

MINUTES - MEETING OF THE
STATE BOARD OF CAREER EDUCATION
9:30 a.m.

June 7, 2012

The State Board of Career Education (SBCE) was called to order by Chairman Phil Taylor. The meeting was held at Arkansas Rehabilitation Services, 525 W. Capitol Avenue, Little Rock, Arkansas.

A record of member attendance is as follows:

PRESENT

Mr. Phil Taylor, Chairman
Mr. John Riggs, Vice Chairman
Mrs. Lucy Ralston
Dr. Thomas Flowers
Mr. John Yates

Ex-Officio Nonvoting Members

Mr. William L. "Bill" Walker, Jr., Ex-Officio Secretary

ABSENT

Mr. Richard Smith
Mrs. Martha Dixon

Ex-Officio Nonvoting Members

Dr. Tom Kimbrell
Mr. Shane Broadway

Director Bill Walker introduced Sen. Stephanie Flowers and Mr. Mark Hudson and Mr. Matthew Miller from the Bureau of Legislative Research. He also introduced Mr. Joe Baxter, the new chief financial officer for Arkansas Rehabilitation Services, and Dr. Calvin Johnson, interim president of the University of Arkansas at Pine Bluff (UAPB).

A. ACTION ITEM – APPROVAL OF MINUTES OF APRIL 5, 2012

On a motion by Mr. Yates and second by Mr. Riggs, the State Board of Career Education unanimously approved the minutes of April 5, 2012.

B. ACTION ITEM – APPROVAL OF EMERGENCY MINUTES OF APRIL 26, 2012

On a motion by Mr. Riggs and second by Mrs. Ralston, the State Board of Career Education unanimously approved the emergency minutes of April 26, 2012.

PRESENTATION BY SEN. STEPHANIE FLOWERS:

Chairman Taylor recognized Sen. Stephanie Flowers to address the board. Sen. Flowers stated that she wished to address actions taken by the Department of Career Education (ACE) in regard to the Jefferson County Regional Adult Education Center. Sen. Flowers stated that she is providing a chart outlining events relating to the Jefferson County Regional Adult Education Center, along with a CD containing documentation from the center about site visits and program reviews conducted by ACE staff. Sen. Flowers stated that she is concerned about a recent action to dissolve the center and designate UAPB and Southern Arkansas University-Tech to serve Jefferson, Cleveland and Dallas counties, which has been served for many years by the Jefferson County Regional Adult Education Center. The Watson Chapel School District has served as the local education agency (LEA) for the Jefferson County Regional Adult Education Center, which is located in Pine Bluff, but has given notice that as of July 1, 2012, it will no longer serve as the LEA.

Sen. Flowers stated she disagrees with the SBCE minutes of April 5, 2012, that the decision regarding the center was prompted by financial issues. She said that the chart of events and CD she provided will present documented information that is more accurate. Sen. Flowers said ACE has not conducted a financial audit on the program for several years. She further stated that she contacted Mr. Danny Hazelwood, Watson Chapel School District superintendent, who told her that he had no knowledge of any financial issues relating to the adult education program.

Sen. Flowers stated that the 22 center employees are uncertain about what will happen to their employment when the Watson Chapel School District relinquishes its authority as the LEA. She said that Southeast Arkansas Community College, through President Dr. Stephen Hilterbran, has indicated its willingness to serve as the LEA for the Jefferson County Regional Adult Education Center and that she thinks SEARK would be a more appropriate choice.

Sen. Flowers stated she is appearing today before the SBCE for several reasons. She said one reason is to call the board's attention to the facts concerning events surrounding the closing of the Jefferson County Regional Adult Education Center and the transfer of responsibility for the delivery of services to UAPB and SAU Tech. Her second reason, she said, is to ask the board why it has taken no action when it has the authority and duty to decide upon the LEA for the area served by the Jefferson County Regional Adult Education Center. Sen. Flowers said her third reason is to identify a lack of rules and procedures for the administration of grants and the evaluation of the adult education centers, and her fourth reason is to ask the board to take proper action with the respect to the decision to close the Jefferson County Regional Adult Education Center and transfer the program to a new LEA or LEAs.

Chairman Taylor stated that the board needs time to review the materials Sen. Flowers presented and asked ACE staff to prepare for the board's review a response to the issues raised by Sen. Flowers.

Sen. Flowers stated that ACE has given verbal instructions to shut down the center and to cease taking new clients. She said that employees have been informed by UAPB that their positions will be granted or transferred to UAPB.

Chairman Taylor asked for clarification that employees have been informed that they still have jobs. Sen. Flowers stated they have been informed by UAPB but have received nothing from ACE.

Sen. Flowers stated that she had contacted the Attorney General's Office and understood that a representative would attend this board meeting to present regarding whether the ACE director has the authority to make the decision to close the Jefferson County Regional Adult Education Center and transfer authority for the program to other LEAs.

Director Walker assured the board that provisions have been made for the continuation not only of the services but also of employment of the staff. Director Walker stated that since the program is funded by a grant to the LEA, the staff does not work for ACE and thus it is not appropriate for ACE to communicate directly with these individuals. He added that he had attended a meeting at UAPB where staff employment issues were addressed.

C. ACTION ITEMS – ADULT EDUCATION

Director Walker deferred to Mr. Brandon Robinson of the Attorney General's Office to discuss his recommendation that the board approve an emergency rule regarding the adult education funding formula. At its April 26 emergency meeting, the board voted to rescind the action taken on the adult education funding formula at the February 2, 2012, board meeting because the changes to the adult education funding formula had not gone through the rule-making process required in the Administrative Procedures Act. The board

is being asked today to declare an emergency and adopt an emergency rule to prevent a possible disruption in funding, said Mr. Robinson.

Mr. Robinson stated that board members have a copy of the proposed emergency rule in their packets. The proposed emergency rule is a temporary one that will allow implementation of the current adult education funding formula on July 1, 2012, and thus will ensure that there will be no disruption in funding. Mr. Robinson further stated that the board will need to consider a permanent rule that should go through the rule-making process during the time that the emergency rule is in place.

Mr. Robinson stated that the action he is asking the board to take is to adopt this emergency rule and to note that there is a potential for imminent peril to the public health, safety and welfare if the rule is not in place on July 1, 2012. Declaring a potential risk for imminent peril will ensure that the rule meets the legal standard for an emergency rule so that the emergency rule can become effective July 1, 2012, said Mr. Robinson. If adopted, the emergency rule will be in effect 120 days, during which time the rule-making process for the permanent rule will be conducted. The emergency rule will be reported to the Arkansas Legislature and the Secretary of State's office.

On a motion by Mr. Riggs and second by Mrs. Ralston, the State Board of Career Education finds that if there is a disruption in funding, there is a potential for imminent peril to the public health, safety and welfare to the state of Arkansas if the 2012-13 adult education funding formula is not adopted and in place on or before July 1, 2012. The State Board of Career Education unanimously approved the adoption of the emergency rule.

Mr. Robinson stated that the board also needs to vote on the permanent rule in order to begin the rule-making process on the permanent rule.

On a motion by Mr. Riggs and second by Dr. Flowers, the State Board of Career Education unanimously approved to begin the rule-making process on the permanent rule for the adult education funding formula.

Director Walker asked UAPB Interim President Dr. Calvin Johnson to make a brief statement in response to Sen. Flowers' presentation. Dr. Johnson stated that he wanted the board to know that UAPB is committed to the adult education program. Dr. Johnson stated that he is very familiar with the program and, in fact, developed certification for adult education teachers and taught most of those currently employed at the Jefferson County Regional Adult Education Center. Dr. Johnson stated that there is no intent to move the center from its present location in Pine Bluff. He further stated that he had met with the staff of the center the previous morning and that Sen. Flowers attended the meeting. Dr. Johnson said that staff members were told at the meeting that they all would be transferred for the first year, but that at the end of the year, an assessment of needs and positions will be conducted. He stated further that yesterday's meeting was not the first meeting held with center staff but was one of three meetings held with them. He said that he assured staff that while he could not guarantee that they would continue in the same positions, they would have positions during the transition year.

D. INFORMATIONAL ITEM – CLARIFICATION OF SECONDARY CAREER CENTER FUNDING

Ms. Sandra Porter, associate director of workforce training, provided the board members with handouts and a PowerPoint presentation explaining how center funds are calculated and distributed to the secondary career centers.

E. INFORMATIONAL ITEM – SUMMARY OF PROPOSED CHANGES BY THE ARKANSAS DEPARTMENT OF EDUCATION (ADE) TO RULES GOVERNING EDUCATOR LICENSURE AND THE EFFECTS THESE CHANGES WOULD HAVE ON CAREER AND TECHNICAL EDUCATION

Ms. Sandra Porter, associate director of workforce training, stated that the Professional Licensure Task Force has made recommendations to the Department of Education on changes in the licensure regulations. These changes will affect career and technical education. Ms. Porter stated that these changes in the rules and regulations are on public review, and Dr. Karen Cushman, assistant commissioner, ADE, had forwarded these changes to the Department of Career Education to share with the board. Ms. Porter provided this information to the board members.

DIRECTOR'S REPORT

Director Walker informed the board members that the Governor's Workforce Cabinet is rolling out a new initiative, the Microsoft IT Academy, that will be offered at no cost to schools wishing to participate. He added that Arkansas will also pilot the academy in adult education centers and will be the first state in the nation to do so.

Director Walker informed the board members that the U.S. Department of Labor and Mr. Artee Williams, director of the Arkansas Department of Workforce Services, have notified ACE that Arkansas is the recipient of a \$900,000 grant to be used in the three areas: adult education, career and technical education and workforce services.

Director Walker also updated the board on the uncertainty as to the future of the Arkansas Works Career Coaches Initiative. The funding, which previously came from Temporary Assistance for Needy Families (TANF), has been significantly cut, and there is no guaranteed funding after next year.

Director Walker thanked John Riggs and Lucy Ralston for attending the SMT Retreat in May.

Director Walker announced that the Arkansas Rehabilitation Association conference held in May was excellent.

Director Walker announced that the Arkansas Career Training Institute graduation, also held in May, was excellent as well.

Mr. Walker announced the following dates:

Next board meeting— August 2, 2012

ADJOURNMENT

Mr. Taylor adjourned the meeting at 11:53 a.m.



William L. "Bill" Walker, Jr., Ex-Officio Secretary
State Board of Career Education



Phil Taylor, Chairman
State Board of Career Education