

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

A Bill

ACT 854 OF 1995
SENATE BILL 659

For An Act To Be Entitled

8 "AN ACT TO AMEND ARKANSAS CODE § 6-53-302 TO EMPOWER THE
9 LOCAL BOARDS OF TRUSTEES TO APPOINT THE PRESIDENTS OF THE
10 TECHNICAL COLLEGES; TO REPEAL THE PROVISION FOR WITHDRAWAL
11 OR WITHHOLDING OF STATE FUNDING IF A LOCAL BOARD FAILS TO
12 APPOINT AS PRESIDENT OF THE TECHNICAL OR COMMUNITY COLLEGE
13 ONE OF THE CANDIDATES FOUND TO BE QUALIFIED BY THE STATE
14 BOARD; TO REPEAL THE PROVISION ESTABLISHING CERTAIN DUTIES
15 AND POWERS OF COLLEGE PANELS AND STATE BOARDS; AND FOR
16 OTHER PURPOSES."

Subtitle

17
18
19 "AN ACT TO AMEND THE ARKANSAS CODE
20 PERTAINING TO THE APPOINTMENT OF
21 PRESIDENTS OF TECHNICAL COLLEGES."

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

24
25 SECTION 1. Arkansas Code § 6-53-302 is amended to read as follows:

26 "6-53-302. Local administration - Technical colleges.

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

31 (b) The term of office of local board members shall be seven (7) years.

32 (c) Members of the local board shall be qualified electors of the
33 service area of the technical college and knowledgeable in business, labor,
34 industry, or economic development.

35 (d) No candidate for public office, holder of public office in the
36 state, certified or noncertified employee of a public school district,

1 classified or nonclassified employee of any community college,
2 vocational-technical school, or any institution of higher learning, nor any
3 member of a board of trustees of a school district, of any community college,
4 or institution of higher learning, or his or her spouse, shall serve as a
5 member of the local board.

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

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

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

15 (2) To appoint the president of the technical college;

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

18 (4) To determine, with the approval of the state board, the
19 educational program of the technical college; and

20 (5) Other powers and duties as provided in this chapter and as
21 delegated to it by the state board.

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

24 (h) The local board may make rules and regulations not inconsistent
25 with the provisions of this chapter or inconsistent with the rules and
26 regulations of the state board as are necessary for the proper administration
27 and operation of the technical college.

28 (i) The local board may contract with the Vocational Division of the
29 State Department of Education, a nonprofit organization, or a local school
30 board within its service area to offer secondary-level general academic and
31 vocational-technical courses and programs, or adult literacy courses, or
32 both."

33

34 SECTION 2. Arkansas Code § 6-53-105 is amended to read as follows:

35 "6-53-105. Withdrawal or withholding of state funding.

1 The board may approve the withdrawal or withholding of state financial
2 and administrative support of any institution in the system under the
3 following conditions:

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

6 (2) If an institution fails to achieve accreditation within the
7 time limits prescribed by this chapter."

8

9 SECTION 3. Arkansas Code § 6-53-203(a) is amended to read as follows:

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

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

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

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

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

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

35 (C) Specific needs of institutions based upon existing

1 programs and deficiencies will be given consideration;

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

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

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

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

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

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

25

26 SECTION 4. All provisions of this act of a general and permanent nature
27 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
28 Revision Commission shall incorporate the same in the Code.

29

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

35

1 SECTION 6. All laws and parts of laws in conflict with this act are
2 hereby repealed.

3

4 SECTION 7. Emergency. It is hereby found and determined by the General
5 Assembly that the restructuring of the delivery system of adult education and
6 vocational education in this state authorized by Act 1244 of 1991 is
7 accomplished in the area of providing for the presidents of the various
8 technical colleges and that it is necessary for this act to become effective
9 immediately to continue the efficient operation of the technical and community
10 college system in Arkansas. Therefore, an emergency is hereby found to exist
11 and this act being necessary for the immediate preservation of the public
12 peace, health and safety shall be in full force and effect from and after July
13 1, 1995.

14

15 APPROVED: 3-31-95

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1
2
3