

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

As Engrossed: H3/11/05

A Bill

HOUSE BILL 2524

5 By: Representative Pickett
6
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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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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-11-102 is amended to read as follows:
24 6-11-102. Director of the Department of Education.

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

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

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

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

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



1 institution;

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

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

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

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

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

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

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

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

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22 SECTION 2. Arkansas Code § 6-15-102 is amended to read as follows:

23 6-15-102. Division of Public School Accountability.

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

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

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

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

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

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

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

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

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

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

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

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

19 (1) To monitor schools for compliance with:

20 (A) State and federal regulations;

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

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

24 (D) All rules and regulations as established by the state
25 board;

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

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

29 (A) Longitudinal tracking and trend data collection as
30 established by the state board for the purposes of improving student and
31 school performance, ensuring mastery of the curriculum, and providing
32 comparisons between students within Arkansas and with students in other
33 states;

34 (B) Value-added assessments as established by the state
35 board; and

36 (C) The annual school performance reports as established

1 by the state board;

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

5 (5) To work with program approval and certification sections of
6 the Department of Education, the Department of Higher Education, the
7 Department of Workforce Education, and the individual colleges to provide
8 information that will contribute to reasonable, equitable, and excellent
9 preparation of certified personnel in public and private institutions of
10 higher education.

11 (g)(1) The division shall provide annual reports of school performance
12 or compliance to the Joint Interim Oversight Committee on Education Reform,
13 the House Interim Committee on Education, and the Senate Interim Committee on
14 Education.

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

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

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

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

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

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

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

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

34 (F) One (1) member appointed by the Chair of the Senate
35 Committee on Education, who is currently employed as a teacher in grades
36 kindergarten through twelve (K-12) in a public school system in the State of

1 Arkansas; and

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

5 (3) The council shall provide advice and consultation services
6 for the director.

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

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

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12 SECTION 3. Arkansas Code § 6-21-112 is amended to read as follows:

13 6-21-112. Division of Public School Academic Facilities.

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

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

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

23 (d)(1) The state board shall select an individual to serve as the
24 Director of the Division of Public School Academic Facilities, and the
25 Director of the Division of Public School Academic Facilities shall serve at
26 the pleasure of the state board.

27 (2) The Director of the Division of Public School Academic
28 Facilities or any person serving as an interim director shall be an architect
29 who is licensed by the State of Arkansas or an attorney licensed by the State
30 of Arkansas with specialized knowledge of education facilities related
31 matters.

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

36 (e) The Director of the Division of Public School Academic Facilities,

1 with guidance and approval from the state board, shall be responsible for
2 hiring all employees of the division.

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

6 (g) The Director of the Arkansas Building Authority shall assign one
7 (1) individual from the staff of the Arkansas Building Authority to serve as
8 a physical plant liaison to the Director of the Public School Academic
9 Facilities.

10 (h) The division shall:

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

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

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

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

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

29 (3) The division shall conduct any reviews, site visits, and
30 other research during the year to assist in preparation of the annual report.

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

36 (2) A preliminary report shall be provided by January 1 each

1 year, and a follow-up report that includes information regarding on-site
2 visits shall be filed by June 1 each year.

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

7 (B) Copies of the list shall be provided to the Governor,
8 the House Interim Committee on Education, and the Senate Interim Committee on
9 Education.

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

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

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18 SECTION 4. Arkansas Code §§ 6-15-203, 6-15-206, 6-15-425, 6-15-803, 6-
19 15-1402, 6-15-1704, 6-15-2102, 6-15-2105, 6-15-2401, 6-18-1007, 6-18-1008, 6-
20 18-1105, 6-20-1909, and 6-61-221 are amended as necessary to comply with this
21 act.

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23 /s/ Pickett
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