

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: H3/21/05 H3/25/05

A Bill

HOUSE BILL 2530

5 By: Representatives Dangeau, Saunders, Abernathy, Cook, Dickinson, Dunn, Edwards, L. Evans,
6 Everett, Fite, Hardwick, Jeffrey, Reep, Rogers, Walters
7
8

For An Act To Be Entitled

10 AN ACT TO RENAME THE DIRECTOR OF THE DEPARTMENT
11 OF EDUCATION AS THE COMMISSIONER OF EDUCATION;
12 TO REORGANIZE THE DEPARTMENT OF EDUCATION INTO
13 DEPARTMENTS; TO REVISE THE DIVISION OF ACADEMIC
14 ACCOUNTABILITY UNDER THE COMMISSIONER OF
15 EDUCATION; TO RENAME THE DIVISION OF PUBLIC
16 SCHOOL ACADEMIC FACILITIES AS THE DIVISION OF
17 PUBLIC SCHOOL ACADEMIC FACILITIES AND
18 TRANSPORTATION OF THE DEPARTMENT OF EDUCATION AND
19 TO PROVIDE THAT EFFECTIVE JULY 1, 2007, THE
20 DIVISION SHALL BE UNDER THE COMMISSIONER OF
21 EDUCATION; AND FOR OTHER PURPOSES.
22

Subtitle

23 AN ACT TO REORGANIZE THE DEPARTMENT OF
24 EDUCATION INTO DEPARTMENTS UNDER THE
25 COMMISSIONER OF EDUCATION.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. (a) The position of Director of the Department of
32 Education is renamed the Commissioner of Education.

33 (b) The Arkansas Code Revision Commission shall replace all references
34 to "Director of the Department of Education" in the Arkansas Code with
35 "Commissioner of Education".
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1 SECTION 2. Arkansas Code § 6-11-102 is amended to read as follows:

2 6-11-102. Director of the Department of Education.

3 (a) Subject to confirmation by the Governor, the State Board of
4 Education is empowered to employ a person to act as the ~~Director~~ Commissioner
5 of Education and who shall be the administrative head of the Department of
6 Education, ~~who~~. The commissioner shall serve at the pleasure of the Governor.

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

10 (c)(1) The person selected as the ~~director~~ commissioner must:

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

14 (B) Hold the master's degree from an accredited
15 institution;

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

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

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

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

24 (e)(1) The ~~director~~ commissioner, or a disbursing agent designated by
25 him or her and approved by the board, shall give bond to the State of
26 Arkansas as provided by law for other disbursing agents conditioned for the
27 faithful performance of his or her duties and the faithful accounting for all
28 the school money of the state, of any county, or of any school district that
29 may come into his or her hands.

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

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

34 (f) The state shall furnish the ~~director~~ commissioner with suitable
35 offices.

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1 SECTION 3. Arkansas Code Title 6, Chapter 11, Subchapter 1 is amended
2 to add an additional section to read as follows:

3 6-11-131. Divisions of the Department of Education.

4 (a)(1) Effective July 1, 2005, the Department of Education shall
5 consist of a central administration and the following divisions:

6 (A) The Division of Fiscal and Administrative Services;

7 (B) The Division of Human Resources;

8 (C) The Division of Learning Services; and

9 (D) The Division of Research and Technology.

10 (2) Effective July 1, 2007, the following divisions shall also
11 be under the Department of Education:

12 (A) The Division of Public School Academic Facilities and
13 Transportation, established under § 6-21-112; and

14 (B) The Division of Public School Accountability,
15 established under § 6-15-102.

16 (b)(1) The Division of Public School Accountability and the Division
17 of Research and Technology shall have such duties as provided by law.

18 (2) The remaining divisions shall have such responsibility and
19 programs as may be assigned to them by the Commissioner of Education.

20 (c) Each division of the Department of Education shall be under the
21 direction, control, and supervision of the commissioner.

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23 SECTION 4. *Effective July 1, 2007*, Arkansas Code § 6-15-102(a) through
24 (e), concerning the Division of Public School Accountability, is amended to
25 read as follows:

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

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

36 (b) There is created the Division of Public School Accountability of

1 ~~the Department of Education, which shall begin operation within one hundred~~
2 ~~twenty (120) calendar days following June 3, 2004.~~

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

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

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

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

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

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

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

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

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22 SECTION 5. Effective July 1, 2007:

23 (1) The division established under Arkansas Code § 6-21-112
24 shall be known as the Division of Public School Academic Facilities and
25 Transportation of the Department of Education;

26 (2) The division shall operate under the direct supervision of
27 the Commissioner of Education; and

28 (3) The director of the division shall be selected by the
29 commissioner and shall serve at the pleasure of the commissioner.

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31 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly of the State of Arkansas that the study of staffing needs
33 conducted pursuant to Act 64 of the Second Extraordinary Session of 2003
34 determined that the Department of Education is in need of reorganization;
35 that this act would reorganize the department to help the department become
36 more efficient and effective; and that to aid an orderly transition this act

1 should become effective at the beginning of the next fiscal year. Therefore,
2 an emergency is declared to exist and this act being necessary for the
3 preservation of the public peace, health, and safety shall become effective
4 on July 1, 2005.

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/s/ Dangeau, et al