

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

A Bill

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 "AN ACT TO AMEND THE ARKANSAS CODE
19 PERTAINING TO THE APPOINTMENT OF
20 PRESIDENTS OF TECHNICAL COLLEGES."
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22
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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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)
29 members who shall be appointed by the Governor and subject to the
30 confirmation of the Senate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 "6-53-105. Withdrawal or withholding of state funding.

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

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

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

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

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

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

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

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

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

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

1 institutions;

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

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

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

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

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

20 (8) To recommend to the full board for approval of the General
21 Assembly the location and priorities for establishment or expansion of
22 institutions or abolition of institutions;

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

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

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

1 the invalid provision or application, and to this end the provisions of this
2 act are declared to be severable.

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

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

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