

1 **State of Arkansas**  
2 **78th General Assembly**  
3 **Regular Session, 1991**  
4 **By: Joint Budget Committee**  
5  
6

# A Bill ACT 878 OF 1991

## HOUSE BILL 1494

### For An Act To Be Entitled

8 "AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO  
9 LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS BY THE  
10 DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING  
11 JUNE 30, 1993; AND FOR OTHER PURPOSES."  
12

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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15 SECTION 1. APPROPRIATIONS - GENERAL EDUCATION DIVISION. There is hereby  
16 appropriated, to the Department of Education, to be payable from the Public  
17 School Fund, for grants and aids to local school districts and special  
18 programs by the of the Department of Education - General Education Division  
19 for the biennial period ending June 30, 1993, the following:  
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21 ITEM	22 FISCAL YEARS	
<del>NO.</del>	<del>1991-92</del>	<del>1992-93</del>
23 (01) TEACHER RETIREMENT MATCHING	\$ 96,815,189	
24 \$107,615,189		
25 (02) COUNTY GENERAL AID	1,525,500	1,525,500
26 (03) TRANSPORTATION AID	52,230,228	57,230,228
27 (04) MINIMUM FOUNDATION AID	913,047,124	998,047,124
28 (05) STATE APPORTIONMENT AID	1,296,000	1,296,000
29 (06) ORPHAN'S AID	91,590	91,590
30 (07) CRIPPLED CHILDREN	143,113	143,113
31 (08) PUBLIC SCHOOL EMPLOYEES INSURANCE	35,000,000	40,000,000
32 (09) SCHOOL FOOD SERVICE	1,650,000	1,650,000
33 (10) SCHOOL FOOD - LEGIS. AUDIT COSTS	100,000	100,000
34 (11) ECONOMIC EDUCATION	175,000	200,000
35 (12) SURPLUS COMMODITIES	175,000	175,000
36 (13) GRANTS TO SCHOOL DISTRICTS	27,000	27,000

1	(14)	WORKER'S COMPENSATION	2,600,000	3,000,000
2	(15)	GIFTED AND TALENTED	1,942,896	2,142,896
3	(16)	LIABILITY INSURANCE PREMIUMS	275,000	275,000
4	(17)	ALTERNATIVE SCHOOLS GRANTS	205,000	305,000
5	(18)	AID TO ISOLATED DISTRICTS	175,000	175,000
6	(19)	RECOGNITION PROGRAM	75,000	80,000
7	(20)	READING PROGRAM	794,839	844,839
8	(21)	CLASSROOM MANAGEMENT TRAINING	155,000	155,000
9	(22)	SPECIAL EDUCATION SERVICES	3,000,000	3,000,000
10	(23)	HUMAN DEVELOPMENT CENTERS EDUCATION AID	663,000	663,000
11	(24)	COOPERATIVE EDUCATION SERVICES AREAS	3,850,000	4,100,000
12	(25)	COMPUTER-BASED EDUCATION GRANTS	2,200,000	2,200,000
13	(26)	EARLY CHILDHOOD SPECIAL EDUCATION	4,500,000	5,300,000
14	(27)	RESTRUCTURING SCHOOLS GRANTS	200,000	200,000
15	(28)	REMEDIATION PROGRAM	2,000,000	2,000,000
16	(29)	BETTER CHANCE PROGRAM	5,200,000	10,300,000
17	(30)	MATH & SCIENCE SCHOOL	175,000	1,650,000
18	(31)	DELTA MAGNET SCHOOL (MODEL RURAL SCHOOL)	<u>515,000</u>	<u>515,000</u>
19		TOTAL AMOUNT APPROPRIATED	<u>\$ 1,130,557,680</u>	<u>\$1,244,512,680</u>

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21 SECTION 2. APPROPRIATIONS - VOCATIONAL AND TECHNICAL EDUCATION

22 DIVISION. There is hereby appropriated, to the Department of Education,  
 23 to be payable from the Public School Fund, for grants and aids to local school  
 24 districts and special programs by the Department of Education - Vocational and  
 25 Technical Education Division for the biennial period ending June 30, 1993, the  
 26 following:

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28	ITEM	FISCAL YEARS	
29	NO.	1991-92	1992-93
30	(01) ADULT BASIC & GENERAL ADULT EDUCATION	\$15,494,722	\$17,544,722
31	(02) VOCATIONAL CENTER AID	3,164,890	3,164,890
32	(03) CAPITAL EQUIP GRANT	1,282,630	1,282,630
33	(04) COORDINATED CAREER EDUCATION SERVICES/ 34 SPECIAL NEEDS STUDENTS	998,873	998,873
35	TOTAL AMOUNT APPROPRIATED	<u>\$20,941,115</u>	<u>\$22,991,115</u>

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1 SECTION 3. For the purposes of this Act, "school district" means a  
 2 school district which contracts with a school district in an adjoining state  
 3 for the education of some of the pupils within the Arkansas school district  
 4 because the portion of the school district wherein such pupils live is  
 5 completely separated from the remainder of the school district by a reservoir  
 6 covering at least 12,000 acres at normal water level, and where to attend  
 7 school in their own district, the pupils of said portion would be required to  
 8 travel or to be transported a distance (measured by the nearest highway or  
 9 road route) of more than 35 miles round trip and pass through another school  
 10 district or districts. The Department of Education shall distribute the  
 11 monies appropriated by Item (13) of Section 1 of this Act to such school  
 12 district as reimbursement for expenses incurred in educating the pupils  
 13 residing in the separated portion of the school district. Such school  
 14 district shall file a request for reimbursement with the Department of  
 15 Education and provide the Department of Education with such documentation as  
 16 is deemed necessary.

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18 SECTION 4. FUNDING. Of the first monies distributed to the Public  
 19 School Fund in each fiscal year of the 1991-93 biennium, an amount equal to  
 20 those amounts set forth in Item (13) of Section 1 of this Act shall be set  
 21 aside each fiscal year in order to provide funding for the appropriation in  
 22 Item (13) of Section 1 of this Act.

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24 SECTION 5. FUNDING PROVISION AND ADMINISTRATION. The appropriation  
 25 provided by the General Assembly for "Public School Employees Insurance",  
 26 which is made payable from the Public School Fund, shall be administered by  
 27 the School Insurance Section of the Department of Education - General  
 28 Education Division, in accordance with the provisions of Arkansas Code §  
 29 6-17-1101--6-17-1112, 6-17-1114, and Arkansas Code § 23-86-101--23-86-109,  
 30 23-86-112. In the event that there are insufficient funds or appropriation  
 31 available to disburse the maximum contribution for insurance premiums provided  
 32 for each eligible public school employee as may be set out by law, or if the  
 33 General Assembly fails to set a contribution level, the State Board of  
 34 Education may establish a State contribution level for public school employee  
 35 insurance premiums within the amount of appropriation and funds available.

1 Provided, however, for the fiscal year 1987-88 and thereafter, monthly  
2 contributions per employee of the Public School Employees Insurance Section  
3 shall not exceed that amount authorized and expended in behalf of members of  
4 the State Employees Insurance Section. In addition to those purposes, as set  
5 out in said Arkansas Code provisions enumerated in this Section, the  
6 appropriation for the "Public School Employees Insurance" shall be utilized  
7 for the personal services and operating expenses as required by the Department  
8 of Education to administer the Public School Employees Insurance Program. The  
9 Chief Fiscal Officer of the State is hereby authorized to establish the  
10 necessary amounts of appropriation for regular salaries, operating expenses,  
11 and any other necessary items, by transferring such required amounts from the  
12 appropriation made for "Public School Employees Insurance".

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14 SECTION 6. ELEMENTARY AND HIGH SCHOOL TEXTBOOKS. Local school districts  
15 are hereby authorized to transfer up to twenty percent (20%) of their  
16 allotments for high school and elementary textbooks, as determined by the  
17 State Board of Education, from those funds appropriated for textbook  
18 allotments by Item (04) of Section 1 of this Act. This amount may be  
19 transferred from the portion of textbook allotment designated for high school  
20 textbooks to the portion of textbook allotment designated for elementary  
21 textbooks, or vice versa, after written notification to and confirmation from  
22 the Free Textbooks Section of the Department of Education.

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24 SECTION 7. The funds appropriated in the line item "Special Education  
25 Services" in Section 1 of this Act shall be used to provide extended year  
26 summer programs for handicapped students in need of such services, to provide  
27 special education services to foster children who are wards of the State, and  
28 to provide funds for the payment of salaries of special education supervisors.  
29 The Department of Education shall distribute such funds in the manner  
30 necessary to carry out the intent of this Section.

31

32 SECTION 8. The additional state financial aid for public elementary and  
33 secondary education provided to the school districts of this State pursuant to  
34 the provisions of this Act shall be expended to improve the quality of  
35 education in the public school; therefore, no state financial aid appropriated

1 by this Act and distributed pursuant to the school aid formula shall be  
2 expended for the support of extra-curricular activities or athletic programs.

3

4 SECTION 9. The funds appropriated in Section 2 of this Act may also be  
5 used to match any available federal funds from any agency in order to provide  
6 the maximum amount of money possible for the purposes enumerated in such  
7 section.

8

9 SECTION 10. RESTRICTIONS. (A) The funds appropriated by Item (03) of  
10 Section 2 herein, shall be administered by the Department of Education -  
11 Vocational and Technical Education Division and shall be used to provide  
12 additional assistance to local school districts to enhance and/or upgrade  
13 equipment in existing job-specific programs. Pursuant to policies and  
14 regulations which include applications, disbursement procedures, and matching  
15 requirements of the Vocational and Technical Division, these funds can be used  
16 to purchase capital equipment to enhance or technically upgrade existing  
17 job-specific vocational programs. Such funds shall be distributed to local  
18 school districts in such amounts, as determined by the Department of Education  
19 - Vocational and Technical Education Division.

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21 SECTION 11. Of the funds appropriated and made available for Computer-  
22 Based Education Grants in Section 1 of this Act, an amount up to \$100,000 per  
23 year may be used to contract with private providers for continuing an adult  
24 literacy project.

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26 SECTION 12. Of the monies appropriated herein, the Department of  
27 Education is hereby authorized to expend up to \$50,000 during the 1991-93  
28 biennium for the purpose of revising and publishing the School Laws of  
29 Arkansas.

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31 SECTION 13. The funds appropriated in Item (02) of Section 1 of this  
32 Act for County General Aid shall, except in those instances where a majority  
33 of the school boards in the county have voted not to retain the offices and  
34 functions of the county supervisor or clerk, be disbursed to the several  
35 counties as now provided by law and shall remain in the respective counties

1 and be apportioned on a pro rata basis to the schools or school districts  
2 within the county.

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4       SECTION 14. SET ASIDE FUNDING. An amount of \$2,000,000 of the Public  
5 School Fund shall be set aside and used exclusively to comply with Arkansas  
6 Code 6-17-1113 and 6-20-313 to provide liability protection for school board  
7 members, school nurses, substitute teachers, authorized volunteers, student  
8 teachers, teacher aides, and each person required to be certified by the  
9 Arkansas Department of Education employed by a public school district, School  
10 for the Blind, School for the Deaf, Education Cooperative and County Board of  
11 Education.

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13       SECTION 15. The funds appropriated in this Act for Restructuring  
14 Schools Grants shall be allocated in accordance with regulations and  
15 procedures promulgated by the State Board of Education.

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17       SECTION 16. The funds appropriated by Item (28) of Section 1 of this  
18 Act for the Remediation Program shall be used for remedial/compensatory  
19 programs for students who are eligible for such programs as determined by  
20 regulations adopted by the State Board of Education.

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22       SECTION 17. VOCATIONAL CENTER AID. The distribution of funds for  
23 Vocational Center Aid shall be made directly to the various Vocational  
24 Centers, with a notation to be included on the document which certifies state  
25 aid for the Minimum Foundation Program sent to school districts that such  
26 amounts have been transferred directly to the Vocational Centers. Such  
27 amounts will be considered as current year expenses for school districts but  
28 will not be a part of the net current revenue of the school districts.

29

30       SECTION 18. IMPAC TRANSFER. With the approval of the Chief Fiscal  
31 Officer of the State, a portion of the funds appropriated in Item (25) of  
32 Section 1 of this Act may be transferred to a non-profit agency for the sole  
33 purpose of providing funds that shall be used for the improvement and  
34 promotion of computer assisted instructional programs in the public schools of  
35 Arkansas.

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SECTION 19. Of the funds and appropriation authorized by Item (01) in Section 2 of this Act for Adult Basic and General Adult Education, a sum of \$1,050,000 each fiscal year shall be made available to the secondary area vocational centers managed by local education agencies, in order to expand the vocational education and training opportunities available to area citizens in need of adult educational training or retraining due to changing technology.

The secondary area vocational centers which elect to provide enhanced education/training employment or retraining services appropriate to area industry/business needs, may request from the State Board of Vocational Education to be designated as a Community Based Education Center.

SECTION 20. Section 3 of Act 10 of 1991 is hereby amended to add a new subsection to read as follows:

*"(d) As used in this section 'current certified personnel positions' shall mean the number of certified employees, excluding the superintendent and assistant superintendents, employed by a school district on February 1, 1991."*

SECTION 21. (A) For the fiscal year ending June 30, 1992, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed for desegregation expenses under the "Pulaski County School Desegregation Settlement Agreement." Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct up to, but not to exceed in total for FY92, the sum of \$31,614,070 from the net general revenues and transfer this amount to the Public School Fund.

(B) For the fiscal year ending June 30, 1993, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed for desegregation expenses under the "Pulaski County School Desegregation Settlement Agreement." Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct up to, but not to exceed in total for FY93, the sum of \$25,905,129 from the net general revenues and transfer this amount

1 to the Public School Fund.

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3       SECTION 22. An amount of funds equal to the average raise provided for  
4 certified public school employees each fiscal year by Act 10 of 1991 shall be  
5 provided to the certified personnel employed by the North Central Vocational  
6 Center from the appropriation and funds authorized herein for Cooperative  
7 Education Services Areas.

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9       SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
10 authorized by this Act shall be limited to the appropriation for such agency  
11 and funds made available by law for the support of such appropriations; and  
12 the restrictions of the State Purchasing Law, the General Accounting and  
13 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
14 Procedures and Restrictions Act, or their successors, and other fiscal control  
15 laws of this State, where applicable, and regulations promulgated by the  
16 Department of Finance and Administration, as authorized by law, shall be  
17 strictly complied with in disbursement of said funds.

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19       SECTION 24. LEGISLATIVE INTENT. It is the intent of the General  
20 Assembly that any funds disbursed under the authority of the appropriations  
21 contained in this Act shall be in compliance with the stated reasons for which  
22 this Act was adopted, as evidenced by the Agency Requests, Executive  
23 Recommendations and Legislative Recommendations contained in the budget  
24 manuals prepared by the Department of Finance and Administration, letters, or  
25 summarized oral testimony in the official minutes of the Arkansas Legislative  
26 Council or Joint Budget Committee which relate to its passage and adoption.

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28       SECTION 25. CODE. All provisions of this Act of a general and  
29 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and  
30 the Arkansas Code Revision Commission shall incorporate the same in the Code.

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32       SECTION 26. SEVERABILITY. If any provision of this Act or the  
33 application thereof to any person or circumstance is held invalid, such  
34 invalidity shall not affect other provisions or applications of the Act which  
35 can be given effect without the invalid provision or application, and to this



1 end the provisions of this Act are declared to be severable.

2

3 SECTION 27. GENERAL REPEALER. All laws and parts of laws in conflict  
4 with this Act are hereby repealed.

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6 SECTION 28. EMERGENCY CLAUSE. It is hereby found and determined by the  
7 Seventy-Eighth General Assembly, that the Constitution of the State of  
8 Arkansas prohibits the appropriation of funds for more than a two (2) year  
9 period; that the effectiveness of this Act on July 1, 1991 is essential to the  
10 operation of the agency for which the appropriations in this Act are provided,  
11 and that in the event of an extension of the Regular Session, the delay in the  
12 effective date of this Act beyond July 1, 1991 could work irreparable harm  
13 upon the proper administration and provision of essential governmental  
14 programs. Therefore, an emergency is hereby declared to exist and this Act  
15 being necessary for the immediate preservation of the public peace, health and  
16 safety shall be in full force and effect from and after July 1, 1991.

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*/s/ John E. Miller*

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APPROVED: 3/29/91

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