

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Thicksten**

# **A Bill**

**ACT 397 OF 1993**  
**HOUSE BILL 1252**

## **For An Act To Be Entitled**

8 "AN ACT TO AMEND ARKANSAS CODE § 6-5-303 TO AUTHORIZE THE  
9 DEPARTMENT OF EDUCATION TO PERMIT A WAIVER OF AMOUNTS OF  
10 THE EDUCATIONAL EXCELLENCE TRUST FUND REQUIRED TO BE  
11 DISBURSED BY A SCHOOL DISTRICT; AND TO DECLARE AN  
12 EMERGENCY; AND FOR OTHER PURPOSES."

## **Subtitle**

14 "TO AUTHORIZE A WAIVER OF AMOUNTS OF THE EDUCATIONAL  
15 EXCELLENCE TRUST FUND REQUIRED TO BE DISBURSED BY SCHOOL  
16 DISTRICTS."

18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 6-5-303 is hereby amended to read as follows:

22 "6-5-303. Use of funds for salary increases - Distribution to Minimum  
23 Foundation Program Aid.

24 (a) In each fiscal year of the biennium beginning July 1, 1991, the  
25 funds to be allocated from the Educational Excellence Trust Fund for  
26 distribution to school districts through Minimum Foundation Program Aid (MFPA)  
27 of the Public School Fund shall be utilized by school districts to provide  
28 salary increases for current certified personnel positions and for no other  
29 purposes except that required social security matching on such salary  
30 increases required to be paid by school districts may be paid from such funds.  
31 This increased funding shall be divided equally among all certified personnel  
32 unless the board of directors of a district and a majority of the teachers  
33 agree to a different distribution. Provided, however, for the school years  
34 1991-92 and 1992-93, no superintendent or assistant superintendent shall  
35 receive a salary increase from moneys received by the district from the  
36 Education Excellence Trust Fund. Any salary increase received from any other

1 funds by any superintendent or assistant superintendent shall be no larger  
2 than the average percentage increase of the certified personnel of that  
3 district.

4 (b) The funds to be allocated from the Educational Excellence Trust  
5 Fund to minimum foundation program aid of the Public School Fund shall be  
6 disbursed to school districts based on the formula for distribution of Minimum  
7 Foundation Program Aid (MFPA) set out in § 6-20-301 et seq., except that the  
8 allowances for consolidation or annexation as set out in § 6-20-309 and  
9 compensatory education funds under § 6-20-320 shall not be utilized in  
10 calculating such disbursement; however, the use of such funds shall be  
11 governed by subsection (a) of this section. Provided, however, the funds  
12 allocated and distributed pursuant to this subchapter during school year  
13 1991-92 shall not be considered in computing the charge against real property  
14 as provided in § 6-20-306(a).

15 (c) As used in this section current certified personnel positions  
16 shall mean the number of certified employees, excluding the superintendent and  
17 assistant superintendents, employed by a school district on February 1, 1991.

18 (d) *For the 1992-93 school year any school district that has lost at*  
19 *least thirty percent (30%) of its average daily membership in that year when*  
20 *compared to that of the previous school year may consider the salary increase*  
21 *provided by the redistribution of funds resulting from a reduction in the*  
22 *number of certified personnel required by this subchapter for the 1992-93*  
23 *school year as a non-recurring salary payment, provided that any contract*  
24 *addendum setting forth such increase shall indicate that such raise will be*  
25 *non-recurring."*

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27 SECTION 2. All provisions of this act of a general and permanent nature  
28 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
29 Revision Commission shall incorporate the same in the Code.

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31 SECTION 3. If any provision of this act or the application thereof to  
32 any person or circumstance is held invalid, such invalidity shall not affect  
33 other provisions or applications of the act which can be given effect without  
34 the invalid provision or application, and to this end the provisions of this  
35 act are declared to be severable.

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SECTION 4. All laws and parts of laws in conflict with this act are hereby repealed.

SECTION 5. EMERGENCY. It is hereby found and determined by the Seventy-Ninth General Assembly that under current law, reductions in the distribution to school districts from the Educational Excellence Trust Fund, as a result of loss of students, are delayed one (1) year, the year after a district prudently would have reduced staff because of the decrease in the number of students being served; that the law currently requires a redistribution rather than a decrease in funds from the Educational Excellence Trust Fund when staff is reduced; that fiscal responsibility demands that the Department of Education have immediate authority to grant exemptions from this requirement when a school district demonstrates extenuating circumstances that would result in irreversibly overcommitting monies distributed from the Educational Trust Fund in subsequent years. Therefore, an emergency is hereby declared to exist and this act being necessary for the immediate preservation of the public peace, health, and safety shall be in full force and effect from and after its passage and approval.

*/s/Edward F. Thicksten*

APPROVED: 03-09-93

