

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.

**Act 1672 of the Regular Session**

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

*As Engrossed: H3/21/05 H3/25/05*

**A Bill**

HOUSE BILL 2530

5 By: Representatives Dangeau, *Saunders, Abernathy, Cook, Dickinson, Dunn, Edwards, L. Evans,*  
6 *Everett, Fite, Hardwick, Jeffrey, Reep, Rogers, Walters*  
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**For An Act To Be Entitled**

10 AN ACT TO RENAME THE DIRECTOR OF THE DEPARTMENT  
11 OF EDUCATION AS THE COMMISSIONER OF EDUCATION;  
12 TO REORGANIZE THE DEPARTMENT OF EDUCATION INTO  
13 DEPARTMENTS; TO REVISE THE DIVISION OF ACADEMIC  
14 ACCOUNTABILITY UNDER THE COMMISSIONER OF  
15 EDUCATION; TO RENAME THE DIVISION OF PUBLIC  
16 SCHOOL ACADEMIC FACILITIES AS THE DIVISION OF  
17 PUBLIC SCHOOL ACADEMIC FACILITIES AND  
18 TRANSPORTATION OF THE DEPARTMENT OF EDUCATION AND  
19 TO PROVIDE THAT EFFECTIVE JULY 1, 2007, THE  
20 DIVISION SHALL BE UNDER THE COMMISSIONER OF  
21 EDUCATION; AND FOR OTHER PURPOSES.  
22

**Subtitle**

23 AN ACT TO REORGANIZE THE DEPARTMENT OF  
24 EDUCATION INTO DEPARTMENTS UNDER THE  
25 COMMISSIONER OF EDUCATION.  
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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31 SECTION 1. (a) The position of Director of the Department of  
32 Education is renamed the Commissioner of Education.

33 (b) The Arkansas Code Revision Commission shall replace all references  
34 to "Director of the Department of Education" in the Arkansas Code with  
35 "Commissioner of Education".



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

6-11-102. Director of the Department of Education.

(a) Subject to confirmation by the Governor, the State Board of Education is empowered to employ a person to act as the ~~Director~~ Commissioner of Education and who shall be the administrative head of the Department of Education, ~~who~~. The commissioner shall serve at the pleasure of the Governor.

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

(c)(1) The person selected as the ~~director~~ commissioner must:

(A) Be a person of good moral character, recognized as a leader in the field of education, and qualified technically and by experience to direct the work of the Department of Education;

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

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

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

(2) No person who is related within the fourth degree of consanguinity or affinity to any member of the board shall be eligible to serve as ~~director~~ commissioner.

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

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

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

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

(f) The state shall furnish the ~~director~~ commissioner with suitable offices.

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2 SECTION 3. Arkansas Code Title 6, Chapter 11, Subchapter 1 is amended  
3 to add an additional section to read as follows:

4 6-11-131. Divisions of the Department of Education.

5 (a)(1) Effective July 1, 2005, the Department of Education shall  
6 consist of a central administration and the following divisions:

7 (A) The Division of Fiscal and Administrative Services;

8 (B) The Division of Human Resources;

9 (C) The Division of Learning Services; and

10 (D) The Division of Research and Technology.

11 (2) Effective July 1, 2007, the following divisions shall also  
12 be under the Department of Education:

13 (A) The Division of Public School Academic Facilities and  
14 Transportation, established under § 6-21-112; and

15 (B) The Division of Public School Accountability,  
16 established under § 6-15-102.

17 (b)(1) The Division of Public School Accountability and the Division  
18 of Research and Technology shall have such duties as provided by law.

19 (2) The remaining divisions shall have such responsibility and  
20 programs as may be assigned to them by the Commissioner of Education.

21 (c) Each division of the Department of Education shall be under the  
22 direction, control, and supervision of the commissioner.

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24 SECTION 4. *Effective July 1, 2007, Arkansas Code § 6-15-102(a) through*  
25 *(e), concerning the Division of Public School Accountability, is amended to*  
26 *read as follows:*

27 *(a)(1) To enhance the public's access to public school performance*  
28 *indicators and to better measure the benefits of the increasing public*  
29 *investment in Arkansas' schools, the General Assembly finds that a Division*  
30 *of Public School Accountability of the Department of Education should be*  
31 *established under the direct operational control of the ~~State Board of~~*  
32 *~~Education~~ Commissioner of Education.*

33 *(2) The foremost obligation of the division shall be to*  
34 *administer all monitoring and compliance activities dealing with academic and*  
35 *fiscal accountability for each school or school district and to report*  
36 *academic progress.*

1 (b) There is created the Division of Public School Accountability of 1  
2 the Department of Education, which shall begin operation within one hundred  
3 twenty (120) calendar days following June 3, 2004.

4 (c) The division shall be under the supervision of the ~~state board~~  
5 Commissioner of Education.

6 (d)(1) The ~~state board~~ Commissioner of Education shall select an  
7 individual to serve as the Director of the Division of Public School  
8 Accountability, and the director shall serve at the pleasure of the ~~state~~  
9 ~~board~~ commissioner.

10 (2) The person selected as the director shall:

11 (A) Be a person of good moral character and qualified  
12 technically and by experience to direct the work of the division;

13 (B) Hold a master's degree or a higher level degree from  
14 an accredited institution; and

15 (C) Have ten (10) years of experience in an  
16 administrative, supervisory, or management position.

17 (3) No person who is related within the fourth degree of  
18 consanguinity or affinity to any member of the state board or to the  
19 commissioner shall be eligible to serve as the director.

20 (e) The director, with guidance and approval from the ~~state board~~  
21 commissioner, shall be responsible for hiring all employees of the division.

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23 SECTION 5. Effective July 1, 2007:

24 (1) The division established under Arkansas Code § 6-21-112  
25 shall be known as the Division of Public School Academic Facilities and  
26 Transportation of the Department of Education;

27 (2) The division shall operate under the direct supervision of  
28 the Commissioner of Education; and

29 (3) The director of the division shall be selected by the  
30 commissioner and shall serve at the pleasure of the commissioner.

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32 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
33 General Assembly of the State of Arkansas that the study of staffing needs  
34 conducted pursuant to Act 64 of the Second Extraordinary Session of 2003  
35 determined that the Department of Education is in need of reorganization;  
36 that this act would reorganize the department to help the department become

1 more efficient and effective; and that to aid an orderly transition this act  
2 should become effective at the beginning of the next fiscal year. Therefore,  
3 an emergency is declared to exist and this act being necessary for the  
4 preservation of the public peace, health, and safety shall become effective  
5 on July 1, 2005.

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*/s/ Dangeau, et al*

**APPROVED: 4/05/2005**

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