

A Bill

By: Representative Pickett

For An Act To Be Entitled

AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO THE *DIVISION* OF CURRICULUM AND INSTRUCTION AND THE *DIVISION* OF ACCOUNTABILITY; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO THE *DIVISION* OF CURRICULUM AND INSTRUCTION AND THE *DIVISION* OF ACCOUNTABILITY.

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

SECTION 1. (a) The Department of Education is divided into two (2) separate operating divisions as follows:

(1) The *Division* of Curriculum and Instruction; and

(2) The *Division* of Accountability.

(b)(1) The duties and responsibilities of the *Division* of Curriculum and Instruction shall be as assigned by law or by the State Board of Education.

(2) The duties and responsibilities of the *Division* of Accountability shall be to:

(A)(i) Monitor the Arkansas education system to ensure compliance with federal law and Arkansas statutes pertaining to education reform in Arkansas.

(ii) Monitoring shall include all actions taken by the *Division* of Curriculum and Instruction and local school districts;



1 (B) Establish a continuing review of the education finance
2 system in Arkansas at the state and district level that shall include an
3 analysis of the level of adequacy and equity of the educational opportunity
4 in all school districts;

5 (C)(i) Verify the accuracy of reports of school, district,
6 and state performance by conducting, requesting, or upon the approval of the
7 state board, contracting for periodic program and fiscal audits as necessary.

8 (ii) The Division of Accountability shall monitor
9 and verify the accuracy of reports of the Division of Curriculum and
10 Instruction and the state board, including, but not limited to, the annual
11 fiscal conditions of grants, categorical programs, and other educational
12 initiatives set forth by the General Assembly;

13 (D) Conduct studies, and analyze, verify, and validate the
14 state assessment program through other external indicators of academic
15 progress, including, but not limited to, American College Test scores,
16 Scholastic Assessment Test scores, National Assessment of Education Progress
17 scores, Preliminary Scholastic Assessment Test scores, Advanced Placement
18 Program participation, standardized test scores, college remediation rates,
19 retention and attendance rates, dropout rates, and additional available data
20 on the efficiency of the system of schools and whether progress is being made
21 toward attaining the goal of providing all students with the opportunity for
22 an equitable and adequate education;

23 (E) Enforce the provisions of The Quality Education Act of
24 2003, §6-15-202, et seq.; and

25 (F)(i) Make biennial reports to the Governor and the House
26 Committee on Education and the Senate Committee on Education of the General
27 Assembly.

28 (ii) The first report is due on June 1 of each year
29 and the second report is due on December 1 of each year.

30 (c) All appropriations, unexpended balances, and other assets of the
31 Department of Education shall be divided between the two (2) divisions as
32 determined by the Chief Fiscal Officer of the State.

33 (d)(1) All rights, duties, or functions assigned to the Director
34 of the Department of Education in the Arkansas Code shall be transferred to
35 both the Director of the Division of Curriculum and Instruction and the
36 Director of the Division of Accountability, unless otherwise designated by

1 the state board or this act.

2 (2) All statutory appointments of the Director of the Department
3 of Education to boards, committees, or commissions shall be filled by the
4 Director of the Division of Curriculum and Instruction, unless stated
5 otherwise in this act.

6 (e)(1) The Director of the Division of Accountability shall review the
7 functions, duties, and qualifications of the employees of the Division of
8 Accountability to ensure that each employee is qualified and capable of
9 performing his or her duties.

10 (2) The Director of the Division of Accountability may replace
11 or reassign any employee the Director of the Division of Accountability
12 determines is not qualified or capable of satisfactorily performing his or
13 her duties.

14
15 SECTION 2. Arkansas Code § 6-11-102 is amended to read as follows:

16 6-11-102. ~~Director of the Department of Education~~ Directors – State
17 Board of Education staff.

18 ~~(a)(1) Subject to confirmation by the Governor, the~~ The State Board of
19 ~~Education is empowered to employ:~~

20 (A) Shall employ, subject to the confirmation of the
21 Governor, a person to act as the Director of the ~~Department of Education, who~~
22 Division of Curriculum and Instruction;

23 (B) Shall employ a person to act as the Director of
24 Accountability; and

25 (C)(i) May employ staff to work directly for the state
26 board as may be necessary to carry out the functions of the state board.

27 (ii) Funding for employees working directly for the
28 board shall be provided from appropriations and funds authorized for the
29 state Division of Curriculum and Instruction and the Division of
30 Accountability in proportion to each division's share of the total
31 appropriation and funds authorized for both divisions for personal services
32 and operating expenses; and

33 (D) Shall not employ a person to serve as a director of
34 the Department of Education, as the Department of Education shall not have a
35 director, powers, duties, or functions separate from the Division of
36 Curriculum and Instruction or the Division of Accountability.

1 (2) All persons employed by the state board shall serve at the
2 pleasure of the ~~Governor~~ state board.

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

6 (c)(1) ~~The person selected as the director~~ Director of the Division of
7 Curriculum and Instruction must:

8 (A) Be a person of good moral character, recognized as a
9 leader in the field of education, and qualified technically and by experience
10 to direct the work of the ~~Department of Education~~ Division of Curriculum and
11 Instruction;

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

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

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

17 (2) No person who is related within the fourth degree of
18 consanguinity or affinity to any member of the board shall be eligible to
19 serve as ~~director~~ Director of the Division of Curriculum and Instruction.

20 (d)(1) ~~The person selected as the Director of the Division of~~
21 Accountability shall:

22 (A) Be a person of good moral character, and qualified
23 technically and by experience to direct the work of the Division of
24 Accountability;

25 (B) Hold the master's degree or a higher level degree from
26 an accredited institution; and

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

29 (2) No person who is related within the fourth degree of
30 consanguinity or affinity to any member of the board shall be eligible to
31 serve as the Director of the Division of Accountability.

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

34 ~~(e)~~(1)(f)(1) ~~The~~ Each director, or a disbursing agent designated by
35 him or her and approved by the state board, shall give bond to the State of
36 Arkansas as provided by law for other disbursing agents conditioned for the

1 faithful performance of his or her duties and the faithful accounting for all
2 the school money of the state, of any county, or of any school district that
3 may come into his or her hands.

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

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

9 ~~(f)~~(g) The state shall furnish ~~the~~ each director and the employees of
10 the state board with suitable offices and necessary office supplies and
11 equipment.

12 (h)(1) Director of the Division of Curriculum and Instruction and the
13 Division of Accountability shall agree to coordinate and share certain
14 materials, data, and administrative, custodial, legal, internal finance and
15 other personnel necessary to effectuate the daily operations of the
16 divisions.

17 (2) The agreement entered into by the directors of the divisions
18 under subdivision (h)(1) of this section shall be in writing and approved by
19 the State Board of Education in keeping with the purpose and intent of
20 Section 1 of this act of 2003.

21
22 SECTION 3. Arkansas Code § 6-11-103 is amended to read as follows:

23 6-11-103. Officers.

24 ~~(a)~~ The State Board of Education shall elect one (1) of its number
25 chairman, one (1) vice chairman, and such other officers as the board deems
26 necessary to perfect its organization.

27 ~~(b) The Director of the Department of Education shall act as ex~~
28 ~~officio secretary of the board without vote.~~

29
30 SECTION 4. Arkansas Code § 6-11-104 is amended to read as follows:

31 6-11-104. Meetings.

32 (a) The State Board of Education shall meet a minimum of six (6) times
33 annually.

34 (b) The state board will meet each December to determine the meeting
35 dates for the following year.

36 (c)(1) Special meetings may be called by the chairman of the state

1 board with no less than twenty-four (24) hours notice to the members and the
2 Director of the ~~Department of Education~~ Division of Curriculum and
3 Instruction, or the Director of the Division of Accountability, and with
4 timely responses from enough board members that they will attend the meeting
5 so as to indicate that a quorum will be present.

6 (2) In the absence of the chairman, the ~~director~~ Director of the
7 Division of Curriculum and Instruction or the Director of the Division of
8 Accountability shall call a meeting on the request of three (3) members of
9 the state board with the same notice and response requirements.

10 (3) If both the chairman and the ~~director~~ directors shall be
11 absent or refuse to call a meeting, any three (3) members of the state board
12 may call a meeting by utilizing the same notice and response requirements in
13 notifying the members and the ~~office~~ offices of the ~~director~~ directors.

14
15 SECTION 5. Arkansas Code § 6-11-105(c), concerning the powers and
16 duties of the State Board of Education, is amended to read as follows:

17 (c) The state board may organize and, from time to time, change and
18 alter the ~~department~~ divisions into branches or sections as may be found
19 necessary and desirable by the Director of the ~~Department of Education~~
20 Division of Curriculum and Instruction or the Director of the Department of
21 Accountability to perform all proper functions and to render maximum service
22 relating to the operation and improvement of the general education programs
23 of the state.

24
25 SECTION 6. Arkansas Code § 6-11-110 is amended to read as follows:

26 6-11-110. Uniform system of records - Reports.

27 (a) The State Board of Education shall prescribe a uniform system of
28 records to be kept by the school directors, principals, and teachers of
29 schools.

30 (b) All the school officials and employees listed in subsection (a) of
31 this section shall make reports to the Director of the ~~Department of~~
32 ~~Education~~ Division of Accountability as may be designated by the state board.

33
34 SECTION 7. Arkansas Code § 6-11-111 is amended to read as follows:

35 6-11-111. Records of proceedings - Annual report.

36 (a) The State Board of Education shall keep in the office of the

1 ~~Department of Education~~ Division of Curriculum and Instruction a complete
2 record of the minutes of its meetings and other proceedings and annually
3 shall make a report to the Governor which shall embody the report of the
4 director.

5 (b) The annual report of the board to the Governor shall be
6 transmitted by him to the General Assembly at the opening of the session.

7 (c) Such reports shall be printed by the state board and distributed
8 among the various school officers of the state.

9

10 SECTION 8. Arkansas Code § 6-11-117 is amended to read as follows:

11 6-11-117. Copies of documents as evidence.

12 Copies of any papers or documents on file in the office of the
13 ~~Department of Education~~ Director of the Division of Curriculum and
14 Instruction or the Director of the Department of Accountability authenticated
15 by him or her with the seal of the State Board of Education shall be
16 admissible in evidence with the same effect as the original.

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18 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
19 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
20 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
21 current system of education to be unconstitutional because it is both
22 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
23 for a constitutional system to be one in which the State has an "absolute
24 duty" to provide an "equal opportunity to an adequate education"; the
25 Arkansas Supreme Court instructed the General Assembly to undertake actions
26 as necessary to provide an opportunity for an adequate and equitable
27 education for the children of Arkansas; and the provisions of this bill are
28 necessary steps toward accomplishing that goal. Therefore, an emergency is
29 declared to exist and this act being immediately necessary for the
30 preservation of the public peace, health, and safety shall become effective
31 on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,
34 the expiration of the period of time during which the Governor may veto the
35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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/s/ Pickett

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