

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H3/12/97 H3/21/97 H3/25/97 H4/1/97 S4/3/97

A Bill

ACT 1361 OF 1997
HOUSE BILL 1809

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO
10 LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE
11 DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 1999; AND FOR OTHER PURPOSES."
13

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF EDUCATION
15 GRANTS AND AIDS APPROPRIATION FOR THE
16 1997-99 BIENNIUM."
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. APPROPRIATIONS - GENERAL EDUCATION DIVISION. There is
22 hereby appropriated, to the Department of Education - General Education
23 Division, to be payable from the Public School Fund, for grants and aids to
24 local school districts and special programs of the Department of Education -
25 General Education Division for the biennial period ending June 30, 1999, the
26 following:
27

28 ITEM	29 FISCAL YEARS	
NO.	1997-98	1998-99
30 (01) ALTERNATIVE LEARNING PROGRAM GRANTS	\$ 1,000,000	1,000,000
31 (02) GROWTH FACILITIES FUNDING	5,000,000	5,000,000
32 (03) GENERAL FACILITIES FUNDING	10,000,000	10,000,000
33 (04) ISOLATED FUNDING	4,652,568	4,931,722
34 (05) STUDENT GROWTH	23,500,000	25,000,000
35 (06) DEBT SERVICE FUNDING SUPPLEMENT	23,000,000	24,500,000
36 (07) DEPARTMENT OF CORRECTION	2,786,348	2,922,452

1	(08)	RESIDENTIAL CENTERS/JUVENILE DETENTION	8,012,000	8,512,000
2	(09)	EARLY CHILD CURRICULUM		
3		SPECIALISTS	1,000,000	1,000,000
4	(10)	VOCATIONAL START-UP	2,370,000	2,370,000
5	(11)	CONSOLIDATION INCENTIVE	750,000	1,500,000
6	(12)	STATE EQUALIZATION FUNDING	1,349,390,985	1,396,195,199
7	(13)	PYGMALION COMMISSION	25,000	25,000
8	(14)	COOP ED TECH CENTERS OPERATIONS	750,000	750,000
9	(15)	TEACHER RETIREMENT MATCHING	2,843,833	2,995,928
10	(16)	ADVANCED PLACEMENT INCENTIVE	250,000	250,000
11	(17)	TRANSPORTATION AID/SAFETY TRAINING	8,200,000	8,200,000
12	(18)	CRIPPLED CHILDREN	143,113	143,113
13	(19)	PUBLIC SCHOOL EMPLOYEE INSURANCE	736,530	774,722
14	(20)	SCHOOL FOOD SERVICES	1,650,000	1,650,000
15	(21)	ECONOMIC EDUCATION	200,000	200,000
16	(22)	PARENTS AS TEACHERS PROG	600,000	600,000
17	(23)	SURPLUS COMMODITIES	175,000	175,000
18	(24)	GRANTS TO SCHOOL DISTRICTS	47,000	47,000
19	(25)	WORKER'S COMPENSATION	2,500,000	2,225,000
20	(26)	SCHOOL FOOD-LEGISLATIVE AUDIT		
21		COSTS	100,000	100,000
22	(27)	GIFTED & TALENTED	1,942,896	1,942,896
23	(28)	COMPUTER-BASED EDUC-OPERATIONS	500,000	500,000
24	(29)	READING PROGRAM	794,839	794,839
25	(30)	SPECIAL EDUCATION SERVICES	3,000,000	3,000,000
26	(31)	HUMAN DEVELOPMENT CTR EDUC AID	663,000	663,000
27	(32)	MODEL RURAL EARLY CHILD CONSORTIUM	500,000	500,000
28	(33)	COMMUNITY-BASED PILOT GRANTS	439,080	439,080
29	(34)	EARLY CHILDHOOD SPECIAL EDUCATION	4,997,400	4,997,400
30	(35)	WORKER'S COMPENSATION PURCHASES	6,600,000	6,600,000
31	(36)	PARENT INVOLVEMENT	300,000	300,000
32	(37)	TARGETED CATEGORIES		
33		(A) CATASTROPHIC LOSS FUNDING	2,300,000	1,700,000
34		(B) STUDENTS WITH LIMITED ENGLISH		
35		PROFICIENCY	2,100,000	2,100,000

1	(C) AT RISK	3,500,000	3,500,000
2	(D) SPECIAL EDUCATION -		
3	CATASTROPHIC OCCURRENCES	1,000,000	1,000,000
4	(38) ADDITIONAL BASE FUNDING	20,000,000	20,000,000
5	(39) INCENTIVE FUNDING I	18,000,000	20,000,000
6	(40) SCHOOL FINANCE FORMULA STUDY	200,000	0
7	(41) LIABILITY INSURANCE	680,000	340,000
8	TOTAL AMOUNT APPROPRIATED	<u>\$1,517,199,592</u>	<u>\$1,569,444,351</u>

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10 SECTION 2. APPROPRIATIONS - VOCATIONAL AND TECHNICAL EDUCATION

11 DIVISION. There is hereby appropriated, to the Department of Education -

12 Vocational and Technical Education Division, to be payable from the Public

13 School Fund, for grants and aids to local school districts and special

14 programs of the Department of Education - Vocational and Technical Education

15 Division for the biennial period ending June 30, 1999, the following:

17	ITEM	<u>FISCAL YEARS</u>	
18	NO.	1997-98	1998-99
19	(01) ADULT BASIC & GENERAL ADULT EDUC	\$ 17,159,202	\$ 17,159,202
20	(02) CAPITAL EQUIPMENT	1,282,630	1,282,630
21	(03) COORD CAREER ED SERV/SPEC NEEDS		
22	STUDENTS	<u>998,873</u>	<u>998,873</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 19,440,705</u>	<u>\$ 19,440,705</u>

24

25 SECTION 3. SPECIAL LANGUAGE - For the purposes of distributing the

26 GRANTS TO SCHOOL DISTRICTS appropriation in Section 1 of this Act, "school

27 district" means a school district which contracts with a school district in an

28 adjoining state for the education of some of the pupils within the Arkansas

29 school district because the portion of the school district wherein such pupils

30 live is completely separated from the remainder of the school district by a

31 reservoir covering at least 12,000 acres at normal water level, and where to

32 attend school in their own district, the pupils of said portion would be

33 required to travel or to be transported a distance (measured by the nearest

34 highway or road route) of more than 35 miles round trip and pass through

35 another school district or districts. The Department of Education shall

1 distribute the monies appropriated for GRANTS TO SCHOOL DISTRICTS in Section 1
2 of this Act to such school districts as reimbursement for expenses incurred in
3 educating the pupils residing in the separated portion of the school district.
4 Such school districts shall file a request for reimbursement with the
5 Department of Education and provide the Department of Education with such
6 documentation as is deemed necessary.

7
8 SECTION 4. SPECIAL LANGUAGE - The funds appropriated in the line item
9 "Special Education Services" in Section 1 of this Act shall be used to provide
10 extended year summer programs for handicapped students in need of such
11 services, to provide special education services to foster children who are
12 wards of the State, and to provide funds for the payment of salaries of
13 special education supervisors. The Department of Education shall distribute
14 such funds in the manner necessary to carry out the intent of this Section.

15
16 SECTION 5. SPECIAL LANGUAGE - The funds appropriated in Section 2 of
17 this Act may also be used to match any available federal funds from any agency
18 in order to provide the maximum amount of money possible for the purposes
19 enumerated in such section.

20
21 SECTION 6. SPECIAL LANGUAGE - RESTRICTIONS. The funds appropriated for
22 CAPITAL EQUIPMENT in Section 2 herein, shall be administered by the Department
23 of Education - Vocational and Technical Education Division and shall be used
24 to provide additional assistance to local school districts to enhance and/or
25 upgrade equipment in existing job-specific programs. Pursuant to policies and
26 regulations which include applications, disbursement procedures, and matching
27 requirements of the Vocational and Technical Division, these funds can be used
28 to purchase capital equipment to enhance or technically upgrade existing
29 job-specific vocational programs. Such funds shall be distributed to local
30 school districts in such amounts, as determined by the Department of Education
31 - Vocational and Technical Education Division.

32
33 SECTION 7. SPECIAL LANGUAGE. Beginning with the 1996-97 school year,
34 Local School Districts shall pay the teacher retirement employer contribution
35 rate for any eligible employee in accordance with rules and regulations

1 established by the Teacher Retirement Board of Directors. The appropriation
2 contained herein for Teacher Retirement Matching each fiscal year shall be
3 used to provide the employer matching for employees of the Cooperative
4 Education Services Areas, Vocational Centers, Model Vocational - Technical
5 Education Resource Center and the school operated by the Department of
6 Correction.

7
8 SECTION 8. SPECIAL LANGUAGE. Beginning with the 1996-97 school year,
9 Local School Districts shall pay the health insurance contribution rate
10 established by the State Board of Education for each eligible employee
11 electing to participate in the Public School Employee Health Insurance
12 Program. The appropriation contained herein for Public School Employee
13 Insurance each fiscal year shall be used to provide the state contribution for
14 insurance premiums for employees of the Cooperative Education Services Areas,
15 Vocational Centers, Model Vocational - Technical Education Resource Center and
16 the school operated by the Department of Correction.

17
18 SECTION 9. SPECIAL LANGUAGE. The appropriations contained herein for
19 Vocational Center Start-Up shall be allocated in accordance with rules and
20 regulations established by the State Board of Vocational Education, after the
21 rules and regulations have undergone a prior review by the Administrative
22 Rules and Regulations Subcommittee of the Arkansas Legislative Council or
23 Joint Budget Committee.

24
25 SECTION 10. SPECIAL LANGUAGE. Of the funds and appropriation
26 authorized by Item (01) in Section 2 of this Act for Adult Basic and General
27 Adult Education, a sum of \$1,050,000 each fiscal year shall be made available
28 to the secondary area vocational centers managed by local education agencies,
29 in order to expand the vocational education and training opportunities
30 available to area citizens in need of adult educational training or retraining
31 due to changing technology.

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

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2 SECTION 11. SPECIAL LANGUAGE. The funds appropriated for At-Risk shall
3 be used to provide K-3 summer school, college preparatory enrichment programs,
4 and K-3 programs during the regular school year. The Department may expend up
5 to \$500,000 each fiscal year to monitor and assess or enter into a
6 Professional/Consultant Services contract for the purpose of monitoring and
7 assessing the various programs under the purview of the Department of
8 Education. Further, the Department of Education shall report the findings of
9 such monitoring and assessment to the Joint Interim Committee on Education
10 each fiscal year.

11

12 SECTION 12. (A) For the fiscal year ending June 30, 1998, the
13 Department of Education shall from time to time as needed, certify to the
14 State Treasurer and the Chief Fiscal Office of the State, the amount of funds
15 disbursed for desegregation expenses under the "Pulaski County School
16 Desegregation Settlement Agreement." Upon the receipt of such certification,
17 the State Treasurer, after making those deductions as set out in Arkansas Code
18 19-5-202(b)(2)(B), shall also deduct up to, but not to exceed in total for
19 fiscal year 1997-98 the sum of \$28,000,000 from the net general revenues and
20 transfer this amount to the Public School Fund.

21 (B) For the fiscal year ending June 30, 1999, the Department of Education
22 shall from time to time as needed, certify to the State Treasurer and the
23 Chief Fiscal Office of the State, the amount of funds disbursed for
24 desegregation expenses under the "Pulaski County School Desegregation
25 Settlement Agreement." Upon the receipt of such certification, the State
26 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
27 202(b)(2)(B), shall also deduct up to, but not to exceed in total for fiscal
28 year 1998-99 the sum of \$28,100,000 from the net general revenues and transfer
29 this amount to the Public School Fund.

30

31 SECTION 13. SPECIAL LANGUAGE. The appropriation contained herein for
32 Consolidation Incentive shall be allocated in accordance with rules and
33 regulations established by the State Board of Education.

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35 SECTION 14. SPECIAL LANGUAGE. The funds appropriated herein for

1 Residential Centers/Juvenile Detention shall be allocated in accordance with
2 rules and regulations established by the State Board of Education.

3

4 SECTION 15. SPECIAL LANGUAGE. The funds appropriated for Catastrophic
5 Loss Funding in Section 1 of this Act shall first be made available to local
6 school districts that received fiscal crises relief funding for loss of
7 maintenance and operation revenues during the 1996-97 school year.

8

9 SECTION 16. SPECIAL LANGUAGE. The State Board of Education shall have
10 the authority to budget carryover balances in the Public School Fund.
11 However, the State Board shall first budget any carryover balances to fund
12 appropriations designated as Targeted Categories.

13

14 SECTION 17. SPECIAL LANGUAGE. Any unexpended balances of appropriation
15 and funds authorized for the School Finance Formula Study line item in Section
16 1 of this Act remaining on June 30, 1998, shall be carried forward and made
17 available for the same purpose for the fiscal year ending June 30, 1999.

18

19 SECTION 18. SPECIAL LANGUAGE. The Director of the Department of
20 Education, with the approval of the Chief Fiscal Officer and after review by
21 the Arkansas Legislative Council or Joint Budget Committee, is hereby
22 authorized to request necessary appropriation transfers and any other budget
23 related adjustments necessary.

24

25 SECTION 19. SPECIAL LANGUAGE. The appropriation and funds authorized
26 herein for PURCHASE OF WORKERS' COMPENSATION COVERAGE BY SCHOOL DISTRICTS AND
27 EDUCATION SERVICE COOPERATIVES shall be distributed proportionally by the
28 Department of Education to each of the various school districts based on each
29 school district's average daily membership (ADM) the previous year and to each
30 of the state's education service cooperatives in an amount equal to 50% of the
31 amount each cooperative expended for that purpose the previous year.

32

33 SECTION 20. APPROPRIATIONS - RISE/MOVE PROGRAM. There is hereby
34 appropriated, to the Department of Education - General Education Division, to
35 be payable from the Public School Fund, from funds received from the General

1 Improvement Fund or other funds as made available by the General Assembly, to
2 sponsor the Eastern Arkansas Educational Consortium Remedial Instruction
3 Strengthens Education/Motivational Opportunities for a Vital Education
4 (Rise/Move) Summer Tutorial and Enrichment Program, the sum of \$546,763 each
5 fiscal year of the biennial period ending June 30, 1999.

6

7 SECTION 21. APPROPRIATIONS - NBPTS PARTICIPATION FEE/SUBSTITUTE PAY.

8 There is hereby appropriated, to the Department of Education - General
9 Education Division, to be payable from the Public School Fund, for the payment
10 of one-half of the National Board for Professional Teaching Standards
11 participation fee and substitute pay, the sum of \$10,000 each fiscal year of
12 the biennial period ending June 30, 1999.

13

14 SECTION 22. Of the total amount appropriated each fiscal year for the
15 Parent Involvement line item the Department of Education shall allocate
16 \$20,000 each fiscal year to the Beebe Public School District for a Parent
17 Involvement Pilot Program.

18

19 SECTION 23. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
20 authorized by this Act shall be limited to the appropriation for such agency
21 and funds made available by law for the support of such appropriations; and
22 the restrictions of the State Purchasing Law, the General Accounting and
23 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
24 Procedures and Restrictions Act, or their successors, and other fiscal control
25 laws of this State, where applicable, and regulations promulgated by the
26 Department of Finance and Administration, as authorized by law, shall be
27 strictly complied with in disbursement of said funds.

28

29 SECTION 24. LEGISLATIVE INTENT. It is the intent of the General
30 Assembly that any funds disbursed under the authority of the appropriations
31 contained in this Act shall be in compliance with the stated reasons for which
32 this Act was adopted, as evidenced by the Agency Requests, Executive
33 Recommendations and Legislative Recommendations contained in the budget
34 manuals prepared by the Department of Finance and Administration, letters, or
35 summarized oral testimony in the official minutes of the Arkansas Legislative

1 Council or Joint Budget Committee which relate to its passage and adoption.

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

6

7 SECTION 26. SEVERABILITY. If any provision of this Act or the
8 application thereof to any person or circumstance is held invalid, such
9 invalidity shall not affect other provisions or applications of the Act which
10 can be given effect without the invalid provision or application, and to this
11 end the provisions of this Act are declared to be severable.

12

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

15

16 SECTION 28. EMERGENCY CLAUSE. It is hereby found and determined by the
17 Eighty-First General Assembly, that the Constitution of the State of Arkansas
18 prohibits the appropriation of funds for more than a two (2) year period; that
19 the effectiveness of this Act on July 1, 1997 is essential to the operation of
20 the agency for which the appropriations in this Act are provided, and that in
21 the event of an extension of the Regular Session, the delay in the effective
22 date of this Act beyond July 1, 1997 could work irreparable harm upon the
23 proper administration and provision of essential governmental programs.
24 Therefore, an emergency is hereby declared to exist and this Act being
25 necessary for the immediate preservation of the public peace, health and
26 safety shall be in full force and effect from and after July 1, 1997.

27

/s/JBC

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APPROVED: 4-17-97

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