perform all duties and exercise all powers relating to general education as have been heretofore or may hereafter be granted by law to the 'Commissioner of Education', the 'Director of the Department of Education', or the 'Director of General Education'. The Director of Vocational and Technical Education shall perform all duties and exercise all powers relating to vocational and technical education as have been heretofore vested in the 'Commissioner of Education' or the 'Director of the Department of Education', and as is herein or may hereafter be vested in the Director of Vocational and Technical Education by law or by the State Board of Vocational Education."

SECTION 3. Section 3 of Act 64 of 1981, the same being Arkansas Statute 5-910.3, is hereby amended to read as follows:

"Section 3. In addition to any other powers, functions, and duties regarding vocational, technical, and occupational education which have been heretofore vested in the State Board of Education and the State Department of Education, the State Board of Vocational Education and its staff shall have general supervision of all programs. All such programs and the funding of such programs shall be subject to the approval of the Board. The Board's responsibilities shall include but not be limited to the following: establishing policies relating to plans and specifications for facilities and instructional equipment, prescribing standardized standards for programs and teachers, approving applied courses of related academic instruction, and other items relative to program quality and operation. The Board shall have the authority to reorganize and restructure current programs and personnel in the institutions covered in this Section, and any 'savings of appropriated funds' effected thereby may be used by the Board for such other programs as it deems appropriate. The Board shall also have the authority to administer special programs of vocational education supported with monies set aside for vocational education from the Public School Fund through the School Finance Act of 1984 (Section 6, Act 34 of 1983 First Extraordinary Session) as amended by Section 2, Act 789 of 1985, the same being Arkansas Statute 80-850.15.

This authority shall be extended to subsequent amendments, if any, to the above named statute. The State Board of Education shall continue to be responsible for the administration of all funds appropriated by the General Assembly for transportation, textbooks, school lunch programs, and minimum foundation reimbursement based on average daily membership for students enrolled in vocational education programs in the public schools, and such funds shall be administered through the General Education Division."

SECTION 4. Section 4 of Act 64 of 1981, the same being Arkansas Statute 5-910.4, is hereby amended to read as follows:

"Section 4. The powers, functions, and duties heretofore vested in the Director of the Department of Higher Education, the Director of the Department of Industrial Development, and in other state agencies relating to the administration and supervision of programs of vocational, technical and occupational education in state vocational schools, community colleges, universities and colleges, area vocational high school centers, the public schools, or in any other public education facility, are hereby transferred to and shall hereafter be exercised by the State Board of Vocational Education and shall be administered through the Vocational and Technical Education Division of the Department of Education. This Section shall not replace the current authority vested in the Boards of Trustees of community colleges, universities, and colleges."

SECTION 5. Section 7 of Act 169 of 1931, as amended, the same being Arkansas Statute 80-107, is hereby amended to read as follows:

"Section 7. The Board shall elect one of its number Chairman, one Vice-Chairman, and such other officers as the Board deems necessary to perfect its organization. The Director of the General Education Division shall act as ex officio Secretary of the State Board of Education without vote. The Director of the Vocational and Technical Division shall act as ex officio secretary of the State Board of Vocational Education without vote. The Boards shall adopt such rules and regulations for their meetings and proceedings as they deem advisable."

SECTION 6. Section 19 of Act 169 of 1931, the same being Arkansas Statute 80-109, is hereby amended to read as follows:

"Section 19. The State Board of Education shall adopt a seal and such seal shall be used by the Commissioner of Education to authenticate documents or copies of documents as such board or commissioner may deem advisable. The State Board of Vocational Education shall adopt a seal, and such seal shall be used by the Director of Vocational and Technical Education to authenticate documents or copies of documents as such board or director may deem advisable."

SECTION 7. Section 17 of Act 169 of 1931, the same being Arkansas Statute 80-110, is hereby amended to read as follows:

"Section 17. The State Board of Education shall keep in the office of the Commissioner of Education, a complete record of the minutes of its meeting and other proceedings, and annually shall make a report to the Governor which shall embody the report of the Commissioner of Education to it.

The State Board of Vocational Education shall keep in the office of the Director of Vocational and Technical Education a complete record of the minutes of its meetings and other proceedings."

SECTION 8. Section 16 of Act 169 of 1931, the same being Arkansas Statute 80-115, is hereby amended to read as follows:

"Section 16. The State Board of Vocational Education shall have general supervision of vocational education in the State, and shall administer and apportion any funds that may come to the State for that purpose."

SECTION 9. Section 22 of Act 169 of 1931, as amended, the same being Arkansas Statute 80-118, is hereby amended to read as follows:

"Section 22. No person shall be selected as Director of the General Education Division who does not meet the following qualifications: He must be a person of good moral character, recognized as a leader in the field of education, qualified technically and by experience to direct the work of the General Education Division must hold the master's degree from an accredited institution, must have had ten years' experience as a teacher, five of which must be of an administrative or supervisory nature, and must hold a valid state teacher's certificate. No person who is related within the fourth degree of consanguinity or affinity to any member of the State Board of Education shall be eligible to serve as Director of the General Education Division.

No person shall be selected as Director of Vocational and Technical Education Division who does not fit the following qualifications: must be a person of good moral character, recognized as a leader in the field of vocational education, qualified technically and by experience to direct the work of the Vocational and Technical Education Division, must hold the master's degree from an accredited institution, must have had ten (10) years experience as a teacher, supervisor, and administrator of vocational education with the experience representing positions of increasing responsibility, and must qualify as a teacher in a vocational program area under the State Board's standard qualification requirements.

No person who is related within the fourth degree of consanguinity or affinity to any member of the State Board of Vocational Education shall be eligible to serve as Director of Vocational and Technical Education.

The Director of General Education or a disbursing agent designated by him and approved by the State Board of Education, and the Director of Vocational and Technical Education or a disbursing agent designated by him and approved by the State Board of Vocational Education shall give bond to the State of Arkansas as provided by law for other disbursing agents, conditioned for the faithful performance of their duties and the faithful accounting for all the school money of the state, of any county, or any school district that may come into their hands."

SECTION 10. Section 26 of Act 169 of 1931, the same being Arkansas Statute 80-121, is hereby amended to read as follows:

"Section 26. Copies of any papers or documents on file in the offices of the Director of General Education and the Director of Vocational and Technical Education authenticated by them with the seal of the State Board of Education or State Board of Vocational Education respectively shall be admissible in evidence with the same effect as the original."

SECTION 11. Section 8 of Act 127 of 1941, the same being Arkansas Statute 80-122, is hereby amended to read as follows:

"Section 8. The State Board of Education and the State Board of Vocational Education, in addition to other duties prescribed by law, shall select such personnel as may be needed for the efficient operation of the State Department of Education and shall fix their salaries in accordance with their

training and the work assigned. Appointments of full-time employees in the Department of Education shall be made by the Boards upon nomination by the Director of General Education and the Director of Vocational and Technical Education for their respective divisions. Upon rejection of a nominee, the appropriate director shall make further nominations. Professional appointments in the Department of Education shall be made for definite terms of one year, subject to removal for cause, by a majority vote of the members of the State Board of Education upon recommendation of the Director of General Education or by the State Board of Vocational Education upon recommendation of the Director of Vocational and Technical Education.

The State Board of Education may organize and from time to time change and alter the General Education Division into such branches or sections as may be found necessary and desirable by the Director of General Education to perform all proper functions and render maximum service relating to the operation and improvement of the general education programs of the State.

The State Board of Vocational Education may organize and from time to time change and alter the Vocational and Technical Education Division into such branches or sections as may be found necessary and desirable by the Director of Vocational and Technical Education to perform all proper functions and render maximum service relating to the operation and improvement of vocational education programs in the State."

SECTION 12. Section 1 of Act 184 of 1939, the same being Arkansas Statute 80-123, is hereby amended to read as follows:

"Section 1. The General Assembly of Arkansas hereby accepts all federal aid to education as may be provided by the Congress of the United States. The State Board of Education and the State Board of Vocational Education are hereby designated as the 'State educational authority' for the purpose of representing the State in the administration of such funds, as may be provided by Congress. The Boards are hereby empowered to promulgate such regulations as are necessary on the part of the State to meet any and all requirements of the federal government in the distribution of federal aid. They shall provide for the proper auditing and accounting of all federal funds and for making all necessary reports regarding the expenditures of such federal funds; and perform such other functions as may be prescribed by the act providing aid."

SECTION 13. Section 1 of Act 88 of 1955, the same being Arkansas Statute 80-140, is hereby amended to read as follows:

"Section 1. The State Board of Education and the State Board of Vocational Education are hereby designated to receive and administer any and all federal funds made available to this State for the purpose of assisting local school districts in providing elementary and secondary school facilities for general education programs and for vocational and adult education programs respectively."

SECTION 14. Section 2 of Act 88 of 1955, the same being Arkansas Statute 80-141, is hereby amended to read as follows:

"Section 2. The State Board of Education is hereby empowered to make such plans, rules, and regulations as are necessary in order for this State to meet requirements of any law enacted by the Congress of the United States for general education or any supplementary federal regulations pertaining to such legislation.

The State Board of Vocational Education is hereby empowered to make such plans, rules, and regulations as are necessary in order for this state to meet requirements of any law enacted by the Congress of the United States for vocational education or any supplementary federal regulations pertaining to such legislation."

SECTION 15. Section 24 of Act 929 of 1983, the same being Arkansas Statute 5-910.2, is hereby amended to read as follows:

"Section 24. The Director of the Vocational and Technical Education Division is hereby authorized to enter into contracts with private organizations, licensed by the State Board of Education or the State Board of Vocational Education, in order to provide vocational-technical training to needy citizens of the State of Arkansas."

SECTION 16. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 17. EMERGENCY. It is hereby found and determined by the General Assembly that there is an urgent need to clarify the laws related to vocational and technical education. Therefore, an emergency is hereby declared to



exist, and this Act being immediately necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage and approval.

/s/ John Lipton

