

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

Call Item 4

A Bill

HOUSE BILL 1119

5 By: Representative Mahony
6
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE OFFICE OF PUBLIC SCHOOL
10 ACCOUNTABILITY AND THE OFFICE OF PUBLIC SCHOOL
11 ACADEMIC FACILITIES; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO CREATE THE OFFICE OF PUBLIC SCHOOL
15 ACCOUNTABILITY AND THE OFFICE OF PUBLIC
16 SCHOOL ACADEMIC FACILITIES.
17
18

19 WHEREAS, The Arkansas Supreme Court, in the decision of Lake View
20 School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the now
21 extant system of public education to be unconstitutional because it is both
22 inequitable and inadequate; and
23

24 WHEREAS, The Arkansas Supreme Court set forth the test for a
25 constitutional system to be one in which the state has an "absolute duty" to
26 provide an "equal opportunity to an adequate education"; and
27

28 WHEREAS, The Arkansas Supreme Court defined an "equal opportunity" to
29 include the "basic components [of] substantially equal curricula,
30 substantially equal facilities, and substantially equal equipment for
31 obtaining an adequate education"; and
32

33 WHEREAS, The Arkansas Supreme Court has given the General Assembly
34 until January 1, 2004, to implement a constitutional education system; and
35

36 WHEREAS, The State of Arkansas recognizes that it has been the position



1 of the state that any school district, regardless of size, whose students
2 consistently exhibited exceptional performances on state, regional, or
3 national examinations or on other related indicators of academic success
4 would not be adversely affected by any structure of public education; and
5

6 WHEREAS, It is the desire of the State of Arkansas to maintain as many
7 community schools and as much community involvement in public education as
8 possible,
9

10 NOW THEREFORE,

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
12

13 SECTION 1. Legislative purpose.

14 The General Assembly declares that this act is necessary to:

15 (1) Ensure the delivery of an equal opportunity for an adequate
16 education to the people of Arkansas in an efficient and effective manner;

17 (2) Provide education accountability at all levels of public
18 school education, including, but not limited to, student performance, teacher
19 performance, administrative performance, and overall school performance; and

20 (3) Develop a teacher compensation structure which enables the
21 State of Arkansas to compete both regionally and nationally in initial hiring
22 and retention of top quality teachers.
23

24 SECTION 2. Creation of the Office of Public School Accountability.

25 (a)(1) To enhance the public's access to public school performance
26 indicators and to better measure the benefits of the increasing public
27 investment in Arkansas' schools, the General Assembly finds that an Office of
28 Public School Accountability shall be established under the direct
29 operational control of the State Board of Education.

30 (2) The foremost obligation of the accountability office shall
31 be to administer all monitoring and compliance activities dealing with
32 academic and fiscal accountability for each school or school district and
33 report academic progress.

34 (b) There is created an Office of Public School Accountability, which
35 shall begin operation within one hundred twenty (120) calendar days following
36 the effective date of this act.

1 (c) The office shall be under the supervision of the state board.

2 (d) The state board shall select an individual to serve as the
 3 Director of the Office of Public School Accountability and the director shall
 4 serve at the pleasure of the state board.

5 (e) The director, with guidance and approval from the state board,
 6 shall be responsible for hiring all employees of the office.

7 (f) The office shall have the following responsibilities:

8 (1) Monitor schools for compliance with state and federal
 9 regulations;

10 (2) Monitor schools for compliance with legislative acts and
 11 court-ordered mandates;

12 (3) Monitor schools for compliance with all standards of
 13 learning and accreditation as established by the state board;

14 (4) Monitor schools for compliance with all rules and
 15 regulations as established by the state board;

16 (5) Coordinate the analysis, dissemination, and reporting of all
 17 criterion and norm-referenced testing information;

18 (6) Coordinate the implementation and administration of
 19 longitudinal tracking and trend data collection as established by the state
 20 board for the purposes of improving student and school performance, ensuring
 21 mastery of the curriculum, and providing comparisons between students within
 22 Arkansas and with students in other states;

23 (7) Coordinate the implementation and administration of value-
 24 added assessments as established by the state board;

25 (8) Coordinate the implementation and administration of the
 26 annual school performance reports as established by the state board;

27 (9) Administer all monitoring and compliance activities dealing
 28 with academic and fiscal accountability as established by the state board;
 29 and

30 (10) Work with program approval and certification sections of
 31 the Department of Education, the Department of Higher Education, the
 32 Department of Workforce Education, and the individual colleges to provide
 33 information that will contribute to reasonable, equitable, and excellent
 34 preparation of certified personnel in the institutions, both public and
 35 private, of higher education.

36 (g)(1) The office shall provide annual reports of school performance

1 or compliance to the Joint Interim Oversight Committee on Education Reform,
 2 the House Interim Committee on Education, and the Senate Interim Committee on
 3 Education.

4 (2) A preliminary report shall be provided by January 1 of each
 5 year and a follow-up report that includes information regarding on-site
 6 visits shall be filed by June 1 of each year.

7 (h)(1) There is created the Arkansas Public Schools Accountability
 8 Advisory Council that shall begin operation within one hundred twenty (120)
 9 calendar days following the effective date of this act. The membership of
 10 the council shall include:

11 (A) One (1) member designated as chair, to be selected by
 12 the Governor, who shall be a representative of Arkansas businesses;

13 (B) One (1) member selected by the Governor, who shall be
 14 a representative of an educator's union in the State of Arkansas;

15 (C) One (1) member selected by the Governor, who shall be
 16 a parent or guardian of at least one (1) student currently enrolled in grades
 17 kindergarten through twelve (K-12) in a public school in the State of
 18 Arkansas;

19 (D) One (1) member selected by the Speaker of the House of
 20 Representatives who shall be a representative of higher education;

21 (E) One (1) member appointed by the President Pro Tempore
 22 of the Senate who shall be a representative of Arkansas businesses;

23 (F) One (1) member appointed by the Chair of the Senate
 24 Committee on Education who is currently employed as a teacher in the grades
 25 kindergarten through twelve (K-12) public school system in the State of
 26 Arkansas; and

27 (G) One (1) member appointed by the Chair of the House
 28 Committee on Education who shall be a representative of the administration of
 29 a public school in the State of Arkansas.

30 (2) The council shall provide advice and consultation services
 31 for the director.

32 (3) The council may be convened by the chair of the council, by
 33 the chair of the state board, or by the director.

34 (4) Members shall not receive compensation for service on the
 35 council but may receive expense reimbursement as provided in Arkansas Code §
 36 25-16-902.

1
2 SECTION 3. Creation of the Office of Public School Academic
3 Facilities.

4 (a) In order to ensure that substantially equal access to adequate
5 educational facilities and educational equipment is provided for all public
6 school students in Arkansas, the General Assembly finds that an Office of
7 Public School Academic Facilities should be established under the direct
8 supervision of the State Board of Education.

9 (b) There is created an Office of Public School Academic Facilities
10 which shall begin operation within one hundred twenty (120) calendar days
11 following the effective date of this act.

12 (c) The Office of Public School Academic Facilities shall be under the
13 supervision of the state board.

14 (d)(1) The state board shall select an individual to serve as the
15 Director of the Office of Public School Academic Facilities and the Director
16 of the Office of Public School Academic Facilities shall serve at the
17 pleasure of the state board.

18 (2) The Director of the Public School Academic Facilities shall
19 be an architect that is licensed by the State of Arkansas.

20 (e) The Director of the Office of Public School Academic Facilities,
21 with guidance and approval from the state board, shall be responsible for
22 hiring all employees of the office.

23 (f) The Executive Chief Information Officer shall assign one (1)
24 individual from the staff of the Office of Information Technology to serve as
25 a technology liaison to the Office of Public School Academic Facilities.

26 (g) The Director of the Arkansas Building Authority shall assign one
27 (1) individual from the staff of the Arkansas Building Authority to serve as
28 a physical plant liaison to the Director of the Public School Academic
29 Facilities.

30 (h) The Office of Public School Academic Facilities shall:

31 (1) Provide information or assistance to the Joint Committee on
32 Educational Facilities created by Act 1181 of 2003 as requested by the joint
33 committee;

34 (2) Use any recommendation or assessments of the joint committee
35 or the General Assembly as a basis for establishing the policies and
36 procedures of the Office of Public School Academic Facilities; and

1 (3) Provide assistance, as requested, to the Joint Committee on
2 Educational Facilities in conducting an assessment of all school facilities
3 in the state and continue to update and maintain current assessments of all
4 school facilities after the expiration of the joint committee on December 31,
5 2004.

6 (i)(1) Beginning January 1, 2005, school districts shall provide to
7 the Office of Public School Academic Facilities, on a quarterly basis, a list
8 of any public school academic facility repair or improvement needed in excess
9 of five thousand dollars (\$5,000), new construction proposed in excess of
10 twenty-five thousand dollars (\$25,000), or technology needs in excess of ten
11 thousand dollars (\$10,000).

12 (2) The Director of the Public School Academic Facilities shall
13 create and implement a standardized reporting format and select the method to
14 be utilized by school districts in the preparation and submission of the list
15 to the Office of Public Schools Academic Facilities.

16 (3) The data gathered from the reports generated by the school
17 districts shall be presented to the state board for compilation into an
18 annual report to the Governor and the House Interim Committee on Education
19 and the Senate Interim Committee on Education on the facilities needs in the
20 state.

21 (4) The Office of Public School Academic Facilities shall
22 conduct any reviews, site visits, and other research during the year to
23 assist in preparation of the annual report.

24 (j)(1) The Director of the Public School Academic Facilities shall
25 provide to the Governor and the House Interim Committee on Education and the
26 Senate Interim Committee on Education reports on the status of public school
27 academic facilities including the facility and technology needs and
28 priorities for each category.

29 (2) A preliminary report shall be provided by January 1 each
30 year and a follow-up report that includes information regarding on-site
31 visits shall be filed by June 1 each year.

32 (k)(1)(A) No later than September 30 of each even-numbered year of the
33 biennium, the Office of Public School Academic Facilities shall present to
34 the state board the list of public school facility repairs, improvements, and
35 construction along with technology improvements that the Office of Public
36 School Academic Facilities recommends for the next biennium.

1 (B) Copies of the list shall be provided to the Governor
 2 and the House Interim Committee on Education and the Senate Interim Committee
 3 on Education.

4 (2) The state board shall prioritize funding for public school
 5 facility repairs, improvements, and construction along with technology
 6 improvements based on the recommendations of the Office of Public School
 7 Academic Facilities.

8 (1) The state board and the Office of Public School Academic
 9 Facilities shall develop, by rule and regulation, the process for developing
 10 the list of public school facility repairs, improvements, and construction
 11 along with technology improvements necessary under this act.

12
 13 SECTION 4. REALIGNMENT OF THE DEPARTMENT OF EDUCATION. NOT TO BE
 14 INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL,
 15 LOCAL, AND TEMPORARY LAW.

16 (a)(1) Following the implementation of this act, the Department of
 17 Education shall reorganize.

18 (2) The purpose of the reorganization shall be for the
 19 department to maximize its role as the active senior partner with the schools
 20 and prepare to intervene immediately rather than after the school or school
 21 district fails.

22 (3)(A) To reorganize, the department shall form a taskforce
 23 consisting of key department personnel, school district personnel, teachers,
 24 and other stakeholders to conduct a study of the department's delivery system
 25 and make recommendations for the department's reorganization.

26 (B)(i) As part of the study, the taskforce shall conduct a
 27 comprehensive review of the salaries of individuals necessary to fulfill the
 28 department's constitutional mission.

29 (ii) This study shall include equity adjustments to
 30 recognize differences in responsibility, performance, or seniority.

31 (iii) Qualifications and salary levels shall be
 32 comparable to those of similar employees in school districts or in other
 33 state education agencies.

34 (b) Following the work of the taskforce under this section, the
 35 department shall present proposed changes in staff grades and salaries to the
 36 Joint Budget Committee at the earliest opportunity for the purpose of

1 preparing suggested legislation to be approved by the General Assembly.

2 (c) The Director of the Department of Education shall have the
 3 authority to transfer any unclassified position to the Office of Public
 4 School Accountability or the Office of Public School Academic Facilities.

5 (d) The restructuring of the department shall be conducted in a manner
 6 that will provide sufficient personnel within the department to provide
 7 administrative and technology support to the Office of Public School
 8 Accountability and the Office of Public School Academic Facilities at a level
 9 that is sufficient for the offices to carry out the duties set forth in this
 10 act.

11 (e) In the restructuring of the department the director may require
 12 the department, the Office of Public School Academic Facilities, and the
 13 Office of Public School Accountability to coordinate and share certain
 14 administrative, custodial, legal, internal finance, and other necessary
 15 personnel to effectuate the daily operations of those offices and the
 16 department.

17
 18 SECTION 5. EMERGENCY CLAUSE. It is found and determined by the
 19 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
 20 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
 21 now existing system of education to be unconstitutional because it is both
 22 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
 23 for a constitutional system to be a system in which the state has an
 24 “absolute duty” to provide an “equal opportunity to an adequate education”;
 25 and that this act is immediately necessary because the Arkansas Supreme Court
 26 instructed the General Assembly to define and provide what is necessary to
 27 provide an adequate and equitable education for the children of Arkansas.
 28 Therefore, an emergency is declared to exist and this act being immediately
 29 necessary for the preservation of the public peace, health, and safety shall
 30 become effective on:

31 (1) The date of its approval by the Governor;

32 (2) If the bill is neither approved nor vetoed by the Governor,
 33 the expiration of the period of time during which the Governor may veto the
 34 bill; or

35 (3) If the bill is vetoed by the Governor and the veto is
 36 overridden, the date the last house overrides the veto.

1
2
3
4
5
6
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