

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

*As Engrossed: S12/26/03*  
**A Bill**

Call Item 4

SENATE BILL 43

5 By: Senators Broadway, Bisbee  
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**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 ALTERNATIVE  
12 LEARNING ENVIRONMENT STUDENTS; AND FOR OTHER  
13 PURPOSES.  
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 AND ALTERNATIVE LEARNING  
19 STUDENTS IN ARKANSAS SCHOOLS  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 SECTION 1. Section 1, Item Number (13) POVERTY INDEX, of Act 51 of the  
26 First Extraordinary Session of 2003 is amended to read as follows:  
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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>

33 SECTION 2. Section 1, Item Number (50) ALTERNATIVE LEARNING, of Act 51  
34 of the First Extraordinary Session of 2003 is amended to read as follows:  
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36 ITEM FISCAL YEARS



NO.	2003-2004	2004-2005
<del>(50) ALTERNATIVE LEARNING</del>	3,000,000	3,000,000
<u>(50) ALTERNATIVE LEARNING</u>	8,000,000	3,000,000

SECTION 3. 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 *twenty one million eight hundred seventy thousand four hundred seven dollars (\$21,870,407)* from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27, to the Department of Education Public School Fund Account.

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

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

(b) DEFINITIONS.

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

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

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

(4) "Eligible student" means a child who is at least three (3) years old and participating in an approved activity or is enrolled in grades

1 kindergarten or one (1) in an eligible public school;

2 (5) "Percent of free and reduced lunch program" means the total  
3 amount of National School Lunch Act student funding divided by the  
4 kindergarten or one (1) enrollment;

5 (6) "National School Lunch Act students" means those students  
6 from low socio-economic backgrounds as indicated by eligibility for free or  
7 reduced-priced meals under the National School Lunch Act as calculated on the  
8 October 1 of each year and submitted to the department in the Arkansas Public  
9 School Computer Network Cycle 2 Report.

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

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

13 (A) Kindergarten enrollment;

14 (B) Grade one (1) enrollment;

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

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

17 (2) For each public school in the state, a National School Lunch  
18 Act student funding index shall be calculated equal to the percent of  
19 students eligible for the national school lunch program.

20 (3) For the 2003-2004 school year, National School Lunch Act  
21 student funding for each identified National School Lunch Act student shall  
22 be as follows:

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

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

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

33 (4) Funding for National School Lunch Act students shall be  
34 based on the number of students eligible for free or reduced-price lunch  
35 program under the National School Lunch Act identified on the Arkansas Public  
36 School Computer Network Cycle 2 Report.

1           (5) The amount of National School Lunch Act student funding a  
2 school district shall receive is equal to the product of the total grades  
3 kindergarten and one (K and 1) times the free and reduced students.

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

7           (d) RESTRICTED USE OF FUNDS.

8           (1) Funds received by a school shall be restricted to early  
9 intervention strategies approved by the department.

10           (2) Moneys distributed shall be exempt from inclusion in  
11 calculations of additional base funding under Arkansas Code § 6-20-303 and  
12 the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the  
13 exemption provision for revenues generated for students with low socio-  
14 economic status.

15           (3) Schools may carry balances over from one fiscal year to the  
16 next. These balances shall be restricted to approved activities.

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

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

22           (6) Funds shall be used for activities designed to increase  
23 student achievement in reading, writing, and mathematics in pre-kindergarten  
24 through grade one (1).

25           (7) Specific activities exceeding minimum requirements eligible  
26 for National School Lunch Act student funding, include, but are not limited  
27 to:

28                   (A) Hiring literacy or mathematics specialists;

29                   (B) Hiring literacy coaches;

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

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

34                   (E) Establishing before and after school instructional  
35 activities;

36                   (F) Extending school year instructional activities; and

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

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4           SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
5 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
6 ALTERNATIVE LEARNING.

7           (a) For the purpose of distributing alternative learning funding to  
8 school districts as appropriated in Item (50) of Section 1 of Act 51 of the  
9 First Extraordinary Session of 2003 as amended by this act, alternative  
10 learning funding is funding for student intervention programs in compliance  
11 with Arkansas Code §§ 6-18-508 and 6-18-509 that seek to eliminate  
12 traditional barriers to learning for students and that include a component  
13 for the education of gifted and talented students.

14           (b) DEFINITIONS.

15           (1) "Alternative learning environment" means a non-traditional  
16 or flexible instructional program, designed to improve student achievement in  
17 the core academic subjects that the students could not achieve in a regular  
18 classroom environment, and that meets the eligibility requirements for  
19 funding purposes.

20           (2) "Alternative learning student" means a student enrolled in  
21 an eligible alternative learning environment for a minimum of twenty (20)  
22 consecutive days per school year.

23           (3) "Full-time equivalent alternative learning student" means an  
24 alternative learning student who has at least six (6) hours per day of  
25 student/teacher interaction time in the alternative learning environment.

26           (4) "Half-time equivalent alternative learning student" means an  
27 alternative learning student who has at least three (3) hours per day of  
28 student/teacher interaction time in the alternative learning environment;

29           (5) "Quarter time equivalent alternative learning student" means  
30 an alternative learning student in kindergarten through grade six (K-6) who  
31 has at least one and one-half (1 ½) hours per day of student/teacher  
32 interaction time in the alternative learning environment.

33           (c) ALTERNATIVE LEARNING ENVIRONMENT ELIGIBILITY REQUIREMENTS. The  
34 alternative learning environment shall:

35           (1) Have students supervised by a currently licensed teacher;

36           (2) Have a student/teacher ratio in the alternative learning

1 environment of no more than twenty (20) to one (1). If an aide is employed  
2 in addition to a licensed supervisor, the student/teacher ratio shall be no  
3 more than twenty-two (22) to one (1);

4 (3) Provide each alternative learning student access to the  
5 services of a school counselor or a mental health professional; and

6 (4) Provide a curriculum including mathematics, science, social  
7 studies, and language arts correlated with the regular classroom instruction  
8 or with the standards for the tests of General Educational Development.

9 (d) FUNDING FOR ALTERNATIVE LEARNING ENVIRONMENTS. For the 2003-2004  
10 school year, alternative learning environment funding shall be two thousand  
11 five hundred dollars (\$2,500) for each full-time equivalent identified  
12 alternative learning environment student reported in the 2002-2003 school  
13 year.

14 (e) RESTRICTED USE OF FUNDS.

15 (1) Any funds received by a local school district under this  
16 regulation may only be expended for eligible alternative learning environment  
17 programs.

18 (2) For monitoring purposes, the school district shall account  
19 for the funds with a source of funds code and revenue code specified by the  
20 Department of Education and submit reports as required.

21 (3) Funds distributed shall be exempt from inclusion in  
22 calculations of additional base funding under Arkansas Code § 6-20-303 and  
23 the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the  
24 exemption provision for revenues generated for students with special  
25 educational needs.

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27 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
28 General Assembly that the Constitution of the State of Arkansas requires the  
29 state to maintain a general, suitable, and efficient system of free public  
30 schools; that the Supreme Court of Arkansas issued an opinion in November  
31 2002 declaring the current school-funding system unconstitutional; that in  
32 order to implement a school-funding system that meets constitutional  
33 compliance, funds must be made available immediately to the Department of  
34 Education to provide assistance and support for schools declared to be in  
35 academic distress; that this act is immediately necessary because the  
36 effectiveness of this Act on its passage and approval is essential to the

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

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16 */s/ Broadway*  
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