

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: H12/17/03 H12/26/03

Call Item 4

A Bill

HOUSE BILL 1009

5 By: Representative Pickett
6
7

For An Act To Be Entitled

9 AN ACT TO DIVIDE THE DEPARTMENT OF EDUCATION INTO
10 THE DEPARTMENT OF CURRICULUM AND INSTRUCTION AND
11 THE DEPARTMENT OF ACCOUNTABILITY; AND FOR OTHER
12 PURPOSES.

Subtitle

15 AN ACT TO DIVIDE THE DEPARTMENT OF
16 EDUCATION INTO THE DEPARTMENT OF
17 CURRICULUM AND INSTRUCTION AND THE
18 DEPARTMENT OF ACCOUNTABILITY.
19
20

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

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

25 (1) The Department of Curriculum and Instruction; and

26 (2) The Department of Accountability.

27 (b)(1) The duties and responsibilities of the Department of Curriculum
28 and Instruction shall be as assigned by law and the State Board of Education.

29 (2) The duties and responsibilities of the Department of
30 Accountability shall be to:

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

34 (ii) Monitoring shall include all actions taken by
35 the Department of Curriculum and Instruction and local school districts;

36 (B) Establish a continuing review of the education finance



1 system in Arkansas at the state and district level that will include an
2 analysis of the level of adequacy and equity of the educational opportunity
3 in all school districts;

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

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

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

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

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

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

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

32 (d) All references to the Department of Education in the Arkansas Code
33 shall mean either the Department of Curriculum and Instruction or the
34 Department of Accountability, as determined by the state board.

35 (e)(1) All rights, duties, or functions assigned to the Director of
36 the Department of Education in the Arkansas Code shall be transferred to both

1 the Director of the Department of Curriculum and Instruction and the Director
2 of the Department of Accountability, unless otherwise designated by the state
3 board or this act.

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

8 (f)(1) The Director of the Department of Accountability shall review
9 the functions, duties, and qualifications of the employees of the Department
10 of Accountability to ensure that each employee is qualified and capable of
11 performing his or her duties.

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

16
17 SECTION 2. Arkansas Code § 6-11-102 is amended to read as follows:

18 6-11-102. Director of the Department of Education – State Board of
19 Education staff.

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

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

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

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

29 (ii) Funding for employees working directly for the
30 board shall be provided from appropriations and funds authorized for the
31 Department of Curriculum and Instruction and the Department of Accountability
32 in proportion to each department's share of the total appropriation and funds
33 authorized for both departments for personal services and operating expenses.

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

36 (b) The Each director shall devote all of his or her time to the

1 duties of his or her office, shall act as an agent of the board, and perform
2 other duties as are designated by the board and by statute.

3 (c)(1) *The person selected as the ~~director~~ Director of the Department
4 of Curriculum and Instruction must:*

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

9 (B) *Hold the master's degree from an accredited*
10 *institution;*

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

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

14 (2) *No person who is related within the fourth degree of*
15 *consanguinity or affinity to any member of the board shall be eligible to*
16 *serve as ~~director~~ Director of the Department of Curriculum and Instruction.*

17 (d)(1) *The person selected as the Director of the Department of*
18 *Accountability must:*

19 (A) *Be a person of good moral character, and qualified*
20 *technically and by experience to direct the work of the Department of*
21 *Accountability;*

22 (B) *Hold the master's degree or a higher level degree from*
23 *an accredited institution; and*

24 (C) *Have had ten (10) years' experience in an*
25 *administrative, supervisory, or management position.*

26 (2) *No person who is related within the fourth degree of*
27 *consanguinity or affinity to any member of the board shall be eligible to*
28 *serve as the Director of the Department of Accountability.*

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

31 ~~(e)~~(1)(f)(1) *The Each director, or a disbursing agent designated by*
32 *him or her and approved by the state board, shall give bond to the State of*
33 *Arkansas as provided by law for other disbursing agents conditioned for the*
34 *faithful performance of his or her duties and the faithful accounting for all*
35 *the school money of the state, of any county, or of any school district that*
36 *may come into his or her hands.*

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

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

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

9 (h)(1) Director of the Department of Curriculum and Instruction and the
10 Department of Accountability shall agree to coordinate and share certain
11 materials, data, and administrative, custodial, legal, internal finance and
12 other personnel necessary to effectuate the daily operations of the
13 departments.

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

18
19 SECTION 3. Arkansas Code § 6-11-103 is amended to read as follows:
20 6-11-103. Officers.

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

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

26
27 SECTION 4. Arkansas Code § 6-11-104 is amended to read as follows:
28 6-11-104. Meetings.

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

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

33 (c)(1) Special meetings may be called by the chairman of the state
34 board with no less than twenty-four (24) hours notice to the members and the
35 Director of the Department of ~~Education~~ Curriculum and Instruction, or the
36 Director of the Department of Accountability, and with timely responses from

1 enough board members that they will attend the meeting so as to indicate that
2 a quorum will be present.

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

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

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

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

21
22 SECTION 6. Arkansas Code § 6-11-110 is amended to read as follows:

23 6-11-110. Uniform system of records - Reports.

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

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

30
31 SECTION 7. Arkansas Code § 6-11-111 is amended to read as follows:

32 6-11-111. Records of proceedings - Annual report.

33 (a) The State Board of Education shall keep in the office of the
34 Department of ~~Education~~ Curriculum and Instruction a complete record of the
35 minutes of its meetings and other proceedings and annually shall make a
36 report to the Governor which shall embody the report of the director.

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

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

5
6 SECTION 8. Arkansas Code § 6-11-117 is amended to read as follows:

7 6-11-117. Copies of documents as evidence.

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

13
14 SECTION 9. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly of the State of Arkansas that the Arkansas Supreme Court in
16 Lake View School District No. 25 v. Huckabee, 351 Ark. 31 (2002) declared the
17 current system of education to be unconstitutional because it is both
18 inequitable and inadequate; and the Arkansas Supreme Court set forth the test
19 for a constitutional system to be one in which the State has an "absolute
20 duty" to provide an "equal opportunity to an adequate education"; the
21 Arkansas Supreme Court instructed the General Assembly to undertake actions
22 as necessary to provide an opportunity for an adequate and equitable
23 education for the children of Arkansas; and the provisions of this bill are
24 necessary steps toward accomplishing that goal. Therefore, an emergency is
25 declared to exist and this act being immediately necessary for the
26 preservation of the public peace, health, and safety shall become effective
27 on:

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

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

32 (3) If the bill is vetoed by the Governor and the veto is
33 overridden, the date the last house overrides the veto.

34
35 /s/ Pickett
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