

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001

A Bill

SENATE BILL 782

4
5 By: Senators Faris, Riggs
6
7

For An Act To Be Entitled

8
9 THE ARKANSAS SCHOOL FOR THE VISUALLY IMPAIRED ACT OF
10 2001.
11

Subtitle

12
13 THE ARKANSAS SCHOOL FOR THE VISUALLY
14 IMPAIRED ACT OF 2001.
15

16
17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Title.

20 This act shall be known and may be cited as "The Arkansas School for
21 the Visually Impaired Act of 2001."
22

23 SECTION 2. Legislative Intent.

24 (a) It is found and determined by the General Assembly that it is
25 necessary for the Arkansas School for the Blind and the Arkansas Institution
26 for Advocacy for the Blind to have one (1) combined board of trustees that is
27 separate from the board of trustees of any other institution.

28 (b)(1) It is the purpose and intent of the General Assembly to
29 transfer the powers vested in the Board of Trustees of the Arkansas School
30 for the Blind and the Arkansas School for the Deaf, which are pertaining to
31 the Arkansas School for the Blind, to a new board, as provided by the
32 procedure created under Arkansas Constitution, Amendment 33, Section 2 which
33 allows the powers vested in a board to be transferred upon consolidation of
34 its institution with another institution.

35 (2) It is the purpose and intent of the General Assembly to
36 transfer the powers vested in the Board of Trustees of the Arkansas

1 Institution for Advocacy for the Blind, to a new board.

2 (3) It is also the purpose and intent of the General Assembly to
3 consolidate the Arkansas School for the Blind with the Arkansas Institution
4 for Advocacy for the Blind to create the Arkansas School for the Visually
5 Impaired;

6
7 SECTION 3. Consolidation - Board of Trustees.

8 (a) The Arkansas School for the Blind is consolidated with the
9 Arkansas Institution for Advocacy for the Blind and together shall be known
10 as the Arkansas School for the Visually Impaired.

11 (b) The Arkansas School for the Visually Impaired shall be governed by
12 the Board of Trustees of the Arkansas School for the Visually Impaired
13 created under this act.

14 (c) All of the statutory authority, powers, duties, functions,
15 records, personnel, property, unexpended balances of appropriations,
16 allocations, or other funds, pertaining to the Arkansas School for the Blind,
17 are transferred from the Board of Trustees of the Arkansas School for the
18 Blind and the Arkansas School for the Deaf to the Board of Trustees of the
19 Arkansas School for the Visually Impaired, created under this act.

20 (d) All of the statutory authority, powers, duties, functions,
21 records, personnel, property, unexpended balances of appropriations,
22 allocations, or other funds of the Board of Trustees of the Arkansas
23 Institution for Advocacy for the Blind are transferred to the Board of
24 Trustees of the Arkansas School for the Visually Impaired, created under this
25 act.

26
27 SECTION 4. Board of Trustees of the Arkansas School for the Visually
28 Impaired - Created.

29 (a) There is created the Board of Trustees of the Arkansas School for
30 the Visually Impaired.

31 (b)(1) The members of the board shall be appointed by the Governor as
32 follows:

33 (A) Four (4) members shall be persons certified or degreed
34 in the education of children who are blind;

35 (B) One (1) member shall be a person who is legally blind;

36 (C) One (1) member shall be the parent of a legally blind

1 child under the age of 18; and

2 (D) One (1) member shall be appointed from the general
3 public.

4 (2) Appointments shall be made so that no more than two (2)
5 members of the board shall reside in the same congressional district.

6 (3) The racial make up of the board should reflect the racial
7 population of the state as accurately as possible.

8 (c) The members of the board shall serve for terms of five (5) years.
9 The initial appointees shall determine their terms by lot so that the term of
10 no more than two (2) members shall expire each year.

11 (d) The members of the board shall annually elect a chairperson.

12 (e) Meetings of the board shall be held during evening hours or on
13 Saturdays. At least twenty (20) minutes shall be reserved at the end of each
14 board meeting for members of the public to address the board.

15 (f) Each member of the board may receive expense reimbursement in
16 accordance with § 25-16-902.

17
18 SECTION 5. Board of Trustees of the Arkansas School for the Visually
19 Impaired - Powers.

20 (a)(1) The Board of Trustees of the Arkansas School for the Visually
21 Impaired is charged with the management and control of the Arkansas School
22 for the Visually Impaired.

23 (2) The board of trustees shall have the power, authority, and
24 duties transferred to it under section 3 of this act and those set forth
25 below:

26 (A) To exercise powers of supervision and control as are
27 not specifically reserved to the superintendent;

28 (B) To fix the salaries of officers and employees not
29 already fixed by law;

30 (C) To enter into cooperative ventures with one (1) or
31 more institutions of higher education for the provision of facilities,
32 equipment, and staff necessary for the school; and

33 (D) To accept donations, gifts, and contributions in
34 money, services, materials, or otherwise from any source and use or expend
35 the moneys, services, materials, or other contributions in carrying on its
36 operations, and accept appropriations from the state upon the terms and

1 conditions as may be imposed by law.

2

3 SECTION 6. Board of trustees - Eligibility.

4 The superintendent, general business manager, and teachers of the
5 school shall not be eligible for membership on the Board of Trustees of the
6 Arkansas School for the Visually Impaired.

7

8 SECTION 7. Records of board's proceedings.

9 The Board of Trustees of the Arkansas School for the Visually Impaired
10 shall keep a full and correct account of their proceedings in books to be
11 provided for the purpose.

12

13 SECTION 8. General control of property and institutional affairs.

14 The Board of Trustees of the Arkansas School for the Visually Impaired
15 are invested with the general control and direction of the property and
16 affairs of the Arkansas School for the Visually Impaired, with power to
17 direct the purchases as, under the advice of the superintendent, may be
18 deemed necessary for the comfort, health, and educational advancement of
19 individuals who are visually impaired.

20

21 SECTION 9. (a)(1) The board of Trustees of the Arkansas School for
22 the Visually Impaired may take and hold in trust for the use of the Arkansas
23 School for the Visually Impaired any lands conveyed or devised, and any money
24 or other personal property given or bequeathed, to be applied to the benefit
25 of the Arkansas School for the Visually Impaired.

26 (2) The members of the Board of Trustees of the Arkansas School
27 for the Visually Impaired may take and hold in trust for the use of the
28 Arkansas School for the Visually Impaired any lands conveyed or devised, and
29 any money or other personal property given or bequeathed, to be applied to
30 the benefit of the Arkansas School for the Visually Impaired.

31 (b)(1) All property which has been or may be acquired by appropriation
32 from the state, or in any other manner, for the use and benefit of the
33 Arkansas School for the Visually Impaired, shall be held and deemed to be the
34 property of the state of the Arkansas School for the Visually Impaired.

35 (2) All real estate purchased shall be deeded to the State of
36 Arkansas, and after recording the deed conveying the real estate in the

1 proper recorder's office, the deed shall be filed in the office of the
2 Secretary of State.

3
4 SECTION 10. Materials and supplies.

5 No trustee of the Board of Trustees of the Arkansas School for the
6 Visually Impaired shall be allowed to furnish material for building purposes;
7 nor shall they be, either directly or indirectly, personally interested in
8 the purchase of any article of merchandise or other supplies for the use of
9 the Arkansas School for the Visually Impaired.

10
11 SECTION 11. Superintendent.

12 (a)(1) The Board of Trustees of the Arkansas School for the Visually
13 Impaired shall have the power to elect a superintendent for the Arkansas
14 School for the Visually Impaired, who shall receive an annual compensation to
15 be fixed by the board of trustees.

16 (2) The amount of the annual compensation shall be reported to
17 the General Assembly.

18
19 SECTION 12. Superintendent.

20 (a) The immediate operation and management of the Arkansas School for
21 the Visually Impaired shall be entrusted to a superintendent.

22 (b) The superintendent of the Arkansas School for the Visually
23 Impaired shall be required to give his or her entire time to the management
24 and operation of the school and shall be selected because of his or her
25 previous training and fitness to care for the school.

26
27 SECTION 13. Employees generally.

28 (a) The superintendent of the Arkansas School for the Visually
29 Impaired shall have power to select and engage all employees of the school at
30 salaries fixed by the Board of Trustees of the Arkansas School for the
31 Visually Impaired within the guidelines set by the State of Arkansas,
32 reporting the same for approval to the Board of Trustees of the Arkansas
33 School for the Visually Impaired at the board's next regular meeting.

34 (b) The superintendent of the Arkansas School for the Visually
35 Impaired shall have the sole power to remove employees of the respective
36 schools and may remove any employee at any time in their discretion for

1 cause, but in case of removal, the superintendent shall report the removal
2 and the ground therefor to the Board of Trustees of the Arkansas School for
3 the Visually Impaired.

4
5 SECTION 14. Qualifications of teachers.

6 No teacher shall be employed by the Arkansas School for the Visually
7 Impaired unless the teacher holds a current teacher's license issued by the
8 State Board of Education.

9
10 SECTION 15. Attendance - Enforcement.

11 (a) Every parent, guardian, or other person having control of any
12 mentally normal child over eight (8) years of age and under nineteen (19)
13 years of age who is visually impaired to the extent that the child cannot be
14 benefited by instruction in the public schools shall be required to send the
15 child to the Arkansas School for the Visually Impaired at Little Rock.

16 (b) The child shall continue to attend the schools for a term of at
17 least thirty-two (32) weeks each year until the child has completed the
18 course of instruction prescribed for the schools by the boards of trustees,
19 or any other body or person designated by law to have control of the schools,
20 respectively, or until the child has been discharged by the superintendent of
21 the school.

22 (c) A child with a visual impairment causing blindness shall be exempt
23 from attendance at the schools for any of the following reasons:

24 (1) Instruction by a private tutor or in another school approved
25 by the board of trustees, or any other body or person designated by law to
26 have control of the schools, for a time equal to that required by subsection
27 (b) of this section;

28 (2) Physical incapacity for school work; or

29 (3) Any other reason deemed good and sufficient by the
30 superintendent of the school, with the approval of the board of trustees.

31
32 SECTION 16. Deaf and blind children - Out-of-state facilities.

33 (a) The Arkansas School for the Visually Impaired is authorized to
34 expend available funds for the purpose of sending children under the age of
35 twenty-one (21), who are deaf as well as blind and for which there are no
36 facilities for education in this state, to any school, institution, or other

1 place outside the State of Arkansas providing a qualified program of
2 education for the children.

3 (b) The funds may be spent for room, board, tuition, transportation,
4 and other items which are necessarily relevant to the education of the child.

5 (c) In interpreting and carrying out the provisions of this section,
6 the words "deaf-blind children", wherever used, will be construed to include
7 any child whose combination of handicaps of deafness and blindness would
8 prevent him from profiting satisfactorily from educational programs now
9 provided for the child with a visual impairment causing blindness, or the
10 child with a hearing impairment causing deafness, by the State of Arkansas.

11 (d) The school is authorized to determine if the children should be
12 sent to an out-of-state facility.

13 (e) The school is authorized to promulgate rules and regulations as it
14 deems necessary and proper for carrying out the purposes and intent of this
15 section.

16
17 SECTION 17. Admissions.

18 (a) All blind persons of suitable character and capacity between the
19 ages of three (3) and twenty-one (21) years residing in the state, shall be
20 entitled to the benefits of the school free of charge.

21 (b) Students from outside the state may be admitted to the privileges
22 of the school upon the payment of the sums as the Board of Trustees of the
23 Arkansas School for the Visually Impaired may consider sufficient to defray
24 expenses.

25 (c) If, in the opinion of the Board of Trustees of the Arkansas School
26 for the Visually Impaired, any blind person above the age of twenty-one (21)
27 years may be benefited by being received into the school for a limited time
28 to learn a trade or receive instruction, they may, by unanimous vote, and
29 with approval of the superintendent, admit the person.

30
31 SECTION 18. Expulsions.

32 The Board of Trustees of the Arkansas School for the Visually Impaired
33 may expel from the school any student whose continuance in the school would
34 be injurious to the school.

35
36 SECTION 19. Financial aid to graduates attending postsecondary

1 educational institutions.

2 (a)(1) Any graduate of the Arkansas School for the Visually Impaired
3 who is a resident of this state and who is a regularly enrolled student in
4 any university, college, conservatory of music, or technical institution may,
5 under the direction of the superintendent of the Arkansas School for the
6 Visually Impaired, subject to the approval of the Board of Trustees of the
7 Arkansas School for the Visually Impaired, receive aid for the purpose of
8 defraying the graduate's necessary expenses, including a reader, while in
9 attendance at the university, college, conservatory of music, or technical
10 institution.

11 (2) However, not more than seven hundred fifty dollars (\$750)
12 shall be so expended on account of any one (1) person during any fiscal year.

13 (3) No person shall become a beneficiary under the provisions of
14 this subsection until it shall appear to the satisfaction of the
15 superintendent of the Arkansas School for the Visually Impaired, after
16 investigation, that the person has no sufficient separate estate to provide
17 for his or her education, and that the parents of the person, if living, are
18 unable to provide for the higher education.

19
20 SECTION 20. Report of school officers.

21 The officers of the Arkansas School for the Visually Impaired shall
22 make reports to the Board of Trustees of the Arkansas School for the Visually
23 Impaired as it may from time to time require.

24
25 SECTION 21. Reports - Publication.

26 (a)(1) The Board of Trustees of the Arkansas School for the Visually
27 Impaired and the superintendent of the Arkansas School for the Visually
28 Impaired shall make a full and complete report, to be submitted to the
29 Governor and each General Assembly, not later than January 15 of each year in
30 which the General Assembly is in session.

31 (2) These reports shall deal with improvements made during the
32 biennial period covered by them, together with the suggestions and
33 recommendations covering the Arkansas School for the Visually Impaired for
34 the next legislative period.

35 (3)(A) The Board of Trustees of the Arkansas School for the
36 Visually Impaired and the superintendent of the Arkansas School for the

1 Visually Impaired, shall each make detailed reports biennially to the General
2 Assembly of their proceedings, the condition of the school, the number of
3 students, and other facts connected with the school, including the exact
4 receipts and expenditures of the Board of Trustees of the Arkansas School for
5 the Visually Impaired.

6 (B) The superintendent of the respective schools shall
7 report to the appropriate board of trustees prior to each session of the
8 General Assembly a detailed statement of the number of students admitted and
9 discharged, their place of residence and supposed cause of blindness, the
10 amount of money expended and for what purpose, and the probable sum necessary
11 to defray the current expenses of the school until the ensuing session of the
12 General Assembly, which report shall be embodied in that of the trustees.

13 (b) The reports shall be made and printed together not later than
14 January 15 of each year in which the General Assembly is in session.

15
16 SECTION 22. Regulations.

17 The Board of Trustees of the Arkansas School for the Visually Impaired
18 shall make all regulations necessary for the governing of the Arkansas School
19 for the Visually Impaired not otherwise provided by law, and it shall
20 incorporate the regulations in the next report made to the General Assembly
21 after the promulgation of the regulations.

22
23 SECTION 23. Arkansas Code 6-15-1402(a), pertaining to the school
24 performance report, is amended to read as follows:

25 (a) In order to generally improve public school accountability, to
26 provide benchmarks for measuring individual school improvement, and to
27 empower parents and guardians of children enrolled in Arkansas public schools
28 by providing them with the information to judge the quality of their schools,
29 the Department of Education shall annually prepare and publish a school
30 performance report for each individual public school in the state, including
31 the Arkansas School for the Deaf, ~~the Arkansas School for the Blind~~ Arkansas
32 School for the Visually Impaired, and the Arkansas School for Mathematics and
33 Sciences, and shall distribute the report to every parent or guardian of a
34 child in kindergarten through grade twelve (K-12) in the public schools of
35 Arkansas.

1 SECTION 24. Arkansas Code 6-15-1402(g), pertaining to the school
2 performance report, is amended to read as follows:

3 (g) The ~~Arkansas School for the Blind~~ Arkansas School for the Visually
4 Impaired and the Arkansas School for the Deaf shall submit to the department
5 the results of the appropriately adopted student achievement tests for the
6 students enrolled at these schools. In addition, the ~~Arkansas School for the~~
7 ~~Blind~~ Arkansas School for the Visually Impaired and the Arkansas School for
8 the Deaf shall submit to the department a list of other schools' programs to
9 which these schools can be compared.

10
11 SECTION 25. Arkansas Code 5-36-118 is amended to read as follows:

12 5-36-118. Embezzlement by officer or employee of certain institutions.
13 Any officer or employee who shall appropriate, to his own use and
14 purposes, or embezzle any amount of the funds or property belonging to the
15 ~~School for the Blind~~ Arkansas School for the Visually Impaired, School for
16 the Deaf, or State Hospital shall be guilty of larceny and prosecuted as in
17 cases of larceny.

18
19 SECTION 26. Arkansas Code 6-17-1113(a)(15) through (17), pertaining to
20 the School Worker Defense Fund, is amended to read as follows:

21 (15) Each person who is required to hold a teaching certificate issued
22 by the department and is an employee of:

- 23 (A) A public school district;
24 (B) The Arkansas School for Mathematics and Sciences;
25 (C) The Arkansas School for the Deaf; and
26 (D) The ~~Arkansas School for the Blind~~ Arkansas School for

27 the Visually Impaired;
28 ~~who is required to hold a teaching certificate issued by the department;~~

29 (16) Each teacher's aide and each student teacher:

- 30 (A) In a public school district;
31 (B) In the Arkansas School for Mathematics and Sciences;
32 (C) In the Arkansas School for the Deaf; or
33 (D) In the ~~Arkansas School for the Blind~~ Arkansas School

34 for the Visually Impaired; and

35 (17) Each member of the dormitory staff of:

- 36 (A) The Arkansas School for Mathematics and Sciences;

1 (B) The Arkansas School for the Deaf; or

2 (C) The ~~Arkansas School for the Blind~~ Arkansas School for

3 the Visually Impaired against civil liability, attorney's fees, and costs of
 4 defense for acts or omissions of each employee or volunteer in the
 5 performance of his or her duties as a volunteer or his or her official duties
 6 as a school employee, including civil liability for administering corporal
 7 punishment to students, in the amount of two hundred fifty thousand dollars
 8 (\$250,000) for incidents which occurred prior to July 1, 1999, and one
 9 hundred fifty thousand dollars (\$150,000) for each incident which occurs
 10 after June 30, 1999.

11
 12 SECTION 27. Arkansas Code 6-21-105 is amended to read as follows:

13 6-21-105. Braille and large print textbooks.

14 (a) It is declared to be the duty of the ~~Arkansas School for the Blind~~
 15 Arkansas School for the Visually Impaired to provide braille and large print
 16 textbooks for blind and visually impaired students attending public schools
 17 in this state.

18 (b) The superintendents of school districts shall make application to
 19 the Superintendent of the ~~Arkansas School for the Blind~~ Arkansas School for
 20 the Visually Impaired for textbooks of braille and large print when students
 21 in school districts qualify for ~~such~~ the books and the requested textbooks
 22 are required for other students in the district.

23
 24 SECTION 28. Arkansas Code 19-4-906(a), Item number (093), pertaining
 25 to motor vehicle use restrictions and authorizations for state agencies, is
 26 amended to read as follows:

27 (093) ~~School for the Blind~~ Arkansas School for the Visually Impaired 8

28
 29 SECTION 29. Arkansas Code 20-48-209 is amended to read as follows:

30 20-48-209. Board of Developmental Disabilities Services - Planning and
 31 implementation.

32 (a) The board is designated as the single state agency for the purpose
 33 of full participation under any federal act requiring the designation of a
 34 single state agency concerning planning, formulation, and implementation of
 35 programs; construction and operation of facilities; financing of facilities
 36 and programs; or otherwise pertaining to the obtaining and rendition of

1 mental retardation services. However, this shall not be construed as
 2 depriving other public agencies of jurisdiction over, or the right to plan
 3 for and control and operate, programs that pertain to mental retardation
 4 services but which fall within the primary jurisdiction of other public
 5 agencies such as programs administered by the Arkansas School for the Deaf,
 6 ~~Arkansas School for the Blind~~ Arkansas School for the Visually Impaired,
 7 State Board for Vocational Education, State Board of Education, Department of
 8 Health, and the Department of Human Services.

9 (b) The board is authorized to coordinate the planning and
 10 implementation of mental retardation programs and institutional and community
 11 activities of all public agencies. However, this shall not be construed as
 12 depriving other public agencies of jurisdiction over, or the right to plan
 13 for and control and operate, programs that pertain to mental retardation
 14 services but which fall within the primary jurisdiction of other public
 15 agencies, such as programs administered by the Arkansas School for the Deaf,
 16 ~~Arkansas School for the Blind~~ Arkansas School for the Visually Impaired,
 17 State Board for Vocational Education, State Board of Education, Department of
 18 Health, and the Department of Human Services.

19 (c) Effective planning and coordination is essential to the public
 20 interest. In order to achieve this to the fullest extent possible, the board
 21 is authorized to establish and promulgate regulations fixing standards for
 22 mental retardation programs and activities and to evaluate mental retardation
 23 programs and activities of public agencies.

24
 25 SECTION 30. Arkansas Code 24-2-302(3)(C)(i), pertaining to
 26 classification of members of the state retirement system, is amended to read
 27 as follows:

28 (i) ~~Arkansas School for the Blind~~ Arkansas School for the Visually
 29 Impaired;

30
 31 SECTION 31. Arkansas Code 24-7-202(13)(A)(i), pertaining to
 32 definitions in the state retirement system, is amended to read as follows:

33 (i) ~~Arkansas School for the Blind~~ Arkansas School for the Visually
 34 Impaired;

35
 36 SECTION 32. Arkansas Code 25-10-203 is amended to read as follows:

25-10-203. Exemption.

No provision of this subchapter shall apply to any program or service currently operated or administered by the ~~Arkansas School for the Blind~~ Arkansas School for the Visually Impaired or the State Library Board, and this subchapter shall not amend or repeal any statutory provision governing the operation of the ~~School for the Blind~~ Arkansas School for the Visually Impaired or the Arkansas State Library.

SECTION 33. Arkansas Code 25-10-205(a)(1)(B)(v), pertaining to membership on the Board of the Division of State Services for the Blind, is amended to read as follows:

(v) The ~~Arkansas School for the Blind~~ Arkansas School for the Visually Impaired.

SECTION 34. Arkansas Code 25-10-205(b), pertaining to membership on the Board of the Division of State Services for the Blind, is amended to read as follows:

(b) The Executive Director of the Arkansas Enterprises for the Blind, the Superintendent of the ~~Arkansas School for the Blind~~ Arkansas School for the Visually Impaired, one (1) representative appointed by the American Association of Workers for the Blind of Arkansas, one (1) representative appointed by the Blinded Veterans of Arkansas, and one (1) representative appointed by the Arkansas Association of Blind Business Managers shall serve as ex officio nonvoting members of the board. Additional ex officio nonvoting members may be appointed by the Governor at the request of a majority of the board.

SECTION 35. Arkansas Code 29-30-165 is repealed.

~~29-30-165. Arkansas School for the Blind name selection.~~

~~The board of trustees and the student body of Arkansas School for the Blind shall choose a name, which may be the present name, for the institution no later than October 1, 1999.~~