

Stricken language would be deleted from and underlined language would be added to present law.  
Act 27 of the 2nd Extraordinary Session

1 State of Arkansas As Engrossed: S12/26/03 S12/29/03 S12/29/03 S12/30/03 H12/31/03 Call Item 4

2 84th General Assembly

# A Bill

3 Second Extraordinary Session, 2003

SENATE BILL 43

4

5 By: Senators Broadway, Bisbee

6

7

8

## For An Act To Be Entitled

9

AN ACT TO AMEND ACT 51 OF THE FIRST EXTRAORDINARY

10

SESSION OF 2003 TO PROVIDE FUNDING FOR NATIONAL

11

SCHOOL LUNCH ACT STUDENTS; AND FOR OTHER

12

PURPOSES.

13

14

## Subtitle

15

AN ACT TO AMEND ACT 51 OF THE FIRST

16

EXTRAORDINARY SESSION OF 2003 TO PROVIDE

17

FUNDING FOR NATIONAL SCHOOL LUNCH ACT

18

STUDENTS IN ARKANSAS SCHOOLS

19

20

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

22

23

SECTION 1. Section 1, Item Number (13) POVERTY INDEX, of Act 51 of the First Extraordinary Session of 2003 is amended to read as follows:

24

25

26

ITEM	FISCAL YEARS	
<u>NO.</u>	<u>2003-2004</u>	<u>2004-2005</u>
<del>(13) POVERTY INDEX</del>	<del>8,500,000</del>	<del>8,500,000</del>
<u>(13) NATIONAL SCHOOL LUNCH ACT STUDENTS</u>	<u>21,500,000</u>	<u>8,500,000</u>

27

28

29

30

31

SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the Auditor of the State the sum of five million dollars (\$5,000,000) from funds received from the Jobs and Growth Tax Relief

32

33

34

35

36



1 Reconciliation Act of 2003, Public Law 108-27, to the Department of Education  
2 Public School Fund Account.

3  
4 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
5 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
6 NATIONAL SCHOOL LUNCH ACT FUNDING.

7 (a) For the purpose of distributing National School Lunch Act student  
8 funding to school districts as appropriated in Item (13) of Section 1 of Act  
9 51 of the First Extraordinary Session of 2003 as amended by this act,  
10 National School Lunch Act student funding is funding for students eligible  
11 for the free or reduced lunch program. These funds shall be used only for  
12 early intervention strategies sanctioned by the Department of Education in  
13 reading and writing literacy or mathematics for students in pre-kindergarten  
14 through grade one (preK-1).

15 (b) DEFINITIONS.

16 (1) "Pre-kindergarten" means a program developed for children  
17 between the ages of three (3) and five (5) years old;

18 (2) "Kindergarten enrollment" means the number of students  
19 enrolled in kindergarten on October 1 of each year;

20 (3) "Grade one (1) enrollment" means the number of students  
21 enrolled in grade one (1) on October 1 of each year;

22 (4) "Eligible student" means a child who is at least three (3)  
23 years old and participating in an approved program or is enrolled in grades  
24 kindergarten or one (1) in an eligible public school;

25 (5) "Percent of free and reduced lunch program" means the total  
26 amount of National School Lunch Act students divided by the total  
27 kindergarten and grade one (1) enrollment;

28 (6) "National School Lunch Act (NSLA) students" means those  
29 students from low socio-economic backgrounds in grades kindergarten through  
30 grade one (k-1) by eligibility for free or reduced-priced meals under the  
31 National School Lunch Act as calculated on the October 1 of each year and  
32 submitted to the department in the Arkansas Public School Computer Network  
33 Cycle 2 Report.

34 (c) CALCULATION OF NATIONAL SCHOOL LUNCH ACT STUDENT FUNDING.

35 (1) National School Lunch Act student funding shall be  
36 calculated using the following data elements from the previous fiscal year:

1 (A) Kindergarten enrollment;

2 (B) Grade one (1) enrollment;

3 (C) Kindergarten National School Lunch Act students; and

4 (D) Grade one (1) National School Lunch Act students.

5 (2) For the 2003-2004 school year, National School Lunch Act  
6 student funding for each identified National School Lunch Act student shall  
7 be as follows:

8 (A) For schools in which eighty percent (80%) or greater  
9 of the enrolled students are National School Lunch Act students, funding  
10 shall be seven hundred fifty dollars (\$750) per NSLA student;

11 (B) For schools in which at least sixty percent (60%) but  
12 less than eighty percent (80%) of the enrolled students are National School  
13 Lunch Act students, funding shall be four hundred dollars (\$400) per NSLA  
14 student; and

15 (C) For schools in which less than sixty percent (60%) of  
16 the enrolled students are National School Lunch Act students, funding shall  
17 be three hundred dollars (\$300) per NSLA student.

18 (3) Funding for National School Lunch Act students shall be  
19 based on the number of students eligible for free or reduced-price lunch  
20 program under the National School Lunch Act identified on the October 1,  
21 enrollment report submitted to the Department of Education each year;  
22 submitted in October of 2002.

23 (4) The amount of National School Lunch Act student funding a  
24 school district shall receive for the schools in the district is equal to the  
25 product of the amount determined under subdivision (c)(2) of this section  
26 times the number of eligible free and reduced students enrolled in grades  
27 kindergarten and one (1).

28 (5) For monitoring purposes, the school district shall account  
29 for the funds with a source of funds code and revenue code specified by the  
30 department and shall submit reports as required.

31 (d) RESTRICTED USE OF FUNDS.

32 (1) Funds received by a school shall be restricted to early  
33 intervention programs approved by the department.

34 (2) Moneys distributed shall be exempt from inclusion in  
35 calculations of additional base funding under Arkansas Code § 6-20-303 and  
36 the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the

1 exemption provision for revenues generated for students with low socio-  
2 economic status.

3 (3) Schools may carry NSLA balances over from one fiscal year to  
4 the next. These balances shall be restricted to approved programs.

5 (4) Funds shall only be used to benefit students in an eligible  
6 public school.

7 (5) Any additional personnel to be employed by the school shall  
8 hold an appropriate Arkansas teaching license or be exceptionally well  
9 qualified in the field of early childhood education.

10 (6) Funds shall be used for programs designed to increase  
11 student achievement in reading, writing, and mathematics in pre-kindergarten  
12 through grade one (1).

13 (7) Specific program activities exceeding minimum requirements  
14 eligible for National School Lunch Act student funding, include, but are not  
15 limited to:

16 (A) Hiring literacy or mathematics specialists;

17 (B) Hiring literacy coaches;

18 (C) Providing professional development in the areas of  
19 reading and writing literacy or mathematics;

20 (D) Purchasing computers or software, or other  
21 improvements in technology to assist in instructional activities;

22 (E) Establishing before and after school instructional  
23 activities;

24 (F) Extending school year instructional activities; and

25 (G) Establishing, maintaining or expanding pre-  
26 kindergarten through grade one (1) programs.

27  
28 SECTION 4. EMERGENCY CLAUSE. It is found and determined by the  
29 General Assembly that the Constitution of the State of Arkansas requires the  
30 state to maintain a general, suitable, and efficient system of free public  
31 schools; that the Supreme Court of Arkansas issued an opinion in November  
32 2002 declaring the current school-funding system unconstitutional; that in  
33 order to implement a school-funding system that meets constitutional  
34 compliance, funds must be made available immediately to the Department of  
35 Education to provide assistance and support for schools; that this act is  
36 immediately necessary because the effectiveness of this Act on its passage

1 and approval is essential to the operation of the agency for which the  
2 appropriations in this Act are provided, and that in the event of an  
3 extension of the Second Extraordinary Session of 2003, the delay in the  
4 effective date of this Act upon its passage and approval could work  
5 irreparable harm upon the proper administration and provision of essential  
6 governmental programs. Therefore, an emergency is declared to exist and this  
7 act being immediately necessary for the preservation of the public peace,  
8 health, and safety shall become effective on:

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

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

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

15  
16 */s/ Broadway, et al*

17  
18  
19 *APPROVED: 12/31/2003*