

Act 992 of the 1989 Regular Session.

Act 992

HB1428

By: Joint Budget Committee

"AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS BY THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 1991; AND FOR OTHER PURPOSES."

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

SECTION 1. APPROPRIATIONS - GENERAL EDUCATION DIVISION. There is hereby appropriated, to the Department of Education, to be payable from the Public School Fund, for grants and aids to local school districts and special programs by the Department of Education - General Education Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) TEACHER RETIREMENT MATCHING	\$ 86,000,000	\$98,000,000
(02) COUNTY GENERAL AID	1,525,500	1,525,500
(03) TRANSPORTATION AID	47,030,228	47,230,228
(04) MINIMUM FOUNDATION AID	796,012,479	826,359,237
(05) STATE APPORTIONMENT AID	1,296,000	1,296,000
(06) ORPHAN'S AID	91,590	91,590
(07) CRIPPLED CHILDREN	143,113	143,113
(08) PUBLIC SCHOOL EMPLOYEES INSURANCE	27,315,000	30,815,000
(09) SCHOOL FOOD SERVICE	1,750,000	1,900,000
(10) ECONOMIC EDUCATION	100,000	100,000
(11) SURPLUS COMMODITIES	175,000	175,000
(12) GRANTS TO SCHOOL DISTRICTS	27,000	27,000
(13) WORKER'S COMPENSATION	2,600,000	2,600,000
(14) GIFTED AND TALENTED	2,405,561	2,534,819
(15) LIABILITY INSURANCE PREMIUMS	275,000	275,000
(16) ALTERNATIVE SCHOOLS GRANTS	100,000	100,000
(17) AID TO ISOLATED DISTRICTS	175,000	175,000
(18) RECOGNITION PROGRAM	75,000	75,000
(19) READING PROGRAM	794,839	844,839
(20) CLASSROOM MANAGEMENT TRAINING	155,000	155,000
(21) SPECIAL EDUCATION SERVICES	3,000,000	3,000,000
(22) HUMAN DEVELOPMENT CENTERS EDUCATION AID	663,000	663,000
(23) COOPERATIVE EDUCATION SERVICES AREAS	3,593,777	3,606,201
(24) COMPUTER-BASED EDUCATION GRANTS	1,600,000	1,700,000

THE FOLLOWING LINE WAS VETOED BY THE GOVERNOR

(25) POST-SECONDARY PREPARATORY PROGRAM	2,100,000	2,000,000
TOTAL AMOUNT APPROPRIATED	\$979,003,087	\$1,025,391,527

SECTION 2. APPROPRIATIONS - VOCATIONAL AND TECHNICAL EDUCATION DIVISION. There is hereby appropriated, to the Department of Education, to be payable from the Public School Fund, for grants and aids to local school districts and special programs by the Department of Education - Vocational and Technical

Education Division for the biennial period ending June 30, 1991, the following:

ITEM NO.	FISCAL YEARS	
	1989-90	1990-91
(01) ADULT BASIC & GENERAL ADULT EDUCATION	\$9,064,680	\$9,364,680
(02) VOCATIONAL CENTER AID	3,236,196	3,336,196
(03) CAPITAL EQUIP GRANT	1,282,630	1,282,630
(04) COORDINATED CAREER EDUCATION SERVICES/ SPECIAL NEEDS STUDENTS	998,873	998,873
TOTAL AMOUNT APPROPRIATED	\$ 14,582,379	\$ 14,982,379

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

SECTION 4. FUNDING. Of the first monies distributed to the Public School Fund in each fiscal year of the 1989-91 biennium, an amount equal to those amounts set forth in Item (12) of Section 1 of this Act shall be set aside each fiscal year in order to provide funding for the appropriation in Item (12) of Section 1 of this Act.

SECTION 5. FUNDING PROVISION AND ADMINISTRATION. The appropriation provided by the General Assembly for "Public School Employees Insurance", which is made payable from the Public School Fund, shall be administered by the School Insurance Section of the Department of Education - General Education Division, in accordance with the provisions of Arkansas Code 6-17-1101--6-17-1112, 6-17-1114, and Arkansas Code 23-86-101--23-86-109, 23-86-112. In the event that there are insufficient funds or appropriation available to disburse the maximum contribution for insurance premiums provided for each eligible public school employee as may be set out by law, or if the General Assembly fails to set a contribution level, the State Board of Education may establish a State contribution level for public school employee insurance premiums within the amount of appropriation and funds available. Provided, however, for the fiscal year 1987-88 and thereafter, monthly contributions per employee of the Public School Employees Insurance Section shall not exceed that amount authorized and expended in behalf of members of the State Employees Insurance Section. In addition to those purposes, as set out in said Arkansas Code provisions enumerated in this Section, the appropriation for the "Public School Employees Insurance" shall be utilized for the personal services and operating expenses as required by the Department of Education to administer the Public School Employees Insurance Program. The Chief Fiscal Officer of the State is hereby authorized to establish the necessary amounts of appropriation for regular salaries,

operating expenses, and any other necessary items, by transferring such required amounts from the appropriation made for "Public School Employees Insurance".

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

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

SECTION 8. The additional state financial aid for public elementary and secondary education provided to the school districts of this State pursuant to the provisions of this Act shall be expended to improve the quality of education in the public school; therefore, no state financial aid appropriated by this Act and distributed pursuant to the school aid formula shall be expended for the support of extra-curricular activities or athletic programs.

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

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

SECTION 11. Prior to expending any funding for new programs to handicapped students which include funding for evaluation, counseling, assessment, personnel, equipment or other capital outlay, in other than public schools, the Division of Vocational and Technical Education of the Department of Education shall publish a public notice of the intent to provide additional special services to the handicapped, specifying such services in the public notice, and inviting organizations that are recognized by the State to provide education, assessment, job skills training and/or vocational education to handicapped students to submit proposals to provide the additional special services. The Division of Vocational and Technical Education may award one or more contracts to any organization that can fulfill the goals and objectives

of the program, or may assume responsibility for implementing the program as a Division of the Department of Education.

SECTION 12. Of the funds appropriated and made available for Computer Based Education-Grants in Section 1 of this Act, an amount up to \$100,000 per year may be used to contract with private providers for continuing an adult literacy project.

SECTION 13. Of the monies appropriated herein, the Department of Education is hereby authorized to expend up to \$50,000 during the 1989-91 biennium for the purpose of revising and publishing the School Laws of Arkansas.

SECTION 14. The funds appropriated in Item (02) of Section 1 of this Act for County General Aid shall, except in those instances where a majority of the school boards in the county have voted not to retain the offices and functions of the county supervisor or clerk, be disbursed to the several counties as now provided by law and shall remain in the respective counties and be apportioned on a pro rata basis to the schools or school districts within the county.

SECTION 15. SET ASIDE FUNDING. An amount of \$2,000,000 of the Public School Fund shall be set aside and used exclusively to comply with Arkansas Code 6-17-1113 and 6-20-313 to provide liability protection for school board members, school nurses, substitute teachers, authorized volunteers, student teachers, teacher aides, and each person required to be certified by the Arkansas Department of Education employed by a public school district, School for the Blind, School for the Deaf, Education Cooperative and County Board of Education.

SECTION 16. The funds appropriated in this Act for Restructured Schools Grants shall be allocated in accordance with regulations and procedures promulgated by the State Board of Education.

SECTION 17. The funds appropriated in this Act for State Funded Remedial/Compensatory Education shall be used for remedial/compensatory programs for students who are eligible for such programs as determined by regulations adopted by the State Board of Education.

SECTION 18. VOCATIONAL CENTER AID. The distribution of funds for Vocational Center Aid shall be made directly to the various Vocational Centers, with a notation to be included on the document which certifies state aid for the Minimum Foundation Program sent to school districts that such amounts have been transferred directly to the Vocational Centers. Such amounts will be considered as current year expenses for school districts but will not be a part of the net current revenue of the school districts.

SECTION 19. IMPAC TRANSFER. With the approval of the Chief Fiscal Officer of the State, a portion of the funds appropriated in Item (24) of Section 1 of this Act may be transferred to a non-profit agency for the sole purpose of providing funds that shall be used for the improvement and promotion of computer assisted instructional programs in the public schools of Arkansas.

SECTION 20. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this Act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and

the restrictions of the State Purchasing Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

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

SECTION 22. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 23. EMERGENCY CLAUSE. It is hereby found and determined by the Seventy-Seventh General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a two (2) year period; that the effectiveness of this Act on July 1, 1989 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the Regular Session, the delay in the effective date of this Act beyond July 1, 1989 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 1989.

APPROVED: March 24, 1989
