

Stricken language will be deleted and underlined language will be added.
Act 293 of the Fiscal Session

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

As Engrossed: S2/11/10 S2/17/10

A Bill

SENATE BILL 120

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
10 AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
11 PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION -
17 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
18 APPROPRIATION FOR THE 2010-2011 FISCAL
19 YEAR.
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department
26 of Education, to be payable from the Department of Education Public School
27 Fund Account, for grants and aid to local school districts and special
28 programs of the Department of Education for the fiscal year ending June 30,
29 2011, the following:
30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2010-2011</u>
33	(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$ 26,508,621
34	(02) ACADEMIC IMPROVEMENT TRAINING	500,000
35	(03) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
36	HEALTH INSURANCE	15,000,000

1	(04)	ADVANCED PLACEMENT INCENTIVE	825,000
2	(05)	ALTERNATIVE LEARNING	19,968,837
3	(06)	ALTERNATIVE PAY	2,500,000
4	(07)	ARKANSAS EASTER SEALS	193,113
5	(08)	ASSESSMENT/END OF COURSE TESTING	23,887,747
6	(09)	AT RISK	5,188,530
7	(10)	BETTER CHANCE PROGRAM	116,619,375
8	(11)	BONDED DEBT ASSISTANCE	28,455,384
9	(12)	CERTIFIED SPEECH-LANGUAGE PATHOLOGIST	
10		INCENTIVE BONUSES	2,500,000
11	(13)	CONSOLIDATION INCENTIVE	5,210,100
12	(14)	CONTENT STANDARDS	161,000
13	(15)	CONTENTS STANDARDS CURRICULUM	
14		FRAMEWORKS	50,000
15	(16)	COOP EDUCATION TECH CENTERS	1,200,000
16	(17)	COORDINATED SCHOOL HEALTH	3,000,000
17	(18)	COURT ORDERED DESEGREGATION	69,814,372
18	(19)	CRIMINAL BACKGROUND CHECKS	50,000
19	(20)	DECLINING ENROLLMENT	13,963,389
20	(21)	DEPT OF CORRECTION	5,597,675
21	(22)	DISTANCE LEARNING	6,500,000
22	(23)	DISTANCE LEARNING OPERATIONS	10,331,400
23	(24)	DISTRESSED SCHOOL DISTRICT SUPPORT	450,000
24	(25)	EARLY CHILDHOOD SPECIAL EDUCATION	15,623,079
25	(26)	ECONOMIC EDUCATION	350,000
26	(27)	EDUCATION SERVICE COOPERATIVES	6,129,270
27	(28)	ENGLISH LANGUAGE LEARNERS	10,231,111
28	(29)	GENERAL FACILITIES FUNDING	8,100,000
29	(30)	GIFTED & TALENTED	1,480,381
30	(31)	GRANTS TO SCHOOL DISTRICTS	67,856
31	(32)	HOME SCHOOL TESTING	250,000
32	(33)	HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
33	(34)	INTENSIVE SCHOOL SUPPORT	320,000
34	(35)	INTERNATIONAL BACCALAUREATE PROGRAM	75,000
35	(36)	INTERVENTION BLOCK GRANTS	227,000
36	(37)	ISOLATED FUNDING	7,896,000

1	(38)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
2	(39)	MASTER PRINCIPAL BONUS	90,000
3	(40)	NATIONAL BOARD OF PROF TEACHING	
4		STANDARDS	7,475,840
5	(41)	NATIONAL SCHOOL LUNCH	161,071,480
6	(42)	NON-TRADITIONAL LICENSURE	50,000
7	(43)	PROFESSIONAL DEVELOPMENT FUNDING	23,279,850
8	(44)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
9	(45)	PYGMALION COMMISSION	40,000
10	(46)	RESIDENTIAL CENTERS/JUVENILE DETENTION	15,188,254
11	(47)	SCHOOL FACILITY JOINT USE SUPPORT	1,000,000
12	(48)	SCHOOL FOOD SERVICES	1,650,000
13	(49)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
14	(50)	SCHOOL FUNDING CONTINGENCY	25,000,000
15	(51)	SCHOOL WORKER DEFENSE	390,000
16	(52)	SERIOUS OFFENDER	1,050,946
17	(53)	SMART CORE INCENTIVE FUNDING PROGRAM	3,000,000
18	(54)	SMART START/SMART STEP	10,666,303
19	(55)	SPECIAL EDUCATION SERVICES	4,145,285
20	(56)	SPECIAL EDUCATION-CATASTROPHIC	11,000,000
21	(57)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
22	(58)	STATE FOUNDATION FUNDING	1,843,181,242
23	(59)	STUDENT GROWTH	54,851,000
24	(60)	SUPPLEMENTAL MILLAGE	10,000,000
25	(61)	SURPLUS COMMODITIES	1,027,858
26	(62)	TEACHER HOUSING DEVELOPMENT	100,000
27	(63)	TEACHER LICENSING/MENTORING	7,508,758
28	(64)	TEACHER OF THE YEAR	125,000
29	(65)	TEACHER RECRUITMENT	2,100,000
30	(66)	TEACHER RETIREMENT MATCHING	6,655,000
31	(67)	TECHNOLOGY GRANTS	3,602,678
32	(68)	TECHNOLOGY IMPROVEMENTS	1,000,000
33	(69)	TRAVELING TEACHERS	500,000
34	(70)	WORKER'S COMPENSATION	450,000
35	(71)	YOUTH SHELTERS	165,000
36		TOTAL AMOUNT APPROPRIATED	<u>\$2,646,963,484</u>

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SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

There is hereby established for the Department of Education - Arkansas Public School Computer Network for the 2010-2011 fiscal year, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.

Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2010-2011
(1)	N047N	ADE APSCN DIRECTOR	1	GRADE N908
(2)	G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
(3)	D037C	ADE APSCN APPLICATIONS MANAGER	4	GRADE C124
(4)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
(5)	D050C	SECURITY ANALYST	1	GRADE C122
(6)	D044C	SYSTEMS ANALYST	1	GRADE C122
(7)	D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
(8)	C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
(9)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(10)	D077C	HELP DESK SPECIALIST	2	GRADE C115
(11)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
(12)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
MAX. NO. OF EMPLOYEES			46	

SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services and operating expenses of the Department of Education - Arkansas Public

1 School Computer Network for the fiscal year ending June 30, 2011, the
 2 following:

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2010-2011</u>
6 (01) REGULAR SALARIES	\$ 2,233,046
7 (02) PERSONAL SERVICES MATCHING	718,947
8 (03) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	23,316,667
10 (B) CONF. & TRAVEL	7,250
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	200,000
13 (E) DATA PROC.	0
14 (04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 26,775,910</u>

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17 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There is
 18 hereby established for the Department of Education - Office of Education
 19 Renewal Zones for the 2010-2011 fiscal year, the following maximum number of
 20 regular employees whose salaries shall be governed by the provisions of the
 21 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
 22 seq.), or its successor, and all laws amendatory thereto. Provided, however,
 23 that any position to which a specific maximum annual salary is set out herein
 24 in dollars, shall be exempt from the provisions of said Uniform
 25 Classification and Compensation Act. All persons occupying positions
 26 authorized herein are hereby governed by the provisions of the Regular
 27 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 28 successor.

29

31	Item Class	Maximum	Maximum Annual
32	No. Code Title	No. of	Salary Rate
33	<u>No. Code Title</u>	<u>Empl oyees</u>	<u>Fiscal Year</u>
34			<u>2010-2011</u>
34	(1) E007C ADE OERZ DIRECTOR	1	GRADE C126
35	(2) E020C ADE OERZ TECH ASSI ST SPECIALI ST	3	GRADE C122
36	(3) C056C ADMINI STRATIVE SPECIALI ST III	<u>1</u>	GRADE C112

1 MAX. NO. OF EMPLOYEES 5

2

3 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 4 hereby appropriated, to the Department of Education, to be payable from the
 5 Department of Education Public School Fund Account, for personal services,
 6 operating expenses and grants of the Department of Education - Office of
 7 Education Renewal Zones for the fiscal year ending June 30, 2011, the
 8 following:

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10 ITEM	FISCAL YEAR
11 NO.	2010-2011
12 (01) REGULAR SALARIES	\$ 293,025
13 (02) PERSONAL SERVICES MATCHING	89,057
14 (03) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	91,800
16 (B) CONF. & TRAVEL	13,000
17 (C) PROF. FEES	306,900
18 (D) CAP. OUTLAY	0
19 (E) DATA PROC.	0
20 (04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>1,300,000</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,093,782</u>

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23 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 25 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and
 26 regulations for disbursement of the funds in a manner that insures equity in
 27 meeting the provisions of the nurse to student ratio established in Arkansas
 28 Code §6-18-706.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
 30 2010 through June 30, ~~2009~~ 2011.

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32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 34 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 35 of this Act may be fully funded. Any funding and appropriation for Isolated
 36 Funding that is not utilized shall be transferred to the appropriation for

1 Special Needs Isolated Funding in Section 1 of this Act and shall be used
2 there for fully funding each subsection (c) through (f) of Arkansas Code
3 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
4 rata basis is defined as providing each district qualifying for additional
5 funding under subsections (c) through (f) a proportionate share based on how
6 each district's additional funding amount bears to the total additional
7 funding amounts for all qualifying districts. If any funding and
8 appropriation remains after funding each subsection (c) through (f) of
9 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
10 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
11 available funds are exhausted.

12 The provisions of this section shall be in effect only from July 1, ~~2007~~
13 2010 through June 30, ~~2009~~ 2011.

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15 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
17 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
18 Districts appropriation in Section 1 of this Act, "school district" means a
19 school district which contracts with a school district in an adjoining state
20 for the education of some of the pupils within the Arkansas school district
21 because the portion of the school district wherein such pupils live is
22 completely separated from the remainder of the school district by a reservoir
23 covering at least 12,000 acres at normal water level, and where to attend
24 school in their own district, the pupils of said portion would be required to
25 travel or to be transported a distance (measured by the nearest highway or
26 road route) of more than 35 miles round trip and pass through another school
27 district or districts. The Department of Education shall distribute the
28 monies appropriated for Grants to School Districts in Section 1 of this Act
29 to such school districts as reimbursement for expenses incurred in educating
30 the pupils residing in the separated portion of the school district. The
31 payments are to be limited to the amount of available appropriation. Such
32 school districts shall file a request for reimbursement with the Department
33 of Education and provide the Department of Education with such documentation
34 as is deemed necessary.

35 The provisions of this section shall be in effect only from July 1, ~~2007~~
36 2010 through June 30, ~~2009~~ 2011.

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SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL EDUCATION SERVICES. 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.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each fiscal year thereafter, the Department of Education shall from time to time as needed, certify to the State Treasurer and the Chief Fiscal Officer of the State, the amount of funds disbursed or approved to be disbursed by the Department of Education for desegregation expenses under any "Desegregation Settlement Agreement". Upon the receipt of such certification, the State Treasurer, after making those deductions as set out in Arkansas Code 19-5-202(b)(2)(B), shall also deduct from the net general revenues the amount certified and transfer this amount to the Department of Education Public School Fund Account there to be used exclusively for payment of or reimbursement for expenses incurred from the Department of Education Public School Fund Account under any "Desegregation Settlement Agreement".

SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation Incentive shall be allocated in accordance with rules and regulations established by the State Board of Education.

The provisions of this section shall be in effect only from July 1, ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

1 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
4 Residential Centers/Juvenile Detention shall be allocated in accordance with
5 rules and regulations established by the State Board of Education.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

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9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
11 AUTHORITY. The Commissioner of the Department of Education, with the approval
12 of the Chief Fiscal Officer and after approval by the Arkansas Legislative
13 Council or Joint Budget Committee, is hereby authorized to request necessary
14 appropriation transfers and any other budget related adjustments necessary.
15 Provided, however, that the Department of Education shall be limited to
16 submitting no more than two transfer requests during any fiscal year.

17 Determining the maximum number of employees and the maximum amount of
18 appropriation and general revenue funding for a state agency each fiscal year
19 is the prerogative of the General Assembly. This is usually accomplished by
20 delineating such maximums in the appropriation act(s) for a state agency and
21 the general revenue allocations authorized for each fund and fund account by
22 amendment to the Revenue Stabilization Law. Further, the General Assembly
23 has determined that the Department of Education may operate more efficiently
24 if some flexibility is provided to the Commissioner of the Department of
25 Education authorizing broad powers under the Transfer Authority provision
26 herein. Therefore, it is both necessary and appropriate that the General
27 Assembly maintain oversight by requiring prior approval of the Legislative
28 Council or Joint Budget Committee as provided by this section. The
29 requirement of approval by the Legislative Council or Joint Budget Committee
30 is not a severable part of this section. If the requirement of approval by
31 the Legislative Council or Joint Budget Committee is ruled unconstitutional
32 by a court jurisdiction, this entire section is void.

33 The provisions of this section shall be in effect only from July 1, ~~2007~~
34 2010 through June 30, ~~2009~~ 2011.

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

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
2 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
3 authorized herein to the Department of Education - for the Quiz Bowl each
4 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
5 fiscal year may be made available to the Department of Education -
6 Educational Television Division for its documented costs associated with the
7 Quiz Bowl.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

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11 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
13 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
14 shall make available from the Intervention Block Grants appropriation
15 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
16 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
17 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
18 grants up to \$1,000 each for students and chaperones, thirteen thousand five
19 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and
20 one hundred thousand dollars (\$100,000) each fiscal year for the State
21 History Day Competition. The Department of Education shall allocate General
22 Revenue funding totaling no less than two hundred twenty-seven thousand
23 dollars (\$227,000) each fiscal year from the Department of Education Public
24 School Fund Account to support the annual expenses of the Quiz Bowl, the
25 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
26 chaperones, Destination Imagination, and the State History Day Competition.
27 The Department shall either expend or have committed for expenditure the
28 monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc., Destination
29 Imagination, and the State History Day Competition as authorized herein in
30 order to fulfill the provisions of this section.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
32 2010 through June 30, ~~2009~~ 2011.

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34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
36 FUNDING PROVISION. Of the total amount appropriated for Technology Grants

1 each fiscal year, an amount of not less than one million dollars (\$1,000,000)
2 or eighteen percent (18%), whichever is greater each fiscal year, shall be
3 awarded through a grant or professional services contract for EAST
4 infrastructure, personnel, and operating expenses. The EAST infrastructure
5 grant or contract for personal services and operating expenses shall be
6 awarded to an entity that has personnel or experience, or both, in
7 implementing the EAST Initiative.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

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11 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
13 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
14 appropriation authorized by this Act for Technology Grants the Department of
15 Education shall make available one hundred eighty-seven thousand five hundred
16 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
17 Teaching and Learning initiatives to teach students computer repair in a
18 hands-on environment. The Department of Education shall allocate General
19 Revenue funding totaling no less than one hundred eighty-seven thousand five
20 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
21 of Education Public School Fund Account to support the Center for Quality
22 Teaching and Learning. The Department shall either expend or have committed
23 for expenditure the monies allocated for the Center for Quality Teaching and
24 Learning in order to fulfill the provisions of this section.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
26 2010 through June 30, ~~2009~~ 2011.

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28 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
31 "Distressed School District Support" in Section 1 of this Act may be used for
32 technical assistance offered by the Department of Education to school
33 districts in academic distress that can include, but is not limited to,
34 teacher specialists, principal specialists, and other personnel assigned by
35 the department. These funds may also be used for alternative research-based
36 technical assistance or programs. Criteria for selecting and approving

1 alternative research-based technical assistance or programs are to be
2 promulgated as a rule by the State Board of Education, provided that
3 alternative staffing and/or compensation programs for teachers shall be
4 approved by at least a majority of the teachers in the school, schools, or
5 school district participating in the program.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

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9 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
12 Development Funding, four million dollars (\$4,000,000) may be authorized by
13 the Commissioner of the Department of Education to be used by the Department
14 of Education to develop and implement statewide professional development
15 support systems for teachers that will benefit student achievement.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2010 through June 30, ~~2009~~ 2011.

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19 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

21 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
22 Districts shall pay the teacher retirement employer contribution rate for any
23 eligible employee in accordance with rules and regulations established by the
24 Teacher Retirement Board of Directors. The appropriation contained herein for
25 Teacher Retirement Matching each fiscal year shall be used to provide the
26 employer matching for employees of the Cooperative Education Services Areas,
27 Vocational Centers, Arkansas Easter Seals and the school operated by the
28 Department of Correction.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
30 2010 through June 30, ~~2009~~ 2011.

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32 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
34 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

35 (a) Regardless of any provision of any law to the contrary, no internet,
36 long-distance or virtual technology open-enrollment charter school shall

1 receive state funding for more than five hundred (500) students.

2 (b) Regardless of any provision of law to the contrary, no school district
3 shall receive state funding for the ~~2009-2010~~ 2010-2011 school year for those
4 students who are included in the district's average daily membership for the
5 previous school year but who are attending any open-enrollment charter school
6 that uses internet, long-distance, or virtual technology as the primary
7 method of teaching.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

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11 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
13 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
14 authorized to expend a maximum of two percent (2%) of available funds for
15 administration of the Better Chance Program. Up to 1.8% of available funds
16 shall be used to administer the program and to monitor program grantees to
17 ensure compliance with programmatic standards. Prior to the utilization of
18 the remaining 0.2% of available funds, the Department of Education shall seek
19 prior review and approval of the Arkansas Legislative Council or Joint Budget
20 Committee by providing a written request to include the following: a) the
21 Department's reason(s) for the use of the funds and b) the amount of funds
22 that will be expended. The Department may contract with the Division of Child
23 Care and Early Childhood Education to administer the program.

24 Determining the maximum number of employees and the maximum amount of
25 appropriation and general revenue funding for a state agency each fiscal year
26 is the prerogative of the General Assembly. This is usually accomplished by
27 delineating such maximums in the appropriation act(s) for a state agency and
28 the general revenue allocations authorized for each fund and fund account by
29 amendment to the Revenue Stabilization Law. Therefore, it is both necessary
30 and appropriate that the General Assembly maintain oversight by requiring
31 prior approval of the Legislative Council or Joint Budget Committee as
32 provided by this section. The requirement of approval by the Legislative
33 Council or Joint Budget Committee is not a severable part of this section.
34 If the requirement of approval by the Legislative Council or Joint Budget
35 Committee is ruled unconstitutional by a court of competent jurisdiction,
36 this entire section is void.

1 The provisions of this section shall be in effect only from July 1, ~~2007~~
2 2010 through June 30, ~~2009~~ 2011.

3
4 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
6 TEACHER SALARY. The Arkansas Department of Education is requested to
7 calculate Average Teacher Salary in the Department's Annual Statistical
8 Report to not include extra duty funds. Specifically, the Department is
9 requested to calculate the Average Teacher Salary amount using the National
10 Education Association definitions for Average Salary for Classroom Teachers.
11 The Arkansas Department of Education shall submit this data annually to the
12 National Education Association in accordance with that organization's
13 deadlines for submission for their report "Rankings and Estimates" which
14 includes state-by-state teacher salary comparisons.

15
16 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
18 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
19 Chance for School Success Program remaining on June 30, ~~2010~~ 2011, in the
20 Department of Education Public School Fund Account shall be designated and
21 retained for the Arkansas Better Chance for School Success Program.

22 Any carry forward of unexpended balance of funding as authorized herein,
23 may be carried forward under the following conditions:

24 (1) Prior to June 30, ~~2010~~ 2011 the Agency shall by written statement set
25 forth its reason(s) for the need to carry forward said funding to the
26 Department of Finance and Administration Office of Budget;

27 (2) The Department of Finance and Administration Office of Budget shall
28 report to the Arkansas Legislative Council all amounts carried forward by the
29 September Arkansas Legislative Council or Joint Budget Committee meeting
30 which report shall include the name of the Agency, Board, Commission or
31 Institution and the amount of the funding carried forward, the program name
32 or line item, the funding source of that appropriation and a copy of the
33 written request set forth in (1) above;

34 (3) Each Agency, Board, Commission or Institution shall provide a written
35 report to the Arkansas Legislative Council or Joint Budget Committee
36 containing all information set forth in item (2) above, along with a written

1 statement as to the current status of the project, contract, purpose etc. for
2 which the carry forward was originally requested no later than thirty (30)
3 days prior to the time the Agency, Board, Commission or Institution presents
4 its budget request to the Arkansas Legislative Council / Joint Budget
5 Committee; and

6 (4) Thereupon, the Department of Finance and Administration shall include
7 all information obtained in item (3) above in the budget manuals and/or a
8 statement of non-compliance by the Agency, Board, Commission or Institution.

9 The provisions of this section shall be in effect only from July 1, ~~2007~~
10 2010 through June 30, ~~2009~~ 2011.

11
12 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
14 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
15 Department of Finance and Administration may use up to eleven dollars and
16 twenty cents (\$11.20) from each contribution made under Arkansas Code
17 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
18 members electing to participate in the public school employees' health
19 insurance program as a retiree.

20
21 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
24 shall transfer on his books and those of the State Treasurer and the State
25 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
26 fiscal year from the Department of Education Public School Fund Account to
27 the University of Arkansas at Little Rock Fund, specifically to provide
28 funding for the Arkansas/STRIVE Program. The total amount of funds
29 transferred each fiscal year pursuant to this section shall not be subject to
30 any indirect costs by the University of Arkansas at Little Rock.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
32 2010 through June 30, ~~2009~~ 2011.

33
34 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
36 INSURANCE. The appropriation contained herein for Public School Employee

1 Insurance each fiscal year shall be used to provide the state contribution
2 for insurance premiums for employees of the Cooperative Education Services
3 Areas, Vocational Centers, and the school operated by the Department of
4 Correction who participate in the Arkansas Public School Life and Health
5 Insurance Program.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

8

9 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
12 funding for Alternative Learning Environment Programs in excess of the
13 regulatory limitation of six (6) hours per day for those programs that
14 operate more than twelve hours per day, in a proportionate manner and upon
15 special request to the Department of Education.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2010 through June 30, ~~2009~~ 2011.

18

19 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE

21 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
22 public schools, or for abortion services. Funds shall be expended in
23 accordance with Arkansas Code Annotated §6-18-703.

24 The provisions of this section shall be in effect only from July 1, ~~2009~~
25 2010 through June 30, ~~2010~~ 2011.

26

27 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

29 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

30 Effective for the plan year beginning October 1, ~~2009~~ 2010, if ninety-eight
31 percent (98%) of the uniform rate of tax used in the calculation of State
32 Foundation Funding Aid for fiscal year ~~2009-2010~~ 2010-2011 exceeds nine
33 hundred twenty million seven hundred thirty-one thousand eight hundred
34 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
35 fifteen million dollars (\$15,000,000) of the total increase over the nine
36 hundred twenty million seven hundred thirty-one thousand eight hundred

1 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
 2 Department of Finance and Administration in additional health insurance
 3 contributions for eligible employees electing to participate in the public
 4 school employees' health insurance program administered by the State and
 5 Public School Life and Health Insurance Board.

6 The Department of Education shall make the contributions by transferring
 7 funds to the division in quarterly installments.

8 Funds provided by the Department of Education to the division under this
 9 section shall be administered by the board for the benefit of the employee
 10 participants of the public school employees' health insurance program.

11 The provisions of this section shall be in effect only from July 1, ~~2009~~
 12 2010 through June 30, ~~2010~~ 2011.

13
 14 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANDATORY
 16 FUNDING PROVISION - INTERNATIONAL BACCALAUREATE PROGRAM. The Department of
 17 Education shall allocate, budget and commit for expenditure funds available
 18 in the Department of Education Public School Fund Account and the Educational
 19 Adequacy Fund in the amount of seventy-five thousand dollars (\$75,000) to
 20 provide funding for grants and aid to local school districts for the
 21 International Baccalaureate Program as appropriated in SECTION 1 of this act.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
 23 2010 through June 30, ~~2010~~ 2011.

24
 25 SECTION 32. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e), concerning
 26 isolated school needs funding, is amended to read as follows:

27 (e)(1) A Except as provided in subdivision (e)(2) of this section, a
 28 school district meeting the requirements of subsection (b) of this section
 29 shall receive an amount equal to ten percent (10%) of the foundation funding
 30 received by the school district under § 6-20-2305(a)(2) based on the three-
 31 quarter average daily membership of the isolated school area under § 6-20-
 32 2305(a)(2) if the school district has school facilities open for kindergarten
 33 through grade twelve (K-12) in one (1) or more isolated schools meeting the
 34 requirements of subsection (b) of this section.

35 (2) A school district shall receive an amount equal to ten percent
 36 (10%) of the foundation funding received by the school district under § 6-20-

1 2305(a)(2) based on the three-quarter average daily membership of the
2 isolated school area under § 6-20-2305(a)(2) if:

3 (A) The school district has school facilities serving students in
4 any grade in kindergarten through grade twelve (K-12) in one (1) or more
5 isolated schools meeting the requirements of subsection (b) of this section;
6 and

7 (B) The school district closed an isolated facility serving
8 students in grades seven (7) through twelve (12) between January 1, 2008, and
9 July 1, 2008.

10
11 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
12 by this act shall be limited to the appropriation for such agency and funds
13 made available by law for the support of such appropriations; and the
14 restrictions of the State Procurement Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20
21 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General Assembly
22 that any funds disbursed under the authority of the appropriations contained
23 in this act shall be in compliance with the stated reasons for which this act
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations
25 and Legislative Recommendations contained in the budget manuals prepared by
26 the Department of Finance and Administration, letters, or summarized oral
27 testimony in the official minutes of the Arkansas Legislative Council or
28 Joint Budget Committee which relate to its passage and adoption.

29
30 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the General
31 Assembly, that the Constitution of the State of Arkansas prohibits the
32 appropriation of funds for a longer period than one (1) fiscal year; that the
33 effectiveness of this Act on July 1, 2010 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, with the
35 exception that Section 32 in this Act which shall be in full force and effect
36 from and after the date of its passage and approval, and that in the event of

1 an extension of the legislative session, the delay in the effective date of
2 this Act beyond July 1, 2010 could work irreparable harm upon the proper
3 administration and provision of essential governmental programs, with the
4 exception that Section 32 in this Act which shall be in full force and effect
5 from and after the date of its passage and approval. Therefore, an emergency
6 is hereby declared to exist and this Act being necessary for the immediate
7 preservation of the public peace, health and safety shall be in full force
8 and effect from and after July 1, 2010, with the exception that Section 32 in
9 this Act which shall be in full force and effect from and after the date of
10 its passage and approval.

11
12 /s/ Joint Budget Committee

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14 APPROVED: 2/26/2010
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