



CONWAY PUBLIC SCHOOLS
OFFICE OF THE SUPERINTENDENT
Greg Murry, Ed.D.

May 19, 2021

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Ms. Isaacs:

Comments regarding the proposed “Rules for Secondary Technical Centers” that will be presented to the Career Education and Workforce Development Board for approval were previously submitted by me. I do not have a law degree but I would strongly urge the Board to consider these additional comments regarding what I believe is a clear conflict with existing law.

ACA 6-51-305 (b) appears to be guiding state law regarding funds that are disbursed to local centers. Sections (1) and (2) are pertinent to the proposed rules.

ACA 6-51-305(b) (1) reads as follows: **“Any funds expended above the maximum funded amount per student as outlined in this section will be the responsibility of the institution or school approved to operate as a vocational center.”**

In the proposed rules, Section II. Finance, paragraph A-4 is amended to read:

4. “The funding available in a given fiscal year may be greater than the amount of vocational center aid, determined by multiplying the verified FTE enrollment by the applicable tiers. OSD, in coordination with ADE, would then recommend that the CEWDB take one of two actions: (1) disperse the excess funding based on need, or (2) carry forward the excess to the next fiscal year.”

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The OSD plan is to take other center's excess funding and redistribute that funding based on need. It would be logical that the "need" of those centers is only present because their expenditures exceeded the funding they received. The law clearly states that any expenditures above the funded amount are the responsibility of the local institution or school. This rule change would clearly be a subsidy for those centers and not allowable by law.

ACA 6-51-305(b) (2) reads as follows: **"Any funds received by an institution or school district operating a vocational center either from tuition or from state funds unexpended at the end of the school year shall be carried forward for the purpose of conducting summer programs and community-based education centers or supporting vocational center operations in succeeding years."**

In the proposed rules, Section II. Finance, paragraph A-5 is amended to read:

5. ~~Funds~~ Vocational center aid received by a secondary career center not expended in accordance with ACA 6-51-305 shall be carried forward into the succeeding year. The amount of carryover allowed shall not exceed 20% of the annual tiered funding revenue as received by the secondary career center. Any remaining balances above the 20% shall be returned to the public school fund. ~~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.~~

There appears to be a clear contrast between the proposed rule and Arkansas law. You have heard the phrase "simple reading of the law." It applies when there is no real interpretation needed. I believe the phrase in the law "shall be carried forward" demands a simple reading of the law. There cannot be any argument or debate on the verbiage – it is abundantly clear. "Shall be carried forward" means "shall be carried forward." For any of the carryover to be pulled back from the local centers for other purposes is clearly contrary to this law.

I also find it interesting that the last sentence of paragraph A-5 is being struck out of the rules. It is almost verbatim what the law says. Striking from the rules what amounts to a quote of the guiding law and replacing it with language that is then contrary to the law simply seems wrong.

I do believe that Arkansas law trumps agency rules. I cannot ask my school board to adopt a policy that is contrary to law. I do not believe it is wise for the

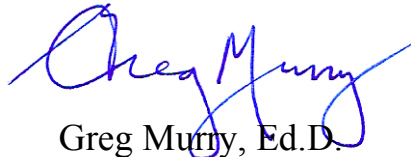
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Career Education and Workforce Development Board to approve rules that are clearly in conflict with state law.

It would, however, seem wise to request an Attorney General's Opinion regarding these particular rules. I would strongly urge that an opinion be sought so that this Board can move forward with confidence that the proposed rules are either in agreement with state law or that they must be further amended.

Thank you for the opportunity to share my comments. If you have any questions about any points that are raised, please feel free to contact me directly.

Respectfully yours,

A handwritten signature in blue ink that reads "Greg Murry". The signature is fluid and cursive, with a large initial "G" and "M".

Greg Murry, Ed.D.
Superintendent of Schools