



STATE OF ARKANSAS
OFFICE OF THE ATTORNEY GENERAL
JUSTICE BUILDING, LITTLE ROCK 72201

STEVE CLARK
ATTORNEY GENERAL

(501) 371-2007

OPINION NO. 85-24

January 25, 1985

Albert "Tom" Collier
State Representative
2713 Ivy Street
Newport, AR 72112

Dear Representative Collier:

This is in response to your opinion request wherein you made an inquiry about the "autonomy status" of the Board of Trustees of the Arkansas School for the Blind and the Arkansas School for the Deaf.

Act 38 of 1971, §10, Ark. Stat. Ann. §5-910(7), provides as follows:

(7) The Arkansas School for the Blind, created by Act 97 of 1859, as amended by Act 64 of 1879, Ark. Stat. 80-2201 et seq.; the Arkansas School for the Deaf, created by Act 36 of 1868, as amended by Act 36 of 1923, Ark. Stat. 80-2301 et seq.; and the Board of Trustees of the Arkansas School for the Blind and Arkansas School for the Deaf, created by Act 104 of 1953, Ark. Stat. 7-201(5) et seq., and their functions, powers and duties are transferred by a type 1 transfer to the Department of Education.

Act 38 of 1971, §2, Ark. Stat. Ann. §5-902(1) defines a type 1 transfer as follows:

5-902. Types of transfers. -- (1) When any department, institution, or other agency, or part thereof, is transferred to a principal department under a type 1 transfer, that department, institution, or other agency, or part thereof, shall be administered under the direction and supervision of that principal department, but shall retain exactly the same prescribed statutory powers, authorities, duties, and functions, including rulemaking, regulation, licensing, and registration, and the promulgation of rules, rates, regulation, and standards, and the rendering of findings, orders, and adjudications as it had prior to the transfer and shall

exercise those powers, authorities, duties, and functions independently of the head of the principal department. Following a type 1, 2, or 4 transfer, the members (and their successors) of any statutory board or commission so transferred shall continue to be selected in the manner and serve for the terms now provided by the statute or statutes applicable to such board or commission as such statutes may, from time to time in the future be amended. Notwithstanding the above, under a type 1 transfer, all budgeting, purchasing, and related management functions of any transferred department, institution, or other agency, or part thereof, shall be performed under the direction and supervision of the head of the principal department.

Ark. Stat. Ann. §7-201(5), Act 104 of 1953, created "a Board of five (5) members constituting the Board of Trustees of Arkansas School for the Blind and Arkansas School for the Deaf". The various powers and duties of the respective schools are found at Ark. Stat. Ann. §80-2201 et seq. and §80-2301 et seq.

Inasmuch as there is no use of the term "autonomous" in the government reorganization act of 1971, this office can only conclude that the Board of the Arkansas Schools for the Blind and the Deaf have the powers, duties and responsibilities of a type 1 transfer as provided in Ark. Stat. Ann. §5-902.

The foregoing opinion, which I hereby approve, was prepared by Assistant Attorney General C. Randy McNair, III.

Sincerely,


STEVE CLARK
Attorney General

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