

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**
4 **By: Representative Baker**

A Bill

ACT 297 OF 1995
HOUSE BILL 1355

For An Act To Be Entitled

8 "AN ACT TO AMEND ARK. CODE §§ 6-11-101 THROUGH 6-11-103
9 AND §§ 25-6-101 AND 25-6-102 TO PROVIDE THAT THE STATE
10 BOARD OF EDUCATION AND THE STATE BOARD OF VOCATIONAL
11 EDUCATION SHALL BE COMPRISED OF THE SAME MEMBERS; TO
12 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

Subtitle

15 "TO PROVIDE THAT THE STATE BOARDS OF
16 EDUCATION AND VOCATIONAL EDUCATION SHALL
17 BE COMPRISED OF THE SAME MEMBERS."

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Annotated § 6-11-101 is hereby amended to read
22 as follows:

23 "6-11-101. Members.

24 (a) The State Board of Education and the State Board of Vocational
25 Education each shall be composed of the same twelve (12) members, two (2) to
26 be selected from each congressional district of the state and the remainder to
27 be appointed at large from within the state.

28 (b) The term of office of a member of the State Board of Education and
29 the State Board of Vocational Education shall be six (6) years.

30 (c) The membership of the boards shall be reflective of the diversity
31 in general education and vocational education.

32 (d) (1) No person may serve as a member of the boards unless he is a
33 qualified elector and is a person of high moral standards and recognized
34 ability.

35 (2) No candidate for public office, holder of a public office in
36 the state, school teacher, the Director of General Education, the Director of

1 Vocational Education, county or city superintendent, employee of a
2 state-supported college or university, nor member of any board of trustees of
3 any state institution of higher learning shall serve as a member of the State
4 Board of Education and the State Board of Vocational Education.

5 (e) The members of the State Board of Education and the State Board of
6 Vocational Education shall be appointed by the Governor, subject to the
7 confirmation of the Senate, and shall take the oath of office prescribed by
8 the Constitution for officers.

9 (f) (1) When a vacancy occurs in the membership of the boards, the
10 Governor shall appoint a successor to the person who has vacated the
11 membership, who will serve the unexpired term of the person succeeded, subject
12 to all other provisions of this act.

13 (2) Resignation, removal from the district from which he is
14 appointed, disqualification, incapacitation from mental or physical disability
15 or otherwise, or change in status from the eligibility requirements for
16 membership on the boards shall automatically create a vacancy in the
17 membership held by a member of the boards, and no such member shall thereafter
18 exercise any of the functions of membership on the boards even though his
19 successor has not been appointed.

20 (g) Members of the boards shall be subject to removal from office by the
21 Governor when the actions or conditions of a member shall be considered as
22 sufficient cause for removal. However, before a member may be removed for
23 cause, this cause must have been accepted as true, good, and sufficient by a
24 majority written vote of all members of the boards after a formal hearing at a
25 regular or special session of the boards.

26 (h) The members of the State Board of Education and the State Board of
27 Vocational Education shall serve without remuneration other than:

28 (1) Their actual expenses while attending regular and special
29 meetings of the boards; and

30 (2) A per diem allowance when in attendance at regular or special
31 meetings of the boards.

32 (i) *The members of the State Board of Education and the State Board of*
33 *Vocational Education shall be cognizant at all times of educational issues*
34 *that cross the lines of authority and responsibility of the General Education*
35 *Division and the Vocational and Technical Education Division. Such issues*

1 shall be brought to the attention of the chairman so that he may schedule the
2 issue for action at a meeting of either board but with the Director of the
3 General Education Division and the Director of the Vocational and Technical
4 Education Division both present at the meeting in their capacity as ex officio
5 secretary of their respective board. Action taken by the board regarding such
6 issue shall be binding on both the General Education Division and the
7 Vocational and Technical Education Division.

8 (j) Upon the effective date of this act, those members of the State
9 Board of Education and the State Board of Vocational Education shall become
10 members of the two (2) boards, along with those persons additionally appointed
11 by the Governor as prescribed by this section, so as to complete the
12 composition of the boards. At the first meeting of the boards, the members
13 shall draw lots for terms of office, with the terms of two (2) members
14 expiring on June 30, 1996, and no more than two (2) terms expiring on June 30
15 of each year thereafter."

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17 SECTION 2. Arkansas Code Annotated § 6-11-102 is hereby amended to read
18 as follows:

19 "6-11-102. Directors - General Education - Vocational and Technical
20 Education.

21 (a) Subject to confirmation by the Governor, the State Board of
22 Education and the State Board of Vocational Education are empowered to employ
23 persons to act as the Director of General Education and the Director of
24 Vocational and Technical Education, who shall serve at the pleasure of the
25 Governor.

26 (b) The directors shall devote all of their time to the duties of their
27 offices, shall act as agents of the boards, and perform such other duties as
28 are designated by the boards or by statute.

29 (c) (1) The person selected as the Director of General Education must:

30 (A) Be a person of good moral character, recognized as a
31 leader in the field of education, qualified technically and by experience to
32 direct the work of the Department of Education;

33 (B) Hold the master's degree from an accredited
34 institution;

35 (C) Have had ten (10) years' experience as a teacher , five

1 (5) of which must be of an administrative or supervisory nature; and

2 (D) Hold a valid state teacher's certificate.

3 (2) No person who is related within the fourth degree of
4 consanguinity or affinity to any member of the State Board of Education shall
5 be eligible to serve as Director of the General Education Division.

6 (d) (1) The person selected as Director of the Vocational and Technical
7 Education Division must:

8 (A) Be a person of good moral character, recognized as a
9 leader in the field of vocational education, qualified technically and by
10 experience to direct the work of the Vocational and Technical Education
11 Division;

12 (B) Hold the master's degree from an accredited
13 institution;

14 (C) Have had ten (10) years' experience as a teacher,
15 supervisor, and administrator of vocational education with the experience
16 representing positions of increasing responsibility; and

17 (D) Qualify as a teacher in a vocational program area under
18 the state board's standard qualification requirements.

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

23 (e) It is the specific intention of this act to define and declare the
24 Director of General Education to be the employee of the State Board of
25 Education and the Director of Vocational and Technical Education to be the
26 employee of the State Board of Vocational Education.

27 (f) (1) The Director of General Education or a disbursing agent
28 designated by him and approved by the State Board of Education and the
29 Director of Vocational and Technical Education or a disbursing agent
30 designated by him and approved by the State Board of Vocational Education
31 shall give bond to the State of Arkansas as provided by law for other
32 disbursing agents, conditioned for the faithful performance of their duties
33 and the faithful accounting for all the school money of the state, of any
34 county, or of any school district that may come into their hands.

35 (2) The bond shall be in a solvent surety company having a right

1 to do business in the State of Arkansas and shall be approved by the State
2 Board of Education.

3 (3) The premium on the bond shall be paid by the State Board of
4 Education as one of the expenses of the board.

5 (g) The state shall furnish the directors with suitable offices."
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7 SECTION 3. Arkansas Code Annotated § 6-11-103 is hereby amended to read
8 as follows:

9 "6-11-103. Officers.

10 (a) The boards shall elect one (1) of its number chairman, one (1) vice
11 chairman, and such other officers as the boards deem necessary to perfect its
12 organization.

13 (b) The Director of the General Education Division shall act as ex
14 officio Secretary of the State Board of Education without vote.

15 (c) The Director of the Vocational and Technical Division shall act as
16 ex officio Secretary of the State Board of Vocational Education without vote."
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18 SECTION 4. Arkansas Code Annotated § 25-6-101 is hereby amended to read
19 as follows:

20 "25-6-101. Purpose.

21 (a) The purpose and intent of this chapter is to divide the Department
22 of Education into two (2) major divisions, the General Education Division and
23 the Vocational and Technical Education Division, with each major division to
24 be under the supervision and direction of a separate director.

25 (b) It is intended that all authority and responsibility of the State
26 Board of Vocational Education be administered through the Vocational and
27 Technical Education Division under the direction and supervision of the
28 Director of Vocational and Technical Education, and that all authority and
29 responsibility of the State Board of Education be administered through the
30 General Education Division under the direction and supervision of the Director
31 of General Education.

32 (c) It is further the purpose and intent of this chapter that the
33 authority and responsibility of the State Board of Vocational Education and
34 the Vocational and Technical Education Division include general control and
35 supervision of all programs of vocational, technical, and occupational

1 education in secondary institutions. This authority shall apply to programs
2 in state postsecondary vocational schools, area vocational high school
3 centers, public schools, and in any other public education facility or
4 institution now in existence or hereafter established in the state with the
5 exception of technical colleges, community colleges, universities, and
6 colleges."

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8 SECTION 5. Arkansas Code Annotated § 25-6-102 is hereby amended to read
9 as follows:

10 "25-6-102. Organization - Directors.

11 (a) The Department of Education shall consist of:

12 (1) The State Board of Education;

13 (2) The General Education Division under the direction and
14 supervision of the Director of General Education;

15 (3) The State Board of Vocational Education;

16 (4) The Vocational and Technical Education Division under the
17 direction and supervision of the Director of Vocational and Technical
18 Education; and

19 (5) Any other divisions or subdivisions as presently exist within
20 the Department of Education or as may be created by the State Board of
21 Education and State Board of Vocational Education or as created by law and
22 placed under the Department of Education.

23 (b) The State Board of Education and the State Board of Vocational
24 Education shall continue to perform their powers and duties as prescribed by
25 law.

26 (c) (1) The Director of General Education and the Director of Vocational
27 and Technical Education shall be co-equal, and each shall be a member of the
28 Governor's Cabinet.

29 (2) The Director of General Education shall perform all duties and
30 exercise all powers relating to general education as may be granted by law.

31 (3) The Director of Vocational and Technical Education shall
32 perform all duties and exercise all powers relating to vocational and
33 technical education as are vested in the Director of Vocational and Technical
34 Education by law or by the State Board of Vocational Education."

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1 SECTION 6. All provisions of this act of a general and permanent nature
2 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
3 Revision Commission shall incorporate the same in the Code.

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

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11 SECTION 8. All laws and parts of laws in conflict with this act are
12 hereby repealed.

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14 SECTION 9. EMERGENCY. *It is hereby found and determined by the General*
15 *Assembly of the State of Arkansas that the immediate effectiveness of this act*
16 *is essential to the operation of the Department of Education. Therefore, an*
17 *emergency is hereby declared to exist and this act being necessary for the*
18 *immediate preservation of the public peace, health, and safety, shall be in*
19 *full force and effect from and after its passage and approval.*

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/s/Baker

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APPROVED: 2-13-95

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