

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
93rd General Assembly
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As Engrossed: S2/23/21
A Bill

SENATE BILL 235

By: Senators J. English, Irvin
By: Representative Beck

For An Act To Be Entitled

AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING TECHNICAL AND VOCATIONAL EDUCATION; TO
AMEND PROVISIONS OF THE ARKANSAS CODE CONCERNING
ALTERNATE RETIREMENT PLANS; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND PROVISIONS OF THE ARKANSAS CODE
CONCERNING TECHNICAL AND VOCATIONAL
EDUCATION; AND TO AMEND PROVISIONS OF THE
ARKANSAS CODE CONCERNING ALTERNATE
RETIREMENT PLANS.

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

SECTION 1. Arkansas Code § 6-11-202 is amended to read as follows:
6-11-202. Records of proceedings.

The ~~Career Education and Workforce Development Board~~ State Board of Education shall keep in the office of the ~~Director of the Office of Skills Development~~ Director of the Division of Career and Technical Education a complete record of the minutes of its meetings and other proceedings.

SECTION 2. Arkansas Code § 6-11-203 is amended to read as follows:
6-11-203. Vocational education.

The ~~Career Education and Workforce Development Board~~ State Board of Education shall have general supervision of vocational education in the state and shall administer and apportion any funds that come to the state for that



purpose.

SECTION 3. Arkansas Code § 6-11-204(a), concerning the official seal adopted by the Career Education and Workforce Development Board to authenticate documents or copies of documents as evidence, is amended to read as follows:

(a) The ~~Career Education and Workforce Development Board~~ State Board of Education shall adopt a seal, and the seal shall be used by the Director of the ~~Office of Skills Development~~ Division of Career and Technical Education to authenticate documents or copies of documents as the board or director considers advisable.

SECTION 4. Arkansas Code § 6-11-205(a)(2) and (3), concerning the acceptance and distribution of federal aid, is amended to read as follows:

(2) The ~~Career Education and Workforce Development Board~~ Division of Career and Technical Education is designated as the state educational authority to represent the state in the administration of funds provided by the United States Congress.

(3) The ~~board~~ State Board of Education may promulgate rules as are necessary on the part of the state to meet any requirement of the United States Government in the distribution of federal aid.

SECTION 5. Arkansas Code § 6-11-206 is amended to read as follows:

6-11-206. Federal aid – Receipt and administration for school facilities.

The ~~Career Education and Workforce Development Board~~ Division of Career and Technical Education is designated to receive and administer any federal funds made available to this state to assist local school districts in providing elementary and secondary school facilities for vocational and adult education programs.

SECTION 6. Arkansas Code § 6-11-207 is amended to read as follows:

6-11-207. Power to make plans coordinating state and federal laws.

The ~~Career Education and Workforce Development Board~~ State Board of Education may make plans and rules as are necessary in order for this state to meet the requirements of any law enacted by the United States Congress for

vocational-technical education or any supplementary federal regulations pertaining to that legislation.

SECTION 7. Arkansas Code § 6-20-2305(b)(2)(B)(i)(b), concerning school funding, is amended to read as follows:

(b) The vocational center aid under subdivision (b)(2)(B)(i)(a) of this section shall be determined by the Division of Career and Technical Education, in consultation with the Office of Skills Development, and approved by the ~~Career Education and Workforce Development Board~~ State Board of Education.

SECTION 8. Arkansas Code § 6-50-505(a), concerning the waiver of rules, articulation agreements, and the duties of the Career Education and Workforce Development Board under the Arkansas Youth Apprenticeship/Work-Based Learning Act of 1991, is amended to read as follows:

(a) The ~~Career Education and Workforce Development Board~~ State Board of Education may provide waivers of rules adopted by the Division of Career and Technical Education when waivers are necessary to accomplish the purposes of this subchapter so long as the waivers will not weaken the quality of the educational opportunities provided.

SECTION 9. Arkansas Code § 6-50-703(a) is amended to read as follows:

(a) There is hereby created the Arkansas Existing Workforce Training Program, to be administered by a governing council composed of equal representation from the Division of Higher Education, the ~~Division of Career and Technical Education~~ Office of Skills Development, and the Arkansas Economic Development Commission.

SECTION 10. Arkansas Code § 6-51-201 is amended to read as follows:

6-51-201. Receipt and administration of federal funds.

The ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board is designated as the agency of state government to receive and administer any and all federal funds made available to this state for the purpose of assisting the state or school districts in providing for the extension of vocational education of less than college grade in the field of vocational-technical and adult education for persons sixteen (16) years of

age and over.

SECTION 11. Arkansas Code § 6-51-202(a), concerning the authority to establish schools, is amended to read as follows:

(a) The ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board is authorized to establish or designate one (1) or more area vocational-technical and adult education schools of less than college grade for the purpose of offering training in the various areas which may be prescribed by the United States Congress for persons sixteen (16) years of age or over.

SECTION 12. Arkansas Code § 6-51-204 is amended to read as follows:

6-51-204. Public school or community branches – Special instruction.

In addition to the authority of the ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board to establish area vocational-technical and adult education schools as authorized in §§ 6-51-201 – 6-51-203, 6-51-205, and 6-51-207, § 6-51-208(a)-(c), §§ 6-51-209 and 6-51-210, and laws amendatory thereto, the board is authorized, whenever funds are available, to establish branches of those area vocational-technical schools or to offer special vocational-technical instruction at public schools or in other facilities in communities in the area of the respective vocational-technical schools, as the board may determine is in the interest of the area and whenever sufficient demand may exist.

SECTION 13. Arkansas Code § 6-51-207 is amended to read as follows:

6-51-207. Authority to accept gifts and donations.

The ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board is granted authority to accept gifts, grants, donations, equipment and materials, and bequests of money and real and personal property for the purposes of this section and §§ 6-51-201 – 6-51-203 and 6-51-205, § 6-51-208(a)-(c), and §§ 6-51-209 and 6-51-210.

SECTION 14. Arkansas Code § 6-51-210 is amended to read as follows:

6-51-210. Disposition of funds generally.

All income of the ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board derived from student fees and from the sale of

real or personal property or income from other sources as provided in this subchapter belonging to the board shall be deposited in the State Treasury for use by the board in developing a state vocational-technical and adult education program of less than college grade for persons sixteen (16) years of age and over.

SECTION 15. Arkansas Code § 6-51-212(b), concerning disbursement and custodian of certain funds, is amended to read as follows:

(b) He or she shall also pay out any money appropriated by the State of Arkansas for the purpose of carrying out the provisions of this act upon the order of the ~~State Board of Career Education~~ Arkansas Higher Education Coordinating Board.

SECTION 16. Arkansas Code § 6-51-213(c)(1) and (2), concerning the administration of certain federal and state vocational education laws, is amended to read as follows:

(c)(1) ~~The Director of the Division of Career and Technical Education, as executive officer of the state board for the purpose of administering the federal act and this act, shall~~ Director of the Division of Higher Education, by and with the advice and consent of the ~~state board~~ Arkansas Higher Education Coordinating Board, may designate assistants as may be necessary to carry out properly the provisions ~~hereof~~ of this subchapter.

(2) The director shall also carry into effect rules as the ~~state~~ board may require.

SECTION 17. Arkansas Code § 6-51-214 is amended to read as follows:

6-51-214. Annual report and statement of finances.

The ~~State Board of Career Education~~ Director of the Division of Career and Technical Education shall make a detailed report annually to the Governor setting forth the conditions of ~~vocational-technical~~ career and technical education in the State of Arkansas, a list of the schools to which federal and state aid has been provided, and a detailed statement of the expenditures of federal funds and of state funds provided in this ~~act~~ subchapter.

SECTION 18. Arkansas Code § 6-51-302 is amended to read as follows:

6-51-302. Approval of center establishment.

~~(a) The State Board of Career Education may approve the establishment of State Board of Education shall review recommendations from the Career Education and Workforce Development Board to establish new vocational centers to serve high school students from several school districts in locations where services are needed to:~~

~~(1) Support economic, industrial, and employment development efforts;~~

~~(2) Provide equity and substantially equal access to quality vocational programs; and~~

~~(3) Improve school programs to assist schools in meeting accreditation standards.~~

~~(b) The ~~board~~ State Board of Education shall approve only centers which utilize existing vocational education resources such as facilities, equipment, etc., except in those geographic areas in which comprehensive vocational offerings have not been developed and the ~~state board~~ State Board of Education determines that those resources must be developed to accomplish the above purposes.~~

~~(c) If a postsecondary vocational-technical school or two-year college which operates a secondary vocational center merges or consolidates with a public institution of higher education, the secondary vocational center may continue to be administered by the institution of higher education involved in the merger or consolidation.~~

~~(d) The provisions of this section are contingent on the appropriation of funding necessary to allow the State Board of Education to carry out the duties assigned to the State Board of Education under this section.~~

~~(e) All existing vocational centers may be reviewed by the State Board of Education at the discretion of the State Board of Education.~~

~~(f) The Office of Skills Development shall provide annually a report to the State Board of Education on the financial viability of vocational centers, enrollment, programs, and the success of students.~~

SECTION 19. Arkansas Code §§ 6-51-401 – 6-51-404 are repealed.

~~6-51-401. Course of instruction generally.~~

~~(a) The Career Education and Workforce Development Board is authorized to establish programs of vocational technical training for the training of plumbers.~~

~~(b) A prescribed course of study will be set up by the Division of Career and Technical Education in conjunction with the Plumbing and Natural Gas Section of the Department of Health and the local training committee.~~

~~(c) Courses of study shall be as prescribed by national plumbing standards.~~

~~(d) Courses of instruction shall be developed in cooperation with, and with the approval of, the section and local training committees.~~

~~(e) Courses of instruction shall be designed to enable the student completing the course to qualify for licensure as an apprentice plumber upon taking and passing the examination required by § 17-38-101 et seq.~~

~~(f) The courses of instruction as authorized in this subchapter may be offered as a part of the vocational education program of any high school in this state and may be offered in any area high school, community college, or technical institute or vocational technical school of this state.~~

~~(g) The course of instruction shall be in compliance with the appropriate rules and shall provide the level of instruction provided by rules of the board in cooperation with local plumbing training committees.~~

~~6-51-402. Instructors.~~

~~(a) The course of instruction and training as authorized in this subchapter for the training of plumbers shall provide that the instructor in the courses shall be approved by the training committee and the State Board of Career Education as a qualified instructor.~~

~~(b) Training programs may be taught by a master or journeyman plumber.~~

~~6-51-403. Apprentices.~~

~~(a) The course of instruction may include, by appropriate rule, authorization for credit with respect to summer employment by a licensed master plumber in this state who supervises the work of the student.~~

~~(b) Each person enrolled in an approved course of instruction for training plumbers shall be entitled to apply to the Plumbing and Natural Gas Section of the Department of Health for an apprentice plumber temporary card which will enable the person to engage in apprentice plumbing work under the employment of a licensed master plumber who supervises the work of the person.~~

~~(c) Students employed by a master plumber on a temporary basis shall~~

~~be limited to two (2).~~

~~6-51-404. Licensing.~~

~~The program of instruction as authorized in this subchapter shall provide that upon satisfactory completion of the course of instruction, the Plumbing and Natural Gas Section of the Department of Health shall grant to the person completing such course of instruction, upon passing the necessary examinations required, an appropriate license, dependent upon the course of instruction completed by the person and the results of the test taken.~~

SECTION 20. Arkansas Code § 6-51-801(a), concerning criteria for secondary vocational centers, is amended to read as follows:

(a) ~~The State Board of Career Education~~ State Board of Education shall ~~establish~~ review criteria established by the Career Education and Workforce Development Board that must be met by any secondary vocational center requesting permission to become a community-based education center.

SECTION 21. Arkansas Code § 6-51-801, concerning criteria for secondary vocational centers, is amended to add an additional subsection to read as follows:

(e) A list of new and existing programs shall be published annually on the Division of Career and Technical Education's and Office of Skills Development's website.

SECTION 22. Arkansas Code § 6-51-805(a), concerning the creation of a general advisory council, is amended to read as follows:

(a) ~~The State Board of Career Education~~ State Board of Education shall ~~relate to the community-based education centers as a coordinating board~~ operate as a coordinating board for community-based education centers.

SECTION 23. Arkansas Code § 6-53-502 is repealed.

~~6-53-502. Grants for tech prep education.~~

~~(a) The Arkansas Higher Education Coordinating Board and the State Board of Career Education shall jointly award grants for tech prep education programs to consortia of:~~

~~(1) Public schools or area vocational education schools serving~~

~~secondary school students; and~~

~~(2) Community colleges which offer a two-year associate degree program or a two-year certificate program; or~~

~~(3) Other state-supported institutions of higher education which offer a two-year associate of applied science or other occupational degree program or a two-year certificate program.~~

~~(b) From the amounts made available to the state, the Arkansas Higher Education Coordinating Board and the State Board of Career Education, in accordance with this subchapter, shall jointly award grants on a competitive basis or on the basis of a formula determined by both boards, for tech-prep education programs.~~

~~(c) Each grant recipient shall use amounts provided under the grant to develop and operate a four-year tech-prep education program.~~

~~(d) Any such program shall:~~

~~(1) Be carried out under an articulation agreement between the participants in the consortium;~~

~~(2) Consist of:~~

~~(A) The two (2) years of secondary school preceding graduation and two (2) years of higher education; or~~

~~(B) An apprenticeship program of at least two (2) years following secondary instruction, with a common core of required proficiency in mathematics, science, communications, and technologies designed to lead to an associate degree or certificate in a specific career field;~~

~~(3) Include in-service training for teachers that:~~

~~(A) Is designed to train teachers to effectively implement tech-prep education curricula;~~

~~(B) Provides for joint training for teachers from all participants in the consortium; and~~

~~(C) May provide such training in weekend, evening, and summer sessions, institutes, or workshops;~~

~~(4) Include training programs for counselors designed to enable counselors to more effectively:~~

~~(A) Recruit students for tech-prep education programs;~~

~~(B) Ensure that such students successfully complete such programs; and~~

~~(C) Ensure that such students are placed in appropriate~~

employment;

~~(5) Provide equal access to the full range of technical preparation programs to individuals who are members of special populations, including the development of tech prep education program services appropriate to the needs of such individuals; and~~

~~(6) Provide for preparatory services which assist all participants in such programs.~~

~~(c) In addition, each such program may:~~

~~(1) Provide for the acquisition of tech prep education program equipment; and~~

~~(2) As part of the program's planning activities, acquire technical assistance from the state or local entities that have successfully designed, established, and operated tech prep programs.~~

SECTION 24. Arkansas Code § 24-2-401(3)(F)(ii), concerning definitions relevant to reciprocal service credits, is amended to read as follows:

(ii) A vocational-technical school or the Division of Career and Technical Education, the Adult Education Section of the Division of Workforce Services, the Division of Higher Education, and the Office of Skills Development, with respect to plans provided for under § 24-7-901 et seq.; or

SECTION 25. Arkansas Code § 24-7-901(1), concerning the definition of "alternate retirement plan" applicable to the Arkansas Teacher Retirement System, is amended to read as follows:

(1) "Alternate retirement plan" means a retirement plan, based on the purchase of contracts providing approved by the Career Education and Workforce Development Board before the effective date of Acts 2019, No. 910, which provides retirement and death benefits for the ~~instructors and administrative staff of the technical institutes or postsecondary vocational-technical schools of the State of Arkansas and the staff of the Department of Career Education and which has been approved by the Career Education and Workforce Development Board;~~

(A) Instructors and administrative staff of the technical institutes or postsecondary vocational-technical schools of the State of Arkansas; and

(B) Staff of the Department of Career Education as it existed before the effective date of Acts 2019, No. 910.

SECTION 26. Arkansas Code § 25-30-107(b), concerning the powers and duties of the Division of Career and Technical Education, is amended to add an additional subdivision to read as follows:

(3) The State Board of Education shall promulgate rules to administer this section.

/s/J. English