

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
4

As Engrossed: S2/20/97 S3/6/97

A Bill

SENATE BILL 432

5 *By: Senators Mahony and Malone*
6 *By: Representatives Bisbee and McGinnis*
7
8

For An Act To Be Entitled

"THE EDUCATION REORGANIZATION ACT OF 1997."

Subtitle

"THE EDUCATION REORGANIZATION ACT OF
1997."

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

SECTION 1. Title.

This act shall be known and may be cited as "The Education
Reorganization Act of 1997".

SECTION 2. Arkansas Code Annotated § 25-6-101 is amended to read as
follows:

"25-6-101. Purpose.

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

~~_____ (b) It is intended that all authority and responsibility of the State
Board of Vocational Education be administered through the Vocational and
Technical Education Division under the direction and supervision of the
Director of Vocational and Technical Education, and that all authority and
responsibility of the State Board of Education be administered through the
General Education Division under the direction and supervision of the Director
of General Education.~~

~~_____ (c) It is further the purpose and intent of this chapter that the~~

1 ~~authority and responsibility of the State Board of Vocational Education and~~
2 ~~the Vocational and Technical Education Division include general control and~~
3 ~~supervision of all programs of vocational, technical, and occupational~~
4 ~~education in secondary institutions. This authority shall apply to programs in~~
5 ~~state postsecondary vocational schools, area vocational high school centers,~~
6 ~~public schools, and in any other public educational facility or institution~~
7 ~~now in existence or hereafter established in the state with the exception of~~
8 ~~technical colleges, community colleges, universities, and colleges.~~

9 (a) The State Department of Education, General Education Division, is
10 renamed the State Department of Elementary and Secondary Education.

11 (b) The purpose of the State Department of Elementary and Secondary
12 Education is to provide leadership and oversight of the comprehensive public
13 school program from kindergarten through grade twelve (K-12), including
14 vocational education.

15 (c) All references in the laws of this state to the State Department of
16 Education, the Department of Education: General Education Division, or the
17 Department of General Education shall be construed as referring to the State
18 Department of Elementary and Secondary Education."

19

20 SECTION 3. Arkansas Code Annotated § 25-6-102 is amended to read as
21 follows:

22 "~~25-6-102. Organization -- Directors~~ State Board -- Director.

23 ~~----- (a) The Department of Education shall consist of:~~

24 ~~----- (1)(A) The State Board of Education;~~

25 ~~----- (B) The General Education Division under the direction and supervision~~
26 ~~of the Director of General Education;~~

27 ~~----- (2)(A) The State Board of Vocational Education;~~

28 ~~----- (B) The Vocational and Technical Education Division under the direction~~
29 ~~and supervision of the Director of Vocational and Technical Education; and~~

30 ~~----- (3) Any other divisions or subdivisions as presently exist within the~~
31 ~~Department of Education or as may be created by the State Board of Education~~
32 ~~and the State Board of Vocational Education or as created by law and placed~~
33 ~~under the Department of Education.~~

34 ~~----- (b) The State Board of Education and the State Board of Vocational~~
35 ~~Education shall continue to perform their powers and duties as prescribed by~~
36 ~~law.~~

1 ~~— (c)(1) The Director of General Education and the Director of Vocational~~
2 ~~and Technical Education shall be coequal, and each shall be a member of the~~
3 ~~Governor's Cabinet.~~

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

6 ~~— (3) The Director of Vocational and Technical Education shall perform all~~
7 ~~duties and exercise all powers relating to vocational and technical education~~
8 ~~as are vested in the Director of Vocational and Technical Education by law or~~
9 ~~by the State Board of Vocational Education.~~

10 (a) The State Department of Elementary and Secondary Education shall be
11 under the direction of a Director.

12 (b) The Director of the State Department of Elementary and Secondary
13 Education shall employ two (2) Deputy Directors: the Deputy Director for
14 General Education and the Deputy Director for Vocational/Technical Education.

15 (c) The State Board of Education is renamed the State Board of
16 Elementary and Secondary Education.

17 (d) All references in the laws of this state to the State Board of
18 Education shall be construed as referring to the State Board of Elementary and
19 Secondary Education."

20

21 SECTION 4. Reorganization of Vocational/Technical Education.

22 (a) The State Board of Vocational Education, created under § 25-6-101,
23 is abolished and transferred to the State Board of Elementary and Secondary
24 Education for matters involving the public school districts and kindergarten
25 through grade twelve (K-12) education and transferred to the State Board of
26 Higher Education for matters involving adult education programs, literacy
27 programs, vocational technical institutes, and rehabilitation services by a
28 type 3 transfer under § 25-2-106.

29 (b) All references to the State Board of Vocational Education with
30 respect to duties or authority over the public schools and the kindergarten
31 through grade twelve (K-12) program shall be construed as referring to the
32 State Board of Elementary and Secondary Education.

33 (c) All references to the State Board of Vocational Education with
34 respect to duties or authority over adult education programs, literacy
35 programs, vocational technical institutes, and rehabilitation services shall
36 be construed as referring to the State Board of Higher Education.

1 (d) The State Department of Education: Vocational and Technical
2 Division, created by § 25-6-101 et seq., is abolished and transferred to the
3 State Department of Elementary and Secondary Education for matters involving
4 the public school districts and kindergarten through grade twelve (K-12)
5 education and transferred to the State Department of Higher Education for
6 matters involving adult education programs, literacy programs, vocational
7 technical institutes, and rehabilitation services by a type 3 transfer under
8 § 25-2-106.

9 (e) All references to the State Department of Vocational Education, the
10 Department of Education: Vocational and Technical Division, or the Department
11 of Vocational and Technical Education shall be construed as referring to the
12 State Department of Elementary and Secondary Education in matters involving
13 the public school districts and kindergarten through grade twelve (K-12)
14 education and shall be construed as referring to the State Department of
15 Higher Education in matters involving adult education programs, literacy
16 programs, vocational technical institutes, and rehabilitation services.

17

18 SECTION 5. Coordinating Council for Skills and Technical Education.

19 (a) There is created the Coordinating Council for Skills and Technical
20 Education to be the State's oversight and approval body for all education
21 issues pertaining to elementary and secondary vocational education, technical
22 training, and work-related education programs in the state of Arkansas.

23 (b) The Coordinating Council for Skills and Technical Education shall
24 be composed of the following eleven (11) members:

25 (1) The Director of the Industrial Development Commission;

26 (2) The Director of the Employment Security Department;

27 (3) The Director of the Department of Elementary and Secondary
28 Education;

29 (4) The Director of the Department of Higher Education; and

30 (5) Seven (7) members of the business community.

31 (c) The seven (7) members of the business community shall be appointed
32 by the Governor, subject to confirmation by the Senate.

33 (d) The Governor shall annually appoint one (1) of the seven (7)
34 members of the business community to serve as Chair of the Coordinating
35 Council for Skills and Technical Education.

36

1 SECTION 6. Powers and duties of the Coordinating Council for Skills and
2 Technical Education.

3 The Coordinating Council for Skills and Technical Education shall report
4 directly to the Governor and shall have the following responsibilities with
5 respect to vocational and technical education in the state:

6 (1) To develop and monitor a state plan for skills and technical
7 education, which shall include moving toward the establishment of at least one
8 (1) area secondary vocational center in each education service cooperative
9 area and in Pulaski County;

10 (2) To review and approve all rules and regulations relating to
11 vocational and technical education emanating from the State Board of
12 Elementary and Secondary Education and the State Board of Higher Education;

13 (3) To coordinate all vocational and technical education issues that
14 require joint action from elementary and secondary education and higher
15 education;

16 (4) To energize the private sector as partners in vocational and
17 technical education programming throughout the state;

18 (5) To oversee periodic assessments of the effectiveness of vocational
19 and technical education and report the results to the Legislature and the
20 Governor;

21 (6) To coordinate federal funding and program initiatives regarding
22 vocational and technical education; and

23 (7) To develop a plan to maximize resources and eliminate duplication
24 by merging technical institutes into technical colleges, community colleges,
25 or four-year institutions of higher education, which may be implemented by the
26 State Board of Higher Education.

27

28 SECTION 7. Staff support.

29 Staff support for the Coordinating Council for Skills and Technical
30 Education shall be provided by the State Department of Elementary and
31 Secondary Education, the State Department of Employment Security, the
32 Industrial Development Commission, and the State Department of Higher
33 Education.

34

35 SECTION 8. Arkansas Code Annotated § 25-7-101 is amended by adding a
36 new subsection to read as follows:

1 "(g) The State Department of Higher Education shall have two (2) Deputy
2 Directors: the Deputy Director for Four-Year Colleges and Universities and
3 the Deputy Director for Two-Year Colleges."

4
5 SECTION 9. Arkansas Code Annotated §§ 25-6-103 and 25-6-104 are
6 repealed:

7 ~~_____ 25-6-103. Powers and duties of department and State Board of Education.~~

8 ~~_____ (a) In addition to any other powers, functions, and duties regarding~~
9 ~~vocational, technical, and occupational education which have been vested in~~
10 ~~the State Board of Education and the Department of Education, the State Board~~
11 ~~of Vocational Education and its staff shall have general supervision of all~~
12 ~~programs. All of those programs and the funding of those programs shall be~~
13 ~~subject to the approval of the board.~~

14 ~~_____ (b)(1) The board's responsibilities shall include, but not be limited to,~~
15 ~~the following:~~

16 ~~_____ (A) Establishing policies relating to plans and specifications for~~
17 ~~facilities and instructional equipment;~~

18 ~~_____ (B) Prescribing standardized standards for programs and teachers;~~

19 ~~_____ (C) Approving applied courses of related academic instruction; and~~

20 ~~_____ (D) Other items relative to program quality and operation.~~

21 ~~_____ (2) The board shall have the authority to reorganize and restructure~~
22 ~~current programs and personnel in the institutions covered in this section.~~
23 ~~Any savings of appropriated funds effected thereby may be used by the board~~
24 ~~for other programs as it deems appropriate.~~

25 ~~_____ (3) The board shall also have the authority to administer special~~
26 ~~programs of vocational education supported with moneys set aside for~~
27 ~~vocational education from the Public School Fund through §§ 6-20-310 --~~
28 ~~6-20-313. This authority shall be extended to subsequent amendments, if any,~~
29 ~~to §§ 6-20-310 -- 6-20-313.~~

30 ~~_____ (c) The State Board of Education shall continue to be responsible for the~~
31 ~~administration of all funds appropriated by the General Assembly for~~
32 ~~transportation, textbooks, school lunch programs, and minimum foundation~~
33 ~~reimbursement based on average daily membership for students enrolled in~~
34 ~~vocational education programs in the public schools, and these funds shall be~~
35 ~~administered through the General Education Division.~~

36 ~~_____ 25-6-104. Authority of Director of Vocational and Technical Education to~~

1 ~~enter into contracts.~~

2 ~~— The Director of Vocational and Technical Education is authorized to enter~~
3 ~~into contracts with private organizations licensed by the State Board of~~
4 ~~Education or the State Board of Vocational Education in order to provide~~
5 ~~vocational-technical training to needy citizens of the State of Arkansas.~~

6

7 SECTION 10. Arkansas Code Annotated § 6-11-101 is amended to read as
8 follows:

9 "6-11-101. Members.

10 (a) The State Board of Elementary and Secondary Education ~~and the State~~
11 ~~Board of Vocational Education~~ each shall be composed of ~~the same~~ twelve (12)
12 members, two (2) to be selected from each congressional district of the state
13 and the remainder to be appointed at large from within the state.

14 (b) The term of office of a member of the State Board of Elementary and
15 Secondary Education ~~and the State Board of Vocational Education~~ shall be six
16 (6) years.

17 (c) The membership of the ~~boards~~ board shall be reflective of the
18 diversity in ~~general education and vocational~~ elementary and secondary
19 education.

20 (d)(1) No person may serve as a member of the ~~boards~~ board unless he is
21 a qualified elector and is a person of high moral standards and recognized
22 ability.

23 (2) No candidate for public office, holder of a public office in
24 the state, schoolteacher, the Director of ~~General~~ the Department of Elementary
25 and Secondary Education, ~~the Director of Vocational and Technical Education,~~
26 county or city superintendent, employee of a state-supported college or
27 university, or member of any board of trustees of any state institution of
28 higher learning shall serve as a member of the State Board of Elementary and
29 Secondary Education ~~and the State Board of Vocational Education.~~

30 (e) The members of the State Board of Elementary and Secondary
31 Education ~~and the State Board of Vocational Education~~ shall be appointed by
32 the Governor, subject to the confirmation of the Senate, and shall take the
33 oath of office prescribed by the Constitution for officers.

34 (f)(1) When a vacancy occurs in the membership of the ~~boards~~ board, the
35 Governor shall appoint a successor to the person who has vacated the
36 membership, who will serve the unexpired term of the person succeeded, subject

1 to all other provisions of this act.

2 (2) Resignation, removal from the district from which he is
3 appointed, disqualification, incapacitation from mental or physical disability
4 or otherwise, or change in status from the eligibility requirements for
5 membership on the ~~boards~~ board shall automatically create a vacancy in the
6 membership held by a member of the ~~boards~~ board, and no such member shall
7 thereafter exercise any of the functions of membership on the ~~boards~~ board
8 even though his successor has not been appointed.

9 (g)(1) Members of the ~~boards~~ board shall be subject to removal from
10 office by the Governor when the actions or conditions of a member shall be
11 considered as sufficient cause for removal.

12 (2) However, before a member may be removed for cause, this cause
13 must have been accepted as true, good, and sufficient by a majority written
14 vote of all members of the ~~boards~~ board after a formal hearing at a regular or
15 special session of the boards.

16 (h) The members of the State Board of Elementary and Secondary
17 ~~Education and the State Board of Vocational Education~~ shall serve without
18 remuneration other than:

19 (1) Their actual expenses while attending regular and special
20 meetings of the ~~boards~~ board; and

21 (2) A per diem allowance when in attendance at regular or special
22 meetings of the ~~boards~~ board.

23 ~~———— (i)(1) The members of the State Board of Education and the State Board~~
24 ~~of Vocational Education shall be cognizant at all times of educational issues~~
25 ~~that cross the lines of authority and responsibility of the General Education~~
26 ~~Division and the Vocational and Technical Education Division.~~

27 ~~———— (2) Such issues shall be brought to the attention of the chairman~~
28 ~~so that he may schedule the issue for action at a meeting of either board, but~~
29 ~~with the Director of General Education and the Director of Vocational and~~
30 ~~Technical Education both present at the meeting in their capacity as ex~~
31 ~~officio secretary of their respective boards.~~

32 ~~———— (3) Action taken by the board regarding such issue shall be~~
33 ~~binding on both the General Education Division and the Vocational and~~
34 ~~Technical Education Division."~~

35

36 SECTION 11. Arkansas Code Annotated § 6-11-102 is amended to read as

1 follows:

2 "6-11-102. ~~Directors - General Education - Vocational and Technical~~
3 ~~Education Director.~~

4 (a) Subject to confirmation by the Governor, the State Board of
5 Elementary and Secondary Education and ~~the State Board of Vocational Education~~
6 ~~are is~~ empowered to employ ~~persons~~ a person to act as the Director of ~~General~~
7 the Department of Elementary and Secondary Education and ~~the Director of~~
8 ~~Vocational and Technical Education~~, who shall serve at the pleasure of the
9 Governor.

10 (b) The ~~directors~~ director shall devote all of ~~their~~ his time to the
11 duties of ~~their offices~~ his office, shall act as ~~agents~~ agent of the ~~boards~~
12 board, and perform such other duties as are designated by the ~~boards~~ board or
13 by statute.

14 (c)(1) The person selected as the Director of ~~General~~ the Department of
15 Elementary and Secondary Education must:

16 (A) Be a person of good moral character, recognized as a
17 leader in the field of education, qualified technically and by experience to
18 direct the work of the Department of Elementary and Secondary Education;

19 (B) Hold the master's degree from an accredited
20 institution;

21 (C) Have had ten (10) years' experience as a teacher, five
22 (5) of which must be of an administrative or supervisory nature; and

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

24 (2) No person who is related within the fourth degree of
25 consanguinity or affinity to any member of the State Board of Elementary and
26 Secondary Education shall be eligible to serve as Director of ~~General~~ the
27 Department of Elementary and Secondary Education.

28 ~~----- (d)(1) The person selected as Director of Vocational and Technical~~
29 ~~Education must:~~

30 ~~----- (A) Be a person of good moral character, recognized as a~~
31 ~~leader in the field of vocational education, qualified technically and by~~
32 ~~experience to direct the work of the Vocational and Technical Education~~
33 ~~Division;~~

34 ~~----- (B) Hold the master's degree from an accredited~~
35 ~~institution;~~

36 ~~----- (C) Have had ten (10) years' experience as a teacher,~~

1 ~~supervisor, and administrator of vocational education, with the experience~~
2 ~~representing positions of increasing responsibility; and~~

3 ~~_____ (D) Qualify as a teacher in a vocational program area under~~
4 ~~the state board's standard qualification requirements.~~

5 ~~_____ (2) No person who is related within the fourth degree of~~
6 ~~consanguinity or affinity to any member of the State Board of Vocational~~
7 ~~Education shall be eligible to serve as Director of Vocational and Technical~~
8 ~~Education.~~

9 ~~_____ (e)(d) It is the specific intention of this act to define and declare~~
10 ~~the Director of General the Department of Elementary and Secondary Education~~
11 ~~to be the employee of the State Board of Elementary and Secondary Education~~
12 ~~and the Director of Vocational and Technical Education to be the employee of~~
13 ~~the State Board of Vocational Education.~~

14 ~~_____ (f)(e)(1) The Director of General the Department of Elementary and~~
15 ~~Secondary Education, or a disbursing agent designated by him and approved by~~
16 ~~the State Board of Elementary and Secondary Education, and the Director of~~
17 ~~Vocational and Technical Education, or a disbursing agent designated by him~~
18 ~~and approved by the State Board of Vocational Education, shall give bond to~~
19 ~~the State of Arkansas as provided by law for other disbursing agents,~~
20 ~~conditioned for the faithful performance of their duties and the faithful~~
21 ~~accounting for all the school money of the state, of any county, or of any~~
22 ~~school district that may come into their hands.~~

23 ~~(2) The bond shall be in a solvent surety company having a right~~
24 ~~to do business in the State of Arkansas and shall be approved by the State~~
25 ~~Board of Education.~~

26 ~~(3) The premium on the bond shall be paid by the State Board of~~
27 ~~Elementary and Secondary Education as one of the expenses of the board.~~

28 ~~_____ (g)(f) The state shall furnish the directors with suitable offices."~~

29
30

31 SECTION 12. Arkansas Code Annotated § 6-11-103 is amended to read as
32 follows:

33 "§ 6-11-103. Officers.

34 (a) The ~~boards~~ board shall elect one (1) of ~~their~~ its number chairman,
35 one (1) vice chairman, and such other officers as the ~~boards deem~~ board deems
36 necessary to perfect ~~their~~ its organization.

1 (b) The Director of ~~General~~ the Department of Elementary and Secondary
2 Education shall act as ex officio Secretary of the State Board of Elementary
3 and Secondary Education without vote.

4 ~~—— (c) The Director of Vocational and Technical Education shall act as ex~~
5 ~~officio Secretary of the State Board of Vocational Education without vote."~~

6

7 SECTION 13. Arkansas Code Annotated § 6-11-104 is amended to read as
8 follows:

9 "§ 6-11-104. Meetings.

10 ~~—— (a) The State Board of Elementary and Secondary Education shall meet a~~
11 ~~minimum of six (6) times annually. The board will meet each December to~~
12 ~~determine the meeting dates for the following year. Special meetings may be~~
13 ~~called by the chairman of the board on five (5) days' written notice to the~~
14 ~~members. In the absence of the chairman, the Director of ~~General~~ the~~
15 ~~Department of Elementary and Secondary Education shall call a meeting on the~~
16 ~~request of three (3) members of the board. If both the chairman and the~~
17 ~~Director of ~~General~~ the Department of Elementary and Secondary Education shall~~
18 ~~be absent or refuse to call a meeting, any three (3) members of the board may~~
19 ~~call a meeting by similar notices in writing.~~

20 ~~—— (b) The State Board of Vocational Education shall meet a minimum of~~
21 ~~four (4) times annually. The board will meet each July to determine the~~
22 ~~meeting dates for the following year. Special meetings may be called by the~~
23 ~~chairman of the board on five (5) days' written notice to the members. In the~~
24 ~~absence of the chairman, the Director of Vocational and Technical Education~~
25 ~~shall call a meeting on the request of three (3) members of the board. If both~~
26 ~~the chairman and the Director of Vocational and Technical Education shall be~~
27 ~~absent or refuse to call a meeting, any three (3) members of the board may~~
28 ~~call a meeting by similar notices in writing."~~

29

30 SECTION 14. Arkansas Code Annotated § 6-11-105 is amended to read as
31 follows:

32 "6-11-105. Powers and duties.

33 (a) The State Board of Elementary and Secondary Education shall:

34 (1) Have general supervision of the public schools of the state;

35 (2) Prepare and distribute plans and specifications for the

36 construction and equipment of school buildings and approve plans and

1 expenditures of public school funds for all new school buildings;

2 (3) Recommend courses of study for the public schools and teacher
3 training institutions;

4 (4) Prescribe rules and regulations for the sanitary inspection
5 of all buildings and for the examination of pupils to detect contagious and
6 infectious diseases and physical defects;

7 (5) Issue certificates based upon credentials presented by
8 applicants for certificates to teach in the public schools of the state;

9 (6) Qualify and standardize public schools and prescribe
10 requirements for accrediting and grading public schools;

11 (7) Supervise the operation of school district budgets;

12 (8) Supervise the purchase and distribution of ~~textbooks~~
13 instructional materials;

14 (9) Take such other action as it may deem necessary to promote
15 the physical welfare of school children and promote the organization and
16 increase the efficiency of the public schools of the state; and

17 (10) Perform all other functions which may now or hereafter be
18 delegated to the State Board of Elementary and Secondary Education by law.
19 However, nothing in this act shall prohibit the State Board of Elementary and
20 Secondary Education and the Department of Elementary and Secondary Education
21 from issuing teachers' certificates upon the results of teachers' examinations
22 as now provided by law.

23 (b)~~(1)~~ The State Board of Elementary and Secondary Education may
24 organize and, from time to time, change and alter the ~~General~~ Elementary and
25 Secondary Education Division Department into such branches or sections as may
26 be found necessary and desirable by the Director of ~~General~~ the Department of
27 Elementary and Secondary Education to perform all proper functions and render
28 maximum service relating to the operation and improvement of the ~~general~~
29 education programs of the state.

30 ~~————— (2) The State Board of Vocational Education may organize and,~~
31 ~~from time to time, change and alter the Vocational and Technical Education~~
32 ~~Division into such branches or sections as may be found necessary and~~
33 ~~desirable by the Director of Vocational and Technical Education to perform all~~
34 ~~proper functions and render maximum service relating to the operation and~~
35 ~~improvement of vocational education programs in the state.~~

36 (c) The State Board of Elementary and Secondary Education ~~and the State~~

1 ~~Board of Vocational Education~~ shall adopt such rules and regulations for ~~their~~
2 its meetings and proceedings as ~~they deem~~ it deems advisable."

3

4 SECTION 15. Arkansas Code Annotated § 6-11-106 is amended to read as
5 follows:

6 "6-11-106. Vocational education.

7 (a) The State Board of Vocational Elementary and Secondary Education
8 shall have general supervision of vocational education in the state and shall
9 administer and apportion any funds that may come to the state for ~~that the~~
10 purpose of elementary and secondary education.

11 (b) The board shall submit all rules and regulations pertaining to
12 vocational and technical education to the Coordinating Council for Skills and
13 Technical Education for review and approval."

14

15 SECTION 16. Arkansas Code Annotated § 6-11-107 is amended to read as
16 follows:

17 "6-11-107. Official seal.

18 ~~— (a) The State Board of~~ Elementary and Secondary Education shall adopt a
19 seal, and the seal shall be used by the Director of the ~~General Education~~
20 ~~Division~~ Department of Elementary and Secondary Education to authenticate
21 documents or copies of documents as the board or director may deem advisable.

22 ~~— (b) The State Board of Vocational Education shall adopt a seal, and the~~
23 ~~seal shall be used by the Director of Vocational and Technical Education to~~
24 ~~authenticate documents or copies of documents as the board or director may~~
25 ~~deem advisable."~~

26

27 SECTION 17. Arkansas Code Annotated § 6-11-108 is amended to read as
28 follows:

29 "6-11-108. Employment of personnel.

30 (a) The State Board of Elementary and Secondary Education ~~and the State~~
31 ~~Board of Vocational Education~~, in addition to other duties prescribed by law,
32 shall select such personnel as may be needed for the efficient operation of
33 the Department of Elementary and Secondary Education and shall fix their
34 salaries in accordance with their training and the work assigned.

35 (b) Appointments of full-time employees in the Department of Elementary
36 and Secondary Education shall be made by the ~~boards~~ board upon nomination by

1 the Director of ~~General~~ the Department of Elementary and Secondary Education
2 ~~and the Director of Vocational and Technical Education for their respective~~
3 ~~divisions.~~

4 (c) Upon rejection of a nominee, the ~~appropriate~~ director shall make
5 further nominations.

6 (d) Professional appointments in the Department of Elementary and
7 Secondary Education shall be made for definite terms of one (1) year, subject
8 to removal for cause by a majority vote of the members of the State Board of
9 Elementary and Secondary Education upon recommendation of the Director of
10 ~~General the Department of Elementary and Secondary Education or by the State~~
11 ~~Board of Vocational Education upon recommendation of the Director of~~
12 ~~Vocational and Technical Education.~~

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

18

19 SECTION 18. Arkansas Code Annotated § 6-11-110 is amended to read as
20 follows:

21 "6-11-110. Uniform system of records - Reports.

22 (a) The State Board of Elementary and Secondary Education shall
23 prescribe a uniform system of records to be kept by the county boards of
24 education, school directors, principals, and teachers of schools.

25 (b) All such school officials and employees shall make such reports to
26 the Director of ~~General~~ the Department of Elementary and Secondary Education
27 ~~and the Director of Vocational and Technical Education~~ as may be designated by
28 the State Board of Elementary and Secondary Education."

29

30 SECTION 19. Arkansas Code Annotated § 6-11-111 is amended to read as
31 follows:

32 "6-11-111. Records of proceedings - Annual report.

33 (a) The State Board of Elementary and Secondary Education shall keep in
34 the office of the Director of ~~the General Education Division~~ the Department of
35 Elementary and Secondary Education a complete record of the minutes of its
36 meetings and other proceedings and annually shall make a report to the

1 Governor which shall embody the report of the Director of ~~the General~~
2 ~~Education Division~~ the Department of Elementary and Secondary Education.

3 ~~—— (b) The State Board of Vocational Education shall keep in the office of~~
4 ~~the Director of Vocational and Technical Education a complete record of the~~
5 ~~minutes of its meetings and other proceedings.~~

6 ~~—— (c)~~(b) The annual report of the State Board of Elementary and Secondary
7 Education to the Governor shall be transmitted by him to the General Assembly
8 at the opening of the session.

9 (d) Such reports shall be printed by the State Board of Elementary and
10 Secondary Education and distributed among the various school officers of the
11 state."
12

13 SECTION 20. Arkansas Code Annotated § 6-11-112 is amended to read as
14 follows:

15 "6-11-112. Power to make plans coordinating state and federal laws.

16 (a) The State Board of Elementary and Secondary Education is empowered
17 to make such plans, rules, and regulations as are necessary in order for this
18 state to meet requirements of any law enacted by the Congress of the United
19 States for general education or any supplementary federal regulations
20 pertaining to that legislation.

21 (b) The State Board of ~~Vocational~~ Elementary and Secondary Education is
22 empowered to make such plans, rules, and regulations as are necessary in order
23 for this state to meet requirements of any law enacted by the Congress of the
24 United States for vocational education or any supplementary federal
25 regulations pertaining to that legislation.

26 (c) These plans, rules, and regulations shall be submitted to the
27 Coordinating Council for Skills and Technical Education for review and comment
28 before being submitted to the federal government for funding."
29

30 SECTION 21. Arkansas Code Annotated § 6-11-113 is amended to read as
31 follows:

32 "6-11-113. Federal aid - Acceptance and distribution generally.

33 (a)(1) The General Assembly accepts all federal aid to education that
34 may be provided by the Congress of the United States.

35 (2) The State Board of Elementary and Secondary Education ~~and the~~
36 ~~State Board of Vocational Education~~ are ~~is~~ designated as the "state

1 educational authority" for the purpose of representing the state in the
2 administration of funds provided by Congress.

3 (3) The ~~boards are~~ board is empowered to promulgate such
4 regulations as are necessary on the part of the state to meet any and all
5 requirements of the federal government in the distribution of federal aid.

6 (4) The ~~boards~~ board shall provide for the proper auditing and
7 accounting of all federal funds and for making all necessary reports regarding
8 the expenditures of the federal funds.

9 (5) The ~~boards~~ board shall perform such other functions as may be
10 prescribed by the act providing aid.

11 (b) The Treasurer of State is designated to serve as trustee for such
12 funds as may be apportioned to the State of Arkansas in this connection.

13 (c) The funds shall be disbursed according to the provisions of the
14 federal act allocating them."

15

16 SECTION 22. Arkansas Code Annotated § 6-11-114 is amended to read as
17 follows:

18 "6-11-114. Federal aid - Receipt and administration for school
19 facilities.

20 (a) The State Board of Elementary and Secondary Education ~~and the State~~
21 ~~Board of Vocational Education~~ are is designated to receive and administer any
22 and all federal funds made available to this state for the purpose of
23 assisting local school districts in providing elementary and secondary school
24 facilities for general education programs and for vocational ~~and adult~~
25 education programs ~~respectively~~.

26 (b) Any funds related to vocational education shall be administered
27 with the approval of the Coordinating Council for Skills and Technical
28 Education."

29

30 SECTION 23. Arkansas Code Annotated § 6-11-115 is amended to read as
31 follows:

32 "6-11-115. Special contracts.

33 The State Board of Elementary and Secondary Education is authorized to
34 enter into and carry out such contractual agreements and arrangements with
35 local school districts and other agencies as may be found necessary to
36 implement any and all sections of Public Law 89-10, as amended, and other

1 federal programs, including services for children of migratory farm workers,
2 services for mentally and physically handicapped as set out under Title VI of
3 Public Law 89-10 [repealed], and any and all other services found to be
4 essential to the extension of the benefits to eligible participants."

5
6

7 SECTION 24. Arkansas Code Annotated § 6-11-116(a) is amended to read as
8 follows:

9 "(a) The State Board of Elementary and Secondary Education is granted
10 authority to prescribe principles, standards, and criteria to be followed in
11 setting up priority of projects, provided that such principles, standards, and
12 criteria are not in conflict with federal statutes."

13

14 SECTION 25. Arkansas Code Annotated § 6-11-117 is amended to read as
15 follows:

16 "6-11-117. Copies of documents as evidence.

17 Copies of any papers or documents on file in the offices of the Director
18 of ~~General~~ Elementary and Secondary Education and the ~~Director of Vocational~~
19 ~~and Technical Education~~ authenticated by ~~them~~ him with the seal of the State
20 Board of Elementary and Secondary Education or ~~State Board of Vocational~~
21 ~~Education respectively~~ shall be admissible in evidence with the same effect as
22 the original."

23

24 SECTION 26. Arkansas Code Annotated § 6-11-118 is amended to read as
25 follows:

26 "6-11-118. Office of Rural Services.

27 (a) This section shall be known as the "Rural Services Act of 1981".

28 (b) The General Assembly recognizes that Arkansas Constitution, Article
29 14, requires the state to provide a general, suitable, and efficient system of
30 free public schools and that the Department of Elementary and Secondary
31 Education is legislatively created to help provide these schools. The General
32 Assembly further recognizes the need for effective aid and assistance to the
33 smaller rural school districts of the state and that under the present
34 structure of the Department of Elementary and Secondary Education such aid and
35 assistance is not adequate. It is the intent and purpose of this section to
36 establish an office of the Department of Elementary and Secondary Education

1 which would correct this present deficiency in the Department of Elementary
2 and Secondary Education's responsibility to meet the needs of all the children
3 of the state.

4 (c)(1) There is created the Office of Rural Services in the Department
5 of Elementary and Secondary Education.

6 (2) The Director of ~~General~~ the Department of Elementary and
7 Secondary Education shall establish a coordinator in the Office of Rural
8 Services.

9 (3) The duties of this office shall be to:

10 (A) Direct programs to improve the quality of the rural
11 schools of the state by helping to deliver comprehensive technical assistance
12 services such as curriculum development, teaching methods evaluations, program
13 development, planning, needs assessments, etc.;

14 (B) Help develop teacher training programs that fit the
15 needs of rural students;

16 (C) Develop and conduct in-service education programs for
17 rural teachers, administrators, and county board of education members;

18 (D) Act as liaison between rural education and rural
19 development activities;

20 (E) Assist rural districts in developing rural resource
21 cooperatives in order that rural schools could share a pool of specialized
22 human, material, and technical resources;

23 (F) Assist rural schools in construction and renovation
24 programs;

25 (G) Identify and create an awareness of promising practices
26 of rural schools throughout the state and nation;

27 (H) Serve as liaison between the Department of Elementary
28 and Secondary Education and the small schools;

29 (I) Coordinate all other activities especially for small
30 schools and collect such data as needed by the General Assembly in order that
31 rural schools may be properly financed.

32 (4) The Office of Rural Services shall answer directly to the
33 Director of ~~General~~ Elementary and Secondary Education.

34 (d) For the purpose of this section, the term "rural school" shall be
35 interchangeable with the term "small high school" and shall include those
36 schools with enrollments of five hundred (500) or less in kindergarten through

1 grade twelve. Schools of enrollments of five hundred (500) to seven hundred
2 fifty (750) shall also be served by this office if they are in unincorporated
3 areas, if a majority of the county board of education approves, and if the
4 superintendent requests that the school become a part of the area for which
5 this office is responsible."

6

7 SECTION 27. Arkansas Code Annotated § 6-11-119 is amended to read as
8 follows:

9 "6-11-119. Correspondence courses.

10 (a) The State Board of Elementary and Secondary Education shall
11 promulgate reasonable rules, regulations, and standards for the accreditation
12 of persons, firms, schools, or educational institutions offering
13 correspondence courses to the people of this state and may grant certificates
14 of approval to those persons, firms, schools, or educational institutions
15 offering correspondence courses which meet the approval of its rules,
16 regulations, and standards.

17 (b) It shall be unlawful for any person, firm, school, or educational
18 institution to advertise by newspaper, magazine, pamphlet, handbill, or other
19 printed method published in this state, or by radio or by television in this
20 state, the offering of any correspondence courses unless that person, firm,
21 school, or educational institution shall have first registered with the State
22 Board of Elementary and Secondary Education and shall have been approved by
23 the State Board of Elementary and Secondary Education as an accredited
24 correspondence school.

25 (c) The provisions of this section shall be applicable to all schools
26 or educational institutions offering correspondence courses whether the
27 schools are located in this state or in some other state.

28 (d) Any person violating this section shall be guilty of a misdemeanor
29 and upon conviction shall be fined in the sum of not less than two hundred
30 fifty dollars (\$250) and not more than five hundred dollars (\$500)."

31

32 SECTION 28. Arkansas Code Annotated § 6-11-120 is amended to read as
33 follows:

34 "6-11-120. Educational programs for children in institutions.

35 (a) The State Board of Elementary and Secondary Education is authorized
36 to provide supervision, accreditation, and other services essential to the

1 development of desirable educational programs for children at the elementary
2 and secondary levels who are residents in institutions under the control of a
3 public board or commission.

4 (b) The State Board of Elementary and Secondary Education at its
5 discretion may enter into formal contracts or other agreements with publicly
6 controlled institutions or with local school district boards for the purpose
7 of serving the educational needs of children resident in such institutions or
8 local districts.

9 (c) The State Board of Elementary and Secondary Education is authorized
10 to take any and all action necessary to qualify children resident in such
11 institutions or districts for all benefits available under the provisions of
12 Public Law 89-10, as amended by Public Law 89-313 and Public Law 89-750.

13 (d) Authorizations contained in this section shall include any
14 subsequent amendments which may be enacted by Congress, provided the
15 amendments are not in conflict with the Constitution or statutes of the State
16 of Arkansas."

17

18 SECTION 29. Arkansas Code Annotated § 6-11-121 is repealed.

19 ~~6-11-121. National Migrant Student Record Transfer System.~~

20 ~~The following procedures are to be utilized by the National Migrant~~
21 ~~Student Record Transfer System in the Department of Education for the purchase~~
22 ~~or lease of data processing equipment and services, including a central~~
23 ~~processing unit, peripheral equipment, and associated items and programs:~~

24 ~~(1) Upon receipt of a request from the Executive Committee of the~~
25 ~~National Association of Migrant Directors by the Director of General Education~~
26 ~~and the Director of the National Migrant Student Record Transfer System, known~~
27 ~~as the director, the Chief Fiscal Officer of the State and the Arkansas~~
28 ~~Communications Study Committee shall be notified that the request has been~~
29 ~~received and that the National Migrant Student Record Transfer System Director~~
30 ~~is proceeding to upgrade the data processing equipment now in use;~~

31 ~~(2) Upon determination of the additional equipment or modification to~~
32 ~~the existing data processing system in use by the National Migrant Student~~
33 ~~Record Transfer System, the director shall issue bids for the equipment or~~
34 ~~modifications. Bids shall require that the equipment to be purchased or leased~~
35 ~~is consistent with the existing equipment unless specifically designated~~
36 ~~otherwise by the executive committee. The procedure for issuing the bids shall~~

1 ~~be in conformance with state purchasing laws governing equipment purchases~~
2 ~~which are not data processing related;~~

3 ~~—— (3) Upon receiving the bids as required in subdivision (2) of this~~
4 ~~section, the director shall transmit all bids received and his recommendation~~
5 ~~to the executive committee;~~

6 ~~—— (4) The executive committee shall certify to the director and the~~
7 ~~Director of the Department of Education its decision concerning the actions to~~
8 ~~be taken after having received the bids and recommendations submitted to it;~~
9 ~~and~~

10 ~~—— (5) Upon receipt of the certification required in subdivision (4) of~~
11 ~~this section, the director shall enter into contracts for services or~~
12 ~~equipment as required by the executive committee, and the director shall~~
13 ~~notify the Chief Fiscal Officer of the State and the Arkansas Communications~~
14 ~~Study Committee of such action.~~

15

16 SECTION 30. Arkansas Code Annotated 6-11-122 is amended to read as
17 follows:

18 "6-11-122. Publication of public school laws - Advisory committee.

19 (a) The State Board of Elementary and Secondary Education, after
20 consulting and advising with the School Laws Publication Advisory Committee
21 created in subsection (b) of this section, is authorized to compile and cause
22 to be published the public school laws of Arkansas in a single volume and, if
23 it determines it appropriate, may provide for periodic publication of
24 supplements to the volume.

25 (b) There is established the School Laws Publication Advisory Committee
26 to be composed of a representative of each of the following: the Arkansas
27 Education Association, the Arkansas School Boards Association, the Arkansas
28 Association of School Administrators, the Arkansas Rural School Association,
29 and the General Education Division of the Department of Elementary and
30 Secondary Education, ~~and the Vocational and Technical Education Division of~~
31 ~~the Department of Education.~~

32 (c) The School Laws Publication Advisory Committee shall advise with
33 and make recommendations to the State Board of Elementary and Secondary
34 Education regarding the publication of the school laws of the state."

35

36 SECTION 31. Arkansas Code Annotated § 6-11-124 is amended to read as

1 follows:

2 "6-11-124. Statewide computer network.

3 (a) Acts 1991, No. 1034, authorizes the Board of Trustees of the
4 Arkansas Teacher Retirement System to provide a loan to the Department of
5 Elementary and Secondary Education for a statewide computer system capable of
6 linking all public school systems and the Department of Elementary and
7 Secondary Education. In order to provide alternatives to accomplish the
8 purposes of Acts 1991, No. 1034, the Department of Elementary and Secondary
9 Education is hereby authorized to enter into a contractual agreement with
10 IMPAC Learning Systems, Inc. for the development of a statewide computer
11 system capable of linking all public school systems and the Department of
12 Elementary and Secondary Education from funds provided by a loan from the
13 Arkansas Teacher Retirement System.

14 (b) The State Board of Elementary and Secondary Education shall
15 maintain oversight authority over the approval of all standards, procedures,
16 and specifications determined by the Department of Elementary and Secondary
17 Education regarding the purchase or lease of the statewide computer network in
18 addition to maintaining oversight authority over the operational aspects of
19 the system.

20 (c)(1)(A) As a means of providing assistance to, and coordination of
21 efforts between the Department of Elementary and Secondary Education, IMPAC
22 Learning Systems, Inc. and users of the statewide computer network, there is
23 hereby created the Public School System Computer Network Advisory Council.

24 (B) The members of the Public School System Computer
25 Network Advisory Council shall serve without pay and represent citizens and
26 users of the network and data. The members shall be appointed by and serve at
27 the pleasure of the Director of the Department of Elementary and Secondary
28 Education. The Director of the Department of Elementary and Secondary
29 Education shall be designated as chairman of the Public School System Computer
30 Network Advisory Council.

31 (2) In addition to providing assistance and coordination, the
32 council may also assist and offer advice regarding the purchase or lease of
33 equipment utilized in the computer network system.

34 (d) The Director of the Department of Elementary and Secondary
35 Education is hereby authorized to request from the Chief Fiscal Officer of the
36 State a transfer of appropriation authorized for school district management

1 and statewide data collection by the General Assembly to any other line item
2 appropriation authorized for the Department of Elementary and Secondary
3 Education for the same purpose."

4

5 SECTION 32. Arkansas Code Annotated § 6-61-202 is amended to read as
6 follows:

7 "6-61-202. Powers and duties generally.

8 (a) In order to promote a coordinated system of higher education in
9 Arkansas and to assure an orderly and effective development of each of the
10 publicly supported institutions of higher education and program providers of
11 adult education, adult literacy, and rehabilitation services, the board shall
12 have the following powers and duties:

13 (1)(A) To receive within one (1) year of their appointment and
14 each year thereafter a minimum of eight (8) clock hours of instruction and
15 training, to include higher education, adult education, adult literacy, and
16 rehabilitation services issues, policies, laws, and the duties and
17 responsibilities associated with the position of board member;

18 (B) The members of the boards of all publicly supported
19 institutions of higher education shall receive similar instruction and
20 training within one (1) year of their appointment or election and each year
21 thereafter, which shall be conducted by the individual institutions;

22 (2) Along with its director, to be responsible, within fiscal and
23 staff capabilities, for directing an integrated program for defining,
24 popularizing, and securing acceptance of the major goals and objectives of
25 higher education, adult education, adult literacy, and rehabilitation services
26 in Arkansas and for relating them to the state's various problems;

27 (3) To request and receive any information from the publicly
28 supported institutions of higher education and other program providers as the
29 board deems necessary for the performance of its duties;

30 (4) To promulgate and adopt uniform definitions and forms in such
31 matters as financial reporting, academic statistics, and resident status of
32 students for use in making financial recommendations and standard enrollment
33 data to be followed by the institutions of higher learning;

34 (5) To determine the need for and recommend to the Governor and
35 the General Assembly the establishment and location of any new institutions or
36 programs and to recommend, when appropriate, changes in the names of existing

1 state-supported institutions of higher learning;

2 (6) To recommend the level of funding and the method of
3 distribution of state-supported scholarships and loan programs, and to seek
4 the cooperation of the state-supported institutions of higher learning to
5 develop policies to coordinate all student loan and scholarship programs,
6 including those federally financed; and

7 (7) To review all proposed bond issues to be made by any public
8 institution of higher learning and to advise the board of trustees of each of
9 the respective institutions as to the economic feasibility thereof, as set
10 forth in § 6-62-306.

11 (b) The board shall encourage the cooperation of private institutions
12 of higher learning in its efforts to plan more effectively for the coordinated
13 development of higher education, adult education, adult literacy, and
14 rehabilitation services in this state."

15

16 SECTION 33. Arkansas Code Annotated § 6-61-204 is amended to read as
17 follows:

18 "6-61-204. Advisory committees and councils.

19 The board is authorized to establish advisory committees and councils,
20 including a president's committee and an advisory commission on community
21 junior colleges, as may be deemed necessary for the effective development and
22 coordination of higher education, adult education, adult literacy, and
23 rehabilitation services in this state."

24

25 SECTION 34. Arkansas Code Annotated § 6-61-205 is amended to read as
26 follows:

27 "6-61-205. Master plan.

28 (a) In order to promote a coordinated system of higher education in
29 Arkansas and to assure an orderly and effective development of each of the
30 publicly supported institutions of higher education, the board shall have the
31 power and duty to accept responsibility for continuous master planning.

32 (b) The board shall involve a broadly representative advisory committee
33 in the development of a comprehensive master plan for all of postsecondary
34 education and shall continually use the committee to keep the master plan
35 updated.

36 (c) This plan shall include all senior colleges and universities which

1 are state supported, community colleges, branches of state-supported
2 institutions, independent or private colleges and universities, proprietary
3 institutions, technical institutes, program providers of adult education,
4 adult literacy, rehabilitation services, and postsecondary efforts of area
5 vocational-technical schools.

6 (d) Broad citizen participation shall be sought by the board in the
7 development of this plan."

8

9 SECTION 35. Arkansas Code Annotated § 6-18-1005 is amended to read as
10 follows:

11 "6-18-1005. Student services program defined.

12 (a) A "student services program" is defined as a coordinated effort
13 which shall include, but is not limited to:

14 (1) Guidance services, which shall include, but are not limited
15 to:

16 (A) The availability of individual and group counseling to
17 all students;

18 (B) Orientation programs for new students at each level of
19 education and for transferring students;

20 (C) Class scheduling for students;

21 (D) Consultation with parents, faculty, and out-of-school
22 agencies concerning student problems and needs;

23 (E) Utilization of student records and files;

24 (F) Supervision of standardized testing and interpretation
25 of results;

26 (G) The following-up of early school dropouts and
27 graduates;

28 (H) A school-initiated system of parental involvement; and

29 (I) An organized system of informational resources on which
30 to base educational and vocational decision-making; and

31 ~~————— (J) Educational and job placement, including advising~~
32 ~~students on the availability of vocational and alternative programs that could~~
33 ~~provide successful high school completing opportunities for students at risk~~
34 ~~of dropping out of school;~~

35 (2) Career action plans which provide educational and job
36 counseling and advice to students and their parents about secondary and

1 postsecondary job and educational opportunities;

2 ~~—————(2)(3)~~ Psychological services, which shall include, but are not
3 limited to, the following:

4 (A) Evaluation of students with learning or adjustment
5 problems;

6 (B) Evaluation of students in exceptional-child education
7 programs;

8 (C) Consultation and counseling with parents, students, and
9 school personnel;

10 (D) A system for the early identification of learning
11 potential and factors which affect the child's educational performance;

12 (E) A system of liaison and referrals, with resources
13 available outside the school; and

14 (F) Written policies which assure ethical procedures in
15 psychological activities;

16 ~~—————(3)(4)~~ Visiting teacher and school social work services, which
17 shall include, but are not limited to, the following:

18 (A) Providing casework to assist in the prevention and
19 remediation of problems of attendance, behavior, adjustment, and learning; and

20 (B) Serving as liaison between the home and school by
21 making home visits and referring students and parents to appropriate school
22 and community agencies for assistance;

23 ~~—————(4)(5)~~ Occupational and placement services, which shall include,
24 but are not limited to, the dissemination of career education information,
25 placement services, and follow-up studies;

26 ~~—————(5)(6)~~ Group conflict resolution services, which shall include,
27 but are not limited to, the following:

28 (A) Educational and social programs which help students
29 develop skills enabling them to resolve differences and conflicts between
30 groups; and

31 (B) Programs designed to promote understanding, positive
32 communication, and a greater utilization of a race relations specialist or
33 human relations specialist to assist in the development of intergroup skills;

34 ~~—————(6)(7)~~ Health services; and

35 ~~—————(7)(8)~~ The distribution of a suicide prevention public awareness
36 program developed for distribution by the inter program task force established

1 by the Lieutenant Governor's Teen age Suicide Prevention Task Force.

2 (b) School counselors shall spend at least seventy-five percent (75%)
3 of work time providing direct counseling related to students, and shall devote
4 no more than twenty-five percent (25%) of work time to administrative
5 activities, provided that such activities relate to the provision of guidance
6 services."

7

8 SECTION 36. Career Action Plans.

9 (a) The General Assembly finds and determines:

10 (1) That students and parents need to know more about educational
11 and job opportunities and the prerequisites necessary to secure these
12 opportunities;

13 (2) That course choices made in school can and do affect the
14 options that students have after high school;

15 (3) That students and parents want to know what courses are
16 required for admission to state colleges and universities and what options are
17 offered by technical colleges and technical institutes; and

18 (4) That students and parents need more information about
19 financial assistance for postsecondary schooling or work opportunities.

20 (b) The General Assembly requires that all local school districts put
21 into practice a comprehensive Career Action Planning (CAP) program to assist
22 secondary students and their parents or guardians prepare for work, training,
23 or education, which shall include, but not be limited to, the following:

24 (1) A school-wide awareness and counseling program, involving the
25 entire faculty and administration, to help students prepare for work,
26 education, and training;

27 (2) A guidance program to ensure that all secondary students are
28 enrolled in the core curriculum;

29 (3) Extensive training for teachers/advisors as part of the
30 district's in-service program;

31 (4) Locally designed and other educational and career materials
32 that are accessible to students and parents;

33 (5) Educational and career guidance beginning in grade eight (8);

34 (6) Student-developed and maintained educational and career
35 records which include scores on tests, career interests, previous grades,
36 extracurricular activities, attendance, and such other indicators as the

1 district may deem important;

2 (7) Annual CAP conferences for all students in grades eight (8)
3 through eleven (11) to afford students and parents the opportunity to review
4 with teachers/advisors career and educational plans, educational history, and
5 proposed courses of study; and

6 (8) Frequent opportunities for students in grades eleven (11) and
7 twelve (12) to attend CAP sessions or seminars to place them in direct contact
8 with employers or representatives of postsecondary education institutions.

9

10 SECTION 37. All provisions of this act of a general and permanent
11 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
12 Code Revision Commission shall incorporate the same in the Code.

13

14 SECTION 38. If any provision of this act or the application thereof to
15 any person or circumstance is held invalid, such invalidity shall not affect
16 other provisions or applications of the act which can be given effect without
17 the invalid provision or application, and to this end the provisions of this
18 act are declared to be severable.

19

20 SECTION 39. All laws and parts of laws in conflict with this act are
21 hereby repealed.

22

23 SECTION 40. EMERGENCY. It is found and determined by the General
24 Assembly of the State of Arkansas that the transfer of all matters involving
25 the public school districts and kindergarten through grade twelve (K-12) to
26 the newly created State Department of Elementary and Secondary Education and
27 the transfer of adult education programs, literacy programs, vocational
28 technical institutes and rehabilitation services to the State Department of
29 Higher Education will improve services to the citizens of this state, that the
30 efficient operation of state government will be promoted by providing the
31 transfer and shall be effective at the beginning of the next fiscal year.
32 Therefore an emergency is declared to exist and this act being immediately
33 necessary for the preservation of the public peace, health and safety shall
34 become effective on the date of its approval by the Governor. If the bill is
35 neither approved nor vetoed by the Governor, it shall become effective on the
36 expiration of the period of time during which the Governor may veto the bill.

1 If the bill is vetoed by the Governor and the veto is overridden, it shall
2 become effective on the date the last house overrides the veto.

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/s/Mahony et al