

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

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H3/18/97

A Bill

HOUSE BILL 2230

4
5 By: Representative Stalnaker

For An Act To Be Entitled

9 "AN ACT TO ESTABLISH THE DIVISION OF LIFELONG LEARNING AND
10 WORKFORCE PREPARATION TO MEET THE PUBLIC NEED IN THE
11 EFFECTIVE DELIVERY OF ADULT AND CONTINUING EDUCATION,
12 WORKFORCE PREPARATION, AND WORKFORCE EDUCATION SERVICES;
13 TO ESTABLISH A SEPARATE BUT ASSOCIATE DIVISION OF THE
14 STATE DEPARTMENT OF EDUCATION FOR PROVIDING CONTINUING
15 ACADEMIC EDUCATION, SKILLS TRAINING, AND WORKFORCE
16 EDUCATION FOR ALL ELIGIBLE CITIZENS IN THE STATE; TO
17 TRANSFER ALL RESPONSIBILITIES OF THE STATE BOARD OF
18 VOCATIONAL EDUCATION TO THE STATE BOARD OF LIFELONG
19 LEARNING AND WORKFORCE PREPARATION; AND FOR OTHER
20 PURPOSES."

Subtitle

23 "AN ACT TO BE KNOWN AS THE ADULT
24 EDUCATION REORGANIZATION ACT OF 1997."

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

28 SECTION 1. TITLE. This act shall be known and may be cited as the
29 "Adult Education Reorganization Act of 1997."

31 SECTION 2. PURPOSE. The future health and continued economic growth of
32 Arkansas depends on citizens who have education and access to continuing
33 education and training necessary for their own success and that of Arkansas
34 business and industry. To achieve this goal, the state must have in place a
35 system of Adult Continuing Education, Workforce Preparation, and Workforce
36 Education with lifelong career opportunities for expansion and continued

1 operation in providing quality education meeting high-performance standards.
2 This system will operate through partnerships between the public and private
3 sectors. The purpose of this act is to create a legislative charter for the
4 establishment, organization and administration of the lifelong learning and
5 workforce preparation system to provide quality continuing education and
6 training for all citizens as an associate division within the State Department
7 of Education. This system shall provide quality performance-based education,
8 training and retraining for adult eligibles in areas of: Workforce,
9 educational disadvantaged, immigrants, transitional, institutionalized,
10 handicapped, unemployed, and welfare reform; the system will continue to
11 provide and expand workforce preparation education for public school youth for
12 grades kindergarten through twelve with programs of technology, vocational
13 skills, and leadership training. The lifelong learning and workforce
14 preparations system will work very closely with other state entities with
15 responsibilities for lifelong learning, workforce preparation, education, and
16 economic development to include, the Arkansas Employment Security Division,
17 Arkansas Industrial Development Commission, Arkansas Department of Human
18 Services, Rehabilitation, Arkansas Agricultural Extension Services, public
19 schools, colleges, universities, the State Board of Higher Education, the
20 State Board of Education, and such other public or private partners as now
21 exist or may come into being. The Lifelong Learning and Workforce Preparation
22 Division shall be served by a seven (7) member board selected from among the
23 current members now serving on the State Vocational Board of Education. The
24 board shall act as a coordinating body to assure the orderly and effective
25 development of lifelong learning and workforce preparation among the publicly
26 supported institutions within the system of technical institutes,
27 comprehensive lifelong learning centers, and secondary vocational education,
28 and to assure the cooperative spirit necessary among state entitles
29 responsible for lifelong learning and workforce preparation development in the
30 state.

31

32 SECTION 3. Basic Program Provision.

33 (a) It is the purpose of this act to assist the state in the improvement
34 of educational and training opportunities for all citizens in establishing the
35 Division of Lifelong Learning and Workforce Preparation with focus in
36 developing and providing effective programs for:

1 (1) adults who lack the level of literacy skills requisite to
2 effective citizenship and employment;

3 (2) public school youth K through 12 for continuing and expanding
4 established vocational workforce preparation courses and leadership training;

5 (3) business, industry and all work places that need access to
6 continuing adult education/training opportunities for an effective workforce
7 throughout the state.

8 (b) The division will eliminate such organizations and/or programs
9 which provide a duplication of services and promote greater budgetary
10 efficiency in coordination of continuing education programs.

11 (c) The Division of Lifelong Learning and Workforce Preparation will:

12 (1) Provide an Educational Research and Curriculum Development
13 Section responsible for developing comprehensive, planned programs with
14 effective evaluation and accountability measures for continuing education and
15 workforce preparation skills courses; The Research and Curriculum Development
16 Section will serve as a resource center and coordinate with the advisory
17 council in program planning thereby eliminating separately funded agencies for
18 "Adult Education Resource Center" and the "Governors Commission on Adult
19 Literacy";

20 (2) Provide Adult Basic Education Section (A.B.E.) for
21 coordination of funding and evaluation of A.B.E. Programs; A.B.E. will enable
22 disadvantaged adults to acquire or improve their basic educational skills
23 necessary for literate functioning and employability; A.B.E. shall coordinate
24 adult education programs on grade levels 0 through 8 including Life Skills,
25 English as a Second Language, Literacy, Employability Skills, Communication
26 Skills, and Workplace Skills; the Adult Basic Education Section will include
27 Arkansas Literacy Councils within the umbrella for purposes of coordination
28 and accountability thereby eliminating a separately funded state office for
29 Arkansas Literacy Council;

30 (3) Provide General Adult Education Section (G.A.E.) for
31 coordination and evaluation of G.A.E. programs; General Adult Education will
32 enable adults to continue their education to at least the level of completion
33 of secondary school, to enter higher institutions of learning, enter
34 vocational training school, to update their knowledge for making transition,
35 and for employability; G.A.E. shall coordinate adult general education on
36 grade levels 9 through 12.9 to include G.E.D. Testing, G.E.D. Courses in

1 Reading, Mathematics, Social Studies, Science, Literature, Writing, Language
2 Arts, Communications, English As A Second Language, Computer Technology and
3 Workforce Education;

4 (4) Provide Workforce Preparation Section for greater
5 coordination, evaluation, and expansion of established vocational programs in
6 public schools for grades kindergarten (K) through twelve (12); Workforce
7 Preparation programs include Home Economics, Agriculture, Career Orientation,
8 Computer Technology, etc.; Leadership Development Workshops will be instated
9 for all youth in grade levels 1 through 12 to provide education in Decision-
10 Making, Problem-Solving, Communication, Interpersonal Relations, and
11 Social/Cultural Understanding;

12 (5) Provide Vocational/Technical Training Section for continuing
13 established operation, coordination, and evaluation of Secondary Vocational
14 Training Centers, Technical Institutes, Vocational Schools, Community Colleges
15 and all currently funded vocational programming; to provide continuing
16 vocational education and training or retraining vocational certification in
17 trades and industrial workforce; to provide Arkansas Business and Industry
18 with access to vocational education program planning in meeting the public
19 need for Workforce Skills. Technological Training/ Retraining of employees in
20 the workplace, to develop, organize, and coordinate workforce education and
21 training for employees with business, industry, and all workplaces throughout
22 the state utilizing the "Workforce Alliance for Growth in Economy Program"
23 (W.A.G.E.), as a model for implementation;

24 (6) Provide continuing education/training for state welfare eligibles and
25 the unemployed and all other eligibles seeking to be trained or retrained for
26 employment; any person between the ages of sixteen (16) and sixty-seven (67)
27 years of age who receives public assistance, who does not possess a high
28 school diploma or its equivalent and who is not enrolled in a full-time public
29 or private school sanctioned by the State Department of Education, shall be
30 required to enroll in classes in a certified local adult education program and
31 attend at least forty (40) hours per month and show progress. When feasible,
32 said recipients shall participate in full-time programs. It shall be the
33 responsibility of the local D.H.S. officials to contact local adult education
34 officials to enroll the client in an instructional activity commensurate with
35 their capacity to participate and to monitor each clients attendance per
36 month and adjust his/her supplemental benefits accordingly. Those persons who

1 lack transportation, who are gainfully employed, who have childcare
2 responsibilities and other legitimate reasons, may be eligible to participate
3 in a "Home Study" program involving instruction and guidance. Adult education
4 officials shall determine individual educational activities and the recipient
5 shall provide a monthly report of progress for gainful employability.

6

7 SECTION 4. Definitions. As used in this act:

8 (1) The term "Lifelong" or "Lifelong Learning" is all encompassing of
9 continuing education life long for adults who have attained sixteen (16) years
10 of age and beyond;

11 (2) "Adult" means an individual who has attained sixteen (16) years of
12 age or who is beyond the age of compulsory school attendance under state law.

13 (3) "Adult education" means services or instruction below the college
14 level for adults:

15 (A) who are not enrolled in secondary school;

16 (B) who lack sufficient mastery of basic educational skills to
17 enable them to function effectively in society or who do not have a
18 certificate of graduation from a school providing secondary education; who
19 have not achieved an equivalent level of education;

20 (C) who are not currently enrolled or required to be enrolled in
21 school; and

22 (D) whose lack of mastery of basic skills results in an inability
23 to speak, read, or write the English language which constitutes a substantial
24 impairment of their ability to get or retain employment commensurate with
25 their real ability, and thus are in need of programs to help eliminate such
26 inability and raise the level of education of such individuals with a view to
27 making them less likely to become dependent on others.

28 (4) "Comprehensive lifelong learning center" means a program in the
29 local communities which is sponsored by a public school, county board of
30 education, vocational school or community college, which is housed in a public
31 building, including but not limited to a public elementary or secondary
32 school, community center, community or junior college, business or industry
33 workplace training centers, operated in conjunction with other groups in the
34 community, community organizations, and local government agencies, to provide
35 educational, recreational, and vocational skills training, which the center
36 serves in accordance with the needs, interests, and concerns of that community

1 and/or workplace.

2

3 SECTION 5. State Board of Lifelong Learning and Workforce Preparation.

4 (a) The State Board of Lifelong Learning and Workforce Preparation is
5 hereby created.

6 (b) The State Board of Lifelong Learning and Workforce Preparation
7 shall, on the effective date of this act, become vested with, and succeed to,
8 all the rights, titles, powers, interests, obligations, duties, and
9 responsibilities of the State Board of Vocational Education, unless otherwise
10 provided for in this act; the State Board of Vocational Education shall be
11 abolished as a separate board.

12 (c) Board Members and Meetings.

13 (1) Board of Lifelong Learning and Workforce Preparation shall
14 consist of seven (7) members designated by the Governor from among the members
15 currently serving on the current State Board of Vocational Education.

16 (2) The seven (7) members of the Board of Lifelong Learning and
17 Workforce Preparation shall always be members, also, of the State Board of
18 Education and the terms of office of these seven (7) members shall run
19 concurrently with the terms on the State Board of Education.

20 (3) In addition to the qualifications set forth for the State
21 Board of Education, the members of the Board of Lifelong Learning and
22 Workforce Preparation shall also have business or industry experience. Their
23 successors shall also have the same qualifications. It is the specific intent
24 of this act that at least four (4) members of the State Board of Education
25 shall have experience with community technical institutes, comprehensive
26 lifelong learning centers, or have been recommended to the Governor by the
27 Director of the Division of Lifelong Learning and Workforce Preparation.

28 (4) The terms of the members of the board shall be ten (10) years.

29 (5) The Board shall elect from its own number a chairman and such
30 other officers as may be as may be necessary to carry on its business.

31 (6) The Board shall meet at least once during the calendar quarter
32 and at such other times upon the call of the chairman or any other six (6)
33 members.

34 (7) The Board may, at such times as it desires, meet on the
35 campuses or at the facilities of the respective entities in the Lifelong
36 Learning and Workforce Preparation system.

1 (8) Members of the Board shall serve without compensation but
2 shall be reimbursed for their actual expenses attending meetings of the Board
3 and performing their official duties.

4
5 SECTION 6. Duties and Powers of the State Board.

6 (a) The State Board of Lifelong Learning and Workforce Preparation
7 Division, shall have the power, authority, and duties now conferred by law on
8 the State Board of Vocational Education.

9 (b) These duties shall include, but are not limited to, the authority
10 now held by the State Board of Vocational Education
11 concerning adult education, secondary vocational technical schools, technical
12 institutes, public schools and rehabilitation services.

13 (c) The State Board of Lifelong Learning and Workforce Preparation
14 shall be the sole state agency pursuant to Arkansas Code 6-11-106 designated
15 to receive and administer any and all federal funds made available to this
16 state for the purpose of assisting the state or school districts in providing
17 for the extension of vocational and adult education. Administration of these
18 funds shall be in accordance to the distribution regulations or federal law.

19 (d) Those federal vocation funds appropriated at the state level to
20 support programs offered by institutions of higher education, including
21 technical colleges and community colleges, and for other administrative and
22 discretionary purposes shall be placed under the jurisdiction and control of
23 the State Board of Lifelong Learning and Workforce preparation.

24 (e) The State Board of Lifelong Learning and Workforce Preparation is
25 hereby designated as the agency to receive the funds allocated to the state
26 pursuant to the provisions of 20 U.S.C. §2351 et seq.

27 (f) Job Training Partnership Act funds will continue to be distributed
28 pursuant to existing Arkansas and Federal laws.

29 (g) The Board, as herein created shall take possession of all records,
30 files, books, paper, furniture, fixtures, and contracts of the State Board of
31 Vocational Education.

32 (h) Approval by the State Board of Lifelong Learning and Workforce
33 Preparation is required for all academic degrees and certificates at the
34 associate level and higher. It is the intent of this act that the Director of
35 the Division of Lifelong Learning and Workforce Preparation hold a valid
36 Arkansas Teaching Certificate with certification in the field of Adult

1 Education. Nothing in this act shall be construed to the contrary.

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3 SECTION 7. Division of Lifelong Learning and Workforce Preparation.

4 (a) There is created a Division of Lifelong Learning and Workforce
5 preparation in association with the State Department of Education.

6 (b) The Division of Lifelong Learning and Workforce Preparation shall,
7 on the effective date of this act, become vested with, and succeed to, all
8 rights, titles, powers, interest, obligation, duties, and responsibilities of
9 the Vocational-Technical Education Division of the State Department of
10 Education. The Vocational-Technical Division of the State Department of
11 Education shall be abolished.

12 (c) The executive head of the Division of Lifelong Learning and
13 Workforce Preparation shall be employed by the State Board of Lifelong
14 Learning and Workforce Preparation, subject to confirmation by the Governor.

15 (d) All personnel of the Division shall be employed by the Director,
16 subject to confirmation by the State Board of Lifelong Learning and Workforce
17 Preparation; provided, nothing in this section shall be so construed as to
18 reduce any right which an employee shall have under any civil service or merit
19 system.

20

21 SECTION 8. System Name.

22 All courses, programs, institutions, and components within the
23 jurisdiction of this board shall be identified and administered as the
24 Arkansas Lifelong Learning and Workforce Preparation Division within the State
25 Department of Education.

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27 SECTION 9. Coordination with other boards.

28 All future mergers or consolidations of state-supported post secondary
29 vocational-technical entities with existing technical or community colleges or
30 with four-year institutions shall be subject to the approval of the State
31 Board of Lifelong Learning and Workforce Preparation, the State Board of
32 Education, and the North Central Association.

33

34 SECTION 10. Advisory Council.

35 A state advisory council consisting of fifteen (15) members will be
36 appointed by the State Board of Lifelong Learning and Workforce preparation to

1 assist the division in program development in meeting new trends in lifelong
2 learning and workforce preparation. One (1) member from each of the following
3 entities will be selected: Arkansas Industrial Development Commission,
4 Agricultural Extension Service, Employment Security Division, Department of
5 Human Services, Rehabilitation Services, the Department of Higher Education,
6 the Department of General Education, and the Department of Lifelong Learning
7 and Workforce Preparation. Two (2) members will be selected from Public
8 School Administrators and five (5) members will be selected from the private
9 business and industry sector. The Advisory Council shall elect a chairman and
10 such other officers as necessary for conducting business. The Advisory
11 Council will meet with the State Board of Lifelong Learning and Workforce
12 Preparation twice a year. Special meetings may be called when deemed
13 necessary. Each member will serve a three year term.

14

15 SECTION 11. Division Personnel Qualifications.

16 The Division Director and Deputy directors shall be employed by the
17 State Board of Lifelong Learning and Workforce Preparation. The Division
18 Director shall hold a Doctoral Education Administration Degree with Arkansas
19 Certification and twelve (12) years experience in administration with Lifelong
20 Learning program or Vocational School. The Deputy Director over academic
21 Lifelong Learning shall hold a Masters Education Degree with Arkansas
22 Teaching Certificate with Arkansas certification in the field of Adult
23 Education and have attained six (6) years experience in Adult Education
24 program administration. The deputy Director of Vocational Workforce
25 preparation shall hold a Masters Education Administration Degree with
26 Arkansas Certification in Vocational Skills Training and six (6) years
27 experience in administration with Vocational/Technical School. The Division
28 Section Managers shall hold a Bachelors Education Degree and above, with
29 Arkansas Teaching Certificate and Arkansas Certification in the field of Adult
30 Education.

31

32 SECTION 12. Funds.

33 All funds appropriated to and all personnel positions authorized for the
34 Vocational-Technical Division of the State Department of Education for
35 staffing and operating the Division for the biennial period ending June 30,
36 1997, are hereby transferred and shall be made available to fund and staff the

1 Division of Lifelong Learning and Workforce Preparation.

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3 SECTION 13. Workforce 2000 Funds.

4 (a) The State Board of Lifelong Learning and Workforce Preparation
5 shall have the authority to establish distribution criteria for that 25.55% of
6 Workforce 2000 funds designated for technical institutes and comprehensive
7 lifelong learning centers.

8 (b) The State Board of Higher Education shall continue to have
9 authority to establish distribution criteria for that 74.45% of Workforce 2000
10 funds designated for technical colleges.

11

12 SECTION 14. Coordination and Cooperation.

13 To assure that the workforce development needs of Arkansas are met
14 efficiently and effectively, the State Board of Lifelong Learning and
15 Workforce Preparation shall meet annually with the State Board of Education
16 and the State Board of Higher Education. Directors of the Departments of
17 Lifelong Learning and Workforce Preparation, Education, and Higher Education
18 shall meet at least quarterly to identify and address issues across the
19 Arkansas education system that affect the quality of workforce development
20 throughout the state.

21

22 SECTION 15. Terminology.

23 (a) Except for those repealed by this act, all references in Arkansas
24 Code of 1987 to the State Board of Vocational-Technical Education shall mean
25 the State Board of Lifelong Learning and Workforce Preparation.

26 (b) Except for those repealed by this act, all references in the
27 Arkansas Code of 1987 to the Vocational-Technical Division of the Department
28 of Education shall mean the Division of Lifelong Learning and Workforce
29 Preparation with the State Department of Education.

30 (c) Except for those repealed by this act, all references in the
31 Arkansas Code of 1987 to "vocational education division", "State Board of
32 Vocational Technical Division", and all other like terms shall, unless the
33 context otherwise requires, be construed to refer to the provisions of this
34 act.

35

36 SECTION 16. 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 17. 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 18. All laws and parts of laws in conflict with this act are
11 hereby repealed.

12

13 SECTION 19. EMERGENCY. It is found and determined by the General
14 Assembly of the State of Arkansas that this act creates the Division of
15 Lifelong Learning and Workforce Preparation and for the effective
16 administration of this act, it is necessary for this act to become effective
17 on July 1, 1997. Therefore, an emergency is declared to exist and this act
18 being immediately necessary for the preservation of the public peace, health
19 and safety shall become effective on July 1, 1997.

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21 /s/Rep. Stalnaker

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