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4

A Bill

HOUSE BILL 1779

5 By: Representative Penzo
6

For An Act To Be Entitled

8 AN ACT CONCERNING VOCATIONAL AND TECHNICAL SCHOOLS;
9 TO REPEAL OUTDATED PROVISIONS OF THE ARKANSAS CODE
10 WITH RESPECT TO THE EXISTENCE OF CERTAIN
11 POSTSECONDARY VOCATIONAL-TECHNICAL SCHOOLS, TECHNICAL
12 INSTITUTES, AND COMPREHENSIVE LIFELONG LEARNING
13 CENTERS; AND FOR OTHER PURPOSES.
14

Subtitle

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16
17 TO REPEAL OUTDATED PROVISIONS OF THE
18 ARKANSAS CODE WITH RESPECT TO THE
19 EXISTENCE OF CERTAIN POSTSECONDARY
20 VOCATIONAL-TECHNICAL SCHOOLS, TECHNICAL
21 INSTITUTES, AND COMPREHENSIVE LIFELONG
22 LEARNING CENTERS.
23

24
25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code §§ 6-51-901 and 6-51-902 are repealed.

28 ~~6-51-901. Purpose.~~

29 ~~It is the purpose of this subchapter to initiate a broad array of~~
30 ~~legislative authority whose purpose it is to:~~

31 ~~(1) Upgrade the quality and quantity of postsecondary vocational~~
32 ~~and technical education;~~

33 ~~(2) Permit the expansion of programs leading to associate of~~
34 ~~applied science degrees; and~~

35 ~~(3) Augment the State Board of Career Education by increasing~~
36 ~~its membership that is representative of business and industry, including the~~



1 ~~service-oriented industries in Arkansas.~~

2
3 ~~6-51-902.—Accountability measures and performance indicators.~~

4 ~~(a)(1)—All postsecondary vocational-technical schools, technical~~
5 ~~institutes, and comprehensive lifelong learning centers within the State of~~
6 ~~Arkansas shall present to the State Board of Career Education and the~~
7 ~~Department of Career Education a report reflecting a satisfactory level of~~
8 ~~performance-based system of accountability measures and performance~~
9 ~~indicators as defined in this section.~~

10 ~~(2)—The report shall be filed with the State Board of Career~~
11 ~~Education and the department annually.~~

12 ~~(b)—In order to promote a coordinated system of postsecondary~~
13 ~~vocational and technical education in Arkansas and to provide an effective~~
14 ~~delivery system, the State Board of Career Education shall:~~

15 ~~(1)—Review, evaluate, and coordinate budget requests for the~~
16 ~~institutions in the system; and~~

17 ~~(2)(A)—Develop a system of accountability measures and~~
18 ~~performance indicators to be used as the basis for budget requests.~~

19 ~~(B)—The system of accountability measures and performance~~
20 ~~indicators shall incorporate, as a minimum, the following:~~

21 ~~(i)—Student attainment of academic and vocational~~
22 ~~and technical skill proficiencies;~~

23 ~~(ii)—Student attainment of a diploma, skill~~
24 ~~certificate, or recognized postsecondary credential;~~

25 ~~(iii)—Student placement, retention, and completion~~
26 ~~of postsecondary or advanced training, employment, or military service;~~

27 ~~(iv)—Student participation in and completion of~~
28 ~~programs of nontraditional training and employment;~~

29 ~~(v)—Cost effectiveness as measured by cost per~~
30 ~~contact hour of instruction;~~

31 ~~(vi)—Business and industry services as measured by~~
32 ~~the number of contact hours of instruction for specific business and industry~~
33 ~~courses; and~~

34 ~~(vii)—The degree to which local support has been~~
35 ~~obtained by the institution as evidenced by:~~

36 ~~(a)—Private sector cash and in-kind donations;~~

1 ~~(b) Support from local units of government;~~
2 ~~(c) Foundations; and~~
3 ~~(d) Other such nonstate sources as may be~~
4 ~~appropriate.~~

5 ~~(e) With the exception of a special funding appropriation, all state~~
6 ~~funds shall be requested by the State Board of Career Education for the~~
7 ~~technical institutes, postsecondary vocational-technical schools, and~~
8 ~~comprehensive lifelong learning centers based on a funding formula to be~~
9 ~~developed and approved by the State Board of Career Education and shall be~~
10 ~~based upon the accountability measures and performance indicators enumerated~~
11 ~~in this section.~~

12 ~~(d) Upon the failure to find that satisfactory progress is being made~~
13 ~~by the school, the State Board of Career Education shall dissolve the~~
14 ~~operation of the school or convert the school to an adult education center, a~~
15 ~~secondary vocational center, or another appropriate role and function.~~

16 ~~(e) For purposes of standardized reporting and accountability only,~~
17 ~~the State Board of Career Education, after consultation with the Arkansas~~
18 ~~Higher Education Coordinating Board, shall develop for all postsecondary~~
19 ~~vocational schools, technical institutes, and comprehensive lifelong learning~~
20 ~~centers a reporting system for headcount enrollment and full-time equivalency~~
21 ~~enrollment which is consistent with policies followed by the Arkansas Higher~~
22 ~~Education Coordinating Board.~~

23 ~~(f) Riverside Vocational and Technical School shall be exempt from all~~
24 ~~provisions of this subchapter except this section and shall remain a~~
25 ~~postsecondary vocational-technical school as presently structured under the~~
26 ~~State Board of Career Education.~~

27
28 SECTION 2. Arkansas Code § 6-51-903 is amended to read as follows:
29 6-51-903. Local board of directors - Members.

30 ~~(a) All A postsecondary vocational-technical ~~schools~~ school, including~~
31 ~~those which expand their services under § 6-51-217 or under § 6-51-906 shall~~
32 ~~be governed by a local board of directors.~~

33 ~~(b)(1)~~ (A) The Governor shall appoint a five-member local board of
34 directors composed of residents of the local geographic service area in which
35 the ~~institution~~ postsecondary vocational-technical school is located.

36 ~~(A)~~ (B) Appointment shall be subject to confirmation by the

1 Senate.

2 ~~(B)~~(C) No A candidate for public office, holder of public
 3 office in the state, or his or her spouse, shall not serve as a member of a
 4 local board.

5 ~~(G)~~(D) Members of the local board shall be qualified
 6 electors of the geographic service area in which the institution is located.

7 ~~(D)~~(E) Local board appointees shall have a high interest
 8 in vocational and technical education, a strong desire and commitment to
 9 serve the ~~institution~~ postsecondary vocational-technical school in the
 10 improvement of its offerings, and shall be representative of business,
 11 industry, labor, and agriculture, including without limitation service
 12 occupations.

13 (2)(A)(i) The term of office for local board members shall be
 14 five (5) years.

15 ~~(A)~~(ii) The initial board appointees shall determine
 16 their terms by lot so that no more than one (1) term shall expire during any
 17 given year.

18 (B) A local board appointee shall serve no more than two
 19 (2) consecutive terms.

20 (3) When a vacancy occurs in the membership of the board, the
 21 president or director of the ~~institution~~ postsecondary vocational-technical
 22 school shall ~~se~~ notify the Governor who shall appoint a successor to the
 23 person who vacated membership, who shall serve the unexpired term of the
 24 person succeeded.

25

26 SECTION 3. Arkansas Code § 6-51-904 is amended to read as follows:

27 6-51-904. Duties of local board for ~~technical institutes~~ postsecondary
 28 vocational-technical school.

29 (a) The powers and duties of the local board shall be as follows:

30 (1) To acquire, hold, and transfer real and personal property,
 31 to enter into contracts, to institute and defend legal actions and suits, and
 32 to exercise ~~such~~ other rights and privileges as may be necessary for the
 33 management and administration of the ~~technical institute~~ postsecondary
 34 vocational-technical school;

35 (2) To determine a minimum level for student tuition and fees to
 36 be charged by the ~~technical institute~~ postsecondary vocational-technical

1 school, including without limitation penalty fees;

2 (3) To appoint from the candidates certified by the ~~Career~~
 3 ~~Education and Workforce Development Board~~ Department of Higher Education and
 4 approved by the Governor, and the president of the ~~technical institute or~~
 5 ~~director of the comprehensive lifelong learning center~~ postsecondary
 6 vocational-technical school;

7 (4) To appoint, upon nomination of the president ~~or director~~,
 8 the members of the administrative and teaching staffs;

9 (5) To determine, with the approval of the ~~Career Education and~~
 10 ~~Workforce Development Board~~ Department of Higher Education, the educational
 11 program of the ~~institution~~ postsecondary vocational-technical school; and

12 (6) Other powers and duties as provided in this subchapter or as
 13 delegated to it by the ~~Career Education and Workforce Development Board~~
 14 Department of Higher Education.

15 (b) All records, personnel, property, unexpended balances of
 16 appropriations, allocations, or other funds of the ~~technical institutes and~~
 17 ~~comprehensive lifelong learning centers~~ postsecondary vocational-technical
 18 school shall be transferred from the ~~state board~~ Department of Higher
 19 Education to the local boards of directors.

20 (c) The local board may make rules ~~and regulations not inconsistent~~
 21 ~~with the provisions of~~ that are consistent with this subchapter ~~or~~
 22 ~~inconsistent with~~ and the rules ~~and regulations~~ of the ~~state board~~ Department
 23 of Higher Education as are necessary for the proper administration and
 24 operation of the ~~institution~~ postsecondary vocational-technical school.

25 (d) The local board may contract with a nonprofit organization or a
 26 local school district board of directors within its service area to offer
 27 secondary-level general academic and vocational and technical courses and
 28 programs, adult literacy courses, or both.

29
 30 SECTION 4. Arkansas Code §§ 6-51-905 – 6-51-907 are repealed.

31 ~~6-51-905. Technical institutes.~~

32 ~~(a) The technical institute may offer programs which lead to an~~
 33 ~~Associate of Applied Science degree.~~

34 ~~(b) Each technical institute shall operate within a service area~~
 35 ~~assigned by the Career Education and Workforce Development Board.~~

36 ~~(c)(1) The board of directors of the technical institute may contract~~

1 with existing institutions of higher education for the operation of any
2 associate degree programs offered at the institute.

3 (2) ~~Such programs must be approved by the Arkansas Higher
4 Education Coordinating Board and may be offered either on-site at the
5 institute or at a satellite location.~~

6 (d)(1) ~~Any degree at or above the associate degree level offered at a
7 technical institute or any state-supported postsecondary institution must be
8 approved by the Arkansas Higher Education Coordinating Board.~~

9 (2) ~~Those degrees offered at a technical institute must be
10 awarded by an Arkansas higher education institution accredited by an
11 accrediting agency recognized by the United States Department of Education.~~

12 (3) ~~Any such degree program must be offered through the
13 institute's Center for Collegiate Instruction.~~

14 (e)(1)(A) ~~The technical institute shall be required to establish a
15 policy that specifically outlines a plan to work with local business,
16 industry, and agriculture to meet technological and training needs.~~

17 (B) ~~The plan shall be submitted annually to the local
18 board of directors and the Career Education and Workforce Development Board
19 for approval.~~

20 (C) ~~The plan shall incorporate a study of local needs,
21 including interviews with local business, industry, and agriculture.~~

22 (2)(A) ~~The technical institute shall be required to offer
23 courses to address business, industry, and agricultural needs, and when
24 appropriate, teach the course at those sites.~~

25 (B) ~~The technical institute may use adjunct faculty or
26 professors under contract to meet this requirement.~~

27
28 6-51-906. ~~Comprehensive lifelong learning centers.~~

29 (a) ~~Schools not converting to technical institutes as provided by
30 other sections of this subchapter, or community colleges under existing law,
31 shall expand program offerings and become a comprehensive lifelong learning
32 center.~~

33 (b) ~~The Career Education and Workforce Development Board shall
34 establish criteria and program expansions which would require all remaining
35 postsecondary vocational technical schools to become comprehensive lifelong
36 learning centers.~~

1 ~~(c)(1) When a postsecondary vocational technical school meets the~~
2 ~~criteria for becoming a comprehensive lifelong learning center as established~~
3 ~~by the Career Education and Workforce Development Board, the school shall~~
4 ~~make application to the board seeking that it be designated as such.~~

5 ~~(2) Each comprehensive lifelong learning center shall operate~~
6 ~~within a service area assigned by the Career Education and Workforce~~
7 ~~Development Board.~~

8 ~~(3)(A) Each comprehensive lifelong learning center may operate~~
9 ~~satellite campuses apart from the campus of the main center but within the~~
10 ~~service area of the center.~~

11 ~~(B) The establishment, locations, and number of satellite~~
12 ~~campuses of a center must be approved by the Career Education and Workforce~~
13 ~~Development Board.~~

14 ~~(4) The board of directors of a comprehensive lifelong learning~~
15 ~~center may contract with existing institutions of higher education for the~~
16 ~~operation of any associate degree programs offered at the center, upon~~
17 ~~approval by the Career Education and Workforce Development Board and the~~
18 ~~Arkansas Higher Education Coordinating Board.~~

19 ~~(A) Any degree program at or above the associate degree~~
20 ~~level offered at a comprehensive lifelong learning center must be approved by~~
21 ~~the Arkansas Higher Education Coordinating Board and awarded by an Arkansas~~
22 ~~institution of higher education accredited by an accrediting agency~~
23 ~~recognized by the United States Department of Education.~~

24 ~~(B) Any such degree program must be offered through the~~
25 ~~center's Center for Collegiate Instruction.~~

26 ~~(d)(1) The board shall periodically review the program offerings and~~
27 ~~curricula of the postsecondary vocational technical schools to assure that~~
28 ~~lifelong learning opportunities exist for the population served.~~

29 ~~(2) The comprehensive lifelong learning centers shall include~~
30 ~~offerings of:~~

31 ~~(A) Workplace literacy programs consisting of remedial~~
32 ~~education, including adult basic education and general adult education;~~

33 ~~(B) Occupational and technical preparation;~~

34 ~~(C) Applied foundation courses in mathematics, science,~~
35 ~~communications, and technologies;~~

36 ~~(D) Customized training and adult retraining programs;~~

1 ~~(E) Apprenticeship work-based training programs;~~

2 ~~(F) Other relevant education and training which meets the~~
 3 ~~needs of the work force and which prepares the state's citizens for lifelong~~
 4 ~~learning opportunities and a quality life; and~~

5 ~~(G) May include courses leading to an associate of applied~~
 6 ~~science degree, upon approval by the Arkansas Higher Education Coordinating~~
 7 ~~Board.~~

8 ~~(c)(1) Except as provided in this section, the construction,~~
 9 ~~operation, and maintenance of the comprehensive lifelong learning center~~
 10 ~~shall be financed by the state.~~

11 ~~(2) Each comprehensive lifelong learning center, acting through~~
 12 ~~its board, shall have the power to accept and receive gifts, grants, profits~~
 13 ~~from auxiliary enterprises, local millages, and any other local funds to be~~
 14 ~~used as local matching funds for capital outlay expenses of the center.~~

15 ~~(3) The comprehensive lifelong learning center shall be required~~
 16 ~~to establish a plan that specifically outlines cooperative efforts with local~~
 17 ~~industries and businesses to meet technological and training needs.~~

18 ~~(A) The plan shall be submitted annually to the local~~
 19 ~~board of directors and the Career Education and Workforce Development Board~~
 20 ~~for approval.~~

21 ~~(B) The plan shall incorporate a study of local needs,~~
 22 ~~including interviews with local business and industry.~~

23 ~~(4)(A) The comprehensive lifelong learning center shall be~~
 24 ~~required to offer courses to address industry and business needs and, when~~
 25 ~~appropriate, to teach the course at the business or industry site.~~

26 ~~(B) The comprehensive lifelong learning center may use~~
 27 ~~adjunct faculty or professors under contract to meet this requirement.~~

28
 29 ~~6-51-907. Expanded associate degrees instruction—College transfer~~
 30 ~~courses.~~

31 ~~(a) Any Arkansas technical institute or comprehensive lifelong~~
 32 ~~learning center desiring to offer college transfer courses or to increase the~~
 33 ~~number of associate of applied science degrees being offered may initiate~~
 34 ~~such college transfer courses or occupational degree programs under the~~
 35 ~~provisions of this section upon approval of the Arkansas Higher Education~~
 36 ~~Coordinating Board.~~

1 ~~(b)(1) The Center for Collegiate Instruction, hereinafter called "the~~
2 ~~center", means a legally designated collegiate center on the campus of a~~
3 ~~technical institute or a comprehensive lifelong learning center.~~

4 ~~(2) The center shall be authorized to coordinate and offer~~
5 ~~college-level courses at such location.~~

6 ~~(3) It shall comply with the established accreditation standards~~
7 ~~of the North Central Association of Colleges and Schools for the umbrella~~
8 ~~college or university which acts as the sponsor for the center.~~

9 ~~(c)(1) Any technical institute or comprehensive lifelong learning~~
10 ~~center that desires to establish a collegiate center shall be required to~~
11 ~~enter into a memorandum of understanding with the sponsoring colleges or~~
12 ~~universities.~~

13 ~~(2) The guidelines for establishing the memorandum of~~
14 ~~understanding shall be developed by the Arkansas Higher Education~~
15 ~~Coordinating Board in conjunction with the Career Education and Workforce~~
16 ~~Development Board.~~

17 ~~(d)(1) The associate degree programs to be offered at the center shall~~
18 ~~be developed by participating institutions and shall meet all the standards~~
19 ~~for accreditation by an accrediting agency recognized by the United States~~
20 ~~Department of Education.~~

21 ~~(2) Associate degree programs offered through a center must be~~
22 ~~approved for implementation by the Arkansas Higher Education Coordinating~~
23 ~~Board.~~

24 ~~(e)(1) Each university or college operating at least one (1)~~
25 ~~collegiate center shall designate a center director who shall manage the~~
26 ~~operation of the center and any subsequent satellite units which may be~~
27 ~~developed at other institutions.~~

28 ~~(2) Each technical institute or comprehensive lifelong learning~~
29 ~~center shall designate a collegiate center coordinator who is to be~~
30 ~~responsible for the overall coordination of the center and its efficient~~
31 ~~operation.~~

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