

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.

State of Arkansas

As Engrossed: S3/26/03 S4/1/03 H4/9/03

84th General Assembly

A Bill

Regular Session, 2003

SENATE BILL 912

By: Senators T. Smith, *Argue, Gullett, J. Jeffress, Wilkins, Bisbee, Bryles, Broadway*

By: *Representatives Mathis, R. Smith*

For An Act To Be Entitled

AN ACT TO MERGE THE ARKANSAS SCHOOL OF
MATHEMATICS AND SCIENCES WITH THE UNIVERSITY OF
ARKANSAS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO MERGE THE ARKANSAS SCHOOL OF
MATHEMATICS AND SCIENCES WITH THE
UNIVERSITY OF ARKANSAS.

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

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

(a) The Board of Trustees of the University of Arkansas is authorized to establish and operate, as a part thereof, a campus to be known as the "Arkansas School for Mathematics, Sciences, and the Arts," consolidating and incorporating into the University of Arkansas the facilities of the state institution formally known as the "Arkansas School for Mathematics and Sciences" which, together with its board of trustees, is abolished as a separate institution effective January 1, 2004.

(b) On January 1, 2004 the Board of Trustees of the University of Arkansas shall be vested with, and succeed to, all the rights, titles, powers, interests, properties, assets, funds, and credits of the Arkansas School for Mathematics and Sciences and its board of trustees, including all rights, titles, and interests in and to all real and personal property acquired by or vested in that institution or its board of trustees.

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



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

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

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

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

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

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

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

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

33
34 SECTION 3. Board of Visitors.

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

1 (2) The persons serving on December 31, 2003 as members of the
2 Board of Trustees of the Arkansas School for Mathematics and Sciences shall
3 be members of the Board of Visitors for the Arkansas School for Mathematics,
4 Sciences, and the Arts and shall continue to serve for a term equal to the
5 unexpired portion of his or her term as a member of the Board of Trustees of
6 the Arkansas School for Mathematics and Sciences.

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

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

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

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

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

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

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

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

25 (C) The President of the Arkansas Science and Technology
26 Authority;

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

28 (E) The President of the Parent Association of the school;
29 and

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

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

33 (c)(1)(A) The board of visitors shall meet monthly as the board
34 determines, and shall elect from its voting members a chair, a vice chair,
35 and a secretary.

36 (B) With prior notice to all members, special meetings may

1 be called, as needed, by either the board chairman or any three (3) of the
2 voting members of the board.

3 (2) Regular minutes of its meetings shall be preserved.
4

5 SECTION 4. Board of visitors – Purposes.

6 (a)(1)(A) The general purpose of the Board of Visitors for the
7 Arkansas School for Mathematics, Sciences, and the Arts is to perform a
8 supporting and advising role with regard to the operation of the school.

9 (B) The board may recommend implementation and
10 establishment of policies consistent with policies of the Board of Trustees
11 of the University of Arkansas.

12 (C) The board shall serve as a liaison between the school,
13 parents, and other constituents, and the President and Board of Trustees of
14 the University of Arkansas.

15 (D) Because the board of trustees and the president may
16 delegate broad administrative responsibilities to the administrator of the
17 school, consistent with policies established or approved by the board of
18 trustees, the board of visitors will have the opportunity to give meaningful
19 advice and recommendations to further the development and operation of the
20 Arkansas School for Mathematics, Sciences, and the Arts.

21 (2) The board of visitors shall:

22 (A) Assist in securing financial support for the Arkansas
23 School for Mathematics, Sciences, and the Arts;

24 (B) Advise the administrator of the school, and the
25 President and the Board of Trustees of the University of Arkansas, regarding
26 the educational, service, and financial needs of the school;

27 (C) Aid in the orderly transition of the school as it
28 becomes a campus of the University of Arkansas;

29 (D) 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 (E) Keep informed on those matters that are necessary to
33 promote the educational aims of the school for the benefit of the students;

34 (F) Study in detail the reports and issues placed before
35 it by the board of trustees; and

36 (G) Promote, in diverse ways, the growth and development

1 in excellence of the school and the University of Arkansas in general.

2 (3) The board of visitors shall have oversight coordination as
3 specifically assigned by the board of trustees, which may include oversight
4 responsibility with respect to the school's operating budget, internal
5 governance, and methods of operations.

6 (4) Communications, including advice and recommendations, from
7 the board of visitors shall be transmitted through the administrator of the
8 school and by him or her through the President of the University of Arkansas
9 to the Board of Trustees of the University of Arkansas.

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

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

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

19 (1) The prom or banquet;

20 (2) Class day activities;

21 (3) Graduation activities;

22 (4) Recognition as a honor graduate, except as valedictorian or
23 salutatorian; and

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

25
26 SECTION 5. Administrator-Staff.

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

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

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

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

5 (2) In the event policies of the board of trustees conflict with
6 existing law with respect to terms and conditions of employment of
7 instructors and staff the policies shall control.

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

12
13 SECTION 6. Department of Education regulations.

14 All Department of Education regulations shall apply to the Arkansas
15 School for Mathematics, Sciences, and the Arts unless the department
16 determines otherwise or unless the regulations conflict with governance of
17 the school by the Board of Trustees of the University of Arkansas and the
18 purposes and intent of this act.

19
20 SECTION 7. Effective January 1, 2004, Arkansas Code §§ 6-42-201
21 through 6-42-206 are repealed.

22 ~~6-42-201. Establishment—Purpose—Location—Funding—Tuition.~~

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

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

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

34 ~~(c) The school shall be located on the campus of an Arkansas~~
35 ~~institution of higher education or at some other appropriate facility which~~
36 ~~can provide the classrooms, laboratories, library facilities, dormitories,~~

~~and other services necessary for the proper operation and support of the school.~~

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

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

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

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

~~(2) Class Day activities;~~

~~(3) Graduation activities;~~

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

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

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

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

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

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

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

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

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

1 ~~(e) Members shall serve seven year terms.~~

3 ~~6-42-203. Powers and duties of the board of trustees.~~

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

6 ~~(b) The board shall annually elect a chairman, a secretary, and such~~
7 ~~other officers as the board deems appropriate.~~

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

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

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

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

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

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

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

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

28 ~~6-42-204. Administrator—Staff.~~

29 ~~(a) The administrator of the Arkansas School for Mathematics and~~
30 ~~Sciences shall be the chief administrative officer of the school and shall~~
31 ~~administer the school in accordance with policies established by the board of~~
32 ~~trustees.~~

33 ~~(b)(1) Upon recommendation of the administrator, the board shall~~
34 ~~employ other personnel the board deems necessary for the operation of the~~
35 ~~school.~~

36 ~~(2) Faculty members and other personnel required for operation~~

~~of the school shall be recommended for employment by the administrator and shall be employed by annual contract by the school.~~

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

~~(e)(1) Teachers and administrators so employed shall be eligible for membership in the Arkansas Teacher Retirement System and earn credited service for such employment.~~

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

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

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

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

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

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

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

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

	FISCAL YEAR ENDING	
	JUNE 30, 2002 &	JUNE 30, 2003
FUND OR FUND ACCOUNTS	THEREAFTER	
Education Public School Fund Account	\$161,935,727	\$170,126,847 <u>\$164,138,382</u>

1	Workforce Education Public School Fund Account	9,518,065	10,032,555
2	Dept. of Education Fund Account	762,901	804,138
3	Dept. of Workforce Education Fund Account	2,856,557	3,010,965
4	Higher Education Grants Fund Account	10,499,767	11,067,322
5	<u>School for Math, Science and Arts Fund</u>	<u>0</u>	<u>5,988,465</u>
6	Institutions of Higher Education:		
7	Arkansas State University Fund	4,797,713	5,057,049
8	Arkansas Tech University Fund	1,608,226	1,695,157
9	Henderson State University Fund	1,663,634	1,753,560
10	Southern Arkansas University Fund	983,576	1,036,743
11	University of Arkansas Fund	11,905,301	12,548,830
12	University of Arkansas at Little Rock Fund	4,224,809	4,453,177
13	University of Arkansas Med. Center Fund	7,274,293	7,667,498
14	University of Arkansas Med. Center - Indg. Care	181,013	190,797
15	University of Arkansas at Monticello Fund	848,858	894,742
16	University of Arkansas at Pine Bluff Fund	1,473,599	1,553,253
17	University of Central Arkansas Fund	3,661,359	3,859,270
18	Arkansas State University-Beebe Fund	1,144,646	1,206,518
19	East Arkansas Community College Fund	599,022	631,401
20	Garland County Community College Fund	895,921	944,349
21	Mississippi County Community College Fund	573,810	604,827
22	North Arkansas College Fund	353,775	372,898
23	Northwest Arkansas Community College Fund	791,763	834,561
24	Phillips Community College of Univ. of Ark. Fund	583,366	614,899
25	Rich Mountain Community College Fund	158,120	166,667
26	SAU-Tech Fund	256,801	270,683
27	South Arkansas Community College Fund	409,688	431,833
28	Westark College Fund	2,437,691	2,569,458
29	TOTAL INSTITUTIONS OF HIGHER EDUCATION	\$ 46,826,984	\$ 49,358,170

30

31 SECTION 9. There is created on the books of the Treasurer of State,
32 Auditor of State and Chief Fiscal Officer of the State a fund to be known as
33 the School for Math, Science and Arts Fund. The School for Math, Science and
34 Arts Fund shall be used to provide for the maintenance, operation, and
35 improvement required by the Arkansas School for Mathematics, Sciences, and
36 the Arts in carrying out its powers, functions and duties as set out by law.

1 The School for Math, Science and Arts Fund shall consist of moneys allocated
2 and transferred from the Educational Excellence Trust Fund; any general
3 revenues as may be provided by the Revenue Stabilization Law, ACA 19-5-101 et
4 seq.; and any other moneys as may be authorized by law.

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6 /s/ T. Smith, et al
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