

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas As Engrossed: H2/13/97 H2/17/97 S2/27/97 S3/6/97 S3/11/97 S3/12/97 S3/19/97

2 81st General Assembly

# A Bill

ACT 803 OF 1997

3 Regular Session, 1997

HOUSE BILL 1501

4

5 *By: Representatives Baker, Ingram, Wilkinson, Faris, Goodwin, Choate, Simmons, Rodgers, Johnson, Kidd, Wagner, Critcher,*

6 *Broadway, Newman, Northcutt, Dawson, Mullenix, Hall, Curran, Stalnaker, McJunkin, Davis, George, Willems, Jeffress, Madison,*

7 *Horn, Whorton, Shoffner, Wallis, Hunton, Wooldridge, Malone, French, Flanagan, Miller, Dianne Hudson, Terry Smith, Hale, Rorie,*

8 *Sheppard, Bond, Pappas, McKissack, Allison, Hausam, Trammell, Simon, Roberts, Schexnayder, Wilkins, Thomas, Angel, and Milum*

9

10

11

## For An Act To Be Entitled

12

"THE WORKFORCE EDUCATION ACT OF 1997; AND FOR OTHER

13

PURPOSES."

14

15

## Subtitle

16

"THE WORKFORCE EDUCATION ACT OF 1997."

17

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

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SECTION 1. TITLE.

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This act shall be known and may be cited as the "Workforce Education Act  
22 of 1997."

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SECTION 2. STATE BOARD OF WORKFORCE EDUCATION AND CAREER OPPORTUNITIES.

25

(a) There is hereby created the State Board of Workforce Education and  
26 Career Opportunities, hereinafter referred to as "the board."

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(b) The State Board of Vocational Education created by Arkansas Code 6-  
11-101 is abolished and transferred to the State Board of Workforce Education  
29 and Career Opportunities by a Type Three Transfer under Arkansas Code 25-2-  
30 106.

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(c) The State Board of Workforce Education and Career Opportunities  
32 shall be composed as follows:

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(1) Seven (7) members appointed by the Governor subject to  
confirmation by the Senate, one (1) member from each congressional district

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and three (3) members from the state at large. The members shall be selected  
36 from among parents, business, industry, labor, persons with disabilities,

1 minorities, and other groups who shall be representative of the many career  
2 opportunities available in the state such as: administration, business and  
3 finance management; agriculture, forestry and natural resources; art, media,  
4 and communications; construction and extractive; education and training  
5 services; health and medical services; hospitality and tourism; legal and  
6 protective services; manufacturing, processing and systems operations;  
7 marketing, sales and promotion; mechanical/technical services and precision  
8 crafts; natural and applied science and engineering; personal and commercial  
9 services; and transportation and material moving;

10 (2) One (1) member who shall be representative of vocational  
11 instructional programs appointed by the Arkansas Vocational Association;

12 (3) One (1) member who shall be representative of rehabilitative  
13 services appointed by the Director of Arkansas Rehabilitation Services;

14 (4) One (1) member who shall be representative of adult education  
15 appointed by the Arkansas Association of Public Continuing and Adult  
16 Education;

17 (5) One (1) member who shall be representative of public schools  
18 appointed by the Arkansas Association of Educational Administrators; and

19 (6) Six (6) members of the Arkansas General Assembly who shall serve  
20 only in an ex officio nonvoting capacity and shall be selected as follows:

21 (A) Two (2) members appointed by the Speaker of the House;

22 (B) Two (2) members appointed by the President Pro Tempore of the  
23 Senate;

24 (C) One (1) member appointed by the Black Caucus; and

25 (D) One (1) member appointed by the Women's Caucus.

26 (d<sub>1</sub>) The term of office of members appointed by the Governor shall be  
27 seven (7) years, except that at the first meeting, the members shall draw lots  
28 for staggered terms so that no more than one (1) membership shall expire each  
29 year on June 30.

30 (2) All other appointed members shall serve only until July 1, 1999.

31 (e) No person may serve as member of the board unless he is a qualified  
32 elector of this state.

33 (f) No candidate for or holder of a public office in the state; director  
34 of the Department of Education or Department of Higher Education; employee of  
35 a public school district; employee of a postsecondary or higher education  
36 institution; or member of any board of directors or board of trustees of any

1 postsecondary or higher education institution in this state shall serve as a  
2 member of the State Board of Workforce Education and Career Opportunities.

3 (g) When a vacancy occurs in the membership of the board, a successor  
4 will be appointed in the same manner as the person succeeded and will serve  
5 the person's unexpired term, subject to all other provisions of this act.

6 (h) The members of the board shall serve without remuneration except as  
7 specified in 25-16-901 et seq. for the State Board of Vocational Education.

8 (i) The board shall elect from its own number a chairman and such other  
9 officers as may be deemed necessary to carry on its business.

10 (j) The board shall meet at least once during each calendar quarter and  
11 at such other times upon call of the chairman or any other three (3) members.

12 (k) The board shall appoint from its membership a liaison officer to  
13 the Board of Education, the Board of Higher Education, the Department of Human  
14 Services, the Department of Employment Security, and the Arkansas Industrial  
15 Development Commission. Liaison officers shall attend the board/council  
16 meetings and/or other appropriate meetings as designated by the chairman and  
17 shall represent and articulate the policies of the board to these  
18 boards/councils and agencies.

19 (l) The Director of the Department of Education and the Director of the  
20 Department of Higher Education shall serve as ex officio non-voting members of  
21 the Workforce Education and Career Opportunities Board.

22 (m) The Director of the Department of Higher Education and the Director  
23 of the Department of Workforce Education shall serve as ex officio non-voting  
24 members of the State Board of Education.

25 (n) The Director of the Department of Workforce Education and the  
26 Director of the Department of Education shall serve as ex officio non-voting  
27 members of the State Board of Higher Education.

28

29 SECTION 3. POWERS AND DUTIES OF THE STATE BOARD.

30 (a) The board shall, on the effective date of this act, become vested  
31 with, and succeed to, all the rights, titles, powers, interests, obligations,  
32 duties and responsibilities of the State Board of Vocational Education.

33 (b) The board shall develop and monitor a state plan for vocational and  
34 technical education which shall include the establishment of at least one (1)  
35 area vocational center in each educational service cooperative area and in  
36 Pulaski County. All policy issues affecting the public schools will be

1 developed by the board after consultation with the State Board of Education  
2 and implemented in coordination with the Department of Education and/or the  
3 education service cooperatives.

4 ~~\_\_\_\_\_~~(c) All references in the laws of this state to the State Board of  
5 Vocational Education shall be construed to refer to the State Board of  
6 Workforce Education and Career Opportunities.

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8 SECTION 4. DEPARTMENT OF WORKFORCE EDUCATION.

9 (a) There is hereby created the Department of Workforce Education,  
10 hereinafter referred to as "the department."

11 (b) The Vocational and Technical Education Division of the Department of  
12 Education created by Arkansas Code 25-6-101, the Governors Commission on  
13 Adult Literacy created by Arkansas Code 6-44-201, and the Advisory Council for  
14 Vocational-Technical Education created by Arkansas Code 6-50-601 are abolished  
15 and transferred to the Department of Workforce Education by a Type Three  
16 Transfer under Arkansas Code 25-2-106.

17 (c) The Arkansas Rehabilitation Services as an agency responsible to  
18 the State Board of Workforce Education and Career Opportunities and as a part  
19 of the Department of Workforce Education shall function as an agency in  
20 accordance with Act 574 of 1993, which is the enabling legislation that  
21 transferred Arkansas Rehabilitation Services to the Department of Education,  
22 Vocational and Technical Education Division, and addresses the mission,  
23 authority and responsibilities of Arkansas Rehabilitation Services. This act  
24 shall assure that Arkansas Rehabilitation Services functions organizationally  
25 at a level at least equal to that of any division or entity of the Department  
26 of Workforce Education.

27 (d) The board shall appoint a director of the department who shall be  
28 confirmed by the Governor and serve at the pleasure of the Governor.

29 (e) The director shall devote all of his time to the duties of his  
30 office, shall act as agent of the board, and perform such other duties as are  
31 designated by the board or by statute.

32 (f) The director shall serve as the ex officio secretary of the Board  
33 without vote.

34 (g) The person selected as director of the Department of Workforce  
35 Education must be a person of good moral character, recognized as a leader in  
36 the field of vocational or workforce education, qualified technically and by

1 *experience to direct the work of the department.*

2 (h) *No person who is related within the fourth degree of consanguinity*  
3 *or affinity to any member of the board shall be eligible to serve as director*  
4 *of the department.*

5

6 SECTION 5. POWERS AND DUTIES OF THE DEPARTMENT.

7 (a) The Department of Workforce Education shall, on the effective date  
8 of this act, become vested with, and succeed to, all the rights, titles,  
9 powers, interest, obligations, duties, and responsibilities of the Vocational  
10 and Technical Education Division of the Department of Education.

11 (b) All personnel of the department shall be employed by and serve at  
12 the pleasure of the director; provided, nothing in this section shall be so  
13 construed as to reduce any rights or benefits of employees, including  
14 retirement benefits, that they had when employed by the Vocational and  
15 Technical Division of the Department of Education.

16 (c) All references in the laws of this state to the Vocational and  
17 Technical Education Division of the Department of Education shall be construed  
18 to refer to the Department of Workforce Education.

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20 SECTION 6. COORDINATION WITH STATE BOARD OF EDUCATION AND DEPARTMENT OF  
21 EDUCATION.

22 The State Board of Workforce Education and Career Opportunities and the  
23 State Board of Education shall coordinate their activities to ensure that  
24 academic, workplace, and technical skills create opportunities for a strong  
25 comprehensive education regardless of the student's ultimate career choice.

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27 SECTION 7. COORDINATION WITH STATE BOARD OF HIGHER EDUCATION AND  
28 DEPARTMENT OF HIGHER EDUCATION.

29 The State Board of Workforce Education and Career Opportunities and the  
30 State Board of Higher Education shall coordinate their activities to ensure  
31 that secondary and postsecondary career preparation is connected to create  
32 opportunities for a strong comprehensive education regardless of the student's  
33 ultimate career choice. In addition, the two boards shall participate in a  
34 collaborative planning process annually for the distribution of federal funds  
35 for workforce education activities, including vocational and technical  
36 education. Such distribution shall be pursuant to written agreement between

1 the two boards.

2

3 SECTION 8. WORKFORCE DEVELOPMENT COMMISSION.

4 (a) A Workforce Development Commission shall be established to do a  
5 comprehensive study of the state's workforce development needs and  
6 capabilities. The commission shall be composed as follows:

7 (1) Two (2) members of the House of Representatives, appointed by  
8 the Speaker of the House;

9 (2) Two (2) members of the Senate, appointed by the President Pro  
10 Tempore of the Senate;

11 (3) One (1) member of the General Assembly appointed by the Black  
12 Caucus;

13 (4) One (1) member of the General Assembly appointed by the  
14 Womens Caucus;

15 (5) One (1) president or chancellor representing two-year  
16 institutions of higher education, selected by the presidents and chancellors  
17 of those institutions;

18 (6) One (1) president or chancellor representing four-year  
19 institutions of higher education, selected by the presidents and chancellors  
20 of those institutions;

21 (7) One (1) president or director representing technical  
22 institutes, selected by the presidents and directors of those institutes;

23 (8) Two (2) public school teachers representing secondary  
24 vocational education appointed by the Governor;

25 (9) One (1) person representing adult education selected by the  
26 Arkansas Association of Public Continuing and Adult Education;

27 (10) One (1) local school district superintendent, selected by  
28 the Arkansas Association of Educational Administrators;

29 (11) The Director of the Arkansas Industrial Development  
30 Commission or his designee;

31 (12) The Director of the Employment Security Division or his  
32 designee;

33 (13) The Director of Arkansas Rehabilitation Services or his  
34 designee;

35 (14) Seven (7) persons representing business, industry, and  
36 organized labor, one (1) of whom will be chosen by the Arkansas State Chamber

1 of Commerce, another chosen by the AFL-CIO, and the remainder appointed by the  
2 Governor; and

3 (15) The Director of the Department of General Education.

4 (b) The Workforce Development Commission shall:

5 (1) Develop a state plan for better delivery of technical  
6 education and training in needed skills, which shall include moving toward the  
7 establishment of at least one (1) area secondary vocational center in each  
8 education service cooperative area and in Pulaski County, and for maximizing  
9 the effectiveness of post-secondary vocational and technical education;

10 (2) Ensure the continuing viability of student vocational  
11 organizations; and

12 (3) Energize the private sector as partners in vocational and  
13 technical education throughout the state.

14 (c) The Workforce Development Commission shall complete its work and  
15 report to the Governor and the General Assembly on or before December 1, 1997,  
16 and shall cease to exist as of January 31, 1998.

17 (d) The Workforce Development Commission members are authorized to  
18 receive reimbursement for actual expenses while performing the work of the  
19 commission in accordance with § 25-16-901 et seq.

20 (e)(1) The Workforce Development Commission shall be staffed by a  
21 director, to be appointed by the Governor, and other persons as are funded by  
22 law.

23 (2) Staff support shall be provided by the Department of General  
24 Education, the Department of Higher Education, the Arkansas Industrial  
25 Development Commission, and the Employment Security Division.

26

27 SECTION 9. Arkansas Code 6-51-904 is amended to read as follows:

28 "§ 6-51-904. Duties of local board for technical institutes.

29 (a) The powers and duties of the local board shall be as follows:

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

34 ~~—————(1)~~ (2) To appoint from the candidates certified by the ~~state~~  
35 ~~board~~ State Board of Workforce Education and Career Opportunities, the  
36 president of the technical institute, or director of the comprehensive

1 lifelong learning center;

2 ~~\_\_\_\_\_ (2) (3)~~ To appoint, upon nomination of the president or director  
3 ~~of the institution, the~~ members of the administrative and teaching staffs; —

4 ~~\_\_\_\_\_ (3) (4)~~ To determine, with the approval of the ~~State Board of~~  
5 ~~Vocational Education~~ State Board of Workforce Education and Career  
6 Opportunities, the educational program of the institution; and

7 ~~\_\_\_\_\_ (4) (5)~~ Other powers and duties as provided in this subchapter or  
8 as delegated to it by the ~~State Board of Vocational Education~~ State Board of  
9 Workforce Education and Career Opportunities.

10 (b) All records, personnel, property, unexpended balances of  
11 appropriations, allocations or other funds of the technical institutes and  
12 comprehensive lifelong learning centers shall be transferred from the state  
13 board to the local boards of directors.

14 ~~\_\_\_\_\_ (b) (c)~~ The local board may make rules and regulations not inconsistent  
15 with the provisions of this subchapter or inconsistent with the rules and  
16 regulations of the state board as are necessary for the proper administration  
17 and operation of the institution.

18 ~~\_\_\_\_\_ (c) (d)~~ The local board may contract with a nonprofit organization or a  
19 local school board within its service area to offer secondary-level general  
20 academic and vocational and technical courses and programs, adult literacy  
21 courses, or both."  
22

23 SECTION 10. All provisions of this act of a general and permanent nature  
24 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
25 Revision Commission shall incorporate the same in the Code.  
26

27 SECTION 11. If any provision of this act or the application thereof to  
28 any person or circumstance is held invalid, such invalidity shall not affect  
29 other provisions or applications of the act which can be given effect without  
30 the invalid provision or application, and to this end the provisions of this  
31 act are declared to be severable.  
32

33 SECTION 12. All laws and parts of laws in conflict with this act are  
34 hereby repealed.  
35

36 SECTION 13. EMERGENCY. It is hereby found and determined by the General



1 Assembly that the reorganization of the governmental agencies involved in  
2 providing vocational education in this state are immediately in need of  
3 improvement; and that this act provides the necessary mechanism for such  
4 improvement. Therefore, an emergency is declared to exist and this act being  
5 immediately necessary for the preservation of the public peace, health and  
6 safety shall become effective 30 days after approval by the Governor. If the  
7 bill is neither approved nor vetoed by the Governor, it shall become effective  
8 30 days after the expiration of the period of time during which the Governor  
9 may veto the bill. If the bill is vetoed by the Governor and the veto is  
10 overridden, it shall become effective 30 days after the date the last house  
11 overrides the veto.

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*/s/Rep. Baker et al*

APPROVED: 3-25-97