

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

A Bill

HOUSE BILL 2581

4
5 By: Representative Key
6
7

For An Act To Be Entitled

8
9 AN ACT TO REORGANIZE THE DEPARTMENT OF EDUCATION;
10 AND FOR OTHER PURPOSES.
11

Subtitle

12
13 AN ACT TO REORGANIZE THE DEPARTMENT OF
14 EDUCATION.
15
16

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. (a)(1) Effective at the close of business on December 31,
20 2003, all employment positions in the Department of Education are abolished
21 and the employment of all employees in the positions is terminated.

22 (2) Nothing in this act shall be construed as prohibiting the
23 State Board of Education from rehiring an employee of the Department of
24 Education whose employment has been terminated.

25 (3) The State Board of Education may rehire any department
26 employee whose employment is terminated under this act at the close of
27 business on December 31, 2003.

28 (b)(1) A comprehensive study of the Department of Education and the
29 goals and duties of the Director of the Department of Education shall be
30 completed and presented by the State Board of Education to the Governor and
31 the cochairs of the Joint Committee On Educational Adequacy by August 1,
32 2003.

33 (2) As part of the study, the State Board of Education, or the
34 board's designee, which may include employees of the Department of Education,
35 shall:

36 (A) Conduct a comprehensive review of the positions it



1 will need in order to fulfill its constitutional mission; and

2 (B) Form a taskforce consisting of key department
 3 personnel, school district personnel, teachers, and other stakeholders in
 4 order to examine the department’s delivery system and make recommendations
 5 for its reorganization.

6 (3) Based on the results of this study, the State Board of
 7 Education shall reorganize the Department of Education, effective January 1,
 8 2004.

9 (4) The reorganization of the department shall:

10 (A) Incorporate a strong orientation toward providing
 11 technical assistance to school districts; and

12 (B) Maximize its role as the active senior partner with
 13 the schools and prepare to intervene immediately rather than after the school
 14 or school district fails.

15 (5) After the comprehensive study, which shall include
 16 consultations with current department employees, the State Board of Education
 17 shall establish all positions in the department and set the qualifications
 18 for the positions, effective no earlier than January 1, 2004.

19 (c) This act is in response to a specific court decision demanding
 20 specific actions of the General Assembly.

21
 22 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
 23 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 24 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 25 now current system of education to be unconstitutional because it is both
 26 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
 27 for a constitutional system to be one in which the State has an “absolute
 28 duty” to provide an “equal opportunity to an adequate education”; and the
 29 Arkansas Supreme Court instructed the General Assembly to define and provide
 30 what is necessary to provide an adequate and equitable education for the
 31 children of Arkansas; and that in complying with the court order, the
 32 General Assembly needs to ensure that the Department of Education is
 33 sufficiently organized, before January 1, 2004, to carry out the mandates of
 34 the General Assembly. Therefore, an emergency is declared to exist and this
 35 act being immediately necessary for the preservation of the public peace,
 36 health, and safety shall become effective on:

- 1 (1) The date of its approval by the Governor;
- 2 (2) If the bill is neither approved nor vetoed by the Governor,
- 3 the expiration of the period of time during which the Governor may veto the
- 4 bill; or
- 5 (3) If the bill is vetoed by the Governor and the veto is
- 6 overridden, the date the last house overrides the veto.

7
8
9
10
11
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