

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 As Engrossed: H3/25/03 H3/27/03 H4/4/03 H4/10/03

2 84th General Assembly

# A Bill

3 Regular Session, 2003

HOUSE BILL 2771

4

5 By: Representatives R. Smith, Mathis, Moore

6 By: Senators T. Smith, Faris

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## For An Act To Be Entitled

10

AN ACT TO MERGE THE ARKANSAS SCHOOL OF

11

MATHEMATICS AND SCIENCES WITH THE UNIVERSITY OF

12

ARKANSAS; AND FOR OTHER PURPOSES.

13

14

## Subtitle

15

AN ACT TO MERGE THE ARKANSAS SCHOOL OF

16

MATHEMATICS AND SCIENCES WITH THE

17

UNIVERSITY OF ARKANSAS.

18

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

20

21 SECTION 1. Arkansas School for Mathematics, Sciences, and the Arts.

22 (a) The Board of Trustees of the University of Arkansas is authorized

23 to establish and operate, as a part thereof, a campus to be known as the

24 “Arkansas School for Mathematics, Sciences, and the Arts”, consolidating and

25 incorporating into the University of Arkansas the facilities of the state

26 institution formally known as the “Arkansas School for Mathematics and

27 Sciences” which, together with its board of trustees, is abolished as a

28 separate institution effective January 1, 2004.

29 (b) On January 1, 2004, the Board of Trustees of the University of

30 Arkansas shall be vested with, and succeed to, all the rights, titles,

31 powers, interests, properties, assets, funds, and credits of the Arkansas

32 School for Mathematics and Sciences and its board of trustees, including all

33 rights, titles, and interests in and to all real and personal property

34 acquired by or vested in that institution or its board of trustees.

35 (c) On January 1, 2004, the appropriate state officials are directed

36 to transfer all funds, appropriations, credits, and equities belonging to the



1 Arkansas School for Mathematics and Sciences and its board of trustees so  
2 that the same shall be credited to and made available for the Board of  
3 Trustees of the University of Arkansas for use on its Arkansas School for  
4 Mathematics, Sciences, and the Arts campus.

5 (d) The Board of Trustees of the Arkansas School for Mathematics and  
6 Sciences shall, on January 1, 2004, relinquish all responsibility, control,  
7 and supervision concerning the Arkansas School for Mathematics and Sciences,  
8 and by delivery of the assets, books of accounts, and files of that  
9 institution to the Board of Trustees of the University of Arkansas shall be  
10 divested of all obligations and duties applicable to the Arkansas School for  
11 Mathematics and Sciences.

12  
13 SECTION 2. Purpose – Location – Funding – Tuition.

14 (a) The Arkansas School for Mathematics, Sciences, and the Arts shall  
15 be a residential school for eleventh and twelfth grade students who exhibit  
16 outstanding academic credentials and who have the ability to undertake course  
17 work in an environment and with demands similar to those of a university.

18 (b)(1) The purposes of the school shall be to educate the gifted and  
19 talented math, science, and fine and performing arts students of the state  
20 and to develop curricula and materials to improve instruction in mathematics,  
21 sciences, and fine and performing arts for all students in the state.

22 (2) The school's curriculum, faculty, and admissions policies  
23 shall reflect the purposes described by this act.

24 (c) While the emphasis of the school shall be dedicated to the  
25 academic teaching of mathematics, sciences, and fine and performing arts,  
26 emphasis may also be placed upon other areas of the arts and humanities as  
27 deemed appropriate by the Board of Trustees of the University of Arkansas.

28 (d) The board of trustees shall maintain the Arkansas School for  
29 Mathematics, Sciences and the Arts in Hot Springs as a campus of the  
30 University of Arkansas offering at that location the highest possible quality  
31 of educational programs as set forth in this act.

32  
33 SECTION 3. Board of Visitors.

34 (a)(1) There is established a Board of Visitors for the Arkansas  
35 School for Mathematics, Sciences, and the Arts.

36 (2) The persons serving on December 31, 2003 as members of the

1 Board of Trustees of the Arkansas School for Mathematics and Sciences shall  
2 be members of the Board of Visitors for the Arkansas School for Mathematics,  
3 Sciences, and the Arts and shall continue to serve for a term equal to the  
4 unexpired portion of his or her term as a member of the Board of Trustees of  
5 the Arkansas School for Mathematics and Sciences.

6 (3) The board of visitors shall consist of seven (7) members  
7 appointed by the Governor for seven-year terms.

8 (4) As initial terms expire, and when vacancies occur, the  
9 Governor shall appoint persons to fill each vacancy for the remaining portion  
10 of the unexpired term.

11 (5) Appointments shall be for terms of seven (7) years or for  
12 the remaining portion of an unexpired term.

13 (b)(1) Members of the board of visitors appointed by the Governor, in  
14 addition to possessing the qualifications of an elector, shall reside in the  
15 State of Arkansas.

16 (2) One (1) member shall be appointed from each congressional  
17 district and the remaining members shall be appointed from the state at  
18 large.

19 (3) In addition to appointed members of the board of visitors,  
20 six (6) ex-officio non-voting members shall also serve on the board as  
21 follows:

22 (A) The Director of the Department of Education;

23 (B) The Director of the Department of Higher Education;

24 (C) The President of the Arkansas Science and Technology

25 Authority;

26 (D) The Director of the Department of Arkansas Heritage;

27 (E) The President of the Parent Association of the school;

28 and

29 (F) The President of the Student Government of the school.

30 (4) The terms of office of an ex-officio non-voting member shall  
31 continue so long as he or she occupies the position or office.

32 (c)(1) The board of visitors shall meet quarterly and shall elect from  
33 its voting members a chair, a vice chair, and a secretary.

34 (2) Regular minutes of its meetings shall be preserved.

35  
36 SECTION 4. Board of visitors – Purposes.

1       (a)(1) The general purpose of the Board of Visitors for the Arkansas  
2 School for Mathematics, Sciences, and the Arts is to perform a liaison  
3 function between the school, parents, and other constituents, through the  
4 administrator of the school and the Board of Trustees of the University of  
5 Arkansas.

6       (2) The board of visitors shall assist in securing financial  
7 support for the institution, advise the administrator and the President and  
8 the Board of Trustees of the University of Arkansas as to the educational and  
9 service needs of the school, to aid in the orderly transition of the school  
10 as it becomes a campus of the University of Arkansas, and to furnish counsel  
11 and guidance, by advice and recommendations, for the school and its  
12 administrator.

13       (3) Without limiting the generality of the purposes described in  
14 this section, the board of visitors shall:

15               (A) Give detailed study to reports and issues placed  
16 before it by the administrator of the school;

17               (B) Formulate and transmit to the administrator its advice  
18 and recommendations on any matter of importance to the students, parents, or  
19 other constituents of the school;

20               (C) Keep informed on such matters as are necessary to  
21 promote the educational aims of the school for the benefit of the student;

22               (D) Study plans submitted by the administrator for  
23 furthering the growth and insuring the quality of the school;

24               (E) Transmit their views for consideration by the  
25 administrator and the President and the Board of Trustees of the University  
26 of Arkansas;

27               (F) Participate in securing the continued financial  
28 support for the school;

29               (G) Accept and execute specific assignments made by the  
30 Board of Trustees of the University of Arkansas and the President of the  
31 University of Arkansas;

32               (H) Review and provide recommendations to the  
33 administrator regarding the school's operating budget priorities; and

34               (I) Promote, in diverse ways, the growth and development  
35 in excellence of the school and the University of Arkansas in general.

36       (4) Communications, including advice and recommendations, from

1 the board of visitors shall be transmitted through the administrator of the  
2 school and by him or her through the President of the University of Arkansas  
3 to the Board of Trustees of the University of Arkansas.

4 (b) The school shall be funded by monies appropriated by the General  
5 Assembly for the operation of the school and by grants, contributions, or  
6 donations which may be received for the support of the school.

7 (c) Students selected to attend the school shall not be required to  
8 pay tuition, fees, or room and board.

9 (d) Any student who is a senior at the school shall have the option of  
10 participating in activities and events with, and in the same manner as, other  
11 members of the graduating class in his or her home school district,  
12 including, but not limited to, the following:

13 (1) The prom or banquet;

14 (2) Class day activities;

15 (3) Graduation activities;

16 (4) Recognition as a honor graduate, except as valedictorian or  
17 salutatorian; and

18 (5) Class pictures, including yearbook and composite pictures.

19  
20 SECTION 5. Administrator—Staff.

21 (a)(1) The Administrator of the Arkansas School for Mathematics,  
22 Sciences, and the Arts shall be the chief administrative officer of the  
23 school and shall administer the school in accordance with policies  
24 established by the Board of Trustees of the University of Arkansas.

25 (2) The administrator shall be employed by the board of trustees  
26 after appropriate advice and counsel of the Board of Visitors of the Arkansas  
27 School for Mathematics, Sciences, and the Arts.

28 (b) Upon recommendation of the administrator, the board of trustees  
29 shall employ such other personnel as it deems necessary for the operation of  
30 the school.

31 (c)(1) Instructors shall be employed by the board of trustees and  
32 shall have such rights, privileges, and obligations as the board of trustees  
33 shall determine, provided that they shall not be eligible for tenure nor  
34 carry professional rank.

35 (2) In the event policies of the board of trustees conflict with  
36 existing law with respect to terms and conditions of employment of

1 instructors and staff the policies shall control.

2 (d) Instructors and staff of the school shall continue to be eligible  
3 for membership in the Arkansas Teacher Retirement System and earn credited  
4 service for employment at the school or at their election shall be eligible  
5 to participate in the retirement system of the University of Arkansas.

6  
7 SECTION 6. Department of Education regulations.

8 All Department of Education regulations shall apply to the Arkansas  
9 School for Mathematics, Sciences, and the Arts unless the department  
10 determines otherwise or unless the regulations conflict with governance of  
11 the school by the Board of Trustees of the University of Arkansas and the  
12 purposes and intent of this act.

13  
14 SECTION 7. Effective January 1, 2004, Arkansas Code §§ 6-42-201  
15 through 6-42-206 are repealed.

16 ~~6-42-201. Establishment—Purpose—Location—Funding—Tuition.~~

17 ~~(a) There is hereby established the Arkansas School for Mathematics~~  
18 ~~and Sciences, hereinafter "school", which shall be a residential school for~~  
19 ~~eleventh and twelfth grade students.~~

20 ~~(b)(1) The purposes of the school shall be to educate the gifted and~~  
21 ~~talented math and science students of the state and to develop curricula and~~  
22 ~~materials to improve instruction in mathematics and sciences for all students~~  
23 ~~in the state. The school's curriculum, faculty, and admissions policy shall~~  
24 ~~reflect those purposes.~~

25 ~~(2) While the emphasis of the school shall be dedicated to the~~  
26 ~~academic teaching of mathematics and sciences, some emphasis may be placed on~~  
27 ~~the arts and humanities as deemed appropriate by the board of trustees.~~

28 ~~(c) The school shall be located on the campus of an Arkansas~~  
29 ~~institution of higher education or at some other appropriate facility which~~  
30 ~~can provide the classrooms, laboratories, library facilities, dormitories,~~  
31 ~~and other services necessary for the proper operation and support of the~~  
32 ~~school.~~

33 ~~(d)(1) The school shall be funded by moneys appropriated by the~~  
34 ~~General Assembly for the operation of the school and by grants,~~  
35 ~~contributions, or donations which may be received for the support of the~~  
36 ~~school.~~

1           ~~(2) Students selected to attend the school shall not be required~~  
2 ~~to pay tuition, fees, or room and board.~~

3           ~~(e) Any student who is a senior at the school shall have the option of~~  
4 ~~participating in activities and events with and in the same manner as other~~  
5 ~~members of the graduating class in his or her home school district, including~~  
6 ~~but not limited to the following:~~

7                   ~~(1) The prom or banquet;~~

8                   ~~(2) Class Day activities;~~

9                   ~~(3) Graduation activities;~~

10                   ~~(4) Recognition as an honor graduate, except as valedictorian or~~  
11 ~~salutatorian; and~~

12                   ~~(5) Class pictures, including yearbook and composite pictures.~~

13  
14       ~~6-42-202. Board of trustees.~~

15           ~~(a) The school shall be governed by a board of trustees.~~

16           ~~(b)(1)(A) The board of trustees shall consist of seven (7) members,~~  
17 ~~with one (1) member appointed from each congressional district and the~~  
18 ~~remaining members appointed at large.~~

19                   ~~(B) The Governor shall appoint all seven (7) members of~~  
20 ~~the board of trustees.~~

21                   ~~(C) Members of the board appointed by the Governor under~~  
22 ~~the provisions of this section, in addition to possessing the qualifications~~  
23 ~~of an elector, shall reside in the State of Arkansas.~~

24           ~~(2)(A) Five (5) ex officio nonvoting members shall also serve on~~  
25 ~~the board.~~

26                   ~~(B) The Director of the Department of Education, the~~  
27 ~~Director of the Department of Higher Education, the President of the Arkansas~~  
28 ~~Science and Technology Authority, the president of the school's parent~~  
29 ~~association, and the president of the school's student government shall serve~~  
30 ~~as the five (5) ex officio, nonvoting members of the board.~~

31           ~~(c) Members shall serve seven year terms.~~

32  
33       ~~6-42-203. Powers and duties of the board of trustees.~~

34           ~~(a) The board of trustees created under § 6-42-202 is charged with the~~  
35 ~~management and control of the Arkansas School for Mathematics and Sciences.~~

36           ~~(b) The board shall annually elect a chairman, a secretary, and such~~

1 ~~other officers as the board deems appropriate.~~

2 ~~(c)(1) The board shall meet at least once a month.~~

3 ~~(2) The chairman is authorized to call special meetings of the~~  
4 ~~board as needed upon two (2) days' written notice to the members.~~

5 ~~(3) Any three (3) board members are authorized to call special~~  
6 ~~meetings of the board upon two (2) days' written notice to the members.~~

7 ~~(d)(1) The board shall employ an administrator for the school, who may~~  
8 ~~be removed by the board or the Governor.~~

9 ~~(2) The Governor may designate the Director of the Department of~~  
10 ~~Education to act in his stead.~~

11 ~~(e) The board is authorized to contract with other state agencies and~~  
12 ~~private research centers as it deems necessary in carrying out its~~  
13 ~~responsibilities for the operation of the school.~~

14 ~~(f) The board is authorized to receive contributions, donations,~~  
15 ~~gifts, bequests of money, other forms of financial assistance, and property,~~  
16 ~~equipment, materials, or personnel from persons, foundations, trust funds,~~  
17 ~~corporations, organizations, and other sources, private or public, to be~~  
18 ~~expended and utilized for the operation of the school.~~

19 ~~(g) The members of the board may receive expense reimbursement in~~  
20 ~~accordance with § 25-16-901 et seq.~~

21  
22 ~~6-42-204. Administrator—Staff.~~

23 ~~(a) The administrator of the Arkansas School for Mathematics and~~  
24 ~~Sciences shall be the chief administrative officer of the school and shall~~  
25 ~~administer the school in accordance with policies established by the board of~~  
26 ~~trustees.~~

27 ~~(b)(1) Upon recommendation of the administrator, the board shall~~  
28 ~~employ other personnel the board deems necessary for the operation of the~~  
29 ~~school.~~

30 ~~(2) Faculty members and other personnel required for operation~~  
31 ~~of the school shall be recommended for employment by the administrator and~~  
32 ~~shall be employed by annual contract by the school.~~

33 ~~(3) The administrator and other personnel employed for the~~  
34 ~~operation of the school shall be employees of the State of Arkansas.~~

35 ~~(c)(1) Teachers and administrators so employed shall be eligible for~~  
36 ~~membership in the Arkansas Teacher Retirement System and earn credited~~

1 ~~service for such employment.~~

2 ~~(2) Noneducational personnel employed by the department shall be~~  
3 ~~eligible for membership in the system and earn credit for such employment.~~

4  
5 ~~6-42-205. Technical assistance from state agencies.~~

6 ~~The Department of Education, the Department of Higher Education, and~~  
7 ~~the Arkansas Science and Technology Authority shall provide technical~~  
8 ~~assistance to the staff of the Arkansas School for Mathematics and Sciences.~~

9  
10 ~~6-42-206. Governance of school.~~

11 ~~All Department of Education regulations shall apply to the Arkansas~~  
12 ~~School for Mathematics and Sciences unless the department indicates~~  
13 ~~otherwise.~~

14  
15 SECTION 8. Effective January 1, 2004, Arkansas Code 6-5-302 is amended  
16 to read as follows:

17 6-5-302. Allocation and transfer of funds.

18  
19 From the moneys accruing to the Educational Excellence Trust Fund, the  
20 Treasurer of State on the last day of the month shall transfer to the various  
21 funds and fund accounts listed below, the amounts determined by applying each  
22 fund or fund account's proportionate part of the total of all such  
23 allocations set forth herein to the amount available for distribution as  
24 determined in § 6-5-301:

	<i>FISCAL YEAR ENDING</i>	
	<i>JUNE 30, 2002 &amp;</i>	<i>JUNE 30, 2003</i>
<i>FUND OR FUND ACCOUNTS</i>	<i>THEREAFTER</i>	
<i>Education Public School Fund Account</i>	<i>\$161,935,727</i>	<i><del>\$170,126,847</del></i>
		<i><u>\$164,138,382</u></i>
<i>Workforce Education Public School Fund Account</i>	<i>9,518,065</i>	<i>10,032,555</i>
<i>Dept. of Education Fund Account</i>	<i>762,901</i>	<i>804,138</i>
<i>Dept. of Workforce Education Fund Account</i>	<i>2,856,557</i>	<i>3,010,965</i>
<i>Higher Education Grants Fund Account</i>	<i>10,499,767</i>	<i>11,067,322</i>
<i><u>School for Math, Science and Arts Fund</u></i>	<i><u>0</u></i>	<i><u>5,988,465</u></i>
<i>Institutions of Higher Education:</i>		

1	Arkansas State University Fund	4,797,713	5,057,049
2	Arkansas Tech University Fund	1,608,226	1,695,157
3	Henderson State University Fund	1,663,634	1,753,560
4	Southern Arkansas University Fund	983,576	1,036,743
5	University of Arkansas Fund	11,905,301	12,548,830
6	University of Arkansas at Little Rock Fund	4,224,809	4,453,177
7	University of Arkansas Med. Center Fund	7,274,293	7,667,498
8	University of Arkansas Med. Center - Indg. Care	181,013	190,797
9	University of Arkansas at Monticello Fund	848,858	894,742
10	University of Arkansas at Pine Bluff Fund	1,473,599	1,553,253
11	University of Central Arkansas Fund	3,661,359	3,859,270
12	Arkansas State University-Beebe Fund	1,144,646	1,206,518
13	East Arkansas Community College Fund	599,022	631,401
14	Garland County Community College Fund	895,921	944,349
15	Mississippi County Community College Fund	573,810	604,827
16	North Arkansas College Fund	353,775	372,898
17	Northwest Arkansas Community College Fund	791,763	834,561
18	Phillips Community College of Univ. of Ark. Fund	583,366	614,899
19	Rich Mountain Community College Fund	158,120	166,667
20	SAU-Tech Fund	256,801	270,683
21	South Arkansas Community College Fund	409,688	431,833
22	Westark College Fund	2,437,691	2,569,458
23	TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 46,826,984	\$ 49,358,170

24

25        SECTION 9. There is created on the books of the Treasurer of State,  
26 Auditor of State and Chief Fiscal Officer of the State a fund to be known as  
27 the School for Math, Science and Arts Fund. The School for Math, Science and  
28 Arts Fund shall be used to provide for the maintenance, operation, and  
29 improvement required by the Arkansas School for Mathematics, Sciences, and  
30 the Arts in carrying out its powers, functions and duties as set out by law.  
31 The School for Math, Science and Arts Fund shall consist of moneys allocated  
32 and transferred from the Educational Excellence Trust Fund; any general  
33 revenues as may be provided by the Revenue Stabilization Law, ACA 19-5-101 et  
34 seq.; and any other moneys as may be authorized by law.

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/s/ R. Smith, et al

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