

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 496 of the Regular Session

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

As Engrossed: S2/17/05

A Bill

SENATE BILL 191

5 By: Senator Broadway  
6 By: Representatives Rainey, Mahony  
7

8  
9 **For An Act To Be Entitled**

10 *AN ACT TO CREATE THE CORRECTIONS SCHOOL SYSTEM;*  
11 *TO CLARIFY THE PURPOSE OF AND FUNDING FOR THE*  
12 *CORRECTIONS SCHOOL SYSTEM; AND FOR OTHER*  
13 *PURPOSES.*

14  
15 **Subtitle**

16 *AN ACT TO CREATE THE CORRECTIONS SCHOOL*  
17 *SYSTEM AND TO CLARIFY THE PURPOSE OF AND*  
18 *FUNDING FOR THE CORRECTIONS SCHOOL*  
19 *SYSTEM.*

20  
21  
22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

23  
24 SECTION 1. Arkansas Code 12-29-301 is amended to read as follows:  
25 12-29-301. School ~~district~~ system created.

26 (a) Properties owned by the State of Arkansas and occupied by the  
27 various units of the Department of Correction and the Department of Community  
28 Correction are by this subchapter designated as a qualified school district  
29 to be known as the ~~Department of Correction~~ Corrections School ~~District~~  
30 System.

31 (b) This qualified ~~district~~ system is created for the purpose of  
32 providing elementary, secondary, and vocational and technical education to  
33 ~~all~~ qualified persons incarcerated in ~~department facilities~~ facilities of the  
34 Department of Correction and the Department of Community Correction or to  
35 qualified persons supervised by the Department of Community Correction



1 including those on probation and parole or any type of post prison release or  
2 transfer who are not high school graduates, irrespective of age.

3 (c) The Board of Corrections shall act as the school board for the  
4 ~~school district,~~ Corrections School System.

5 (d)(1) The Corrections School System's chief administrative officer,  
6 shall be under the direct authority of the Board of Directors of the  
7 Corrections School System.

8 (2) Subject to the approval of the Board of Directors of the  
9 Corrections School System, the chief administrative officer or superintendent  
10 of the Corrections School System shall have supervisory authority over the  
11 employees of the Corrections School System, including but not limited to  
12 assistant superintendents, principals and teachers.

13  
14 SECTION 2. Arkansas Code 12-29-303 is amended to read as follows:

15 12-29-303. Privileges of students - Limitations.

16 The schools established under ~~the provisions of~~ this subchapter and  
17 those persons incarcerated who attend the schools shall be entitled to ~~all of~~  
18 the certain educational privileges provided generally to common public  
19 schools and adult education programs administered by the State Board of  
20 Education to students who attend them under the laws of the State of  
21 Arkansas, provided the privileges do not conflict with the rules,  
22 regulations, and policies of the State Board of Education, Department of  
23 Correction, and the Department of Community Correction or the laws of the  
24 state respecting the establishment and operation of the ~~department~~  
25 departments.

26  
27 SECTION 3. Arkansas Code 12-29-304 is amended to read as follows:

28 12-29-304. Costs and funding.

29 (a) The cost of implementing and operating the school program in the  
30 ~~Department of Correction~~ Corrections School District System shall be borne by  
31 the state and shall be paid from funds appropriated by the General Assembly  
32 from the general revenues of the state to the Department of Correction, the  
33 Department of Community Correction, and the Department of Education, together  
34 with any federal funds that may be available for that purpose and from any  
35 funds generated from the operations of the Department of Correction and the  
36 Department of Community Correction, in the following manner:

1 (1) The cost of facilities, equipment, and current operation in  
2 excess of the amount of grants and aids received from the Department of  
3 Education shall be borne by the Department of Correction and the Department  
4 of Community Correction as approved by the Board of Corrections;

5 (2)(A) ~~The Department of Correction~~ Corrections School District,  
6 System, as other school districts in the state, shall share in the  
7 distribution of grants and aids from the Department of Education.

8 (B) In no case, however, shall the moneys from the Public  
9 School Fund to the ~~Department of Correction~~ Corrections School District  
10 System be in excess of the ~~statewide average state equalization funding per~~  
11 ~~student, as defined in § 6-20-303, multiplied by the average daily membership~~  
12 ~~of the Department of Correction School District~~ line item appropriation  
13 provided to the Corrections School District System in the Public School Fund.

14 ~~(b)(1) In view of the role, duties, and responsibilities of the~~  
15 ~~Department of Correction as a penal and correctional institution, the~~  
16 ~~inability of the Department of Correction School District to meet the full~~  
17 ~~requirements of the rules and regulations of the quality education standards~~  
18 ~~promulgated by the State Board of Education pursuant to §§ 6-15-201, 6-15-~~  
19 ~~203, § 6-15-901 et seq, 6-20-1901 et seq, and 6-20-2201 et seq. § 6-15-204~~  
20 ~~[repealed], § 6-15-205 [repealed], § 6-15-206, former § 6-15-207 [repealed],~~  
21 ~~and § 6-15-211 [repealed], and other laws and regulations of the state~~  
22 ~~pertaining to Quality Education Standards of 2003 shall, in no way, penalize~~  
23 ~~or jeopardize the eligibility of the Department of Correction School District~~  
24 ~~to receive state grants and aids for public school districts as authorized in~~  
25 ~~this subchapter. Recognizing that the primary roles, duties, and~~  
26 ~~responsibilities of the Department of Correction and the Department of~~  
27 ~~Community Correction are to serve as penal and correctional institutions, the~~  
28 ~~Corrections School System shall be exempt from and shall not be penalized in~~  
29 ~~any manner for not complying with § 6-15-201 et seq., § 6-15-401 et seq., §§~~  
30 ~~6-15-901 and 6-15-902, §§ 6-15-2001 through 6-15-2008, §§ 6-15-2101 through~~  
31 ~~6-15-2107, § 6-15-2201, § 6-15-2301, § 6-16-1201 through 6-16-1206, § 6-20-~~  
32 ~~1901 et seq., § 6-20-2201 et seq.; and related State Board of Education~~  
33 ~~rules; any rule of the State Board of Education related to the provisions~~  
34 ~~listed in this subdivision (b)(1), and any state laws or rules adopted to~~  
35 ~~comply with the federal Elementary and Secondary Education Act as~~  
36 ~~reauthorized under the No Child Left Behind Act of 2001, 20 U.S.C. § 6301 et~~

1 seq., as in existence on January 1, 2005.

2 (2) The Corrections School System's exemption from or  
3 noncompliance with the provisions under this subsection (b) shall not affect  
4 the Corrections School System's, the Department of Correction's, or the  
5 Department of Community Correction's eligibility to apply for or receive  
6 state grants or aids for public school districts as authorized in this  
7 subchapter and related rules.

8  
9 SECTION 4. Arkansas Code 12-29-306 is amended to read as follows:

10 12-29-306. Riverside Vocational and Technical School - Legislative  
11 intent.

12 (a) This section and §§ 12-29-307 - 12-29-310 are intended to create  
13 an additional state vocational and technical school to provide vocational and  
14 technical education and training opportunities to qualified persons  
15 incarcerated in facilities of the Department of Correction and the Department  
16 of Community Correction or to qualified persons supervised by the Department  
17 of Community Correction including those on probation and parole or any type  
18 of post prison release or transfer.

19 (b) This section is not intended to modify or repeal any of the laws  
20 of this state pertaining to vocational and technical schools or vocational  
21 and technical education.

22  
23 SECTION 5. Arkansas Code 12-29-307 is amended to read as follows:

24 12-29-307. Riverside Vocational and Technical School - Establishment.

25 There is established a state vocational and technical school, to be  
26 known as the "Riverside Vocational and Technical School", to be operated by  
27 the State Board of Workforce Education and Career Opportunities within the  
28 Department of Correction and the Department of Community Correction at such  
29 facilities thereof as may be designated by the Department of Workforce  
30 Education in cooperation and agreement with the Board of Corrections.

31  
32 SECTION 6. Arkansas Code 12-29-308 is amended to read as follows:

33 12-29-308. Riverside Vocational and Technical School - Purpose.

34 The Riverside Vocational and Technical School is created for the  
35 purpose of providing vocational and technical educational opportunities to  
36 ~~all~~ qualified persons incarcerated in facilities of the Department of

1 Correction facilities and the Department of Community Correction including  
2 qualified persons supervised by the Department of Community Correction  
3 including those on probation and parole or any type of post prison release or  
4 transfer who would be qualified to receive vocational and technical education  
5 and training in state vocational and technical schools established by the  
6 State Board of Workforce Education and Career Opportunities under the  
7 provisions of §§ 6-51-201 - 6-51-203, 6-51-205, 6-51-207 - 6-51-210, and  
8 other laws of this state relative to vocational and technical schools.

9  
10 SECTION 7. Arkansas Code 12-29-309 is amended to read as follows:

11 12-29-309. Riverside Vocational and Technical School - Facilities -  
12 Operations - Rules and regulations.

13 (a) For the purpose of enabling the Department of Correction and the  
14 Department of Community Correction to fulfill ~~its~~ their legal  
15 responsibilities as ~~a correctional institution~~ institutions, the State Board  
16 of Workforce Education and Career Opportunities shall locate facilities and  
17 operate vocational education programs within the Riverside Vocational and  
18 Technical School under such agreements, and subject to such special rules and  
19 regulations, as are deemed appropriate for the operation of a vocational and  
20 technical school program on the facilities of correctional institutions under  
21 the control of the ~~department~~ Department of Correction and the Department of  
22 Community Correction in accordance with agreements, rules, and regulations  
23 mutually developed and agreed to by the State Board of Workforce Education  
24 and Career Opportunities and the Board of Corrections.

25 (b) The school shall be entitled to all funds, rights, and  
26 privileges and shall be operated in the same manner as other area vocational  
27 and technical schools are operated in this state, but shall be operated in  
28 accordance with the special rules and regulations for the operation of such  
29 vocational and technical school program on facilities of the ~~department~~  
30 Department of Correction and the Department of Community Correction as  
31 provided in §§ 12-29-306 - 12-29-310.

32  
33 SECTION 8. Arkansas Code 12-29-310 is amended to read as follows:

34 12-29-310. Riverside Vocational and Technical School - Cost of  
35 implementation and operation.

36 (a) The cost of implementing and operating the Riverside Vocational

1 and Technical School at facilities of the Department of Correction and the  
2 Department of Community Correction as authorized by this section and §§ 12-  
3 29-306 - 12-29-309, shall be borne by the state and shall be paid from funds  
4 appropriated by the General Assembly to the Riverside Vocational and  
5 Technical School, the Department of Workforce Education, ~~and to the~~  
6 Department of Correction, and to the Department of Community Correction,  
7 together with any federal funds that may be available for such purpose in the  
8 following manner:

9 (1) The cost of facilities and equipment in excess of the amount  
10 of moneys provided by the Riverside Vocational and Technical School and the  
11 Department of Workforce Education shall be borne by the Department of  
12 Correction and the Department of Community Correction as approved by the  
13 Board of Corrections; and

14 ~~(2)(A) The Department of Workforce Education shall allocate to~~  
15 ~~the Riverside Vocational and Technical School such funds as are appropriated~~  
16 ~~or authorized by the General Assembly for allocation to such Riverside~~  
17 ~~Vocational and Technical School as may be provided by law.~~

18 ~~(B)~~ (2) This section and §§ 12-29-306 - 12-29-309  
19 contemplates that the Department of Correction and the Department of  
20 Community Correction will provide facilities for the vocational and technical  
21 education program operated by the Riverside Vocational and Technical School,  
22 but nothing in this section and §§ 12-29-306 - 12-29-309 shall prohibit the  
23 State Board of Workforce Education and Career Opportunities from providing  
24 facilities or sharing in the cost of facilities and for providing or sharing  
25 in the cost of repairing, maintenance, and upkeep of the buildings and  
26 facilities with the Department of Correction and the Department of Community  
27 Correction as funds are provided by the General Assembly, or are otherwise  
28 available therefor.

29 ~~(b) Equipping of the facilities used by Riverside Vocational and~~  
30 ~~Technical School shall be provided by the Department of Workforce Education~~  
31 ~~in the same manner as provided for other area vocational technical schools of~~  
32 ~~the state.~~

33 ~~(c)(1) The vocational and technical school program to be operated at~~  
34 ~~the Department of Correction shall be in addition to vocational and technical~~  
35 ~~opportunities provided by the Department of Correction School District.~~

36 ~~(2) Nothing in §§ 12-29-306 - 12-29-310 shall prohibit or limit~~

1 ~~the Department of Correction School District and the Riverside Vocational and~~  
2 ~~Technical School from sharing in the providing of vocational and technical~~  
3 ~~programs and the cost thereof, provided that accounts and records are~~  
4 ~~maintained to allocate to each school its appropriate share of such cost.~~

5 (b) The Riverside Vocational and Technical School shall be  
6 administered under the direction and supervision of the chief administrative  
7 officer of the Corrections School System or the Director of Riverside  
8 Vocational and Technical School under the direct authority of the Board of  
9 Directors of the Corrections School System.

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11 /s/ Broadway  
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14 APPROVED: 3/02/2005  
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