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1 **State of Arkansas**

2 **78th General Assembly**

3 **Regular Session, 1991**

A Bill

SENATE BILL 357

4 **By: Senators Gordon, Howell, Wilson, Jewell, Dowd, Gibson, Miles, Bradford, Walters,**
5 **Cassady, Hoofman, Malone, Harriman, Bearden and Ross**

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8

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH A SYSTEM TO MEET THE TWO-YEAR
10 POSTSECONDARY EDUCATIONAL NEEDS OF THIS STATE; TO CREATE
11 THE ARKANSAS TECHNICAL AND COMMUNITY COLLEGE SYSTEM; TO
12 AMEND TITLE 6, CHAPTER 61, SUBCHAPTER 2 OF THE ARKANSAS
13 CODE OF 1987 TO EXPAND THE STATE BOARD OF HIGHER
14 EDUCATION; TO AMEND TITLE 25, CHAPTER 6, SUBCHAPTER 1 OF
15 THE ARKANSAS CODE OF 1987 TO TRANSFER ALL RESPONSIBILITY
16 FOR TECHNICAL AND COMMUNITY COLLEGES TO THE STATE BOARD OF
17 HIGHER EDUCATION; TO MERGE CERTAIN INSTITUTIONS TO MORE
18 EFFECTIVELY MEET THE EDUCATIONAL NEEDS OF THE CITIZENS OF
19 THIS STATE; TO PROVIDE AN IMPROVED DELIVERY SYSTEM OF
20 ADULT EDUCATION; AND FOR OTHER PURPOSES."

21

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

23

24 SECTION 1. TITLE. This act shall be known as and may be cited as the
25 "Two-Year Postsecondary Education Reorganization Act of 1991."

26

27 SECTION 2. PURPOSE. The purpose of this act is to serve as a
28 legislative charter under the authority granted by Arkansas Constitution,
29 Amendment 52, for the establishment, organization and administration of a
30 system of educational institutions throughout the state offering courses of
31 instruction in technical, vocational and adult education programs, industry
32 training and two-year college transfer programs. The system established under
33 this act shall provide educational programs which are easily accessible by all
34 segments of the population to benefit from training, retraining or upgrade
35 training for employment and which is highly responsive to individuals needing

1 to achieve basic, general and specialized education to meet the needs of the
2 workplace. The system shall be served by a seven-member panel of the State
3 Board of Higher Education to be known as the "College Panel," which shall act
4 as a coordinating body under the auspices of the State Board of Higher
5 Education to assure the orderly and effective development of the publicly
6 supported institutions within the system.

7

8 SECTION 3. DEFINITIONS. As used in this act, unless the context
9 otherwise requires:

10 (1) "Branch campus of a community college" means an institution with
11 facilities located apart from the community college campus but within the
12 community college district.

13 (2) "Capital outlay expense" means those funds devoted to or required
14 for the acquisition and improvement of land; acquisition, construction,
15 remodeling, alteration, addition or enlargement of buildings or other
16 structures; and the initial purchase of library holdings, furniture, apparatus
17 and other equipment for a new or expanded facility as defined by the state
18 board. Capital outlay expense excludes those expenses used for maintenance
19 and replacement of equipment and furniture.

20 (3) "College Panel" or "panel" means the panel of *seven* (7) members of
21 the State Board of Higher Education *including* the chairman of the State Board
22 of Higher Education *which* shall serve as the primary coordinating body for all
23 two-year institutions within the system.

24 (4) "Community college" means an institution of higher education
25 established or to be established under the provisions of this act dedicated
26 primarily to the educational needs of the service area offering a
27 comprehensive program including, but without limitation, vocational, trade and
28 technical specialty courses and programs, college transfer courses, and
29 courses in general adult education.

30 (5) "Department" means the State Department of Higher Education.

31 (6) "District" means the geographic area, located within one (1) or
32 more counties or cities, or any described combination thereof, or any
33 described area which may be in one (1) or more counties or parts of counties
34 but within the same service area, directly responsible for the local financial
35 support and local administration of an institution located within its service

1 area.

2 (7) "Existing community college" means a community college established
3 in accordance with the provisions of and presently operating in conformity
4 with Ark. Const. Amend. 52 and Ark. Code Ann. §§6-61-101 - 6-61-103, 6-61-201
5 - 6-61-209, 6-61-211 - 6-61-216, 6-61-301 - 6-61-306, 6-61-401, 6-61-402,
6 6-61-501 - 6-61-524, 6-61-601 - 6-61-612.

7 (8) "Local board" means the governing body of a technical college or
8 community college.

9 (9) "Operating expense" means those educational and general funds
10 devoted to or required for the regular or ordinary expense of the college,
11 including administrative, maintenance and salary expenses, but excluding
12 capital outlay expenses, student activity expenses and expense for
13 intercollegiate athletics. Operating expense includes maintenance and
14 replacement of furniture and equipment, including motor vehicles.

15 (10) "Satellite campus" means an institution located within a service
16 area of a technical or community college but not located within a community
17 college district.

18 (11) "Service area" means the geographic area assigned by the State
19 Board of Higher Education as the area to be served by the institution located
20 within its borders. Each county in the state shall be assigned to at least
21 one (1) service area.

22 (12) "State Board," "board," or "full board" means the State Board of
23 Higher Education comprised of the chairman, the University Panel and the
24 College Panel.

25 (13) "System institution" means a technical college or community
26 college.

27 (14) "Technical college" means an institution of higher education
28 established under this act dedicated primarily to the educational needs of the
29 service area offering a comprehensive program including, but without
30 limitation, vocational, trade and technical specialty courses and programs,
31 courses in general adult education and courses comparable in content and
32 quality to freshman and sophomore courses which may carry transfer credit to a
33 four-year institution in a chosen course of study.

34 (15) "University Panel" means the panel of *seven (7)* members of the
35 State Board of Higher Education *including* the chairman of the State Board of

1 Higher Education which shall serve as the primary coordinating body for all
2 four-year institutions within the system.

3

4 SECTION 4. Arkansas Code §6-61-201 is hereby amended to read as
5 follows:

6 "6-61-201. Members - Meetings.

7 (a) (1) The State Board of Higher Education shall consist of thirteen
8 (13) members appointed by the Governor and confirmed by the Senate.

9 (2) No more than three (3) members of the board shall be
10 appointed from any one (1) congressional district, as such districts were
11 established by Acts 1951, No. 297 repealed.

12 (3) No more than three (3) members of the board at any one (1)
13 time may be graduates of any one (1) state university or college with no more
14 than two (2) graduates of the one (1) state university or college serving on a
15 panel, and no members of the board of trustees of any state-supported college
16 or university shall be eligible for membership on the board.

17 (b) The terms of members of the board shall be ten (10) years.

18 (c) The board shall elect from its own number a chairman and such other
19 officers as may be necessary to carry on its business.

20 (d) (1) The board shall meet at least once during each calendar quarter
21 and at such other times upon call of the chairman or any other four (4)
22 members.

23 (2) The board or each panel may, at such times as it desires,
24 meet on the campuses of the respective institutions of higher learning in this
25 state.

26 (e) Members of the board shall serve without compensation but shall be
27 reimbursed for their actual expenses attending meetings of the board and
28 performing their official duties.

29 (f) (1) In order to more effectively serve the institutions under the
30 jurisdiction of the State Board of Higher Education, on July 1, 1991, or as
31 soon thereafter as is practicable, the board comprised of thirteen (13)
32 members shall divide itself into two (2) *seven-member* panels.

33 (2) The chairman of the board shall serve as chairman of each
34 panel.

35 (3) (A) One (1) panel, to be known as the College Panel, shall act

1 as a coordinating body of all two year institutions in the Arkansas Technical
2 and Community College System. The College Panel shall be comprised of board
3 members *knowledgeable in business, labor, industry or economic development.*

4 (B) One (1) panel, to be known as the University Panel,
5 shall act as a coordinating body of all four-year institutions of higher
6 education in this state.

7 (4) Each panel shall have such other responsibilities as may be
8 delegated to the panel by a vote of the entire board.

9 (g) The full board shall serve as the final coordinating body for all
10 two and four-year institutions under its jurisdiction. All final decisions
11 shall require a vote of the full board."

12

13 SECTION 5. Subsection (c) of Arkansas Code §25-6-101 is hereby amended
14 to read as follows:

15 "(c) It is further the purpose and intent of this chapter that the
16 authority and responsibility of the State Board of Vocational Education and
17 the Vocational and Technical Education Division include general control and
18 supervision of all programs of vocational, technical, and occupational
19 education in secondary institutions. This authority shall apply to programs
20 in state vocational schools, area vocational high school centers, public
21 schools, and in any other public education facility or institution now in
22 existence or hereafter established in the state with the exception of
23 technical colleges, community colleges, universities, and colleges."

24

25 SECTION 6. COLLEGE PANEL OF THE STATE BOARD OF HIGHER EDUCATION.

26 (a) The College Panel of the State Board of Higher Education is hereby
27 established to serve all two-year institutions in the State Technical and
28 Community College System.

29 (b) The Director of the General Education Division of the Department of
30 Education, the Director of the Vocational Education Division of the Department
31 of Education and the Director of the Arkansas Industrial Development
32 Commission shall be ex officio, non-voting members of the panel. The Director
33 of the Department of Higher Education shall serve as the ex officio secretary
34 of the panel.

35 (c) The panel in addition to the ex officio members shall consist of

1 seven (7) members of the State Board of Higher Education *including* the
2 chairman of the State Board of Higher Education.

3 (d) The members of the panel shall be knowledgeable in vocational
4 education, *postsecondary* adult education or federal job *training programs* and
5 *some shall be knowledgeable in business, labor, industry or economic*
6 *development interests in the state.*

7

8 SECTION 7. DUTIES AND POWERS OF COLLEGE PANEL AND STATE BOARD.

9 (a) In order to promote a coordinated system of two-year postsecondary
10 education in Arkansas, to provide an effective delivery system for adult
11 education programs and to assure an orderly and effective development of a
12 system of publicly and locally supported institutions, the panel shall have
13 the following powers and duties:

14 (1) To function as a coordinating body between the technical and
15 community colleges in the system and the public schools, universities, state
16 colleges and other educational institutions in Arkansas;

17 (2) To determine service areas containing all counties within the
18 state and recommend adoption of such service areas to the full board who shall
19 designate which system institution within the service area shall be
20 responsible for fulfillment of the two-year postsecondary educational needs of
21 the service area;

22 (3) To establish for the system the required minimum
23 qualifications for the president of a technical or community college;

24 (4) To review, evaluate, and coordinate budget requests for the
25 institutions in the system. The full board shall present to the General
26 Assembly and to the Governor prior to each regular session of the General
27 Assembly a single budget report containing the recommendations for separate
28 appropriations to each of the respective institutions;

29 (A) The recommendations will be consistent with a
30 comprehensive master plan of two-year postsecondary education in Arkansas as
31 developed by the panel and adopted by the board.

32 (B) The recommendations, insofar as possible, will be based
33 upon standard techniques of objective measurement of need and unit cost
34 figures arrived at through comparative data secured from the several
35 institutions.

1 (C) Specific needs of institutions based upon existing
2 programs and deficiencies will be given consideration.

3 (5) To develop, in conjunction with the institutions, the
4 Governor, and the Legislative Council, a single set of budget forms which will
5 be utilized by all parties in making requests and recommendations for the
6 funding of two-year postsecondary institutions in the system. The forms and
7 process will require that the total income and expenditures of each
8 institution must be considered in the request process;

9 (6) To determine, in coordination with the Legislative Joint
10 Auditing Committee, that state funds are used in conformity with the grants of
11 such funds;

12 (7) To determine a minimum level for student tuition and fees to
13 be charged by institutions within the system in regard to the funding formula;

14 (8) To plan, in cooperation with the State Board of Vocational
15 Education, the allocation of federal funds for instructional programs and
16 student services, including funds for vocational and technical education,
17 retraining, adult basic education and general adult education;

18 (9) To recommend to the full board for approval of the General
19 Assembly the location and priorities for establishment or expansion of
20 institutions or abolition of institutions;

21 (10) To develop and recommend to the full board a standardized
22 method of calculating the full time equivalent (FTE) enrollment for use by
23 each two-year postsecondary institution in this state. Such calculation shall
24 provide for the inclusion of students attending off-campus programs offered by
25 the institution.

26 (b) The panel shall develop and maintain short and long-range plans for
27 providing current and appropriate occupational and technical training for
28 adults and may solicit information for its planning activities from the State
29 Board of Education, the University Panel of the State Board of Higher
30 Education, the Employment Security Department, any industry training program
31 of the state, any apprenticeship training program of the state and other state
32 agencies, institutions and Departments.

33 (c) The full board, upon the advice of the College Panel, shall have
34 approval or disapproval authority over all future conversions of state-
35 supported postsecondary vocational-technical institutions to technical

1 colleges and all consolidations of postsecondary vocational-technical
2 institutions with community colleges or four-year institutions or their
3 branches which must be authorized by the General Assembly.

4 (d) The panel shall recommend and review proposals for the
5 establishment of curricula and for major changes in curricula of institutions
6 within the system. It shall emphasize flexibility in responding to local
7 business and industry needs.

8 (e) The board shall define the requirements of appropriate degrees and
9 certificates and authorize the award thereof in the institutions within the
10 system. *The State Board of Higher Education shall approve all degree programs*
11 *at the associate degree level or above at any state-supported postsecondary*
12 *institution including those established and administered under A.C.A. §6-51-*
13 *701 et seq.*

14 (f) The panel shall cooperate with the State Board of Education and the
15 board of directors of any school district to encourage the use and sharing of
16 facilities and staff in the offering of secondary vocational programs,
17 including instruction in agricultural subjects, trades or industrial subjects.

18 (g) The panel is authorized to recommend to the full board for adoption
19 rules and regulations consistent with the provisions of this act and to
20 effectively perform the duties of the panel and board pursuant to this act.

21

22 SECTION 8. SYSTEM NAME. All courses, programs and institutions within
23 the jurisdiction of the College Panel and the State Board of Higher Education
24 shall be identified and administered as the Arkansas Technical and Community
25 College System.

26

27 SECTION 9. OFFICE OF ACCOUNTABILITY. (a) The Office of Accountability
28 of the Department of Higher Education shall have the following duties in
29 regard to the technical and community colleges:

30 (1) To study the effectiveness of the delivery of postsecondary
31 education following the conversions, mergers and consolidations under this
32 act;

33 (2) To assess institutions in the area of student achievement;

34 (3) To measure progress through job placement, job retention and
35 wage rates for students leaving the system;

1 (4) To identify exemplary programs for duplication within the
2 system;

3 (5) To report annually to the director, the board, the Governor
4 and the General Assembly on provisions authorized in this act.

5 (b) The Office of Accountability shall make available to the Joint
6 Interim Oversight Subcommittee on Educational Reform and the Joint Interim
7 Committee on Education of the General Assembly the reports the office submits
8 to the Director.

9 (c) The Advisory Committee on Accountability established in Ark. Code
10 Ann. §6-15-804 as the citizens' advisory committee on accountability in
11 education for this state shall also assist the Office of Accountability in the
12 performance of their duties under this act.

13 (d) The annual report provided under Ark. Code §6-15-809 shall include
14 any findings and recommendations of the Advisory Committee on Accountability
15 concerning two-year postsecondary educational programs in this state.

16 (e) Establishment of the Office of Accountability and implementation of
17 the provisions of this section which directly affect the operation of the
18 Arkansas Department of Higher Education shall be contingent on the
19 appropriation and funding of the staff and operating budget necessary to allow
20 the Department of Higher Education to carry out the duties assigned to the
21 Department in this act. If no specific appropriation and funding to establish
22 the Office of Accountability is enacted during the 78th Regular Session of the
23 General Assembly, it shall be inoperative until such specific appropriation
24 and funding is enacted.

25

26 SECTION 10. COLLEGE TRANSFER PROGRAM APPROVAL. (a) The State Board of
27 Higher Education shall develop a plan to maximize transfer credits of students
28 from institutions within the system, including the development of a core
29 transfer program for students desiring to obtain a baccalaureate degree after
30 transferring from an institution within the two-year system to the four-year
31 system.

32 (b) All program and curricula in the college transfer program shall be
33 subject to the approval or disapproval of the State Board of Higher Education.

34 (c) The board shall develop, with the assistance of institutional
35 advisory committees, policies for transfer students from technical and

1 community colleges to four-year institutions.

2

3 SECTION 11. EQUIPMENT POOL. The department, in coordination with the
4 institutions, shall develop an effective means of pooling surplus equipment
5 for redistribution to other institutions. Such equipment pool arrangement may
6 include the crediting of equipment values to the institution for equipment
7 acquired from a source other than the state.

8

9 SECTION 12. CAPITAL OUTLAYS. (a) Unless exempted under the provisions
10 of A.C.A. §19-4-522, any expenditure of state treasury funds for capital
11 outlay expenses or construction costs as set forth in A.C.A. §19-4-524 of an
12 institution within the system shall be subject to the prior approval of the
13 General Assembly upon the recommendation of the board.

14 (b) Except those funds allocated under the College Savings Bond Act or
15 provided during the 1991-93 biennium, prior to the withdrawal of state funds
16 from the State Treasury for use in approved capital outlays, the board shall
17 obtain and transmit to the *Chief Fiscal Officer of the Department of Finance*
18 *and Administration* a certificate from the chairman of the local board of the
19 technical or community college stating that a minimum of fifty percent (50%)
20 of each project cost has been provided by local funds.

21 (c) No state monies appropriated for general operating expenses of an
22 institution shall be used for capital outlay expenses.

23 (d) Capital outlay expenses shall be paid from gifts, grants, profits
24 from auxiliary enterprises, local millages, other local funds and may be paid
25 from state *funds appropriated for such purposes.*

26 (e) *Revenues derived from any local sales and use tax levied under*
27 *Arkansas Code sections 26-74-201 et seq., 26-74-301 et seq., 26-75-201 et*
28 *seq., or 26-75-301 et seq., may be used to finance capital outlay expenses for*
29 *institutions of higher education.*

30

31 SECTION 13. COORDINATION WITH INSTITUTIONAL BOARDS OF TRUSTEES. All
32 future mergers or consolidations of state-supported postsecondary vocational-
33 technical institutions with existing community colleges, branch campuses of
34 four-year institutions or with four-year institutions shall be subject to the
35 approval of the board of trustees of the institution, the State Board of

1 Higher Education and North Central Association - Commission on Institutions of
2 Higher Education.

3

4 SECTION 14. COORDINATION WITH SECONDARY VOCATIONAL-TECHNICAL EDUCATION
5 AND LITERACY PROGRAMS. Upon the approval of the board, the local board may
6 contract with the Vocational Division of the State Department of Education, a
7 non-profit organization or a local school board within its service area to
8 offer secondary level vocational-technical courses and programs, adult
9 literacy courses, and industry training.

10

11 SECTION 15. CONVERSION PROHIBITED. (a) No state-supported vocational-
12 technical institution in this state *other than those provided for by this act*
13 shall convert to become a technical college if there is an existing community
14 college located within the same county of the vocational-technical
15 institution.

16 (b) *Following passage of this act, the local board of any state-*
17 *supported postsecondary institution and the board of a community college*
18 *located within the same county, may, upon passage of a resolution by each*
19 *board, and with the approval by the state board and the North Central*
20 *Association - Commission on Institutions of Higher Education, merge the state-*
21 *supported postsecondary institution with the community college.*

22

23 SECTION 16. TRANSPORTATION. A technical or community college may
24 establish and operate a transportation system for students within the service
25 area of the institution assigned by the State Board of Higher Education.

26

27 SECTION 17. LOCAL ADMINISTRATION - TECHNICAL COLLEGES. (a) Each
28 technical college established or operated under this act shall be governed by
29 a local board of trustees consisting of seven (7) members who shall be
30 appointed by the Governor and subject to the confirmation of the Senate.

31 (b) The term of office of local board members shall be seven (7) years.
32 The initial board appointees shall determine their terms by lot so that no
33 more than one (1) term shall expire during any year.

34 (c) Members of the local board shall be qualified electors of the
35 service area of the technical college and *knowledgeable in business, labor,*

1 *industry or economic development.*

2 (d) No candidate for public office, holder of public office in the
3 state, certified or non-certified employee of a public school district,
4 classified or non-classified employee of any community college, vocational-
5 technical school or any institution of higher learning nor any member of a
6 board of trustees of a school district, of any community college or
7 institution of higher learning, or his or her spouse, shall serve as a member
8 of the local board.

9 (e) When a vacancy occurs in the membership of the board, the president
10 of the technical college shall so notify the Governor who shall appoint a
11 successor to the person who vacated membership, who will serve the unexpired
12 term of the person succeeded.

13 (f) The powers and duties of the local board shall be as follows:

14 (1) To acquire, hold and transfer real and personal property, to
15 enter into contracts, to institute and defend legal actions and suits, and to
16 exercise such other rights and privileges as may be necessary for the
17 management and administration of the technical college;

18 (2) To appoint from the candidates certified by the state board,
19 the president of the technical college;

20 (3) To appoint, upon nomination of the president, members of the
21 administrative and teaching staffs;

22 (4) To determine, with the approval of the State Board, the
23 educational program of the technical college; and

24 (5) Other powers and duties as provided in this act and as
25 delegated to it by the State Board.

26 (g) The local board shall select a chairman and such other officers as
27 necessary for the performance of its duties.

28 (h) The local board may make rules and regulations not inconsistent
29 with the provisions of this act or inconsistent with the rules and regulations
30 of the State Board as are necessary for the proper administration and
31 operation of the technical college.

32 (i) The local board may contract with the Vocational Division of the
33 State Department of Education, a non-profit organization or a local school
34 board within its service area to offer secondary level general academic and
35 vocational-technical courses and programs, adult literacy courses, or both.

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SECTION 18. INTERIM ACCREDITATION AND GOVERNANCE. (a) The State Board of Higher Education is hereby authorized to act as the legal entity, governing board and receiver of all property for any institution not accredited by North Central Association - Commission on Institutions of Higher Education and seeking merger or consolidation with an existing institution of higher education during the interim period when approval of institutional change from North Central Association - Commission on Institutions of Higher Education is being sought.

(b) Upon approval by NCA - CIHE, all records, personnel, property, unexpended balances, and all legal authority shall pass from the State Board of Higher Education to the legal entity governing the newly merged or consolidated institution.

(c) The State Board of Higher Education is hereby authorized to provide accreditation for a period of up to six (6) years to any institution governed by the state board.

(d) Until such time as the State Board of Higher Education approves associate of applied science degrees for the institutions identified in Section 19(a), no change in the educational mission of those institutions is intended or authorized by this act. Therefore, the State Board of Vocational Education must show cause why accreditation of those institutions should not be continued and, further, must provide twelve (12) months notice of any action to withdraw its accreditation of those institutions.

(e) Any postsecondary vocational-technical school other than those listed in Section 19 and Section 20 which receives approval from the state board and the General Assembly to begin the process of consolidation or merger with an existing institution of higher education shall be governed by the State Board of Higher Education in accordance with the provisions of this section and subsections (f), (h) and (i) of Section 17 pending approval of the merger or consolidation from North Central Association - Commission on Institutions of Higher Education.

(f) Should any consolidation plan fail to be approved by North Central Association - Commission on Institutions of Higher Education, the provision of subsection (g) of Section 19 shall apply to the postsecondary vocational-technical school or technical college seeking merger or consolidation with an

1 institution of higher education.

2

3 SECTION 19. (a) Effective July 1, 1991, the board shall designate the
4 following institutions as technical colleges which shall become part of the
5 Arkansas Technical and Community College System under the coordination of the
6 State Board of Higher Education:

7 (1) Black River Vocational Technical School, Pocahontas

8 (2) Cossatot Vocational Technical School, De Queen

9 (3) Gateway Vocational Technical School, Batesville

10 (4) Mid-South Vocational Technical School, West Memphis

11 (5) Oil Belt Vocational Technical School, El Dorado

12 (6) Ozarka Vocational Technical School, Melbourne

13 (7) Petit Jean Vocational Technical School, Morrilton

14 (8) Pines Vocational Technical School, Pine Bluff

15 (9) Pulaski Vocational Technical School, North Little Rock

16 (10) Red River Vocational Technical School, Hope

17 (11) Twin Lakes Vocational Technical School, Harrison

18 None of these institutions shall have the authority to request SBHE approval
19 for associate degree programs before July 1, 1993.

20 (b) These institutions may be expanded to offer courses of instruction
21 in technical, vocational and adult education programs and college transfer
22 programs and may, upon a vote of the electorate, create a community college
23 district and, if necessary, impose a millage to convert to a community
24 college.

25 (c) Until the institution elects to become a community college, the
26 institution shall be known as a technical college.

27 (d) The College Panel shall be responsible for the operation of all
28 technical colleges under this act until such time as a local board is
29 appointed.

30 (e) Upon the appointment of the local board, all records, personnel,
31 property, unexpended balances of appropriations, allocations or other funds of
32 the state-supported postsecondary vocational-technical institution(s) shall be
33 transferred to the local board.

34 (f) The local board shall be responsible for the administration and
35 operation of the institution and shall be further responsible for the

1 provision of services to meet the two-year postsecondary educational needs of
2 those citizens located within the service area of the institution.

3 (g) Any technical college which fails to achieve higher education
4 institutional accreditation from the North Central Association - Commission on
5 Institutions of Higher Education within six (6) years following the date of
6 transfer under (e) above, shall be abolished by the state board. All records,
7 personnel, property, unexpended balances of appropriations, allocations or
8 other funds of the technical college shall be transferred to the State
9 Department of Higher Education.

10

11 SECTION 20. (a) A board of trustees of a community college may, by
12 resolution or when requested, petition the State Board of Higher Education to
13 accept a technical college located in the same service area to be a branch
14 campus of the community college.

15

16 (b) All records, personnel, property, unexpended balances of
17 appropriations, allocations or other funds of above listed state-supported
18 institutions within the service area of the community college shall be
19 transferred to the local board.

20 (c) The local board of the community college shall be responsible for
21 the administration and operation of all state-supported postsecondary
22 vocational-technical institutions located within its service area and
23 consolidated by this act.

24 (d) Until such time as territory containing the vocational-technical
25 institution is joined to the community college district, the institution shall
26 be operated as and known as a satellite campus of the community college. In
27 cases where the vocational-technical institution is located within the
28 community college district, upon consolidation, such institution shall be
29 known as a branch campus of the community college, or, if situated in close
30 proximity to an existing community college campus, no name distinction need be
31 made for such institution.

32 (e) No millage tax of the community college district shall be used for
33 capital outlay expense or operating expense of a satellite campus.

34 (f) The procedures for reconstituting districts under Ark. Code Ann.
35 §6-61-518 shall be followed to join additional territory containing the

1 satellite campus to the existing community college district.

2 (g) Following the passage of the question to join territory containing
3 the satellite campus to the existing community college district or to impose
4 an additional millage for the community college district, the institution
5 shall be known as a branch campus of the community college.

6 (h) Any satellite campus of a community college which fails to become a
7 branch campus of the community college or which fails to achieve higher
8 education institutional accreditation from the North Central Association -
9 Commission on Institutions of Higher Education within six (6) years following
10 the date of transfer under (b) above, shall be abolished by the state board.
11 All records, personnel, property, unexpended balances of appropriations,
12 allocations or other funds of the satellite campus shall be transferred to the
13 State Department of Higher Education.

14

15 SECTION 21. TWO-YEAR BRANCHES - CONVERSION TO TECHNICAL COLLEGE.

16 (a) A board of trustees of a four-year institution may, by resolution
17 or when requested, petition the State Board of Higher Education to accept a
18 two-year branch campus to be a technical college under the state board's
19 jurisdiction.

20 (b) Upon approval by the State Board of Higher Education and the North
21 Central Association - Commission on Institutions of Higher Education and
22 assignment of a service area for the institution, the two-year branch campus
23 shall be known as a technical college.

24 (c) All records, personnel, property, unexpended balances of
25 appropriations, allocations or other funds of the two-year branch campus shall
26 be transferred to the board until a local board is appointed.

27 (d) Upon the appointment of a local board, all records, personnel,
28 property, unexpended balances of appropriations, allocations or other funds of
29 the technical college shall be transferred to the local board.

30 (e) The local board shall be responsible for the administration and
31 operation of the technical college and such other state-supported institutions
32 within the system located in the service area designated by the state board as
33 necessary to adequately meet the two-year postsecondary educational needs of
34 those citizens located within the service area assigned to the technical
35 college.

1 (f) Upon the establishment of the technical college, the two-year
2 branch of the four-year institution shall be abolished.

3 (g) Any technical college established under this section which fails to
4 achieve higher education institutional accreditation from the North Central
5 Association - Commission on Institutions of Higher Education within six (6)
6 years following the date of conversion, shall be abolished by the state board.

7 All records, personnel, property, unexpended balances of appropriations,
8 allocations or other funds of the technical college shall be transferred to
9 the State Department of Higher Education.

10

11 SECTION 22. TECHNICAL COLLEGE/TWO-YEAR BRANCHES - CONVERSION TO
12 COMMUNITY COLLEGE. (a) The procedures for the conversion of the technical
13 college or a two-year branch campus of a four-year institution to a community
14 college shall, except as set forth herein, be the same as those in Title 6,
15 Chapter 61 of the Arkansas Code of 1987, as amended, concerning formation of a
16 community college district and the provisions of this section shall be
17 cumulative to the laws of this state governing the creation and operation of
18 community colleges. Any postsecondary vocational technical school which
19 converted to a technical college under the provisions of this act or any two-
20 year branch campus whose board of trustees petitions the state board under
21 this act shall be exempt from A.C.A. §6-61-509(c) limiting the maximum number
22 of community college districts in this state to eight (8) and may hereafter
23 convert to become a community college with the approval of the State Board of
24 Higher Education.

25 (b) Prior to the election, the panel shall assist any group of citizens
26 representing a proposed community college district within the service area
27 containing the technical college to determine the feasibility of the proposed
28 district and the adequacy of the proposed millage levy, if any.

29 (c) A board of trustees of a four-year institution shall, when
30 requested, petition the state board to authorize an election for a two-year
31 branch campus of the four-year institution to become a community college.

32 (d) If a two-year branch campus of a four-year institution and either a
33 postsecondary vocational-technical institution or a technical college exists
34 in the same county, the question on the ballot for formation of a community
35 college district shall include the establishment of a community college

1 comprised of the two-year branch campus of the four-year institution and the
2 postsecondary vocational-technical institution or technical college.

3 (e) (1) The local board of the technical college shall be abolished upon
4 the selection of the local board of the community college, and all records,
5 personnel, property, unexpended balances of appropriations, allocations or
6 other funds of the technical college shall be transferred to the local board
7 of the community college.

8 (2) Upon the selection of the local board of the community
9 college following the conversion of a two-year branch campus to a community
10 college, the board of trustees of the four-year institution shall transfer all
11 records, personnel, property, unexpended balances of appropriations,
12 allocations or other funds of the two-year branch to the local board of the
13 community college.

14 (f) The local board of the community college shall be responsible for
15 the administration and operation of all satellite campuses.

16 (g) No millage tax of the community college district shall be used for
17 capital outlay expense or operating expense of a satellite campus.

18 (h) Except as set forth otherwise in this act, the local board shall
19 have the same powers and duties as those enumerated in Title 6, Chapter 61 of
20 the Arkansas Code of 1987, as amended.

21 (i) Upon the establishment of the community college, the postsecondary
22 vocational- technical institution, the technical college and the two-year
23 branch of the four-year institution shall be abolished.

24 (j) Any community college established under this section which fails to
25 achieve higher education institutional accreditation from the North Central
26 Association - Commission on Institutions of Higher Education within six (6)
27 years following the date of conversion, shall be abolished by the state board.
28 All records, personnel, property, unexpended balances of appropriations,
29 allocations or other funds of the community college shall be transferred to
30 the State Department of Higher Education.

31

32 SECTION 23. CONSOLIDATIONS. (a) (1) As provided in this act or upon
33 approval of the State Board of Vocational Education, the board of trustees of
34 the receiving institution, *the State Board of Higher Education and the North*
35 *Central Association - Commission on Institutions of Higher Education*

1 thereafter, the board may consolidate a state-supported vocational-technical
2 institution with a four-year institution or a two-year branch campus of a
3 four-year institution.

4 (2) Following approval by the North Central Association -
5 Commission on Institutions of Higher Education, the board, upon approval of
6 the board of trustees of the receiving institution, shall consolidate the
7 following state-supported vocational-technical institutions and four-year
8 institutions or two-year branch campuses of a four-year institution:

9 (A) White River Vocational Technical School with Arkansas State
10 University - Beebe Campus.

11 (b) The board of trustees of the four-year institution which receives a
12 state-supported institution shall be responsible for the administration and
13 operation of the state-supported institution.

14 (c) All records, personnel, property, unexpended balances of
15 appropriations, allocations or other funds of the state-supported institution
16 shall be transferred to the board of trustees.

17

18 SECTION 24. (a) (1) Except as provided in subsection (2), effective
19 July 1, 1991, the board shall designate the Mountain Home Education Center
20 (postsecondary only) (Baxter County) as a technical college.

21 (2) The advisory board of the Mountain Home Education Center
22 (Baxter County) may, by resolution prior to July 1, 1991, elect not to be a
23 technical college.

24 (3) All records, personnel, property, unexpended balances of
25 appropriations, allocations or other funds of the Mountain Home Education
26 Center shall be transferred to the state except as provided in (2) above.

27 (b) (1) If approved by majority vote of the qualified electors of Boone
28 County voting in a special election before July 1, 1991, then effective July
29 1, 1991, Twin Lakes Technical College shall become a candidate for merger with
30 North Arkansas Community College.

31 (2) The election may be called by a resolution adopted by the
32 quorum court of Boone County, the governing body of North Arkansas Community
33 College, or the governing body of Twin Lakes Vocational Technical School.

34 (3) Upon adoption of such a resolution, the entity shall
35 immediately notify the county board of election commissioners who shall call

1 the election.

2 (4) At least twenty (20) days public notice shall be given before
3 the election.

4 (5) The entity calling for the election shall be responsible for
5 paying for the cost of the election unless otherwise agreed to among all
6 entities.

7 (6) Upon approval by the voters to begin the merger process, the
8 technical college shall be governed by the State Board of Higher Education in
9 accordance with the provisions of Section 18 and subsections (f), (h) and (i)
10 of Section 17 during the interim period of seeking approval for change of
11 institutional status from North Central Association - Commission on
12 Institutions of Higher Education.

13 (7) Notwithstanding the provisions of Section 19(a), if the
14 voters of Boone County do not approve the measure, then Twin Lakes Technical
15 College shall continue to be a technical college and shall be subject to the
16 provisions of subsection (g) of Section 19.

17

18 SECTION 25. WITHDRAWAL OR WITHHOLDING OF STATE FUNDING. The board may
19 approve the withdrawal or withholding of state financial and administrative
20 support of any institution in the system under the following conditions:

21 (1) If an institution fails or refuses to maintain prescribed standards
22 of administration or instruction;

23 (2) If a local board fails to appoint as president of the technical or
24 community college one (1) of the candidates found to be qualified by the state
25 board; or

26 (3) If an institution fails to achieve accreditation within the time
27 limits prescribed by this act.

28

29 SECTION 26. STUDENT TUITION - FEES. (a) The intent of this act is to
30 make technical and community college programs available to as many citizens of
31 Arkansas as possible. To this end, tuition and fees should be maintained at a
32 reasonable level so as not to exclude citizens because of cost.

33 (b) The board shall determine the minimum student tuition and fees to
34 be charged by institutions within the system. Students residing outside a
35 community college district may be subject to extra tuition and fees.

1 (c) The local board shall set both in-district and out-of-district
2 student tuition and fees for each institution within its service area.

3
4 SECTION 27. INSTITUTION PRESIDENTS. (a) The president of the
5 technical or community college shall serve at the pleasure of the local board.

6 (b) The persons currently appointed and serving as presidents of
7 existing community colleges or a chancellor of two-year branch of a four-year
8 institution which might transfer to the system shall continue their terms of
9 employment and shall have all rights and benefits of employment.

10 (c) When a vacancy occurs in the office of president of a technical or
11 community college in the system, the local board shall submit a list of
12 finalist to the state board and shall select the new president from a list of
13 candidates *certified* as qualified to meet the minimum requirements for the
14 position by the state board.

15
16 SECTION 28. The State Board of Vocational Education shall remain the
17 sole state agency pursuant to A.C.A. §6-11-106 designated to receive and
18 administer any and all federal funds made available to this state for the
19 purpose of assisting the state or school districts in providing for the
20 extension of vocational and adult education. *The State Board of Vocational*
21 *Education shall transfer to the State Board of Higher Education a*
22 *proportionate share of those federal vocational and adult education funds that*
23 *is at least equal to the proportionate share of such funds expended in 1990-91*
24 *by those institutions being transferred by this act to the jurisdiction of the*
25 *State Board of Higher Education and by those community colleges which received*
26 *such funds. A proportionate share of those federal vocational and adult*
27 *education funds appropriated for planning, evaluation, program improvement and*
28 *other administrative and discretionary purposes shall be placed under the*
29 *jurisdiction and control of the State Board of Higher Education.*

30
31 SECTION 29. (a) TECH-PREP. As used in this section, unless the
32 context otherwise requires:

33 (1) "Articulation agreement" means a commitment to a program
34 designed to provide students with a nonduplicative sequence of progressive
35 achievement leading to competencies in a tech-prep education program or in

1 college transfer programs.

2 (2) "Tech-prep education program" means a combined secondary and
3 postsecondary program which:

4 (A) leads to an associate of applied science or other
5 occupational degree or two-year certificate;

6 (B) provides technical preparation in at least one (1) field
7 of engineering technology, applied science, mechanical, industrial, or
8 practical art or trade, or agriculture, health, or business;

9 (C) builds student competence in mathematics, science, and
10 communications (including through applied academics) through a sequential
11 course of study; and

12 (D) leads to placement in employment.

13 (b) The State Board of Higher Education *and the State Board of*
14 *Vocational Education* shall jointly award grants for tech-prep education
15 programs to consortia of:

16 (1) Public schools or area vocational education schools serving
17 secondary school students; and

18 (2) Community colleges which offer a two-year associate degree
19 program or a two-year certificate program; or

20 (3) Other state-supported institutions of higher education which
21 offer a two-year associate of applied science or other occupational degree
22 program or a two-year certificate program.

23 (c) *The State Board of Vocational Education is hereby designated as the*
24 *agency to receive the funds allocated to the state pursuant to the provisions*
25 *of 20 U.S.C. §2351 et seq.*

26 (d) From the amounts made available to the state, the *State Board of*
27 *Higher Education and the State Board of Vocational Education*, in accordance
28 with this section, shall jointly award grants on a competitive basis or on the
29 basis of a formula determined by *both boards*, for tech-prep education
30 programs.

31 (e) Each grant recipient shall use amounts provided under the grant to
32 develop and operate a four-year tech-prep education program.

33 (f) Any such program shall:

34 (1) be carried out under an articulation agreement between the
35 participants in the consortium;

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1 (2) consist of the two (2) years of secondary school preceding
2 graduation and two (2) years of higher education, or an apprenticeship program
3 of at least two (2) years following secondary instruction, with a common core
4 of required proficiency in mathematics, science, communications, and
5 technologies designed to lead to an associate degree or certificate in a
6 specific career field;

7 (3) include in-service training for teachers that:

8 (A) is designed to train teachers to effectively implement
9 tech-prep education curricula;

10 (B) provides for joint training for teachers from all
11 participants in the consortium; and

12 (C) may provide such training in weekend, evening, and
13 summer sessions, institutes or workshops;

14 (4) include training programs for counselors designed to enable
15 counselors to more effectively:

16 (A) recruit students for tech-prep education programs;

17 (B) ensure that such students successfully complete such
18 programs; and

19 (C) ensure that such students are placed in appropriate
20 employment;

21 (5) provide equal access to the full range of technical
22 preparation programs to individuals who are members of special populations,
23 including the development of tech-prep education program services appropriate
24 to the needs of such individuals; and

25 (6) provide for preparatory services which assist all
26 participants in such programs.

27 (g) In addition, each such program may:

28 (1) provide for the acquisition of tech-prep education program
29 equipment; and

30 (2) as part of the program's planning activities, acquire
31 technical assistance from the state or local entities that have successfully
32 designed, established and operated tech-prep programs.

33 (h) Each consortium that desires to receive a grant under this section
34 shall submit an application to the director or the state board, as
35 appropriate, at such time and in such manner as the state board shall

1 prescribe through rule or regulation.

2 (i) Each application submitted under this section shall contain a
3 three-year plan for the development and implementation of activities under
4 this part.

5 (j) The State Board of Higher Education and the State Board of
6 Vocational Education shall approve applications based on their potential to
7 create an effective tech-prep education program as provided in this section.

8 (k) The two (2) boards shall give special consideration to applications
9 which:

10 (1) provide for effective employment placement activities or
11 transfer of students to four-year baccalaureate degree programs;

12 (2) are developed in consultation with business, industry, and
13 labor unions; and

14 (3) address effectively the issues of dropout prevention and re-
15 entry and the needs of minority youths, youths of limited English proficiency,
16 youths with handicaps, and disadvantaged youths.

17 (l) In making grants under this section, the two (2) boards shall
18 ensure an equitable distribution of assistance throughout the state, and shall
19 ensure an equitable distribution of assistance between urban and rural
20 consortium participants.

21 (m) In the case of grants made by the two (2) boards, each grant
22 recipient shall, with respect to assistance received under this section,
23 submit to the Secretary such reports as may be required by the Secretary to
24 ensure that such grant recipient is complying with the requirements of this
25 section.

26 (n) After grant recipients who receive grants in the first year in
27 which grants are made under this section complete their eligibility under the
28 program, the directors shall submit to the General Assembly a report
29 evaluating the effectiveness of the program under this section.

30

31 SECTION 30. (a) Effective July 1, 1991, all powers, functions and
32 duties heretofore vested in and exercised by the Vocational and Technical
33 Education Division of the Department of Education with respect to the Arkansas
34 Industry Training Program are hereby transferred to and shall hereafter be
35 vested in the Arkansas Industrial Development Commission and the Department of

1 Industrial Development.

2 (b) All funds appropriated to and all personnel positions authorized
3 for the Vocational and Technical Education Division of the Department of
4 Education for staffing and operating the Arkansas Industry Training Program
5 for the biennial period ending June 30, 1993, are hereby transferred and shall
6 be made available to the Arkansas Industrial Development Commission and the
7 Industrial Development Department to fund and staff the Arkansas Industry
8 Training Program.

9

10 SECTION 31. Arkansas Code 6-50-102 is hereby amended to read as
11 follows:

12 "6-50-102. Training workers in existing industries.

13 (a) The role and function of the Arkansas Industry Training Program
14 (AITP) of the Arkansas Industrial Development Commission and the Department of
15 Industrial Development is expanded to authorize the Arkansas Industry Training
16 Program to provide training of workers in existing industries as well as in
17 new and expanding businesses and industries.

18 (b) Such training may be for:

19 (1) Upgrading skills and abilities of workers to operate modern,
20 more sophisticated equipment;

21 (2) Providing workers with skills needed for initiating more
22 modern processes and using more sophisticated materials; and

23 (3) Other situations which create a technical-upgrade training
24 need of employees.

25 (c) The resources provided shall not be used to address worker training
26 needs caused by turnover and normal attrition.

27 (d) The Arkansas Industrial Development Commission shall cooperate with
28 the State Board of Higher Education in the operation of this program."

29

30 SECTION 32. (a) All employees who are employed by state-supported
31 postsecondary vocational-technical schools converting to an institution under
32 the Technical and Community College System or those employees of a two-year
33 branch campus of a four-year institution converting to a technical or
34 community college shall become employees of the technical or community
35 college, branch campus of the community college or satellite campus of the

1 community college under this act and shall continue their terms of employment
 2 and shall have all rights and benefits of employment, including retirement
 3 benefits, that they had when employed by the state-supported postsecondary
 4 vocational-technical schools or by the two-year branch campus of the four-year
 5 institution.

6 (b) All directors of state-supported postsecondary vocational-technical
 7 schools shall continue their terms of employment and shall have all rights and
 8 benefits of employment, including retirement benefits, under this act and
 9 shall remain directors of the institutions resulting from the merger,
 10 consolidation or expansion under this act.

11 (c) Any abolishment of a position in an institution operated as a
 12 former state-supported postsecondary vocational-technical school by an
 13 institution within the system shall require prior approval of the State Board
 14 during the five (5) years following the effective date of the merger,
 15 consolidation or expansion.

16
 17 (d) *Nothing in this section shall be interpreted to provide any employee*
 18 *described herein with any employment rights or benefits greater than those*
 19 *employment rights or benefits to which all state employees are entitled.*

20
 21 SECTION 33. The Arkansas Advisory Council for Vocational-Technical
 22 Education is hereby abolished. Ark. Code Ann. §§6-50-301 - 305 are repealed.
 23 All records, property, unexpended balances of appropriations, allocations or
 24 other funds of the Arkansas Advisory Council for Vocational-Technical
 25 Education are hereby transferred to the Office of the Governor. The Governor
 26 shall reconstitute an advisory group as required by the Carl D. Perkins
 27 Vocational/Applied Technology Education Act of 1990 to advise the State Board
 28 of Vocational Education and the State Board of Higher Education concerning use
 29 of federal funding for vocational-technical education. Any such advisory
 30 group shall contain representatives *knowledgeable in business, industry, labor*
 31 *or economic development communities of this state.*

32
 33 SECTION 34. (a) Each instructor and administrative staff member of a
 34 state-supported postsecondary vocational-technical school employed on July 1,
 35 1991, shall within ninety (90) days following the transfer to the Technical

1 and Community College System established under this act or upon transfer to
 2 the system with the approval of the board, elect either to continue membership
 3 in the retirement plan in which he or she was enrolled prior to that date or
 4 transfer to the Teacher Retirement System or any alternate retirement plan
 5 currently established for the institution into which it is being merged or
 6 consolidated. Once such election is made, the election is irrevocable during
 7 the tenure of employment with the system.

8 (b) Each instructor and administrative staff member of a two-year
 9 campus of a four-year institution which is later converted to a technical
 10 college or community college under this act, shall within ninety (90) days
 11 following the appointment of the local board elect either to continue
 12 membership in the retirement plan in which he or she was enrolled prior to the
 13 conversion or to transfer membership to the Teacher Retirement System. Once
 14 such election is made, the election is irrevocable during the tenure of
 15 employment with the system.

16 (c) Any other employees of an institution transferring to the system
 17 under this act or under the approval of the board, shall remain a member of
 18 the retirement system to which they were enrolled prior to the transfer.

19

20 SECTION 35. (a) Following July 1, 1991, any existing postsecondary
 21 vocational-technical school transferring to the system shall do so only upon
 22 approval by the General Assembly and the recommendation of the State Board of
 23 Higher Education.

24 (b) Upon completion of the transfer to the system, the institution
 25 shall be subject to the same laws, procedures, rules and regulations as all
 26 other institutions under the jurisdiction of the State Board.

27

28 SECTION 36. (a) As soon as practicable upon the passage of this act,
 29 the Governor shall appoint the three (3) additional members to the State Board
 30 of Higher Education as provided in Section 4 hereof.

31 (b) In addition to the qualifications set forth in Section 4 such
 32 members shall be knowledgeable in vocational education, *postsecondary* adult
 33 education or federal job training programs and shall be *knowledgeable in*
 34 *business, industry, labor* or economic development communities of the state, or
 35 any combination of these characteristics.

1 (c) The three (3) vacancies which next occur in membership on the State
2 Board of Higher Education shall be filled by persons meeting the
3 qualifications set forth herein. The board shall restructure itself at such
4 time to place such new members on the College Panel of the State Board of
5 Higher Education.

6
7 SECTION 37. The procedures and deadlines established in this act shall,
8 for the purposes of this act, be in lieu of and supersede those set forth in
9 existing laws of this state with respect to the establishment, organization
10 and administration of vocational-technical postsecondary institutions and
11 community colleges. Existing laws of this state shall for the purposes of
12 this act apply only in those situations which are not specifically provided
13 for in this act and, when applied, shall be consistent, insofar as possible,
14 with the purpose, procedures and deadlines contained in this act.

15
16 SECTION 38. *LICENSED BLIND VENDORS. Arkansas Code Annotated §22-3-1301*
17 *et seq. grants preference to trained blind individuals in the operation of*
18 *vending facilities on certain state-owned or leased property. Further, such*
19 *vending facilities provide productive employment to qualified blind persons*
20 *resulting in earned income which returns tax dollars to the state. Therefore*
21 *it is the specific intent of this act to continue such vending preferences*
22 *allowed under Arkansas Code Annotated §22-3-1301 et seq. with all rights and*
23 *responsibilities required therein at all vocational-technical schools where*
24 *they now operate. Any institutional consolidation resulting from this act*
25 *shall include plans for continuation of vending facilities at the preceding*
26 *locations subject to Arkansas Code Annotated §22-3-1301 et seq.*

27
28 SECTION 39. *The technical college system provided for in this act shall*
29 *not be implemented until an additional source of funding is provided by the*
30 *Seventy-Eighth Session of the Arkansas General Assembly which is specifically*
31 *dedicated to financing the technical and community college system and*
32 *postsecondary vocational technical schools in the Division of Vocational*
33 *Technical Education of the Arkansas Department of Education.*

34
35 SECTION 40. All provisions of this act of a general and permanent

1 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
2 Code Revision Commission shall incorporate the same in the Code.

3

4 SECTION 41. If any provision of this act or the application thereof to
5 any person or circumstance is held invalid, such invalidity shall not affect
6 other provisions or applications of the act which can be given effect without
7 the invalid provision or application, and to this end the provisions of this
8 act are declared to be severable.

9

10 SECTION 42. All laws and parts of laws in conflict with this act are
11 hereby repealed.

12

13 SECTION 43. EMERGENCY CLAUSE. It is hereby found and determined by the
14 Seventy-Eighth General Assembly that the restructuring of the delivery system
15 of adult education and vocational education in this state is necessary to
16 provide higher quality educational programs which are accessible by all
17 segments of the population in this state; that recent studies have shown that
18 in the year 2000, workers must have a minimum of fourteen (14) years education
19 to function in the work force; that the state is in desperate need of
20 training, retraining and upgrading the work force; that this act will provide
21 a means to establish more institutions working closely with business and
22 industry to provide every citizen with an opportunity to participate in
23 vocational-technical training or college transfer programs within a reasonable
24 driving distance of their homes; that it is necessary for this act to become
25 effective immediately so needed changes can be made prior to the date the
26 institutions contained herein are transferred to the new system. Therefore,
27 an emergency is hereby declared to exist and this act being necessary for the
28 immediate preservation of the public peace, health and safety shall be in full
29 force and effect from and after its passage and approval.

30

31

/s/Gordon, et al

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