

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.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

A Bill

HOUSE BILL 1270

5 By: Representatives Pickett, Dangeau, Elliott, Chesterfield, J. Johnson
6
7

For An Act To Be Entitled

9 AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO
10 THE DEPARTMENT OF CURRICULUM AND INSTRUCTION AND
11 THE DEPARTMENT OF ACCOUNTABILITY; AND FOR OTHER
12 PURPOSES.
13

Subtitle

15 AN ACT TO DIVIDE THE DEPARTMENT OF
16 EDUCATION INTO THE DEPARTMENT OF
17 CURRICULUM AND INSTRUCTION AND THE
18 DEPARTMENT OF ACCOUNTABILITY.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. (a) The Department of Education is divided into two (2)
24 separate divisions as follows:

25 (1) The Department of Curriculum and Instruction; and

26 (2) The Department of Accountability.

27 (b)(1) The duties and responsibilities of the Department of Curriculum
28 and Instruction shall be as assigned by the law and the State Board of
29 Education.

30 (2) The duties and responsibilities of the Department of
31 Accountability shall be to:

32 (A) Monitor the Arkansas education system to ensure
33 compliance with Federal and Arkansas statutes pertaining to education reform
34 in Arkansas. Monitoring shall include all actions taken by the Department of
35 Education and local school districts;

36 (B) Establish a continuing review of the education finance



1 system in Arkansas at the state and district level, which will include an
 2 analysis of the level of adequacy and equity of the educational opportunity
 3 in all school districts;

4 (C) Verify the accuracy of reports of school, district,
 5 and state performance by conducting, requesting, or upon the approval of the
 6 State Board of Education, contracting for periodic program and fiscal audits
 7 as necessary. The Department of Accountability shall monitor and verify the
 8 accuracy of reports of the Department of Education and the State Board of
 9 Education, including but not limited to the annual fiscal conditions of
 10 grants, categorical programs, and other educational initiatives set forth by
 11 the General Assembly;

12 (D) Conduct studies, analyze, verify, and validate the
 13 state assessment program through other external indicators of academic
 14 progress, including, but not limited to, American College Test scores,
 15 Scholastic Assessment Test scores, National Assessment of Education Progress
 16 scores, Preliminary Scholastic Assessment Test scores, Advanced Placement
 17 Program participation, standardized test scores, college remediation rates,
 18 retention and attendance rates, dropout rates, and additional available data
 19 on the efficiency of the system of schools and whether progress is being made
 20 toward attaining the goal of providing all students with the opportunity for
 21 an equitable and adequate education; and

22 (E) Make biennial reports to the Governor and the Joint
 23 Education Committee of the General Assembly. The first report is due on June
 24 1 and the second report due on December 1 of each year.

25 (c) All appropriations, unexpended balances and other assets of the
 26 Department of Education shall be divided between the two (2) divisions as
 27 determined by the Chief Fiscal Officer of the State.

28 (d) All references to the Department of Education in the Arkansas Code
 29 shall mean either the Department of Curriculum and Instruction or the
 30 Department of Accountability, as determined by the State Board of Education.

31 (e)(1) All rights, duties or functions assigned to the Director of the
 32 Department of Education in the Arkansas Code shall be transferred to both the
 33 Director of the Department of Curriculum and Instruction and the Director of
 34 the Department of Accountability, unless otherwise designated by the State
 35 Board of Education or this act.

36 (2) All statutory appointments of the Director of the Department

1 of Education to boards, committees, or commissions shall be filled by the
2 Director of the Department of Curriculum and Instruction, unless stated
3 otherwise in this act.

4
5 SECTION 2. Arkansas Code § 6-11-102 is amended to read as follows:

6 6-11-102. Director of the Department of Education- State Board of
7 Education Staff.

8 (a)(1) ~~Subject to confirmation by the Governor, the~~ The State Board of
9 Education ~~is empowered to employ:~~

10 (A) Shall employ a person to act as the Director of the
11 Department of ~~Education, who~~ Curriculum and Instruction;

12 (B) Shall employ a person to act as the Director of
13 Accountability; and

14 (C)(i) May employ staff to work directly for the board as
15 may be necessary to carry out the functions of the board.

16 (ii) Funding for employees working directly for the
17 board shall be provided from appropriations and funds authorized for the
18 Department of Curriculum and Instruction and the Department of Accountability
19 in proportion to each department's share of the total appropriation and funds
20 authorized for both departments for personal services and operating expenses.

21 (2) All persons employed by the board shall serve at the
22 pleasure of the ~~Governor~~ board.

23 (b) ~~The~~ Each director shall devote all of his or her time to the
24 duties of his or her office, shall act as an agent of the board, and perform
25 other duties as are designated by the board and by statute.

26 (c)(1) ~~The~~ Each person selected as ~~the~~ a director must:

27 (A) Be a person of good moral character, recognized as a
28 leader in the field of education, and qualified technically and by experience
29 to direct the work of ~~the Department of Education~~ their respective
30 departments;

31 (B) Hold the master's degree from an accredited
32 institution;

33 (C) Have had ten (10) years' experience as a teacher, five
34 (5) of which must be of an administrative or supervisory nature; and

35 (D) Hold a valid state teacher's certificate.

36 (2) No person who is related within the fourth degree of

1 consanguinity or affinity to any member of the board shall be eligible to
2 serve as a director.

3 (d) It is the specific intention of this act to define and declare ~~the~~
4 each director to be the employee of the State Board of Education.

5 (e)(1) ~~The~~ Each director, or a disbursing agent designated by him or
6 her and approved by the board, shall give bond to the State of Arkansas as
7 provided by law for other disbursing agents conditioned for the faithful
8 performance of his or her duties and the faithful accounting for all the
9 school money of the state, of any county, or of any school district that may
10 come into his or her hands.

11 (2) The bond shall be in a solvent surety company having a right
12 to do business in the State of Arkansas and shall be approved by the board.

13 (3) The premium on the bond shall be paid by the board as one of
14 the expenses of the board.

15 (f) The state shall furnish ~~the~~ each director and the employees of the
16 board with suitable offices and necessary office supplies and equipment.

17
18 SECTION 3. Arkansas Code § 6-11-103 is amended to read as follows:
19 6-11-103. Officers.

20 ~~(a)~~ The State Board of Education shall elect one (1) of its number
21 chairman, one (1) vice chairman, and such other officers as the board deems
22 necessary to perfect its organization.

23 ~~(b) The Director of the Department of Education shall act as ex~~
24 ~~officio secretary of the board without vote.~~

25
26 SECTION 4. Arkansas Code § 6-11-104 is amended to read as follows:
27 6-11-104. Meetings.

28 (a) The State Board of Education shall meet a minimum of six (6) times
29 annually.

30 (b) The board will meet each December to determine the meeting dates
31 for the following year.

32 (c)(1) Special meetings may be called by the chairman of the board
33 with no less than twenty-four (24) hours notice to the members and the
34 Director of the Department of Education Curriculum and Instruction, and the
35 Director of the Department of Accountability, and with timely responses from
36 enough board members that they will attend the meeting so as to indicate that

1 a quorum will be present.

2 (2) In the absence of the chairman, the ~~director~~ Director of the
3 Department of Curriculum and Instruction or the Director of the Department of
4 Accountability shall call a meeting on the request of three (3) members of
5 the board with the same notice and response requirements.

6 (3) If both the chairman and the ~~director~~ directors shall be
7 absent or refuse to call a meeting, any three (3) members of the board may
8 call a meeting by utilizing the same notice and response requirements in
9 notifying the members and the ~~office~~ offices of the ~~director~~ directors.

10

11 SECTION 5. Arkansas Code § 6-11-105(b), concerning the powers and
12 duties of the State Board of Education, is amended to read as follows:

13 (b) The board may organize and, from time to time, change and alter
14 the department into branches or sections as may be found necessary and
15 desirable by the Director of the Department of ~~Education~~ Curriculum and
16 Instruction or the Director of the Director of the Department of
17 Accountability to perform all proper functions and to render maximum service
18 relating to the operation and improvement of the general education programs
19 of the state.

20

21 SECTION 6. Arkansas Code § 6-11-110 is amended to read as follows:

22 6-11-110. Uniform system of records - Reports.

23 (a) The State Board of Education shall prescribe a uniform system of
24 records to be kept by the school directors, principals, and teachers of
25 schools.

26 (b) All the school officials and employees listed in subsection (a) of
27 this section shall make reports to the Director of the Department of
28 ~~Education~~ Accountability as may be designated by the board.

29

30 SECTION 7. Arkansas Code § 6-11-111 is amended to read as follows:

31 6-11-111. Records of proceedings - Annual report.

32 (a) The State Board of Education shall keep in the office of the
33 Department of ~~Education~~ Curriculum and Instruction a complete record of the
34 minutes of its meetings and other proceedings and annually shall make a
35 report to the Governor which shall embody the report of the director.

36 (b) The annual report of the board to the Governor shall be

1 transmitted by him to the General Assembly at the opening of the session.

2 (c) Such reports shall be printed by the board and distributed among
3 the various school officers of the state.

4
5 SECTION 8. Arkansas Code § 6-11-117 is amended to read as follows:

6 6-11-117. Copies of documents as evidence.

7 Copies of any papers or documents on file in the office of the
8 ~~Department of Education~~ Director of the Department of Curriculum and
9 Instruction or the Director of the Department of Accountability authenticated
10 by him or her with the seal of the State Board of Education shall be
11 admissible in evidence with the same effect as the original.

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36