

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 783

4
5 By: Senators Faris, Riggs

For An Act To Be Entitled

9 THE ARKANSAS SCHOOL FOR THE HEARING IMPAIRED ACT OF
10 2001.

Subtitle

13 THE ARKANSAS SCHOOL FOR THE HEARING
14 IMPAIRED ACT OF 2001.

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

19 SECTION 1. Title.

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

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 Deaf and the Arkansas Institution
26 for Advocacy for the Deaf 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 Deaf and the Arkansas School for the Deaf, which are pertaining to
31 the Arkansas School for the Deaf, 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 Deaf 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 Deaf with the Arkansas Institution
 4 for Advocacy for the Deaf to create the Arkansas School for the Hearing
 5 Impaired.

6
 7 SECTION 3. Consolidation - Board of Trustees.

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

11 (b) The Arkansas School for the Hearing Impaired shall be governed by
 12 the Board of Trustees of the Arkansas School for the Hearing Impaired created
 13 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 Deaf,
 17 are transferred from the Board of Trustees of the Arkansas School for the
 18 Deaf and the Arkansas School for the Deaf to the Board of Trustees of the
 19 Arkansas School for the Hearing 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 Deaf are transferred to the Board of
 24 Trustees of the Arkansas School for the Hearing Impaired, created under this
 25 act.

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

29 (a) There is created the Board of Trustees of the Arkansas School for
 30 the Hearing 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 deaf;

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

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

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 Hearing
19 Impaired - Powers.

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

7

8 SECTION 7. Records of the board's proceedings.

9 The Board of Trustees of the Arkansas School for the Hearing 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 (a) The Board of Trustees of the Arkansas School for the Hearing
15 Impaired are invested with the general control and direction of the property
16 and affairs of the Arkansas School for the Hearing 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 hearing impaired.

20 (b)(1) The Board of Trustees of the Arkansas School for the Hearing
21 Impaired may take and hold in trust for the use of the Arkansas School for
22 the Hearing Impaired any lands conveyed or devised, and any money or other
23 personal property given or bequeathed, to be applied to the benefit of the
24 Arkansas School for the Hearing Impaired.

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

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

34 (2) All real estate purchased shall be deeded to the State of
35 Arkansas, and, after recording the deed conveying the real estate in the
36 proper recorder's office, the deed shall be filed in the office of the

1 Secretary of State.

2

3 SECTION 10. Materials and supplies.

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

9

10 SECTION 11. Superintendent.

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

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

17

18 SECTION 12. Superintendent.

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

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

25

26 SECTION 13. Employees generally.

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

33 (b) The superintendent of the Arkansas School for the Hearing Impaired
34 shall have the sole power to remove employees of the respective schools and
35 may remove any employee at any time in their discretion for cause, but in
36 case of removal, the superintendent shall report the removal and the ground

1 therefor to the Board of Trustees of the Arkansas School for the Hearing
 2 Impaired.

3
 4 SECTION 14. Qualifications of teachers.

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

8
 9 SECTION 15. Attendance - Enforcement.

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

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

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

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

27 (2) Physical incapacity for school work;

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

30
 31 SECTION 16. Admissions.

32 (a) All deaf persons of suitable character and capacity between the
 33 ages of three (3) and twenty-one (21) years residing in the state shall be
 34 entitled to the benefits of the school free of charge.

35 (b) Students from outside the state may be admitted to the privileges
 36 of the school upon the payment of the sums as the Board of Trustees of the

1 Arkansas School for the Hearing Impaired may consider sufficient to defray
2 expenses.

3 (c) If, in the opinion of the Board of Trustees of the Arkansas School
4 for the Hearing Impaired, any deaf person above the age of twenty-one (21)
5 years may be benefited by being received into the school for a limited time
6 to learn a trade or receive instruction, they may, by unanimous vote, and
7 with approval of the superintendent, admit the person.

8

9 SECTION 17. Expulsions.

10 The Board of Trustees of the Arkansas School for the Hearing Impaired
11 may expel from the school any student whose continuance in the school would
12 be injurious to the school.

13

14 SECTION 18. Financial aid to graduates attending postsecondary
15 educational institutions.

16 (a)(1) Any graduate of the Arkansas School for the Hearing Impaired
17 who is a resident of this state and who is a regularly enrolled student in
18 any university, college, conservatory of music, or technical institution may,
19 under the direction of the superintendent of the Arkansas School for the
20 Hearing Impaired subject to the approval of the Board of Trustees of the
21 Arkansas School for the Hearing Impaired, receive aid for the purpose of
22 defraying the graduate's necessary expenses, including a reader, while in
23 attendance at the university, college, conservatory of music, or technical
24 institution.

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

27 (3) No person shall become a beneficiary under the provisions of
28 this subsection until it shall appear to the satisfaction of the
29 superintendent of the Arkansas School for the Hearing Impaired, after
30 investigation, that the person has no sufficient separate estate to provide
31 for his or her education and that the parents of the person, if living, are
32 unable to provide for the higher education.

33

34 SECTION 19. Report of school officers.

35 The officers of the Arkansas School for the Hearing Impaired shall make
36 reports to the Board of Trustees of the Arkansas School for the Hearing

1 Impaired as it may from time to time require.

2
3 SECTION 20. Reports - Publication.

4 (a)(1) The Board of Trustees of the Arkansas School for the Hearing
5 Impaired and the superintendent of the Arkansas School for the Hearing
6 Impaired shall make a full and complete report, to be submitted to the
7 Governor and each General Assembly, not later than January 15 of each year in
8 which the General Assembly is in session.

9 (2) These reports shall deal with improvements made during the
10 biennial period covered by them, together with the suggestions and
11 recommendations covering the Arkansas School for the Hearing Impaired for the
12 next legislative period.

13 (3)(A) The Board of Trustees of the Arkansas School for the
14 Hearing Impaired and the superintendent of the Arkansas School for the
15 Hearing Impaired, shall each make detailed reports biennially to the General
16 Assembly of their proceedings, the condition of the school, the number of
17 students, and other facts connected with the school, including the exact
18 receipts and expenditures of the Board of Trustees of the Arkansas School for
19 the Hearing Impaired.

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

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

29
30 SECTION 21. Regulations.

31 The Board of Trustees of the Arkansas School for the Hearing Impaired
32 shall make all regulations necessary for the governing of the Arkansas School
33 for the Hearing Impaired not otherwise provided by law, and it shall
34 incorporate the regulations in the next report made to the General Assembly
35 after the promulgation of the regulations.

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

3 (a) In order to generally improve public school accountability, to
4 provide benchmarks for measuring individual school improvement, and to
5 empower parents and guardians of children enrolled in Arkansas public schools
6 by providing them with the information to judge the quality of their schools,
7 the Department of Education shall annually prepare and publish a school
8 performance report for each individual public school in the state, including
9 the ~~Arkansas School for the Deaf~~ Arkansas School for the Hearing Impaired,
10 the Arkansas School for the Blind, and the Arkansas School for Mathematics
11 and Sciences, and shall distribute the report to every parent or guardian of
12 a child in kindergarten through grade twelve (K-12) in the public schools of
13 Arkansas.

14
15 SECTION 23. Arkansas Code 6-15-1402(g), pertaining to the school
16 performance report, is amended to read as follows:

17 (g) The Arkansas School for the Blind and the ~~Arkansas School for the~~
18 ~~Deaf~~ Arkansas School for the Hearing Impaired shall submit to the department
19 the results of the appropriately adopted student achievement tests for the
20 students enrolled at these schools. In addition, the Arkansas School for the
21 Blind and the ~~Arkansas School for the Deaf~~ Arkansas School for the Hearing
22 Impaired shall submit to the department a list of other schools' programs to
23 which these schools can be compared.

24
25 SECTION 24. Arkansas Code 5-36-118 is amended to read as follows:

26 5-36-118. Embezzlement by officer or employee of certain institutions.

27 Any officer or employee who shall appropriate, to his own use and
28 purposes, or embezzle any amount of the funds or property belonging to the
29 School for the Blind, ~~School for the Deaf~~ Arkansas School for the Hearing
30 Impaired, or State Hospital shall be guilty of larceny and prosecuted as in
31 cases of larceny.

32
33 SECTION 25. Arkansas Code 6-17-1113(a)(15) through (17), pertaining to
34 the School Worker Defense Fund, is amended to read as follows:

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

- 1 (A) A public school district;
- 2 (B) The Arkansas School for Mathematics and Sciences;
- 3 (C) ~~The Arkansas School for the Deaf~~ Arkansas School for
- 4 the Hearing Impaired; and
- 5 (D) The Arkansas School for the Blind;

6 ~~who is required to hold a teaching certificate issued by the department;~~

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

- 8 (A) In a public school district;
- 9 (B) In the Arkansas School for Mathematics and Sciences;
- 10 (C) In the ~~Arkansas School for the Deaf~~ Arkansas School
- 11 for the Hearing Impaired; or
- 12 (D) In the Arkansas School for the Blind; and

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

- 14 (A) The Arkansas School for Mathematics and Sciences;
- 15 (B) ~~The Arkansas School for the Deaf~~ Arkansas School for
- 16 the Hearing Impaired; or

17 (C) The Arkansas School for the Blind against civil
 18 liability, attorney's fees, and costs of defense for acts or omissions of
 19 each employee or volunteer in the performance of his or her duties as a
 20 volunteer or his or her official duties as a school employee, including civil
 21 liability for administering corporal punishment to students, in the amount of
 22 two hundred fifty thousand dollars (\$250,000) for incidents which occurred
 23 prior to July 1, 1999, and one hundred fifty thousand dollars (\$150,000) for
 24 each incident which occurs after June 30, 1999.

25
 26 SECTION 26. Arkansas Code 19-4-906(a), Item number (094), pertaining
 27 to motor vehicle use restrictions and authorizations for state agencies, is
 28 amended to read as follows:

29 (094) ~~Arkansas School for the Deaf~~ Arkansas School for the Hearing Impaired
 30 14

31
 32 SECTION 27. Arkansas Code 20-48-209 is amended to read as follows:

33 20-48-209. Board of Developmental Disabilities Services - Planning and
 34 implementation.

35 (a) The board is designated as the single state agency for the purpose
 36 of full participation under any federal act requiring the designation of a

1 single state agency concerning planning, formulation, and implementation of
 2 programs; construction and operation of facilities; financing of facilities
 3 and programs; or otherwise pertaining to the obtaining and rendition of
 4 mental retardation services. However, this shall not be construed as
 5 depriving other public agencies of jurisdiction over, or the right to plan
 6 for and control and operate, programs that pertain to mental retardation
 7 services but which fall within the primary jurisdiction of other public
 8 agencies such as programs administered by the ~~Arkansas School for the Deaf~~
 9 Arkansas School for the Hearing Impaired, Arkansas School for the Blind,
 10 State Board for Vocational Education, State Board of Education, Department of
 11 Health, and the Department of Human Services.

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

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

27

28 SECTION 28. Arkansas Code 21-5-218 is amended to read as follows:

29 21-5-218. Reimbursement for interpreter services for deaf.

30 Whereas the Arkansas Rehabilitation Services of the Vocational and Technical
 31 Division of the Department of Education currently purchases and sells staff
 32 interpreter services for the deaf with four (4) other agencies, the
 33 University of Arkansas, the University of Arkansas at Little Rock, the
 34 ~~Arkansas School for the Deaf~~ Arkansas School for the Hearing Impaired, and
 35 the Administrative Office of the Courts and whereas the need for interpreters
 36 is immediate and often for crisis purposes and cannot be planned ahead, the

1 division is authorized to arrange for reimbursement with those agencies,
2 assuring that the amount paid from both agencies will not exceed the maximum
3 for the grades they occupy consistent with the intent of § 19-4-1604, with
4 notification and justification to the Chief Fiscal Officer of the State.

5
6 SECTION 29. Arkansas Code 24-2-302(3)(C)(i), pertaining to
7 classification of members of the state retirement system, is amended to read
8 as follows:

9 (i) ~~Arkansas School for the Blind~~ Arkansas School for the Visually
10 Impaired;

11
12 SECTION 30. Arkansas Code 24-7-202(13)(A)(i), pertaining to definition
13 in the state retirement system, is amended to read as follows:

14 (i) ~~Arkansas School for the Blind~~ Arkansas School for the Visually
15 Impaired;

16
17 SECTION 31. Arkansas Code 25-10-203 is amended to read as follows:
18 25-10-203. Exemption.

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

25
26 SECTION 32. Arkansas Code 25-10-205(a)(1)(B)(v), pertaining to
27 membership on the Board of the Division of State Services for the Blind, is
28 amended to read as follows:

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

31
32 SECTION 33. Arkansas Code 25-10-205(b), pertaining to membership on
33 the Board of the Division of State Services for the Blind, is amended to read
34 as follows:

35 (b) The Executive Director of the Arkansas Enterprises for the Blind,
36 the Superintendent of the ~~Arkansas School for the Blind~~ Arkansas School for

1 the Visually Impaired, one (1) representative appointed by the American
2 Association of Workers for the Blind of Arkansas, one (1) representative
3 appointed by the Blinded Veterans of Arkansas, and one (1) representative
4 appointed by the Arkansas Association of Blind Business Managers shall serve
5 as ex officio nonvoting members of the board. Additional ex officio nonvoting
6 members may be appointed by the Governor at the request of a majority of the
7 board.

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