

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 85th General Assembly
3 Regular Session, 2005
4

A Bill

HOUSE BILL 2524

5 By: Representative Pickett
6
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ORGANIZATION OF THE
10 DEPARTMENT OF EDUCATION, THE DIVISION OF PUBLIC
11 SCHOOL ACCOUNTABILITY; THE DIVISION OF PUBLIC
12 SCHOOL ACADEMIC FACILITIES; TO ESTABLISH AND
13 CLARIFY THE AUTHORITY OF THE STATE BOARD OF
14 EDUCATION; AND FOR OTHER PURPOSES.
15

Subtitle

16 AN ACT CONCERNING THE ORGANIZATION OF
17 THE DEPARTMENT OF EDUCATION.
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20

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

23 SECTION 1. (a) The purpose of this act is to establish and amend
24 various provisions of law concerning the processes and procedures for
25 allowing interagency agreements between political subdivisions and
26 intermediate education service agencies.

27 (b) The State Board of Education may promulgate rules as necessary for
28 the proper implementation of this section.
29

30 SECTION 2. Arkansas Code § 6-11-102 is amended to read as follows:
31 6-11-102. Director of the Department of Education.

32 (a) Subject to confirmation by the Governor, the State Board of
33 Education is empowered to employ a person to act as the Director of the
34 Department of Education, ~~who shall serve at the pleasure of the Governor.~~

35 (b) The director shall devote all of his or her time to the duties of
36 his or her office, shall act as an agent of the board, and perform other



1 duties as are designated by the board and by statute.

2 (c)(1) The person selected as the director or any person serving as an
3 interim director must:

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

7 (B) Hold the master’s degree from an accredited
8 institution;

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

11 (D) Hold a valid state teacher’s certificate.

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

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

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

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

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

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

28

29 SECTION 3. Arkansas Code § 6-15-102 is amended to read as follows:
30 6-15-102. Division of Public School Accountability.

31 (a)(1) To enhance the public’s access to public school performance
32 indicators and to better measure the benefits of the increasing public
33 investment in Arkansas’ schools, the General Assembly finds that a Division
34 of Public School Accountability should be established under the direct
35 operational control of the State Board of Education.

36 (2) The foremost obligation of the division shall be to

1 administer all monitoring and compliance activities dealing with academic and
 2 fiscal accountability for each school or school district and to report
 3 academic progress.

4 (b) There is created the Division of Public School Accountability,
 5 which shall begin operation within ~~one hundred twenty (120)~~ ninety (90)
 6 calendar days following ~~June 3, 2004~~ June 3, 2004.

7 (c) The division shall be under the supervision of the state board.

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

11 (2) The person selected as the director or any person serving as
 12 an interim director shall:

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

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

17 (C) Have ten (10) years of experience in an
 18 administrative, supervisory, education related legal or legislative matters,
 19 or management position.

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

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

25 (f) The division shall have the following responsibilities:

26 (1) To monitor schools for compliance with:

27 (A) State and federal regulations;

28 (B) Legislative acts and court-ordered mandates;

29 (C) All standards of learning and accreditation as
 30 established by the state board; and

31 (D) All rules and regulations as established by the state
 32 board;

33 (2) To coordinate the analysis, dissemination, and reporting of
 34 all criterion-referenced and norm-referenced testing information;

35 (3) To coordinate the implementation and administration of:

36 (A) Longitudinal tracking and trend data collection as

1 established by the state board for the purposes of improving student and
 2 school performance, ensuring mastery of the curriculum, and providing
 3 comparisons between students within Arkansas and with students in other
 4 states;

5 (B) Value-added assessments as established by the state
 6 board; and

7 (C) The annual school performance reports as established
 8 by the state board;

9 (4) To administer all monitoring and compliance activities
 10 dealing with academic and fiscal accountability as established by the state
 11 board; and

12 (5) To work with program approval and certification sections of
 13 the Department of Education, the Department of Higher Education, the
 14 Department of Workforce Education, and the individual colleges to provide
 15 information that will contribute to reasonable, equitable, and excellent
 16 preparation of certified personnel in public and private institutions of
 17 higher education.

18 (g)(1) The division shall provide annual reports of school performance
 19 or compliance to the Joint Interim Oversight Committee on Education Reform,
 20 the House Interim Committee on Education, and the Senate Interim Committee on
 21 Education.

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

25 (h)(1) There is created the Arkansas Public Schools Accountability
 26 Advisory Council, which shall begin operation within one hundred twenty (120)
 27 calendar days following June 3, 2004.

28 (2) The membership of the council shall include:

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

31 (B) One (1) member selected by the Governor, who shall be
 32 a representative of an educators' union in the State of Arkansas;

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

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

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

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

9 (G) One (1) member appointed by the Chair of the House
 10 Committee on Education, who shall be a representative of the administration
 11 of a public school in the State of Arkansas.

12 (3) The council shall provide advice and consultation services
 13 for the director.

14 (4) The council may be convened by the chair of the council, by
 15 the chair of the state board, or by the director.

16 (5) Members shall not receive compensation for service on the
 17 council but may receive expense reimbursement as provided in § 25-16-902.

18
 19 SECTION 4. Arkansas Code § 6-21-112 is amended to read as follows:
 20 6-21-112. Division of Public School Academic Facilities.

21 (a) In order to ensure that substantially equal access to adequate
 22 educational facilities and educational equipment is provided for all public
 23 school students in Arkansas, the General Assembly finds that a division of
 24 public school academic facilities should be established under the direct
 25 supervision of the State Board of Education.

26 (b) There is created the Division of Public School Academic
 27 Facilities, which shall begin operation ~~within one hundred twenty (120)~~
 28 ~~calendar days following June 3, 2004~~ as provided by law.

29 (c) The division shall be under the supervision of the state board.

30 (d)(1) The state board shall select an individual to serve as the
 31 Director of the Division of Public School Academic Facilities, and the
 32 Director of the Division of Public School Academic Facilities shall serve at
 33 the pleasure of the state board.

34 (2) The Director of the Division of Public School Academic
 35 Facilities or any person serving as an interim director shall be an architect
 36 who is licensed by the State of Arkansas or an attorney licensed by the State

1 of Arkansas with specialized knowledge of education facilities related
2 matters.

3 (3) No person who is related within the fourth degree of
4 consanguinity or affinity to any member of the state board shall be eligible
5 to serve as the Director of the Division of Public School Academic
6 Facilities.

7 (e) The Director of the Division of Public School Academic Facilities,
8 with guidance and approval from the state board, shall be responsible for
9 hiring all employees of the division.

10 (f) The Executive Chief Information Officer shall assign one (1)
11 individual from the staff of the Office of Information Technology to serve as
12 a technology liaison to the division.

13 (g) The Director of the Arkansas Building Authority shall assign one
14 (1) individual from the staff of the Arkansas Building Authority to serve as
15 a physical plant liaison to the Director of the Public School Academic
16 Facilities.

17 (h) The division shall:

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

21 (2) Use any recommendation or assessments of the joint committee
22 or the General Assembly as a basis for establishing the policies and
23 procedures of the division; and

24 (3) Provide assistance, as requested, to the joint committee in
25 conducting an assessment of all school facilities in the state and continue
26 to update and maintain current assessments of all school facilities after the
27 expiration of the joint committee on December 31, 2004.

28 (i)(1) The Director of the Division of Public School Academic
29 Facilities shall create and implement a standardized reporting format and
30 select the method to be utilized by school districts in the preparation and
31 submission of the list to the division.

32 (2) The data gathered from the reports generated by the school
33 districts shall be presented to the state board for compilation into an
34 annual report to the Governor, the House Interim Committee on Education, and
35 the Senate Interim Committee on Education on the facility needs in the state.

36 (3) The division shall conduct any reviews, site visits, and

1 other research during the year to assist in preparation of the annual report.

2 (j)(1) The Director of the Division of Public School Academic
3 Facilities shall provide to the Governor, the House Interim Committee on
4 Education, and the Senate Interim Committee on Education reports on the
5 status of public school academic facilities, including the facility and
6 technology needs and priorities for each category.

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

10 (k)(1)(A) No later than September 30 of each even-numbered year of the
11 biennium, the division shall present to the state board the list of public
12 school facility repairs, improvements, and construction along with technology
13 improvements that the division recommends for the next biennium.

14 (B) Copies of the list shall be provided to the Governor,
15 the House Interim Committee on Education, and the Senate Interim Committee on
16 Education.

17 (2) The state board shall prioritize funding for public school
18 facility repairs, improvements, and construction along with technology
19 improvements based on the recommendations of the division.

20 (1) The state board and the division shall develop, by rule and
21 regulation, the process for developing the list of public school facility
22 repairs, improvements, and construction, along with technology improvements
23 necessary under this section.

24
25 SECTION 5. Arkansas Code §§ 6-15-203, 6-15-206, 6-15-425, 6-15-803, 6-
26 15-1402, 6-15-1704, 6-15-2102, 6-15-2105, 6-15-2401, 6-18-1007, 6-18-1008, 6-
27 18-1105, 6-20-1909, and 6-61-221 are amended as necessary to comply with this
28 act.