

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

A Bill

HOUSE BILL 2685

4
5 By: Representative Dangeau
6
7

For An Act To Be Entitled

8
9 AN ACT CONCERNING THE CREATION OF A COMMISSIONER
10 OF EDUCATION; THE ORGANIZATION OF THE DEPARTMENT
11 OF EDUCATION; AND FOR OTHER PURPOSES.
12

Subtitle

13
14 AN ACT CONCERNING THE CREATION OF A
15 COMMISSIONER OF EDUCATION AND THE
16 ORGANIZATION OF THE DEPARTMENT OF
17 EDUCATION.
18
19

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

22 SECTION 1. Arkansas Code § 6-11-102 is amended to read as follows:

23 6-11-102. Director of the Department of Education.

24 (a) Subject to confirmation by the Governor, the State Board of
25 Education is empowered to employ a person to act as the ~~Director of the~~
26 ~~Department of Education~~ Commissioner of Education, who shall serve ~~at the~~
27 ~~pleasure of the Governor~~ in the best educational interests of the children of
28 the State of Arkansas.

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

33 (c)(1) The person selected as the ~~director~~ Commissioner of Education
34 or any person serving as an interim commissioner must:

35 (A) Be a person of good moral character, recognized as a
36 leader in the field of education, and qualified technically and by experience



1 to direct the work of the Department of Education;

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

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

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

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

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

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

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

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

23 (f) The state shall furnish the ~~director~~ Commissioner of Education
24 with suitable offices.

25
26 SECTION 2. Arkansas Code § 6-15-102 is amended to read as follows:

27 6-15-102. Division of Public School Accountability.

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

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

1 academic progress.

2 (b) There is created the Division of Public School Accountability,
 3 which shall begin operation within ~~one hundred twenty (120)~~ ninety (90)
 4 calendar days following ~~June 3, 2004~~ July 1, 2004.

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

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

11 (2) The person selected as the ~~director~~ shall:

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

14 (B)(1) Hold a master's degree or a higher level degree
 15 from an accredited institution and ~~(C) Have~~ have ten (10) years of
 16 experience in an administrative, supervisory, or management position; ~~or~~

17 (2) Be an attorney licensed by the State of Arkansas
 18 with specialized knowledge of education-related matters.

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

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

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

36 (2) The Director of the Division of Public School Academic

1 Facilities or any person serving as an interim director shall be ~~an~~:

2 (A) An architect who is licensed by the State of Arkansas;

3 or

4 (B) An attorney licensed by the State of Arkansas with
5 specialized knowledge of education-facilities-related matters.

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

10 (e) The Director of the Division of Public School Academic Facilities,
11 with guidance and approval from the ~~state board~~ Commissioner of Education,
12 shall be responsible for hiring all employees of the division.

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

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

20 (h) The division shall:

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

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

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

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

35 (2) The data gathered from the reports generated by the school
36 districts shall be presented to the state board for compilation into an

1 annual report to the Governor, the House Interim Committee on Education, and
 2 the Senate Interim Committee on Education on the facility needs in the state.

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

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

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

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

17 (B) Copies of the list shall be provided to the Governor,
 18 the House Interim Committee on Education, and the Senate Interim Committee on
 19 Education.

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

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

27
 28 SECTION 4. Arkansas Code §§ 6-15-203, 6-15-206, 6-15-425, 6-15-803, 6-
 29 15-1402, 6-15-1704, 6-15-2102, 6-15-2105, 6-15-2401, 6-18-1007, 6-18-1008, 6-
 30 18-1105, 6-20-1909, and 6-61-221 are amended as necessary to comply with this
 31 act.