

Stricken language will be deleted and underlined language will be added.
Act 1075 of the Regular Session

1 State of Arkansas As Engrossed: S3/7/11 S3/14/11 S3/21/11 S3/30/11

2 88th General Assembly

A Bill

3 Regular Session, 2011

SENATE BILL 211

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO
9 LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE
10 DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2012; AND FOR OTHER PURPOSES.

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Subtitle

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

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SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for grants and aid to local school districts and special programs of the Department of Education for the fiscal year ending June 30, 2012, the following:

| ITEM | FISCAL YEAR |
|---|------------------|
| <u>NO.</u> | <u>2011-2012</u> |
| (01) 98% URT ACTUAL COLLECTION ADJUSTMENT | \$34,500,000 |
| (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE | 15,000,000 |
| (03) ADVANCED PLACEMENT INCENTIVE | 825,000 |
| (04) ALTERNATIVE LEARNING | 21,149,603 |
| (05) ALTERNATIVE PAY | 807,907 |



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|----|------|-------------------------------------|-------------|
| 1 | (06) | ARKANSAS EASTER SEALS | 193,113 |
| 2 | (07) | ASSESSMENT/END OF COURSE TESTING | 24,409,349 |
| 3 | (08) | AT RISK | 1,688,530 |
| 4 | (09) | BETTER CHANCE PROGRAM | 111,000,000 |
| 5 | (10) | BONDED DEBT ASSISTANCE | 28,455,384 |
| 6 | (11) | CONSOLIDATION INCENTIVE | 9,415,127 |
| 7 | (12) | CONTENT STANDARDS | 161,000 |
| 8 | (13) | CONTENTS STANDARDS CURRICULUM | |
| 9 | | FRAMEWORKS | 50,000 |
| 10 | (14) | COOP EDUCATION TECH CENTERS | 1,200,000 |
| 11 | (15) | COORDINATED SCHOOL HEALTH | 2,000,000 |
| 12 | (16) | COURT ORDERED DESEGREGATION | 69,814,372 |
| 13 | (17) | CRIMINAL BACKGROUND CHECKS | 25,000 |
| 14 | (18) | DECLINING ENROLLMENT | 13,963,389 |
| 15 | (19) | DEPARTMENT OF CORRECTION | 5,881,973 |
| 16 | (20) | DISTANCE LEARNING | 4,760,000 |
| 17 | (21) | DISTANCE LEARNING OPERATIONS | 7,575,000 |
| 18 | (22) | DISTRESSED SCHOOL DISTRICT SUPPORT | 50,000 |
| 19 | (23) | EARLY CHILDHOOD SPECIAL EDUCATION | 16,248,000 |
| 20 | (24) | ECONOMIC EDUCATION | 350,000 |
| 21 | (25) | EDUCATION SERVICE COOPERATIVES | 6,129,270 |
| 22 | (26) | ENGLISH LANGUAGE LEARNERS | 11,115,341 |
| 23 | (27) | GENERAL FACILITIES FUNDING | 8,100,000 |
| 24 | (28) | GIFTED & TALENTED | 1,085,381 |
| 25 | (29) | GRANTS TO SCHOOL DISTRICTS | 67,856 |
| 26 | (30) | HOME SCHOOL TESTING | 250,000 |
| 27 | (31) | HUMAN DEVELOPMENT CENTER EDUCATION | |
| 28 | | AID | 526,150 |
| 29 | (32) | INTERVENTION BLOCK GRANTS | 302,000 |
| 30 | (33) | ISOLATED FUNDING | 7,896,000 |
| 31 | (34) | LEADERSHIP ACADEMY-MASTER PRINCIPAL | 500,000 |
| 32 | (35) | MASTER PRINCIPAL BONUS | 90,000 |
| 33 | (36) | NATIONAL BOARD OF PROF TEACHING | |
| 34 | | STANDARDS | 10,516,160 |
| 35 | (37) | NATIONAL SCHOOL LUNCH | 178,897,567 |
| 36 | (38) | NON-TRADITIONAL LICENSURE | 50,000 |

| | | | |
|----|------|--|-------------------------------|
| 1 | (39) | PROFESSIONAL DEVELOPMENT FUNDING | 23,709,798 |
| 2 | (40) | PUBLIC SCHOOL EMPLOYEE INSURANCE | 37,273,600 |
| 3 | (41) | RESIDENTIAL CENTERS/JUVENILE | |
| 4 | | DETENTION | 16,115,234 |
| 5 | (42) | SCHOOL FACILITY JOINT USE SUPPORT | 500,000 |
| 6 | (43) | SCHOOL FOOD SERVICES | 1,650,000 |
| 7 | (44) | SCHOOL FOOD-LEGISLATIVE AUDIT | 75,000 |
| 8 | (45) | SCHOOL FUNDING CONTINGENCY | 25,000,000 |
| 9 | (46) | SCHOOL WORKER DEFENSE | 390,000 |
| 10 | (47) | SERIOUS OFFENDER | 1,683,067 |
| 11 | (48) | SMART START/SMART STEP | 10,666,303 |
| 12 | (49) | SPECIAL EDUCATION SERVICES | 4,145,285 |
| 13 | (50) | SPECIAL EDUCATION-CATASTROPHIC | 11,000,000 |
| 14 | (51) | SPECIAL NEEDS ISOLATED FUNDING | 3,000,000 |
| 15 | (52) | STATE FOUNDATION FUNDING | 1,858,834,526 |
| 16 | (53) | <i>SUPPLEMENTAL TRANSPORTATION</i> | <i>500,000</i> |
| 17 | (54) | STUDENT GROWTH | 28,500,000 |
| 18 | (55) | SUPPLEMENTAL MILLAGE | 10,000,000 |
| 19 | (56) | SURPLUS COMMODITIES | 780,000 |
| 20 | (57) | TEACHER LICENSING/MENTORING | 5,008,758 |
| 21 | (58) | TEACHER OF THE YEAR | 100,000 |
| 22 | (59) | TEACHER RECRUITMENT | 2,100,000 |
| 23 | (60) | TEACHER RETIREMENT MATCHING | 6,655,000 |
| 24 | (61) | TECHNOLOGY GRANTS | 3,602,678 |
| 25 | (62) | TECHNOLOGY IMPROVEMENTS | 500,000 |
| 26 | (63) | WORKER'S COMPENSATION | 450,000 |
| 27 | (64) | YOUTH SHELTERS | 165,000 |
| 28 | (65) | <i>STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM</i> | <u><i>200,000</i></u> |
| 29 | | TOTAL AMOUNT APPROPRIATED | <u><i>\$2,647,652,721</i></u> |

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31 SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.
 32 There is hereby established for the Department of Education - Arkansas Public
 33 School Computer Network for the 2011-2012 fiscal year, the following maximum
 34 number of regular employees.

35

36

Maximum Annual

| 1 | | Maximum | Salary Rate |
|----|---|-----------|-------------|
| 2 | Item Class | No. of | Fiscal Year |
| 3 | No. Code Title | Employees | 2011-2012 |
| 4 | (1) N047N ADE APSCN DIRECTOR | 1 | GRADE N908 |
| 5 | (2) G012C ADE ASSISTANT TO COMMISSIONER | 2 | GRADE C129 |
| 6 | (3) G050C ADE APSCN DIVISION MANAGER | 2 | GRADE C126 |
| 7 | (4) D037C ADE APSCN APPLICATIONS MANAGER | 5 | GRADE C124 |
| 8 | (5) D038C SENIOR SOFTWARE SUPPORT ANALYST | 2 | GRADE C123 |
| 9 | (6) D050C SECURITY ANALYST | 1 | GRADE C122 |
| 10 | (7) D044C SYSTEMS ANALYST | 1 | GRADE C122 |
| 11 | (8) D055C ADE APSCN FIELD ANALYST | 25 | GRADE C121 |
| 12 | (9) C020C STUDENT APPLICATIONS SPECIALIST | 5 | GRADE C116 |
| 13 | (10) A091C FISCAL SUPPORT ANALYST | 1 | GRADE C115 |
| 14 | (11) D077C HELP DESK SPECIALIST | 2 | GRADE C115 |
| 15 | (12) C056C ADMINISTRATIVE SPECIALIST III | 1 | GRADE C112 |
| 16 | (13) C087C ADMINISTRATIVE SPECIALIST I | <u>1</u> | GRADE C106 |
| 17 | MAX. NO. OF EMPLOYEES | 49 | |

18

19 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

20 There is hereby appropriated, to the Department of Education, to be payable
 21 from the Department of Education Public School Fund Account, for personal
 22 services and operating expenses of the Department of Education - Arkansas
 23 Public School Computer Network for the fiscal year ending June 30, 2012, the
 24 following:

25

| 26 | ITEM | FISCAL YEAR |
|----|---------------------------------|----------------|
| 27 | NO. | 2011-2012 |
| 28 | (01) REGULAR SALARIES | \$2,428,468 |
| 29 | (02) PERSONAL SERVICES MATCHING | 765,180 |
| 30 | (03) MAINT. & GEN. OPERATION | |
| 31 | (A) OPER. EXPENSE | 19,870,313 |
| 32 | (B) CONF. & TRAVEL | 7,250 |
| 33 | (C) PROF. FEES | 0 |
| 34 | (D) CAP. OUTLAY | 200,000 |
| 35 | (E) DATA PROC. | 0 |
| 36 | (04) DATA ACCESS IMPLEMENTATION | <u>300,000</u> |

1 TOTAL AMOUNT APPROPRIATED \$23,571,211

2

3 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
 4 is hereby established for the Department of Education - Office of Education
 5 Renewal Zones for the 2011-2012 fiscal year, the following maximum number of
 6 regular employees.

7

| | | | Maximum | Maximum Annual |
|------|-------|---|-----------|----------------|
| | | | No. of | Salary Rate |
| Item | Class | | Employees | Fiscal Year |
| No. | Code | Title | | 2011-2012 |
| 12 | (1) | E007C ADE OERZ DIRECTOR | 1 | GRADE C126 |
| 13 | (2) | E020C ADE OERZ TECHNICAL ASSIST SPECIALIS | 3 | GRADE C122 |
| 14 | (3) | C056C ADMINISTRATIVE SPECIALIST III | <u>1</u> | GRADE C112 |
| 15 | | MAX. NO. OF EMPLOYEES | 5 | |

16

17 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 18 hereby appropriated, to the Department of Education, to be payable from the
 19 Department of Education Public School Fund Account, for personal services,
 20 operating expenses and grants by the Department of Education - Office of
 21 Education Renewal Zones for the fiscal year ending June 30, 2012, the
 22 following:

23

| ITEM | FISCAL YEAR |
|---|--------------------|
| NO. | 2011-2012 |
| 26 (01) REGULAR SALARIES | \$258,773 |
| 27 (02) PERSONAL SERVICES MATCHING | 80,662 |
| 28 (03) MAINT. & GEN. OPERATION | |
| 29 (A) OPER. EXPENSE | 91,800 |
| 30 (B) CONF. & TRAVEL | 13,000 |
| 31 (C) PROF. FEES | 306,900 |
| 32 (D) CAP. OUTLAY | 0 |
| 33 (E) DATA PROC. | 0 |
| 34 (04) EDUCATIONAL RENEWAL ZONE GRANTS | <u>700,000</u> |
| 35 TOTAL AMOUNT APPROPRIATED | <u>\$1,451,135</u> |

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1 *SECTION 6. APPROPRIATION - PUBLIC SCHOOL ATHLETIC TRAINER PILOT*
 2 *PROGRAM GRANTS. There is hereby appropriated, to the Department of*
 3 *Education, to be payable from the Department of Education Public School Fund*
 4 *Account, for Public School Athletic Trainer Pilot Program grants for personal*
 5 *services to provide access to athletic trainers in public schools and to*
 6 *promote the health and safety of students by the Department of Education for*
 7 *the fiscal year ending June 30, 2012, the sum of\$200,000.*

8
 9 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 11 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 12 of this Act may be fully funded. Any funding and appropriation for Isolated
 13 Funding that is not utilized shall be transferred to the appropriation for
 14 Special Needs Isolated Funding in Section 1 of this Act and shall be used
 15 there for fully funding each subsection (c) through (f) of Arkansas Code
 16 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
 17 rata basis is defined as providing each district qualifying for additional
 18 funding under subsections (c) through (f) a proportionate share based on how
 19 each district's additional funding amount bears to the total additional
 20 funding amounts for all qualifying districts. If any funding and
 21 appropriation remains after funding each subsection (c) through (f) of
 22 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
 23 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
 24 available funds are exhausted.

25 The provisions of this section shall be in effect only from July 1,
 26 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

27
 28 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
 30 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
 31 Districts appropriation in Section 1 of this Act, "school district" means a
 32 school district which contracts with a school district in an adjoining state
 33 for the education of some of the pupils within the Arkansas school district
 34 because the portion of the school district wherein such pupils live is
 35 completely separated from the remainder of the school district by a reservoir
 36 covering at least 12,000 acres at normal water level, and where to attend

1 school in their own district, the pupils of said portion would be required to
2 travel or to be transported a distance (measured by the nearest highway or
3 road route) of more than 35 miles round trip and pass through another school
4 district or districts. The Department of Education shall distribute the
5 monies appropriated for Grants to School Districts in Section 1 of this Act
6 to such school districts as reimbursement for expenses incurred in educating
7 the pupils residing in the separated portion of the school district. The
8 payments are to be limited to the amount of available appropriation. Such
9 school districts shall file a request for reimbursement with the Department
10 of Education and provide the Department of Education with such documentation
11 as is deemed necessary.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

14

15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
17 EDUCATION SERVICES. The funds appropriated in the line item "Special
18 Education Services" in Section 1 of this Act shall be used to provide
19 extended year summer programs for handicapped students in need of such
20 services, to provide special education services to foster children who are
21 wards of the State, and to provide funds for the payment of salaries of
22 special education supervisors. The Department of Education shall distribute
23 such funds in the manner necessary to carry out the intent of this Section.

24 The provisions of this section shall be in effect only from July 1,
25 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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27 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
30 fiscal year thereafter, the Department of Education shall from time to time
31 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
32 State, the amount of funds disbursed or approved to be disbursed by the
33 Department of Education for desegregation expenses under any "Desegregation
34 Settlement Agreement". Upon the receipt of such certification, the State
35 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
36 202(b)(2)(B), shall also deduct from the net general revenues the amount

1 certified and transfer this amount to the Department of Education Public
2 School Fund Account there to be used exclusively for payment of or
3 reimbursement for expenses incurred from the Department of Education Public
4 School Fund Account under any "Desegregation Settlement Agreement".
5

6 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
9 Incentive shall be allocated in accordance with rules and regulations
10 established by the State Board of Education.

11 The provisions of this section shall be in effect only from July 1,
12 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
13

14 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

16 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
17 Residential Centers/Juvenile Detention shall be allocated in accordance with
18 rules and regulations established by the State Board of Education.

19 The provisions of this section shall be in effect only from July 1,
20 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
21

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

31 Determining the maximum number of employees and the maximum amount of
32 appropriation and general revenue funding for a state agency each fiscal year
33 is the prerogative of the General Assembly. This is usually accomplished by
34 delineating such maximums in the appropriation act(s) for a state agency and
35 the general revenue allocations authorized for each fund and fund account by
36 amendment to the Revenue Stabilization law. Further, the General Assembly

1 has determined that the Department of Education may operate more efficiently
2 if some flexibility is provided to the Commissioner of the Department of
3 Education authorizing broad powers under the Transfer Authority provision
4 herein. Therefore, it is both necessary and appropriate that the General
5 Assembly maintain oversight by requiring prior approval of the Legislative
6 Council or Joint Budget Committee as provided by this section. The
7 requirement of approval by the Legislative Council or Joint Budget Committee
8 is not a severable part of this section. If the requirement of approval by
9 the Legislative Council or Joint Budget Committee is ruled unconstitutional
10 by a court jurisdiction, this entire section is void.

11 The provisions of this section shall be in effect only from July 1,
12 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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14 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
16 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
17 authorized herein to the Department of Education - for the Quiz Bowl each
18 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
19 fiscal year may be made available to the Department of Education -
20 Educational Television Division for its documented costs associated with the
21 Quiz Bowl.

22 The provisions of this section shall be in effect only from July 1,
23 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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25 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
28 shall make available from the Intervention Block Grants appropriation
29 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
30 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
31 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
32 grants up to \$1,000 each for students and chaperones, thirteen thousand five
33 hundred dollars (\$13,500) each fiscal year for Destination Imagination, ~~and~~
34 one hundred thousand dollars (\$100,000) each fiscal year for the State
35 History Day Competition, and seventy-five thousand dollars (\$75,000) each
36 fiscal year for a grant to the Arkansas Science Fair Association for grants

1 to regional and the state science fairs. The Department of Education shall
2 allocate General Revenue funding totaling no less than ~~two hundred twenty-~~
3 ~~seven thousand dollars (\$227,000)~~ three hundred two thousand dollars
4 (\$302,000) each fiscal year from the Department of Education Public School
5 Fund Account to support the annual expenses of the Quiz Bowl, the Creativity
6 in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones,
7 Destination Imagination, ~~and~~ the State History Day Competition, and the
8 Arkansas Science Fair Association for grants to regional and state science
9 fairs. The Department shall either expend or have committed for expenditure
10 the monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc.,
11 Destination Imagination, ~~and~~ the State History Day Competition, and Arkansas
12 Science Fair Association grants as authorized herein in order to fulfill the
13 provisions of this section.

14 The provisions of this section shall be in effect only from July 1,
15 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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17 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
19 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
20 each fiscal year, an amount of not less than *two* million dollars *(\$2,000,000)*
21 or eighteen percent (18%), whichever is greater each fiscal year, shall be
22 awarded through a grant or professional services contract for EAST
23 infrastructure, personnel, and operating expenses. The EAST infrastructure
24 grant or contract for personal services and operating expenses shall be
25 awarded to an entity that has personnel or experience, or both, in
26 implementing the EAST Initiative.

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

29

30 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
32 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
33 appropriation authorized by this Act for Technology Grants the Department of
34 Education shall make available one hundred eighty-seven thousand five hundred
35 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
36 Teaching and Learning initiatives to teach students computer repair in a

1 hands-on environment. The Department of Education shall allocate General
2 Revenue funding totaling no less than one hundred eighty-seven thousand five
3 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
4 of Education Public School Fund Account to support the Center for Quality
5 Teaching and Learning. The Department shall either expend or have committed
6 for expenditure the monies allocated for the Center for Quality Teaching and
7 Learning in order to fulfill the provisions of this section.

8 The provisions of this section shall be in effect only from July 1,
9 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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11 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

13 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
14 "Distressed School District Support" in Section 1 of this Act may be used for
15 technical assistance offered by the Department of Education to school
16 districts in academic distress that can include, but is not limited to,
17 teacher specialists, principal specialists, and other personnel assigned by
18 the department. These funds may also be used for alternative research-based
19 technical assistance or programs. Criteria for selecting and approving
20 alternative research-based technical assistance or programs are to be
21 promulgated as a rule by the State Board of Education, provided that
22 alternative staffing and/or compensation programs for teachers shall be
23 approved by at least a majority of the teachers in the school, schools, or
24 school district participating in the program.

25 The provisions of this section shall be in effect only from July 1,
26 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

27
28 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

35 The provisions of this section shall be in effect only from July 1,
36 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

4 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
5 Districts shall pay the teacher retirement employer contribution rate for any
6 eligible employee in accordance with rules and regulations established by the
7 Teacher Retirement Board of Directors. The appropriation contained herein for
8 Teacher Retirement Matching each fiscal year shall be used to provide the
9 employer matching for employees of the Cooperative Education Services Areas,
10 Vocational Centers, Arkansas Easter Seals and the school operated by the
11 Department of Correction.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

14
15 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
17 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

18 ~~(a) Regardless of any provision of any law to the contrary, no~~
19 ~~internet, long-distance or virtual technology open-enrollment charter school~~
20 ~~shall receive state funding for more than five hundred (500) students.~~

21 Regardless of any provision of law to the contrary, no school district
22 shall receive state funding for the ~~2010-2011~~ 2011-2012 school year for those
23 students who are included in the district's average daily membership for the
24 previous school year but who are attending any open-enrollment charter school
25 that uses internet, long-distance, or virtual technology as the primary
26 method of teaching.

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

29
30 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
32 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
33 authorized to expend a maximum of two percent (2%) of available funds for
34 administration of the Better Chance Program. Up to 1.8% of available funds
35 shall be used to administer the program and to monitor program grantees to
36 ensure compliance with programmatic standards. Prior to the utilization of

1 the remaining 0.2% of available funds, the Department of Education shall seek
2 prior review and approval of the Arkansas Legislative Council or Joint Budget
3 Committee by providing a written request to include the following: a) the
4 Department's reason(s) for the use of the funds and b) the amount of funds
5 that will be expended. The Department may contract with the Division of Child
6 Care and Early Childhood Education to administer the program.

7 Determining the maximum number of employees and the maximum amount of
8 appropriation and general revenue funding for a state agency each fiscal year
9 is the prerogative of the General Assembly. This is usually accomplished by
10 delineating such maximums in the appropriation act(s) for a state agency and
11 the general revenue allocations authorized for each fund and fund account by
12 amendment to the Revenue Stabilization law. Therefore, it is both necessary
13 and appropriate that the General Assembly maintain oversight by requiring
14 prior approval of the Legislative Council or Joint Budget Committee as
15 provided by this section. The requirement of approval by the Legislative
16 Council or Joint Budget Committee is not a severable part of this section.
17 If the requirement of approval by the Legislative Council or Joint Budget
18 Committee is ruled unconstitutional by a court of competent jurisdiction,
19 this entire section is void.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

22

23 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
25 TEACHER SALARY. The Arkansas Department of Education is requested to
26 calculate Average Teacher Salary in the Department's Annual Statistical
27 Report to not include extra duty funds. Specifically, the Department is
28 requested to calculate the Average Teacher Salary amount using the National
29 Education Association definitions for Average Salary for Classroom Teachers.
30 The Arkansas Department of Education shall submit this data annually to the
31 National Education Association in accordance with that organization's
32 deadlines for submission for their report "Rankings and Estimates" which
33 includes state-by-state teacher salary comparisons.

34

35 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

1 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
2 Chance for School Success Program remaining on June 30, ~~2011~~ 2012, in the
3 Department of Education Public School Fund Account shall be designated and
4 retained for the Arkansas Better Chance for School Success Program.

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

7 (1) Prior to June 30, ~~2011~~ 2012 the Agency shall by written statement
8 set forth its reason(s) for the need to carry forward said funding to the
9 Department of Finance and Administration Office of Budget;

10 (2) The Department of Finance and Administration Office of Budget
11 shall report to the Arkansas Legislative Council all amounts carried forward
12 by the September Arkansas Legislative Council or Joint Budget Committee
13 meeting which report shall include the name of the Agency, Board, Commission
14 or Institution and the amount of the funding carried forward, the program
15 name or line item, the funding source of that appropriation and a copy of the
16 written request set forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a
18 written report to the Arkansas Legislative Council or Joint Budget Committee
19 containing all information set forth in item (2) above, along with a written
20 statement as to the current status of the project, contract, purpose etc. for
21 which the carry forward was originally requested no later than thirty (30)
22 days prior to the time the Agency, Board, Commission or Institution presents
23 its budget request to the Arkansas Legislative Council/Joint Budget
24 Committee; and

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

29 The provisions of this section shall be in effect only from July 1,
30 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

31

32 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
34 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
35 Department of Finance and Administration may use up to eleven dollars and
36 twenty cents (\$11.20) from each contribution made under Arkansas Code

1 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
2 members electing to participate in the public school employees' health
3 insurance program as a retiree.
4

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

15 The provisions of this section shall be in effect only from July 1,
16 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
17

18 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
20 INSURANCE. The appropriation contained herein for Public School Employee
21 Insurance each fiscal year shall be used to provide the state contribution
22 for insurance premiums for employees of the Cooperative Education Services
23 Areas, Vocational Centers, and the school operated by the Department of
24 Correction who participate in the Arkansas Public School Life and Health
25 Insurance Program.

26 The provisions of this section shall be in effect only from July 1,
27 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
28

29 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
32 funding for Alternative Learning Environment Programs in excess of the
33 regulatory limitation of six (6) hours per day for those programs that
34 operate more than twelve hours per day, in a proportionate manner and upon
35 special request to the Department of Education.

36 The provisions of this section shall be in effect only from July 1,

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2

3 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
5 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
6 public schools, or for abortion services. Funds shall be expended in
7 accordance with Arkansas Code Annotated §6-18-703.

8 The provisions of this section shall be in effect only from July 1,
9 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

10

11 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
13 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.
14 Effective for the plan year beginning October 1, ~~2010~~ 2011, if ninety-eight
15 percent (98%) of the uniform rate of tax used in the calculation of State
16 Foundation Funding Aid for fiscal year ~~2010-2011~~ 2011-2012 exceeds nine
17 hundred twenty million seven hundred thirty-one thousand eight hundred
18 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
19 fifteen million dollars (\$15,000,000) of the total increase over the nine
20 hundred twenty million seven hundred thirty-one thousand eight hundred
21 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
22 Department of Finance and Administration in additional health insurance
23 contributions for eligible employees electing to participate in the public
24 school employees' health insurance program administered by the State and
25 Public School Life and Health Insurance Board.

26 The Department of Education shall make the contributions by
27 transferring funds to the division in quarterly installments. Funds provided
28 by the Department of Education to the division under this section shall be
29 administered by the board for the benefit of the employee participants of the
30 public school employees' health insurance program.

31 The provisions of this section shall be in effect only from July 1,
32 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

33

34 SECTION 31. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as
35 follows:

36 (e)(1) Except as provided in subdivision (e)(2) of this section, a

1 school district meeting the requirements of subsection (b) of this section
2 shall receive an amount equal to ten percent (10%) of the foundation funding
3 received by the school district under § 6-20-2305(a)(2) based on the three-
4 quarter average daily membership of the isolated school area under § 6-20-
5 2305(a)(2) if the school district has school facilities open for kindergarten
6 through grade twelve (K-12) in one (1) or more isolated schools meeting the
7 requirements of subsection (b) of this section.

8 (2) A school district shall receive an amount equal to ten percent
9 (10%) of the foundation funding received by the school district under § 6-20-
10 2305(a)(2) based on the three-quarter average daily membership of the
11 isolated school area under § 6-20-2305(a)(2) if:

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

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

19
20 *SECTION 32. SPECIAL LANGUAGE NOT TO BE INCORPORATED INTO THE ARKANSAS*
21 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
22 *SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,*
23 *allocate and commit for expenditure five hundred thousand dollars (\$500,000)*
24 *for the appropriation made herein for "Supplemental Transportation". The*
25 *Department shall use such funding to address extraordinary transportation*
26 *needs of public school districts. The State Board of Education shall*
27 *promulgate such rules and regulations as may be necessary to implement this*
28 *provision, which shall be reviewed by the House and Senate Interim Committees*
29 *on Education.*

30
31 *SECTION 33. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds
32 authorized by this act shall be limited to the appropriation for such agency
33 and funds made available by law for the support of such appropriations; and
34 the restrictions of the State Procurement Law, the General Accounting and
35 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
36 Procedures and Restrictions Act, or their successors, and other fiscal

1 control laws of this State, where applicable, and regulations promulgated by
2 the Department of Finance and Administration, as authorized by law, shall be
3 strictly complied with in disbursement of said funds.

4
5 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General
6 Assembly that any funds disbursed under the authority of the appropriations
7 contained in this act shall be in compliance with the stated reasons for
8 which this act was adopted, as evidenced by the Agency Requests, Executive
9 Recommendations and Legislative Recommendations contained in the budget
10 manuals prepared by the Department of Finance and Administration, letters, or
11 summarized oral testimony in the official minutes of the Arkansas Legislative
12 Council or Joint Budget Committee which relate to its passage and adoption.

13
14 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly, that the Constitution of the State of Arkansas prohibits
16 the appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2011 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the legislative session, the delay in the
20 effective date of this Act beyond July 1, 2011 could work irreparable harm
21 upon the proper administration and provision of essential governmental
22 programs. Therefore, an emergency is hereby declared to exist and this Act
23 being necessary for the immediate preservation of the public peace, health
24 and safety shall be in full force and effect from and after July 1, 2011.

25
26 */s/Joint Budget Committee*

27
28
29 **APPROVED: 04/04/2011**