

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Office of Skills Development

Department Commerce Department

Contact Cody Waits E-mail cody.waits@arkansas.gov Phone 501-683-5895

Statutory Authority for Promulgating Rules Career Education and Workforce Development Board

Rule Title: Emergency Rule to Provide Funding to Secondary Centers Negatively Impacted by COVID-19

Intended Effective Date

(Check One)

Date

☒ Emergency (ACA 25-15-204)

Legal Notice Published _____

☐ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency 1/19/21

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kimberly Asther

kimberly.asther@arkansas.gov

2/9/21
Date

Contact Person

E-mail Address

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Cody Waits
Signature

501-683-5895

cody.waits@arkansas.gov

Phone Number

E-mail Address

Director, Office of Skills Development

Title

2/9/2021
Date

ARKANSAS LEGISLATIVE COUNCIL

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Senator Terry Rice

Senate Chair

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House Chair

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Senate Vice Chair

Representative Jim Dotson

House Vice Chair



**Room 315, State Capitol Building
Little Rock, AR 72201**

Marty Garrity
Executive Secretary

Tel: 501-682-1937

Fax: 501-682-1936

January 19, 2021

Mr. Cody Waits

Arkansas Department of Commerce - Office of Skills Development

1 Commerce Way, Ste. 604

Little Rock, AR 72202

Dear Mr. Waits:

This letter is to notify you that, pursuant to Act 1258 of 2015, the Executive Subcommittee met on January 19, 2021 to consider the request from the Department of Commerce – Office of Skills Development to review and approve the following emergency rule:

- ***Arkansas Department of Commerce - Office of Skills Development: Emergency Rule to provide funding to secondary centers negatively impacted by COVID-19.***

A copy of the emergency rule is attached for your information. Without objection, the emergency rule was reviewed and approved, and the review and approval shall be effective at 12:01 a.m., Thursday, January 21, 2021.

Sincerely,

A handwritten signature in black ink, appearing to read "Marty Garrity".

Marty Garrity

Executive Secretary

MG:sla

cc: Ms. Jessica Whittaker, Administrator, Administrative Rules Review Section
Mr. Mike Preston, Secretary, Department of Commerce
(via electronic mail)

**QUESTIONNAIRE
FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT/AGENCY Arkansas Department of Commerce
DIVISION Office of Skills Development
DIVISION DIRECTOR Cody Waits
CONTACT PERSON Cody Waits
ADDRESS 1 Commerce Way Ste. 604
PHONE NO. (501) 529-2124 **FAX NO.** _____ **E-MAIL** cody.waits@arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Cody Waits
PRESENTER E-MAIL Cody.Waits@arkansas.gov

INSTRUCTIONS

- A. Please make copies of this form for future use.
- B. Please answer each question completely using layman terms. You may use additional sheets if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- E. Submit two (2) copies of the Questionnaire and Financial Impact Statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
 Administrative Rules Review Section
 Arkansas Legislative Council
 Bureau of Legislative Research
 One Capitol Mall, 5th Floor
 Little Rock, AR 72201

1. What is the short title of this rule? Emergency Rule to provide funding to secondary centers negatively impacted by COVID-19.
2. What is the subject of the proposed rule? This rule is intended to allow the Office of Skills Development, in coordination with department of education, to distribute additional funding to secondary career centers whose enrollments were negatively impacted by COVID-19 ensuring they have sufficient funding to operate until the spring enrollment funding distributions occur in March.
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes ☐ No ☒
 If yes, please provide the federal rule, regulation, and/or statute citation.

4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?

Yes ☒ No ☐

If yes, what is the effective date of the emergency rule? 01/30/2021

When does the emergency rule expire? May 30, 2021

Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes ☐ No ☒

5. Is this a new rule? Yes ☐ No ☒ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes ☐ No ☒ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes ☒ No ☐ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

The rules currently state that the funds shall be distributed once in the fall semester and once in the spring semester based on enrollment. Covid-19 has decreased enrollments at centers to the point that funding has significantly decreased straining operations at some secondary career centers. This rule change will allow us to provide additional funding to the centers outside of the two payments as currently proposed.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation.

6-51-305
Act 179 of 2019

7. What is the purpose of this proposed rule? Why is it necessary?

Secondary Career Center Enrollments are down roughly 30% from fall of 2019 to the fall of 2020. Funding for secondary career centers is driven by enrollment and due to the 30% decrease, we are awarding almost \$3,000,000 less than what would typically be funded in a single semester.

This significant decrease in funding has caused a financial strain on secondary career center operations at a handful of institutions. This proposed rule change will provide additional flexibility to grant funds to those secondary centers who need additional funding to receive funds prior to the next funding cycle which will occur in March 2021.

8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b).

<https://arcareereducation.org/services/skills-development/secondary-center-director-resources>

9. Will a public hearing be held on this proposed rule? Yes ☐ No ☒ If yes, please complete the following:

Date: _____

Time: _____

Place: _____

10. When does the public comment period expire for permanent promulgation? (Must provide a date.)

01/30/2021

11. What is the proposed effective date of this proposed rule? (Must provide a date.)

01/30/2021

12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice. _____

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). _____

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Commerce

DIVISION Office of Skills Development

PERSON COMPLETING THIS STATEMENT Cody Waits

TELEPHONE NO. (501) 529-2124

FAX NO. _____

EMAIL: cody.waits@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two (2) copies with the Questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Emergency Rule to provide funding to secondary centers negatively impacted by COVID-19.

1. Does this proposed, amended, or repealed rule have a financial impact? Yes ☐ No ☒
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes ☒ No ☐
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☒ No ☐

If an agency is proposing a more costly rule, please state the following:

- a) How the additional benefits of the more costly rule justify its additional cost;

- b) The reason for adoption of the more costly rule;

- c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and

- d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

b) What is the additional cost of the state rule?

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total \$ 0.00

Total \$ 0.00

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

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6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

Next Fiscal Year

\$ _____

\$ _____

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7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?
Yes ☐ No ☒

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Request for Governor's Approval of Proposed Rules and Regulations

Department/Agency: Department of Commerce, Office of Skills Development

Short Title of Rule: Emergency Rule to provide funding to secondary centers negatively impacted by COVID-19.

New Rule: ☐ Yes ☒ No

Amendment to Existing Rule: ☒ Yes ☐ No

State Mandate: No **Federal Mandate:** No

If yes, please provide the rule, regulation, and/or statute citation:

Authority to Promulgate the Rule: A.C.A 25-30-102

Proposed Effective Date: December 29, 2020

Emergency Rule: Yes

Expedited Rule Requested: Yes

Summary of Proposed New Rule or Proposed Amendment to Existing Rule:

Under Act 179, the Office of Skills Development has been tasked with promulgating rules for establishing a tiered system of determining the amount of vocational center aid under subdivision (b) (2) (b) (1) of this section for each secondary vocational area center; and the method of distribution of the vocational center aid under subdivision (B) (2) (b) (1) of this section. This amendment to the rule is necessary to comply with these changes to vocational center aid under act 179.

Due to covid-19, Secondary Career Center Enrollments are down roughly 30% from fall of 2019 to the fall of 2020. Funding for secondary career centers is driven by enrollment and due to the 30% funding decrease; we are awarding almost \$3,000,000 less than what would typically be funded in a single semester.

This significant decrease in funding has caused a financial strain on secondary career center operations at a handful of institutions. This proposed rule change will allow the Office of Skills Development, in coordination with the department of education, to provide additional flexibility to grant funds to those secondary centers who need additional funding to operate their respective center prior to the next funding cycle which will occur in March 2021.

Financial Impact: We are utilizing the same funding source and amount as budgeted/appropriated for vocational center aid. No additional funding is necessary.

Public Hearing: ☐ Yes ☒ No

Controversial: ☐ Yes ☒ No

Documents Required for Approval Process

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- ☒ BLR Questionnaire
- ☒ BLR Financial Impact Statement
- ☒ Proposed Rule – clean version
- ☒ Mark-Up of Rule, if amended from previous version
- ☒ Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

**RULES
FOR
SECONDARY TECHNICAL CENTERS**

Effective Date
August 1, 2020

RULES FOR SECONDARY TECHNICAL CENTERS

I. Application/Approval

A. Secondary Technical Center Approval

1. An application for a new secondary technical center must be submitted to the Office of Skills Development (OSD) Associate Director in the Department of Commerce on or before **October 1**, prior to the school year in which the center is scheduled to open. Guidelines and application for a new secondary technical center may be obtained online at <http://arcareered.org>. Questions may be directed to the Office of Skills Development at (501) 683-1152.
2. Priority shall be given to the following:
 - a region that is currently not being served by a center
 - program alignment with state and regional economic development strategies and workforce priorities.

A center will not be approved within 25 miles of an existing center unless it can be demonstrated that the creation of a new center will not adversely impact adjoining centers.

3. A sponsoring institution/entity (public high school, postsecondary technical institute, two-year college, or education service cooperative) that has been approved by the Career Education and Workforce Development Board (CEWDB) as a secondary technical center must begin operation with **three occupational specific programs. Only occupational specific programs will be eligible for secondary technical center funding.**
4. A secondary technical center or satellite that is approved by the CEWDB must serve multiple high schools in order to qualify for secondary technical center funding.
5. A secondary technical center that closes and desires to resume operation must submit a new application to the CEWDB for approval. A center that is approved by CEWDB for start-up but fails to begin operation within a two-year period shall be considered null and void and must reapply.

B. New or Expanded Programs

1. For new or expanded program approval, the secondary technical center shall submit a proposal for new program start-up by **October 1** of the preceding year in which the program(s) is to be implemented. The application is available on the Office of Skills Development website.
2. Newly approved programs must be authorized by the Director of OSD to receive secondary technical center funding.

3. Programs of study offered at the centers must be selected from a list of approved programs as defined by the Department of Education, Division of Career and Technical Education. Programs of study will be reviewed every two years in accordance with Perkins V federal legislation.

C. Satellite Programs

1. An existing secondary technical center or proposed center, approved by the CEWDB, may provide satellite location(s) to school districts that are located **outside the 25 miles or 30 minutes of driving time**. Satellite locations must be shared by **more than one school district**. Satellite locations will be eligible for funding in the same manner as center programs.
2. A Memorandum of Understanding (MOU) shall be completed, signed by cooperating parties, and on file in the secondary technical center director's office concerning the operation of satellite locations.
3. All applications for a satellite location require the approval of the CEWDB.
 - a. The secondary technical center must complete an application to open a satellite program(s). The application shall be submitted to OSD along with all required documentation of support.
 - b. All satellite locations will be approved by the CEWDB prior to startup of the satellite.
 - c. Documentation from the secondary technical center's administration that indicates interest and approval in opening a satellite program is required. This documentation should include at a minimum (1) a letter from the center director to OSD stating the center's intent to open the location; (2) minutes from the secondary technical center's board of directors meeting showing the board's support; and (3) minutes from the secondary technical center's sponsoring entity showing the sponsoring entity's support.
 - d. Documentation from the participating schools indicating their support of the satellite program(s) is required. This should be in the form of (1) minutes from the participating school's board meetings indicating the school will support the program(s) at the satellite location; (2) a letter from each school's superintendent indicating the school district's support of the program(s).
 - e. The secondary technical center must show a need for the satellite program(s) through documentation including surveys of area business and industry, job outlook forecasts, projected enrollment, etc.
 - f. The host school agrees to provide the following: (1) facilities including classroom(s), lab(s), utilities, maintenance and janitorial services; (2) handle immediate issues involving discipline until the center director can address the situation; and (3) statement allowing the participation of other school districts.
 - g. The secondary technical center agrees to: (1) furnish the classroom(s) and lab(s) with equipment, furniture, etc.; (2) furnish supplies for the program; (3) handle discipline matters under the center's guidelines in a timely fashion; and (4) employ instructor(s) for approved center programs of study.
 - h. Each participating high school shall be guaranteed seats at the satellite program. The individual school's percentage of 10th grade enrollment calculated from the total 10th grade enrollment of all participating high schools shall be the method used to determine available seats.

4. Existing Satellite Programs

All existing satellite programs shall be required to submit an MOU identifying the program, location, participating schools, and projected enrollment from participating schools. Host schools will be required to submit a letter of support for the satellite program. Existing satellite programs will be subject to the same guidelines as new satellite programs to be reviewed at the end of a five-year period.

5. Consolidation

All satellite program(s) affected by school consolidation that are reduced to single school status will be re-evaluated as to the status of a satellite program(s).

II. Finance

A. Funding

1. Vocational center aid will be calculated and distributed by the Department of Education based upon each secondary technical center's eligible student FTE count once verified by OSD. The Department of Education will distribute two payments, during the fall and spring semesters, to each secondary center, one payment in the fall semester and one payment in the spring semester.
2. A three-tiered funding system shall be established by OSD and approved by the CEWDB to determine the amount of vocational center aid for each program of study. Program of study tier placement shall take into account the different funding needs and costs of individual programs of study, along with the workforce needs of the State of Arkansas.
3. Funds not expended in accordance with ACA 6-51-305 shall be carried forward into the succeeding year. Unexpended funds shall be carried forward for the sole purpose of conducting summer programs and community-based education centers or supporting secondary technical center operations in succeeding years.

B. Supplemental Funds

1. Secondary technical centers shall be eligible for new program start-up funds as outlined in the Secondary Technical Center **Special Policies and Procedures for Secondary Technical Centers**.
2. Secondary technical centers may from time-to-time be eligible for federal funds. Department of Education, Division of Career and Technical Education will inform secondary center directors of these as they become available.
3. Secondary technical centers may apply for and receive on their own merit any special grant funds from other agencies. All revenue shall be disclosed on the revenue page of the annual expenditure report. Funding of secondary centers is not limited to state funding as described above.

C. Emergency Funding

1. Secondary technical centers negatively impacted by declining enrollments due to COVID-19 may request additional funding from the OSD to be paid out of the vocational center aid fund. A secondary technical center must demonstrate the need for additional funding with proper documentation expressing the need for such funding. Upon approval from the OSD and availability of funds, a secondary technical center may receive emergency funding to assist with operational expenses during this emergency.

III. Reports

A. Semester Reports

1. The Course/Instructor Reporting Form shall be submitted to OSD each fall and spring. The Course Instructor/Reporting Form is available on the ARCareerEd website.
2. Enrollment reports shall be submitted to OSD each semester. Enrollment will then be verified by OSD in collaboration with the Division of Career and Technical Education who will collect Arkansas Department of Education eSchool enrollment data. The Enrollment Report is available on the ARCareerEd website.

B. Yearly Reports

1. The Annual Expenditure Report shall be completed and sent to OSD. The Annual Expenditure Report is available on the ARCareerEd website.
2. The Annual Concurrent Credit and Industry Credentials Report shall be completed and sent to OSD in collaboration with the Division of Career and Technical Education. The Annual Concurrent Credit and Industry Credentials Report is available on the ARCareerEd website.
3. Each center shall complete and submit to OSD a proposed budget. The Budget Template is available on the ARCareerEd website.

IV. Operations

A. Secondary Technical Center Responsibility

1. The management, maintenance, and operation of a secondary technical center shall be the financial responsibility of the sponsoring institution or entity in accordance with the policies established by the CEWDB. Expenses associated with the maintenance and operations of a secondary technical center/satellite shall not be paid with vocational center aid funding. Failure to comply with this policy may result in a reduction of vocational center aid to the secondary technical center.
2. Failure to properly maintain and operate a secondary center may result in, by recommendation to the CEWDB, closure of the center.
3. Each participating high school shall be guaranteed seats in each program. The individual school's percentage of 10th grade-enrollment calculated from

the total 10th grade enrollment of all participating high schools shall be the method used to determine available seats. Any school not fulfilling its quota shall relinquish the unfilled seats to other schools.

B. Designation of Secondary Technical Center Director

1. Each secondary technical center, regardless of location, must employ a secondary technical center director on full-time basis.
2. Secondary technical centers that are not located on the campus of a secondary school may, but need not, employ directors who hold a secondary technical center 175 endorsement.
3. The secondary technical center director should have a minimum of 3 years' experience (in areas including, but not limited to, teaching, supervision, and administration) at the secondary or post-secondary levels. However, subject to the requirements for secondary technical center directors stated elsewhere in these policies and procedures, equivalent experience may be substituted on a case by case basis.

C. Secondary Technical Center Council

1. Each secondary technical center shall have an active secondary technical center council. The council shall meet twice annually, and minutes, sign-in sheets, agendas, and any other supporting documentation shall be kept. The council shall be comprised of superintendents of the sponsoring and local school districts participating in the secondary technical center along with the director of the center. When a postsecondary institution is designated as a secondary technical center, the director or president/chancellor of that institution shall be a member. Additionally, where secondary technical centers are sponsored by an education service cooperative, the director shall be a member of the council. The secondary technical center council shall serve in an advisory capacity for the secondary technical center in all areas of administration and operation, e.g., scheduling, student discipline, program design, etc. The center council may also assist with determining the capacity of a center.
2. The council serves in advisory capacity only. The local board of the host institution serves as the governing authority of the secondary technical center.

D. Instructor Qualifications

1. Technical instructors teaching at a college-based secondary technical center or a high-school based secondary technical center must have a minimum of a technical permit in the area of instruction or an associate's degree within the area of instruction or related area. Tested experience may substitute for an earned credential or portions thereof. (Institutional (or HLC) requirement)
2. Technical instructors must have completed Arkansas State Police, FBI, and the Arkansas Child Maltreatment Registry background checks and meet all college accrediting standards for instructors. These background checks must be completed every five years. Instructors shall submit documentation of these records to their employer.
3. Instructors not meeting these requirements or instructors teaching non-concurrent credit classes must hold an Arkansas Teacher's License/Technical

Permit.

E. Employee Policies

The sponsoring institution/entity shall adopt official employee policies and procedures, including a salary schedule, sick leave, inclement weather, grievance, benefits, and other policies. These must be adopted by the start of the second semester of operation.

F. Student Handbook

The sponsoring institution/entity shall adopt a student handbook outlining the rules and regulations relating to discipline, attendance, hand tools, textbooks, OCR Grievance Procedures, and other matters. These must be adopted by the start of the second semester of operation.

G. Class Periods

Class periods shall conform to the minimum class hours established by the Standards for Accreditation of Public Schools and AdvanceEd. Travel time shall not be counted in the time on task determination. In order to restructure a program of study, the secondary technical center may work with the Arkansas Department of Education, Division of Career and Technical Education to implement course designs and class lengths.

H. Instruction

1. Programs shall align with program of study standards and meet requirements as established for each program of study.
2. Concurrent credit classes offered for secondary career and technical credit in a college-based secondary technical center shall align to Department of Education, Division of Career and Technical Education standards. One 3-hour college course shall equate to one Carnegie unit.
3. An active **advisory committee** is required for each occupational program area. The committee shall meet twice annually and minutes, sign-in sheets, agendas, and any other supporting documentation shall be kept.

I. Transportation

The secondary technical center director and the administration of the local school district shall determine responsibility for transporting students to and from the local school to a secondary technical center.

J. Exceptions

Expansion of secondary technical centers into areas not being served is a priority of the OSD. The OSD Director may, upon request, make exceptions to the stated policies when such requests are supported by adequate justification.

V. Definitions

- **Access** is an attempt for every high school student in Arkansas to have the opportunity to participate in any of a minimum of three occupation-specific technical programs offered within 25 miles or 30 minutes of the home

school.

- **Concurrent credit** is received by high school career and technical education students who take classes offered through an institution of higher education. These classes will be transcribed by the local high school for secondary credit and by the institution of higher education for college credit.
- **Eligible student** is a student enrolled in grades 10-12 and who is pursuing a program of study in a secondary technical center.
- **Full-Time Equivalent (FTE)** shall be considered the equivalent of one student attending class for six class periods per day per year, e.g., one student attending a three period class the full year would be equal to one-half FTE. Travel time cannot be included in FTE count.
- **Local districts** are the districts in the locality, which are eligible to participate in secondary technical center programs.
- **Occupation-specific programs** are technical programs, which have paid employment in specific occupations as their objectives.
- **Satellite location** is the extension of a secondary technical center located outside the boundaries of an existing center (25 miles or 30 minutes of driving time) or to students in isolated areas. Satellite locations will be provided by an approved secondary technical center and must be shared by more than one school district. All satellite locations require the approval of the CEWDB.
- **Secondary technical center** is a public secondary or post-secondary institution organized for the specific purpose of educating high school students in specific occupational/technical programs. A center will serve students from more than one participating high school. Students eligible to attend a secondary technical center will generally come from a twenty-five (25) mile radius or thirty (30) minute driving time from the local school.
- **Sponsoring institution** is a comprehensive high school, a post-secondary technical institute, a two-year or community/technical college, an education service cooperative, or any other entity authorized by law that has been approved by the CEWDB. The sponsoring institution will function as the fiscal agent and will manage and administer the secondary technical center. (Reference ACA 6-51-301 to 6-51-305)
- **Vocational center aid** is calculated and distributed by the Department of Education based upon each secondary technical center's eligible student FTE count.

CENTER	Fall 2019 Enrollment	Fall 2020 Enrollment	Fall 2019 FTEs	Fall 2020 FTEs	Difference in FTEs	Fall 2019 Funding	Fall 2020 Funding	Difference in Funding	Carryover (if any)	Fall Funding + Carryover	Anticipated Fall Expenses	Income/Loss	15% Cap
Arkansas Northeastern College Technical Center	218	129	36.3334	20.5001	(15.8333)	\$226,248	\$145,333	(\$80,915)	\$123,328	\$268,661			\$21,799.95
Arkansas Tech University Career Center	817	633	144.1665	112.5834	(31.5831)	\$697,725	\$704,583	(\$19,142)	\$900,907	\$1,605,490			\$105,687.45
ASU Beebe Regional Career Center	212	101	53.0000	25.25	(27.7500)	\$330,031	\$192,000	(\$138,031)	\$143,265	\$335,265			\$28,800.00
ASU Mid-South Technical Center	482	361	80.3333	60.1667	(20.1666)	\$500,235	\$375,917	(\$124,318)	\$0	\$375,917			\$56,387.55
ASU Mountain Home Technical Center	223	169	43.7500	32.9168	(10.8332)	\$272,431	\$206,042	(\$66,389)	\$57,680	\$263,722			\$30,906.30
ASU Three Rivers	328	277	54.6666	46.1667	(8.4999)	\$340,409	\$303,917	(\$36,492)	\$89,911	\$393,828			\$45,587.55
ASU Newport IGNITE Academy	54	55	13.5000	13.75	0.2500	\$89,250	\$86,250	(\$3,000)	\$0	\$86,250	\$121,783	-\$35,533	\$12,937.50
Black River Technical College TOPPS	51	90	11.5000	21.8333	10.3333	\$74,375	\$148,833	\$74,458	\$0	\$148,833			\$22,324.95
Conway Area Career Center	1107	967	136.0834	120.3334	(15.7500)	\$847,391	\$725,791	(\$121,600)	\$465,581	\$1,191,372			\$108,868.65
Cossatot Community College Secondary Technical Center	229	232	43.2501	42.0834	(1.1667)	\$269,318	\$295,416	\$26,098	\$104,301	\$398,717			\$44,312.40
East Arkansas Secondary Career Center	64	34	10.6667	5.6667	(5.0000)	\$66,422	\$42,417	(\$24,005)	\$16,709	\$59,126			\$6,362.55
Jefferson Area Technical Career Center	177	109	44.2500	27.25	(17.0000)	\$275,545	\$149,250	(\$126,295)	\$0	\$149,250	\$222,662	-\$73,412	\$22,387.50
Metropolitan Career and Technical Center	369	233	89.8334	57.7501	(32.0833)	\$559,393	\$333,458	(\$225,935)	\$625,783	\$959,241			\$50,018.70
Monticello Occupational Education Center	535	413	49.9167	39.8335	(10.0832)	\$310,831	\$250,959	(\$59,872)	\$0	\$250,959	\$293,740	-\$42,781	\$37,643.85
National Park Technology Center	664	462	110.6666	77	(33.6666)	\$689,121	\$502,667	(\$186,454)	\$231,413	\$734,080			\$75,400.05
North Central Career Center	56	40	12.5000	8.5001	(3.9999)	\$77,838	\$51,750	(\$26,088)	\$0	\$51,750	\$85,628	-\$31,878	\$7,762.50
NorthArk Technical Center	143	155	35.7500	38.75	3.0000	\$222,615	\$283,125	\$60,510	\$26,505	\$309,630	\$357,385	-\$47,755	\$42,468.75
Northeast Arkansas Career & Technical Center	780	611	150.5000	114.8334	(35.6666)	\$937,164	\$704,083	(\$233,081)	\$580,535	\$1,284,618			\$105,612.45
Northwest Technical Institute Secondary Career Center	215	205	47.2500	46.6667	(0.5833)	\$294,226	\$277,291	(\$16,935)	\$0	\$277,291			\$49,093.65
Osarka College Career & Technical Center		23		3.5833	3.5833		\$21,792	\$21,792	\$0	\$21,792	\$81,540	-\$59,748	\$3,268.80
Phillips Community College Career & Technical Center	670	319	55.8334	26.5834	(29.2500)	\$347,675	\$141,000	(\$206,675)	\$0	\$141,000	\$266,791	-\$125,791	\$21,150.00
SAU Tech Career Academy	223	164	51.8334	34.7501	(17.0833)	\$322,767	\$225,917	(\$96,850)	\$156,763	\$382,680			\$33,887.55
South Arkansas Community College Secondary Technical Center	129	103	32.5000	25.75	(6.7500)	\$202,378	\$176,000	(\$26,378)	\$0	\$176,000	\$258,795	-\$82,795	\$26,400.00
Southeast Arkansas Community Based Education Center	640	533	69.5883	57.5001	(12.0882)	\$433,326	\$320,625	(\$112,701)	\$372,459	\$693,084			\$48,093.75
UA at Rich Mountain Technical Center	34	19	8.5000	4.75	(3.7500)	\$52,930	\$31,750	(\$21,180)	\$36,080	\$67,830			\$4,762.50
UA Community College Batesville Career Center	137	86	22.8334	14.2501	(8.5833)	\$142,184	\$93,583	(\$48,601)	\$27,342	\$115,925			\$14,037.45
UA Hope Texarkana	107	48	26.7500	12	(14.7500)	\$166,572	\$76,000	(\$90,572)	\$0	\$76,000	\$157,670	-\$81,670	\$11,400.00
UAAC Morrilton		18		3.0834	3.0834	\$0	\$21,750	\$21,750	\$75,268	\$97,018			\$3,262.50
UA-Pulaski Tech Career Center	306	136	74.6667	33.75	(40.9167)	\$464,950	\$188,750	(\$276,200)	\$286,099	\$474,849			\$28,312.50
Western Arkansas Technical Center	355	288	76.0001	62.2501	(13.7500)	\$473,213	\$406,959	(\$66,254)	\$0	\$406,959	\$547,218	-\$140,259	\$61,043.85
TOTALS	9325	7013	1586.4270	1190.0848		\$9,886,600	\$7,533,208					-\$21,622	



STATE OF ARKANSAS BUREAU OF LEGISLATIVE RESEARCH

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Memorandum

TO: Members, ALC – Executive Subcommittee

CC: Marty Garrity, Director, Bureau of Legislative Research;
Jessica Sutton, Administrator, Administrative Rules Review Section, Legal Services Division

FROM: Rebecca Miller-Rice, Legislative Attorney, Administrative Rules Review Section, Legal Services Division

DATE: January 13, 2021

SUBJECT: Legal Authorization for the Emergency Promulgation of the Rules for Secondary Technical Centers by the Arkansas Department of Commerce, Office of Skills Development

The Office of Skills Development (“OSD”) of the Department of Commerce seeks legislative review and approval of its emergency rule change to provide the OSD, in coordination with the Department of Education, the flexibility to distribute additional funding to secondary centers that have been negatively affected by Covid-19 to ensure that the centers have sufficient funding to operate until the spring enrollment funding distributions made in March. According to the OSD, additional funding is necessary because funding is driven by enrollment, which has been down as a result of Covid-19, thereby resulting in a decrease in the amount of funding that would typically be granted and straining operations at some secondary centers. Pursuant to Arkansas Code Annotated § 6-51-305(a)(1), vocational centers shall be financed by distributing vocational center aid from the Public School Fund according to rules promulgated by the Career Education and Workforce Development Board. *See also* Ark. Code Ann. § 6-20-2305(b)(2)(B)(ii) (providing that the Division of Career and Technical Education shall promulgate rules for a tiered system of determining the amount of vocational center aid for each full-time equivalent student and the method of distribution of that aid).