

State of Arkansas
85th General Assembly
Regular Session, 2005

A Bill

HOUSE BILL 2720

By: Representative Mahony

For An Act To Be Entitled

AN ACT CONCERNING THE STRUCTURE OF THE DEPARTMENT
OF EDUCATION; AND THE CREATION OF A COMMISSIONER
OF EDUCATION; AND FOR OTHER PURPOSES.

Subtitle

AN ACT CONCERNING THE STRUCTURE OF THE
DEPARTMENT OF EDUCATION AND THE CREATION
OF A COMMISSIONER OF EDUCATION.

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

SECTION 1. 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 of the Department of Education~~ Commissioner of Education, who shall serve ~~at the pleasure of the Governor~~ in the best educational interests of the children of the State of Arkansas.

(b) The ~~director~~ Commissioner of Education 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 of Education or any person serving as an interim 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 of Education.

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

(e)(1) The ~~director~~ Commissioner of Education, 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 of Education with suitable offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) The division shall have the following responsibilities:

(1) To monitor schools for compliance with:

(A) State and federal regulations;

(B) Legislative acts and court-ordered mandates;

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

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

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

(3) To coordinate the implementation and administration of:

(A) Longitudinal tracking and trend data collection as established by the state board for the purposes of improving student and

1 school performance, ensuring mastery of the curriculum, and providing
 2 comparisons between students within Arkansas and with students in other
 3 states;

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

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

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

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

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

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

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

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

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

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

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

36 (D) One (1) member selected by the Speaker of the House of

Representatives, who shall be a representative of higher education;

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

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

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

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

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

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

SECTION 3. Arkansas Code § 6-21-112 is amended to read as follows:
6-21-112. Division of Public School Academic Facilities.

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

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

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

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

(2) The Director of the Division of Public School Academic Facilities or any person serving as an interim director shall be ~~an~~:

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

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

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

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

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

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

19 (h) The division shall:

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

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

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

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

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

1 the Senate Interim Committee on Education on the facility needs in the state.

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

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

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

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

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

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

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

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