

1 **State of Arkansas**  
2 **80th General Assembly**  
3 **Regular Session, 1995**  
4 **By: Senators Hardin and Wilson**

# A Bill

**ACT 492 OF 1995**  
**SENATE BILL 476**

## For An Act To Be Entitled

8 "AN ACT TO CREATE THE ARKANSAS ADVISORY COUNCIL FOR  
9 VOCATIONAL-TECHNICAL EDUCATION; TO CONFORM THE MEMBERSHIP  
10 AND DUTIES OF THE COUNCIL TO FEDERAL REQUIREMENTS; TO  
11 PRESCRIBE THE AUTHORITY AND RESPONSIBILITIES OF THE  
12 COUNCIL; TO ABOLISH THE ARKANSAS ADVISORY COUNCIL FOR  
13 VOCATIONAL AND TECHNICAL EDUCATION ESTABLISHED UNDER THE  
14 AUTHORITY OF UNCODIFIED SECTION 33 OF ACT 1244 OF 1991;  
15 AND FOR OTHER PURPOSES."

## Subtitle

17 "TO CREATE THE ARKANSAS ADVISORY COUNCIL  
18 FOR VOCATIONAL-TECHNICAL EDUCATION."  
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20  
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22  
23 SECTION 1. (a) There is hereby created the Arkansas Advisory Council  
24 for Vocational-Technical Education, with the Arkansas Industrial Development  
25 Commission designated as the state agency eligible to receive federal funds  
26 for the Advisory Council for Vocational-Technical Education and to act as the  
27 council\_s fiscal agent for purposes of disbursement, accounting, and auditing  
28 pursuant to 20 U.S.C. §2322(c) and (e) and §2323(c).

29 (b) The council shall consist of thirteen (13) members appointed by the  
30 Governor as hereinafter provided and shall serve in a manner prescribed by  
31 this act and 20 U.S.C. § 2301 et seq.

32 (c) Those members of the council appointed pursuant to the provisions  
33 of this act and 20 U.S.C. § 2302 et seq. shall serve terms of three (3) years.

34 (d) At the initial meeting of the council the members shall draw lots  
35 for terms of appointment. Four (4) shall draw lots for one year appointment,  
36 four (4) shall draw lots for two (2) year appointments, and five (5) shall

1 draw lots for three (3) year appointments.

2 (e) In the event a vacancy is created by the death or resignation of a  
3 member or by other cause, a successor shall be appointed within fifteen (15)  
4 days to serve for the remainder of the unexpired term.

5 (f) In such event, the Governor shall appoint a successor within  
6 fifteen (15) days of being notified.

7 (g) No employee of the Arkansas Department of Education (General  
8 Division or Vocational and Technical Division) or any other state agency  
9 administering training programs shall be eligible to serve on the council, if  
10 so prohibited by federal law or regulations.

11 (h) The Governor shall appoint persons to the council pursuant to 20  
12 U.S.C. 2322(a) who meet the following criteria:

13 (1) Seven (7) individuals who are representative of the private  
14 sector in Arkansas and who shall constitute a majority of the membership of  
15 the council, one (1) of whom shall be appointed by the Governor to serve as  
16 chairman.

17 (A) Four (4) of the members shall be chief executive  
18 officers or high level management of business or industries in Arkansas, one  
19 (1) of whom shall represent small businesses;

20 (B) One (1) shall represent agricultural interests in  
21 Arkansas;

22 (C) Two (2) shall be officers of organized labor in  
23 Arkansas;

24 (D) Furthermore, one (1) shall be a member of the State Job  
25 Training Coordinating Council.

26 (2) Six (6) individuals shall be appointed who are representative  
27 of secondary and postsecondary institutions that offer programs in vocational  
28 or technical education. Individuals appointed pursuant to subdivision (2) of  
29 this subsection shall be either senior management or senior professionals or  
30 have held executive positions with the institutions or endeavors that they  
31 were appointed to the council to represent. Any individual appointed pursuant  
32 to subdivision (2) of this subsection who leaves the institution and its  
33 employ, yet maintains professional contacts and relationships pursuant to the  
34 category represented, shall be eligible to serve on the council.

35 (3) In appointing members pursuant to subdivision (2) of this

1 subsection, the Governor shall strive for equitable distribution between  
2 postsecondary and secondary institutions and shall appoint:

3 (A) One (1) individual to represent a state-supported  
4 two-year or four-year institution of higher education;

5 (B) One (1) individual to represent a postsecondary  
6 vocational-technical institution;

7 (C) One (1) individual to represent state-supported  
8 corrections education;

9 (D) One (1) individual to represent special education; and

10 (E) One (1) individual to represent career guidance and  
11 counseling organizations.

12 (4) (A) Of the members appointed pursuant to this section, one  
13 shall represent the Arkansas Senate and one shall represent the Arkansas House  
14 of Representatives.

15 (B) In appointing the membership of the entire council, the  
16 Governor shall make efforts to provide for appropriate representation where  
17 possible based on sex, race, or ethnic origin.

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19 SECTION 2. (a) The responsibilities of the Arkansas Advisory Council  
20 for Vocational-Technical Education shall include promotion of interest in  
21 vocational and technical education, assistance in developing the plans  
22 required by 20 U.S.C. § 2301, and advice to the State Board of Vocational  
23 Education.

24 (b) The council shall also:

25 (1) Meet with the board or its representative during the planning  
26 year to advise on the development of the state plan;

27 (2) Advise the board and make reports to the Governor, the  
28 business and industrial community, the General Assembly, and the general  
29 public concerning:

30 (A) Policies the state should pursue to strengthen  
31 vocational and technical education with particular attention to programs for  
32 persons with disabilities;

33 (B) Initiatives and methods the private sector can  
34 undertake to help assure that the modernization of vocational and technical  
35 programs is of high quality;

1           (3) Analyze and report on the distribution of all vocational  
2 education funds in the state and on the availability of vocational education  
3 activities and services within the state;

4           (4) Consult with the board on the establishment of evaluation  
5 criteria for vocational education programs within the state;

6           (5) Submit recommendations to the board on the conduct of  
7 vocational education programs conducted in the state that emphasize the use of  
8 business concerns and labor organizations;

9           (6) Assess the distribution of financial assistance under this  
10 act, particularly the distribution of financial assistance between secondary  
11 vocational education programs and postsecondary vocational education programs;

12           (7) Recommend procedures to the board to ensure and enhance the  
13 participation of the public in the provision of vocational education at the  
14 local level within the state, particularly the participation of local  
15 employers and local labor organizations;

16           (8) Report to the board on the extent to which individuals  
17 described in 20 U.S.C. § 2331(b) are provided with equal access to quality  
18 vocational and technical programs;

19           (9) Evaluate at least once every two (2) years the vocational  
20 program delivery systems assisted under 20 U.S.C. § 2301 et seq. and the  
21 federal Job Training Partnership Act in terms of adequacy and effectiveness in  
22 achieving their respective purposes;

23           (10) Make recommendations to the board on the adequacy and  
24 effectiveness of the coordination that takes place between vocational  
25 education and the federal Job Training Partnership Act;

26           (11) Advise, in writing, the Governor, board, State Job Training  
27 Coordinating Council, and the Secretaries of the U.S. Department of Education  
28 and the U.S. Department of Labor the council's findings and recommendations;

29           (12) Perform any other duties and functions as may be required by  
30 state or federal law.

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32           SECTION 3. Pursuant to 20 U.S.C. § 2322, the Arkansas Advisory Council  
33 for Vocational-Technical Education is authorized to obtain the services of  
34 professional, technical, and clerical personnel necessary to enable it to  
35 carry out its functions and to contract for services necessary to enable the

1 council to carry out its evaluation and operational functions independent of  
2 programmatic and administrative control by other state boards, agencies, or  
3 individuals.

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5 SECTION 4. (a) The Arkansas Advisory Council for Vocational-Technical  
6 Education shall perform such other functions as shall be required by state or  
7 federal law.

8 (b) The council is expected to advise the State Board of Vocational  
9 Education, Governor, and General Assembly on all matters that pertain to  
10 vocational and technical education and those programs that relate to other  
11 educational programs, efforts, and services which are relevant to quality  
12 vocational and technical programs and which may support the state's economic  
13 and industrial development.

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15 SECTION 5. (a) Funds necessary to accomplish the mandates of 20 U.S.C.  
16 § 2301 et seq. and this act shall be provided from federal funds and from  
17 state funds through appropriation by the General Assembly.

18 (b) Members of the Arkansas Advisory Council for Vocational-Technical  
19 Education shall serve without compensation but may, to the extent monies are  
20 appropriated therefor and subject to reasonable limitations established by the  
21 Department of Finance and Administration, be reimbursed for actual reasonable  
22 expenses incurred in the performance of their official duties.

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24 SECTION 6. The Arkansas Advisory Council for Vocational and Technical  
25 Education established by the Governor under authority of uncodified Section 33  
26 of Act 1244 of 1991 is hereby abolished. All records, property, personnel,  
27 unexpended balances of appropriations, allocations, or other funds of such  
28 council are hereby transferred to the Arkansas Industrial Development  
29 Commission for purposes as specified in Section 1 of this act.

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31 SECTION 7. The provisions of this act shall be effective on July 1,  
32 1995.

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34 SECTION 8. All provisions of this act of a general and permanent nature  
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 9. If any provision of this act or the application thereof to  
4 any person or circumstance is held invalid, such invalidity shall not affect  
5 other provisions or applications of the act which can be given effect without  
6 the invalid provision or application, and to this end the provisions of this  
7 act are declared to be severable.

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9 SECTION 10. All laws and parts of laws in conflict with this act are  
10 hereby repealed.

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12 APPROVED: 2-28-95

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