

Stricken language would be deleted from and underlined language would be added to present law.
Act 77 of the 2nd Extraordinary Session

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

As Engrossed: S1/30/04 S2/3/04

Call Item 3

A Bill

SENATE BILL 79

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
10 AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL
11 PROGRAMS, AND TO PROVIDE A BONUS TO TEACHERS IN
12 SPECIAL SETTINGS FOR THE DEPARTMENT OF EDUCATION
13 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND
14 FOR OTHER PURPOSES.

Subtitle

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16
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18 AN ACT FOR THE DEPARTMENT OF EDUCATION
19 - GRANTS AND AIDS TO LOCAL SCHOOL
20 DISTRICTS AND SPECIAL PROGRAMS
21 APPROPRIATION FOR THE 2003-2005
22 BIENNIUM.
23
24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department
28 of Education, to be payable from the Department of Education Public School
29 Fund Account, for grants and aids to local school districts and special
30 programs of the Department of Education for the biennial period ending June
31 30, 2005, the following:
32

ITEM	FISCAL YEARS	
	NO.	
(01) STATE FOUNDATION FUNDING AID	\$	0 \$1,760,751,092
(02) NATIONAL SCHOOL LUNCH STUDENT FUNDING		0 132,146,400



1	(03) ALTERNATIVE LEARNING ENVIRONMENT		
2	STUDENT FUNDING	0	15,914,438
3	(04) ENGLISH LANGUAGE LEARNER STUDENT		
4	FUNDING	0	3,128,210
5	(05) PROFESSIONAL DEVELOPMENT FUNDING	0	22,251,515
6	(06) GENERAL FACILITIES FUNDING	0	8,115,181
7	(07) DEBT SERVICE FUNDING SUPPLEMENT	0	27,535,288
8	(08) STUDENT GROWTH FUNDING	0	41,291,748
9	(09) ISOLATED FUNDING	0	9,076,387
10	(10) SPECIAL EDUCATION CATASTROPHIC OCCURRENCES	0	8,800,000
11	(11) COURT ORDERED DESEGREGATION	<u>0</u>	<u>56,800,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 2,085,810,259</u>

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14 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGENCY

16 TEACHERS IN SPECIAL SETTINGS BONUS FUNDING. If sufficient appropriation or

17 funds, or both, are not available in the budgets of the following agencies as

18 approved by the Chief Fiscal Officer of the State during the 2004-05 Fiscal

19 Year to fully provide a one-time \$2,500 bonus to each full time equivalent

20 certified teacher employed on October 1, 2004, by the Department of Human

21 Services Human Development Centers, Intermediate Care Facilities for the

22 Mentally Retarded for Children, or the School for Mathematics, Sciences and

23 the Arts, or the Arkansas National Guard Youth Challenge Program and the

24 Civilian Student Training Program, or Adult Education Centers at public

25 school districts as approved by the Department of Workforce Education Adult

26 Education, or the School for the Blind or the School for the Deaf, the Chief

27 Fiscal Officer of the State shall transfer the amount of moneys necessary

28 from the Merit Adjustment Fund and any necessary appropriation, from that

29 authorized to the Department of Finance and Administration for Regular

30 Salaries for transfer to state agencies, to the various fund or fund accounts

31 of the agencies listed herein in order to provide the one-time \$2,500 bonus

32 to eligible teachers.

33 Further, the appropriation and funds authorized herein for the bonus shall

34 not be spent until the agencies have submitted a list of proposed payments to

35 the Chief Fiscal Officer of the State for approval. Such information shall

36 be submitted in such form and content as may be required by the Chief Fiscal

1 Officer of the State.

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3 The provisions of this section shall be in effect only from July 1, 2003
4 through June 30, 2005.

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6 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
7 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY
8 CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FUNDING PROVISION. During the
9 2004-05 fiscal year each school district that contracts with or otherwise
10 receives teaching services for its students shall pay to the applicable
11 provider of service, a one-time bonus in an amount equal to \$2,500 for each
12 full time equivalent certified teacher employed on October 1, 2004, by the
13 provider that is providing the services to school district students.
14 Immediately upon receiving the monies from the school district the provider
15 of service shall make available the \$2,500 one-time bonus to each of its full
16 time equivalent certified teachers that are providing the services to school
17 district students. Each provider will be responsible for notifying the school
18 district of its proportional share of the cost to provide the full time
19 equivalent certified teacher. If a dispute were to occur, the Arkansas
20 Department of Education will have final authority to determine the amount due
21 from a school district.

22
23 The provisions of this section shall be in effect only from July 1, 2003
24 through June 30, 2005.

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26 Section 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY
28 CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS. The Department of Human
29 Services - Youth Services Division, shall provide a one-time bonus of \$2,500
30 for each full time equivalent certified teacher employed by a private
31 provider that is providing teaching services to juveniles in the custody of
32 the Youth Services Division. Immediately upon receiving the monies from the
33 Department of Human Services - Youth Services Division the provider of
34 service shall make available the \$2,500 one-time bonus to each of its full
35 time equivalent certified teachers that are providing the services to
36 juveniles in custody of the Youth Services Division.

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2 The provisions of this section shall be in effect only from July 1, 2003
3 through June 30, 2005.

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5 Section 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY
7 CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FOR CHILDREN AGES 3 TO 5 YEARS
8 OLD. The Department of Human Services - Developmental Disabilities Services,
9 shall provide a one-time bonus of \$2,500 for each full time equivalent
10 certified teacher employed on October 1, 2004, by a private provider that is
11 providing teaching services to children ages 3 to 5 years old. Immediately
12 upon receiving the monies from the Department of Human Services -
13 Developmental Disabilities Services Division the provider of service shall
14 make available the \$2,500 one-time bonus to each of its full time equivalent
15 certified teachers that are providing the services to children ages 3 to 5
16 years old.

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18 The provisions of this section shall be in effect only from July 1, 2003
19 through June 30, 2005.

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21 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEFINITION
23 OF CERTIFIED TEACHER.

24 "Certified Teacher " means:

25 (A) An individual who is required to hold a teaching license from
26 the department and who is engaged directly in instruction with students in a
27 classroom setting for more than seventy percent (70%) of the individual's
28 contracted time;

29 (B) A guidance counselor; or

30 (C) A librarian;

31
32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RETIREMENT
34 BENEFITS. Bonus payments as required by this act are not considered as
35 salary for the calculation of retirement benefits under the Arkansas Teacher
36 Retirement System or the Arkansas Public Employee Retirement System. However,

1 this special language does not preclude or require any provider of services
2 from including the bonus for retirement purposes.

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4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CHARTER
6 SCHOOL FUNDING RESTRICTIONS. Regardless of any provision of any law to the
7 contrary, the Department of Education shall fund from state monies only those
8 charter schools which provide education services in a traditional public
9 school setting and, if the internet or long-distance learning technology is
10 used, the internet or long-distance learning technology is used as a
11 supplement to the school's traditional classroom setting.

12
13 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SCHOOL FOR
15 THE BLIND AND SCHOOL FOR THE DEAF CERTIFIED EDUCATIONAL SUPPORT STAFF BONUS.
16 If sufficient appropriation and funds are available in the budgets of the
17 School for the Blind and the School for the Deaf as approved by the Chief
18 Fiscal Officer of the State during the 2004-05 fiscal year, the schools are
19 authorized to provide a one-time bonus of \$2,500 to each certified
20 educational support staff that may not otherwise be eligible to receive the
21 bonus under Section 2 of this Act. The provisions of this section shall only
22 be in effect from July 1, 2003 through June 30, 2005.

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24 SECTION 10. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
25 authorized by this act shall be limited to the appropriation for such agency
26 and funds made available by law for the support of such appropriations; and
27 the restrictions of the State Purchasing Law, the General Accounting and
28 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
29 Procedures and Restrictions Act, or their successors, and other fiscal
30 control laws of this State, where applicable, and regulations promulgated by
31 the Department of Finance and Administration, as authorized by law, shall be
32 strictly complied with in disbursement of said funds.

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34 SECTION 11. LEGISLATIVE INTENT. It is the intent of the General Assembly
35 that any funds disbursed under the authority of the appropriations contained
36 in this act shall be in compliance with the stated reasons for which this act

1 was adopted, as evidenced by the Agency Requests, Executive Recommendations
2 and Legislative Recommendations contained in the budget manuals prepared by
3 the Department of Finance and Administration, letters, or summarized oral
4 testimony in the official minutes of the Arkansas Legislative Council or
5 Joint Budget Committee which relate to its passage and adoption.

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7 SECTION 12. EMERGENCY CLAUSE. It is found and determined by the General
8 Assembly, that the Constitution of the State of Arkansas prohibits the
9 appropriation of funds for more than a two (2) year period; that due to the
10 November 2002 Arkansas Supreme Court decision regarding the inadequacy of
11 Arkansas public schools the effectiveness of this Act on the date of its
12 passage and approval is essential to the operation of the agency for which
13 the appropriations in this Act are provided, and that in the event of an
14 extension of the Second Extraordinary Session, the delay in the effective
15 date of this Act beyond the date of its passage and approval could work
16 irreparable harm upon the proper administration and provision of essential
17 governmental programs. Therefore, an emergency is hereby declared to exist
18 and this Act being necessary for the immediate preservation of the public
19 peace, health and safety shall be in full force and effect from and after the
20 date of its passage and approval.

21 If the bill is neither approved nor vetoed by the Governor, it shall become
22 effective on the expiration of the period of time during which the Governor
23 may veto the bill. If the bill is vetoed by the Governor and the veto is
24 overridden, it shall become effective on the date the last house overrides
25 the veto.

26
27 /s/ Joint Budget Committee

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30 APPROVED: 2/6/2004