

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1421 of the Regular Session

1 State of Arkansas As Engrossed: S2/23/09 S3/23/09 S3/30/09 S4/6/09 S4/7/09

2 87th General Assembly

A Bill

3 Regular Session, 2009

SENATE BILL 291

4

5 By: Joint Budget Committee

6

7

8

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, 2010; AND FOR OTHER
13 PURPOSES.

14

15

16

Subtitle

17 AN ACT FOR THE DEPARTMENT OF EDUCATION
18 - GRANTS AND AID TO LOCAL SCHOOL
19 DISTRICTS APPROPRIATION FOR THE
20 2009-2010 FISCAL YEAR.

21

22

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 2010, the following:

30

31 ITEM	FISCAL YEAR
32 NO.	2009-2010
33 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$ 25,367,101
34 (02) ACADEMIC IMPROVEMENT TRAINING	500,000
35 (03) ADVANCED PLACEMENT INCENTIVE	825,000



1	(04)	ALTERNATIVE LEARNING	19,968,837
2	(05)	ALTERNATIVE PAY	2,500,000
3	(06)	ARKANSAS EASTER SEALS	193,113
4	(07)	ASSESSMENT/END OF LEVEL TESTING	23,887,747
5	(08)	AT RISK	5,118,030
6	(09)	BETTER CHANCE PROGRAM	113,775,000
7	(10)	CONSOLIDATION INCENTIVE	5,210,100
8	(11)	CONTENT STANDARDS	161,000
9	(12)	CONTENTS STANDARDS CURRICULUM	
10		FRAMEWORKS	50,000
11	(13)	COOP EDUCATION TECH CENTERS	1,200,000
12	(14)	COURT ORDERED DESEGREGATION	69,814,372
13	(15)	CRIMINAL BACKGROUND CHECKS	50,000
14	(16)	DEBT SERVICE FUNDING	28,455,384
15	(17)	DECLINING ENROLLMENT	13,963,389
16	(18)	DEPT OF CORRECTION	5,447,675
17	(19)	DISTANCE LEARNING	6,500,000
18	(20)	DISTANCE LEARNING OPERATIONS	10,331,400
19	(21)	DISTRESSED SCHOOL DISTRICT SUPPORT	450,000
20	(22)	EARLY CHILDHOOD SPECIAL EDUCATION	15,623,079
21	(23)	ECONOMIC EDUCATION	350,000
22	(24)	EDUCATION SERVICE COOPERATIVES	6,129,270
23	(25)	ENGLISH LANGUAGE LEARNERS	10,231,111
24	(26)	GENERAL FACILITIES FUNDING	8,100,000
25	(27)	GIFTED & TALENTED	1,451,354
26	(28)	GRANTS TO SCHOOL DISTRICTS	67,856
27	(29)	HOME SCHOOL TESTING	250,000
28	(30)	HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
29	(31)	INTENSIVE SCHOOL SUPPORT	320,000
30	(32)	INTERVENTION BLOCK GRANTS	227,000
31	(33)	ISOLATED FUNDING	7,896,000
32	(34)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
33	(35)	MASTER PRINCIPAL BONUS	90,000
34	(36)	NATIONAL BOARD OF PROF TEACHING	
35		STANDARDS	7,475,840
36	(37)	NATIONAL SCHOOL LUNCH	161,071,480

1	(38)	NON-TRADITIONAL LICENSURE	50,000
2	(39)	PROFESSIONAL DEVELOPMENT FUNDING	23,279,850
3	(40)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
4	(41)	PYGMALION COMMISSION	40,000
5	(42)	RESIDENTIAL CENTERS/JUVENILE DETENTION	15,188,254
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	1,050,946
11	(48)	SMART START/SMART STEP	10,457,160
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	1,833,770,949
16	(53)	STUDENT GROWTH	54,851,000
17	(54)	SUPPLEMENTAL MILLAGE	10,000,000
18	(55)	SURPLUS COMMODITIES	1,027,858
19	(56)	TEACHER HOUSING DEVELOPMENT	100,000
20	(57)	TEACHER LICENSING/MENTORING	7,508,758
21	(58)	TEACHER OF THE YEAR	125,000
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	1,000,000
26	(63)	TRAVELING TEACHERS	500,000
27	(64)	WORKER'S COMPENSATION	450,000
28	(65)	YOUTH SHELTERS	165,000
29	(66)	COORDINATED SCHOOL HEALTH	3,000,000
30	(67)	SCHOOL FACILITY JOINT USE SUPPORT	1,000,000
31	(68)	ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
32		HEALTH INSURANCE	15,000,000
33	(69)	SMART CORE INCENTIVE FUNDING PROGRAM	<u>3,000,000</u>
34		TOTAL AMOUNT APPROPRIATED	<u>\$2,630,533,626</u>

35

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

1 There is hereby established for the Department of Education - Arkansas Public
 2 School Computer Network for the 2009-2010 fiscal year, the following maximum
 3 number of regular employees whose salaries shall be governed by the
 4 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 5 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 6 Provided, however, that any position to which a specific maximum annual
 7 salary is set out herein in dollars, shall be exempt from the provisions of
 8 said Uniform Classification and Compensation Act. All persons occupying
 9 positions authorized herein are hereby governed by the provisions of the
 10 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 11 or its successor.

12

			Maximum Annual
			Salary Rate
			Fiscal Year
Item	Class	Maximum	
No.	Code Title	No. of	2009-2010
		Employees	
17	(1) N047N ADE APSCN DIRECTOR	1	GRADE N908
18	(2) G050C ADE APSCN DIVISION MANAGER	2	GRADE C126
19	(3) D037C ADE APSCN APPLICATIONS MANAGER	4	GRADE C124
20	(4) D038C SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
21	(5) D050C SECURITY ANALYST	1	GRADE C122
22	(6) D044C SYSTEMS ANALYST	1	GRADE C122
23	(7) D055C ADE APSCN FIELD ANALYST	25	GRADE C121
24	(8) C020C STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
25	(9) A091C FISCAL SUPPORT ANALYST	1	GRADE C115
26	(10) D077C HELP DESK SPECIALIST	2	GRADE C115
27	(11) C056C ADMINISTRATIVE SPECIALIST III	1	GRADE C112
28	(12) C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
29	MAX. NO. OF EMPLOYEES	46	

30

31 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK. There
 32 is hereby appropriated, to the Department of Education, to be payable from
 33 the Department of Education Public School Fund Account, for personal services
 34 and operating expenses of the Department of Education - Arkansas Public
 35 School Computer Network for the fiscal year ending June 30, 2010, the
 36 following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2009-2010</u>
4	(01) REGULAR SALARIES	\$ 2,190,699
5	(02) PERSONAL SERVICES MATCHING	709,763
6	(03) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	21,488,347
8	(B) CONF. & TRAVEL	7,250
9	(C) PROF. FEES	0
10	(D) CAP. OUTLAY	200,000
11	(E) DATA PROC.	0
12	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 24,896,059</u>
14		

15 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There is
 16 hereby established for the Department of Education - Office of Education
 17 Renewal Zones for the 2009-2010 fiscal year, the following maximum number of
 18 regular employees whose salaries shall be governed by the provisions of the
 19 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
 20 seq.), or its successor, and all laws amendatory thereto. Provided, however,
 21 that any position to which a specific maximum annual salary is set out herein
 22 in dollars, shall be exempt from the provisions of said Uniform
 23 Classification and Compensation Act. All persons occupying positions
 24 authorized herein are hereby governed by the provisions of the Regular
 25 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 26 successor.

27			
28			Maximum Annual
29			Salary Rate
30	Item Class	Maximum	Fiscal Year
31	<u>No. Code Title</u>	<u>No. of</u>	<u>2009-2010</u>
32	(1) E007C ADE OERZ DIRECTOR	1	GRADE C126
33	(2) E020C ADE OERZ TECH ASSIST SPECIALIST	3	GRADE C122
34	(3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
35	MAX. NO. OF EMPLOYEES	5	
36			

SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services, operating expenses and grants of the Department of Education - Office of Education Renewal Zones for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 286,452
(02) PERSONAL SERVICES MATCHING	87,632
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	91,800
(B) CONF. & TRAVEL	13,000
(C) PROF. FEES	306,900
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>1,300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,085,784</u>

SECTION 6. APPROPRIATION - SUPPLEMENTAL - AT RISK. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for At Risk Program grants and aid to local school districts by the Department of Education which shall be supplemental and in addition to those funds appropriated in Section 1, of Act 229 of 2007, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2008-2009</u>
(01) AT RISK	<u>\$ 3,500,000</u>

SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. On the effective date of this act the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the State Auditor, the sum of seven million dollars (\$7,000,000) from the General

1 Revenue Allotment Reserve Fund to the Department of Education Public School
2 Fund Account. The amount transferred shall be made available by the
3 Department of Education during the 2009-2010 fiscal year to provide
4 additional funding for expansion of the College Preparatory Enrichment
5 Program.

6
7 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and
10 regulations for disbursement of the funds in a manner that insures equity in
11 meeting the provisions of the nurse to student ratio established in Arkansas
12 Code 6-18-706.

13 The provisions of this section shall be in effect only from July 1, ~~2007~~
14 2009 through June 30, ~~2009~~ 2010.

15
16 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
18 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
19 of this Act may be fully funded. Any funding and appropriation for ~~that~~
20 ~~appropriation~~ Isolated Funding that is not utilized shall be transferred to
21 the appropriation for Special Needs Isolated Funding in Section 1 of this Act
22 and shall be used there for fully funding each subsection (c) through (f) of
23 ~~A.C.A. Arkansas Code §6-20-604 continuing sequentially by subsection~~ on a pro
24 rata basis until the available funds are exhausted. Pro rata basis is
25 defined as providing each district qualifying for additional funding under
26 subsections (c) through (f) a proportionate share based on how each
27 district's additional funding amount bears to the total additional funding
28 amounts for all qualifying districts. If any funding and appropriation
29 remains after funding each subsection (c) through (f) of Arkansas Code §6-20-
30 604 the remaining balance shall be used to fund the provisions of Arkansas
31 Code §6-20-604 (h) on an equal basis until the available funds are exhausted.

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

34
35 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO

1 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
2 Districts appropriation in Section 1 of this Act, "school district" means a
3 school district which contracts with a school district in an adjoining state
4 for the education of some of the pupils within the Arkansas school district
5 because the portion of the school district wherein such pupils live is
6 completely separated from the remainder of the school district by a reservoir
7 covering at least 12,000 acres at normal water level, and where to attend
8 school in their own district, the pupils of said portion would be required to
9 travel or to be transported a distance (measured by the nearest highway or
10 road route) of more than 35 miles round trip and pass through another school
11 district or districts. The Department of Education shall distribute the
12 monies appropriated for Grants to School Districts in Section 1 of this Act
13 to such school districts as reimbursement for expenses incurred in educating
14 the pupils residing in the separated portion of the school district. The
15 payments are to be limited to the amount of available appropriation. Such
16 school districts shall file a request for reimbursement with the Department
17 of Education and provide the Department of Education with such documentation
18 as is deemed necessary.

19 The provisions of this section shall be in effect only from July 1, ~~2007~~
20 2009 through June 30, ~~2009~~ 2010.

21

22 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
24 EDUCATION SERVICES. The funds appropriated in the line item "Special
25 Education Services" in Section 1 of this Act shall be used to provide
26 extended year summer programs for handicapped students in need of such
27 services, to provide special education services to foster children who are
28 wards of the State, and to provide funds for the payment of salaries of
29 special education supervisors. The Department of Education shall distribute
30 such funds in the manner necessary to carry out the intent of this Section.

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

33

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

36 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each

1 fiscal year thereafter, the Department of Education shall from time to time
2 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
3 State, the amount of funds disbursed or approved to be disbursed by the
4 Department of Education for desegregation expenses under any "Desegregation
5 Settlement Agreement". Upon the receipt of such certification, the State
6 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
7 202(b)(2)(B), shall also deduct from the net general revenues the amount
8 certified and transfer this amount to the Department of Education Public
9 School Fund Account there to be used exclusively for payment of or
10 reimbursement for expenses incurred from the Department of Education Public
11 School Fund Account under any "Desegregation Settlement Agreement".
12

13 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
16 Incentive shall be allocated in accordance with rules and regulations
17 established by the State Board of Education.

18 The provisions of this section shall be in effect only from July 1, ~~2007~~
19 2009 through June 30, ~~2009~~ 2010.
20

21 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
24 Residential Centers/Juvenile Detention shall be allocated in accordance with
25 rules and regulations established by the State Board of Education.

26 The provisions of this section shall be in effect only from July 1, ~~2007~~
27 2009 through June 30, ~~2009~~ 2010.
28

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

1 Determining the maximum number of employees and the maximum amount of
2 appropriation and general revenue funding for a state agency each fiscal year
3 is the prerogative of the General Assembly. This is usually accomplished by
4 delineating such maximums in the appropriation act(s) for a state agency and
5 the general revenue allocations authorized for each fund and fund account by
6 amendment to the Revenue Stabilization law. Further, the General Assembly
7 has determined that the Department of Education may operate more efficiently
8 if some flexibility is provided to the Director of the Department of
9 Education authorizing broad powers under the Transfer Authority provision
10 herein. Therefore, it is both necessary and appropriate that the General
11 Assembly maintain oversight by requiring prior approval of the Legislative
12 Council or Joint Budget Committee as provided by this section. The
13 requirement of approval by the Legislative Council or Joint Budget Committee
14 is not a severable part of this section. If the requirement of approval by
15 the Legislative Council or Joint Budget Committee is ruled unconstitutional
16 by a court jurisdiction, this entire section is void.

17 The provisions of this section shall be in effect only from July 1, ~~2007~~
18 2009 through June 30, ~~2009~~ 2010.

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

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

30
31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
33 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
34 shall make available from the Intervention Block Grants appropriation
35 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
36 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred

1 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
2 grants up to \$1,000 each for students and chaperones, thirteen thousand five
3 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and
4 ~~five~~ one hundred thousand dollars ~~(\$5,000)~~ (\$100,000) each fiscal year for
5 the State History Day Competition. The Department of Education shall allocate
6 General Revenue funding totaling no less than ~~one hundred thirty two~~ two
7 hundred twenty-seven thousand dollars ~~(\$132,000)~~ (\$227,000) each fiscal year
8 from the Department of Education Public School Fund Account to support the
9 annual expenses of the Quiz Bowl, the Creativity in Arkansas, Inc. for grants
10 up to \$1,000 each for students and chaperones, Destination Imagination, and
11 the State History Day Competition. The Department shall either expend or have
12 committed for expenditure the monies allocated for the Quiz Bowl, Creativity
13 in Arkansas, Inc., Destination Imagination, and the State History Day
14 Competition as authorized herein in order to fulfill the provisions of this
15 section.

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

18

19 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
21 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
22 each fiscal year, an amount of not less than one million dollars (\$1,000,000)
23 or eighteen percent (18%), whichever is greater each fiscal year, shall be
24 awarded through a grant or professional services contract for EAST
25 infrastructure, personnel, and operating expenses. The EAST infrastructure
26 grant or contract for personal services and operating expenses shall be
27 awarded to an entity that has personnel or experience, or both, in
28 implementing the EAST Initiative.

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

31

32 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~EXPLOR-~~
34 NET CENTER FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
35 appropriation authorized by this Act for Technology Grants the Department of
36 Education shall make available one hundred eighty seven thousand five hundred

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

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

13
14 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
17 "Distressed School District Support" in Section 1 of this Act may be used for
18 technical assistance offered by the Department of Education to school
19 districts in academic distress that can include, but is not limited to,
20 teacher specialists, principal specialists, and other personnel assigned by
21 the department. These funds may also be used for alternative research-based
22 technical assistance or programs. Criteria for selecting and approving
23 alternative research-based technical assistance or programs are to be
24 promulgated as a rule by the State Board of Education, provided that
25 alternative staffing and/or compensation programs for teachers shall be
26 approved by at least a majority of the teachers in the school, schools, or
27 school district participating in the program.

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

30
31 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
33 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
34 Development Funding ~~for each fiscal year of the 2007-2009 biennium~~, four
35 million dollars (\$4,000,000) may be authorized by the Director of the
36 Department of Education to be used by the Department of Education to develop

1 and implement statewide professional development support systems for teachers
2 that will benefit student achievement.

3 The provisions of this section shall be in effect only from July 1, 2007
4 2009 through June 30, ~~2009~~ 2010.

5
6 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

18
19 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
21 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

22 ~~(a) Regardless of any provision of law to the contrary, beginning with the~~
23 ~~2007-2008 school year, no school district shall receive state funding for~~
24 ~~those students in the district's prior year three quarter average daily~~
25 ~~membership who were enrolled and attending a public school with an internet,~~
26 ~~long distance or virtual technology curriculum based program which was not~~
27 ~~part of a public school district and the public school program was funded by~~
28 ~~a federal voluntary public school choice grant administered by the Department~~
29 ~~of Education.~~

30 ~~(b) Prior to July 1, 2007, the Department of Education shall notify the~~
31 ~~Arkansas State Board of Education of the maximum number of students that the~~
32 ~~State Board of Education shall allow to enroll and attend any open-~~
33 ~~enrollment charter school that uses internet, long distance or virtual~~
34 ~~technology as the primary method of teaching. It is the intent of this~~
35 ~~language that the Department shall not establish and certify a number of~~
36 ~~students to the State Board of Education that exceeds the number of students~~

~~1 for which school districts were not able to receive state funding because of
2 the requirements of paragraph (a). However, to the extent there are any
3 revenue savings caused by the closure of any open-enrollment charter school
4 in existence on July 1, 2006, the State Board of Education may increase the
5 maximum number of students allowed to enroll and attend an internet, long-
6 distance or virtual technology open-enrollment charter school to the extent
7 the maximum number of students does not exceed five hundred (500) students.~~

~~8 (c) The provisions of this special language shall not restrict, affect or
9 impair any other provision of law or rule concerning public school districts
10 or public charter schools except as provided in paragraph (a) and (b).~~

11
12 (a) Regardless of any provision of any law to the contrary, no internet,
13 long-distance or virtual technology open-enrollment charter school shall
14 receive state funding for more than five hundred (500) students.

15 (b) Regardless of any provision of law to the contrary, no school district
16 shall receive state funding for the 2009-2010 school year for those students
17 who are included in the district's average daily membership for the previous
18 school year but who are attending any open-enrollment charter school that
19 uses internet, long-distance, or virtual technology as the primary method of
20 teaching.

21
22 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
24 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
25 authorized to expend a maximum of two percent (2%) of available funds for
26 administration of the Better Chance Program. Up to 1.8% of available funds
27 shall be used to administer the program and to monitor program grantees to
28 ensure compliance with programmatic standards. Prior to the utilization of
29 the remaining 0.2% of available funds, the Department of Education shall seek
30 prior review and approval of the Arkansas Legislative Council or Joint Budget
31 Committee by providing a written request to include the following: a) the
32 Department's reason(s) for the use of the funds and b) the amount of funds
33 that will be expended. The Department may contract with the Division of Child
34 Care and Early Childhood Education to administer the program.

35 Determining the maximum number of employees and the maximum amount of
36 appropriation and general revenue funding for a state agency each fiscal year

1 is the prerogative of the General Assembly. This is usually accomplished by
2 delineating such maximums in the appropriation act(s) for a state agency and
3 the general revenue allocations authorized for each fund and fund account by
4 amendment to the Revenue Stabilization law. Therefore, it is both necessary
5 and appropriate that the General Assembly maintain oversight by requiring
6 prior approval of the Legislative Council or Joint Budget Committee as
7 provided by this section. The requirement of approval by the Legislative
8 Council or Joint Budget Committee is not a severable part of this section.
9 If the requirement of approval by the Legislative Council or Joint Budget
10 Committee is ruled unconstitutional by a court of competent jurisdiction,
11 this entire section is void.

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

14

15 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
17 TEACHER SALARY. The Arkansas Department of Education is requested to
18 calculate Average Teacher Salary in the Department's Annual Statistical
19 Report to not include extra duty funds. Specifically, the Department is
20 requested to calculate the Average Teacher Salary amount using the National
21 Education Association definitions for Average Salary for Classroom Teachers.
22 *The Arkansas Department of Education shall ~~report on the feasibility of this~~*
23 *~~action to the House and Senate Committees on Education by February 1, 2007~~*
24 *submit this data annually to the National Education Association in accordance*
25 *with that organization's deadlines for submission for their report "Rankings*
26 *and Estimates" which includes state-by-state teacher salary comparisons.*

27

28 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
30 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
31 Chance for School Success Program remaining on June 30, ~~2008~~ 2010 ~~and June~~
32 ~~30, 2009~~, in the Department of Education Public School Fund Account shall be
33 designated and retained for the Arkansas Better Chance for School Success
34 Program.

35 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
36 authorized herein, may be carried forward under the following conditions:

1 (1) Prior to June 30, ~~2008~~ 2010 ~~and June 30, 2009~~ the Agency shall by
2 written statement set forth its reason(s) for the need to carry forward said
3 ~~appropriation and/or~~ funding to the Department of Finance and Administration
4 Office of Budget;

5 (2) The Department of Finance and Administration Office of Budget shall
6 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
7 ~~the first fiscal year of the biennium to the second fiscal year of the~~
8 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
9 Committee meeting ~~in the second fiscal year of the biennial period and from~~
10 ~~the second year of the biennium~~ by the following September Arkansas
11 Legislative Council or Joint Budget Committee meeting which report shall
12 include the name of the Agency, Board, Commission or Institution and the
13 amount of the ~~appropriation and/or~~ funding carried forward ~~from the first~~
14 ~~fiscal year to the second fiscal year~~, the program name or line item, the
15 funding source of that appropriation and a copy of the written request set
16 forth in (1) above;

17 (3) Each Agency, Board, Commission or Institution shall provide a written
18 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 include
26 all information obtained in item (3) above in the ~~biennial~~ budget manuals
27 and/or a statement of non-compliance by the Agency, Board, Commission or
28 Institution.

29
30 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
32 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
33 Department of Finance and Administration may use up to eleven dollars and
34 twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-
35 1117 (a) to offset the cost of health insurance premiums to eligible members
36 electing to participate in the public school employees' health insurance

1 program as a retiree.

2
3 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
5 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
6 shall transfer on his books and those of the State Treasurer and the State
7 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
8 fiscal year ~~of the biennium~~ from the Department of Education Public School
9 Fund Account to the University of Arkansas at Little Rock Fund, specifically
10 to provide funding for the Arkansas/STRIVE Program. The total amount of funds
11 transferred each fiscal year pursuant to this section shall not be subject to
12 any indirect costs by the University of Arkansas at Little Rock.

13 The provisions of this section shall be in effect only from July 1, 2007
14 2009 through June 30, ~~2009~~ 2010.

15
16 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
18 INSURANCE. ~~The Special Language regarding "Health Insurance" as authorized~~
19 ~~in SECTION 23 of Act 229 of 2007 is amended to read as follows:~~
20 ~~SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE~~
21 ~~ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.~~
22 ~~HEALTH INSURANCE. Beginning with the 1996-97 school year, Local School~~
23 ~~Districts shall pay no less than the health insurance contribution rate~~
24 ~~established by Arkansas Code 6-17-1117 for each eligible employee electing to~~
25 ~~participate in the Public School Employee Health Insurance Program. The~~
26 ~~appropriation contained herein for Public School Employee Insurance each~~
27 ~~fiscal year shall be used to provide the state contribution for insurance~~
28 ~~premiums for employees of the Cooperative Education Services Areas,~~
29 ~~Vocational Centers, and the school operated by the Department of Correction~~
30 ~~who participate in the Arkansas Public School Life and Health Insurance~~
31 ~~Program.~~

32 ~~In addition, the Department of Education shall pay the Employee Benefits~~
33 ~~Division of the Department of Finance and Administration a minimum of sixty-~~
34 ~~one dollars (\$61) per month for each eligible employee electing to~~
35 ~~participate in the public school employee health insurance program.~~

36 The provisions of this section shall be in effect only from July 1, 2007

1 2009 through June 30, ~~2009~~ 2010.

2
3 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
5 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
6 funding for Alternative Learning Environment Programs in excess of the
7 regulatory limitation of six (6) hours per day for those programs that
8 operate more than twelve hours per day, in a proportionate manner and upon
9 special request to the Department of Education.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

12
13 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
15 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
16 public schools, or for abortion services. Funds shall be expended in
17 accordance with Arkansas Code Annotated § 6-18-703.

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

20
21 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
23 PROVISION. Effective for the plan year beginning October 1, 2009, if ninety-
24 eight percent (98%) of the uniform rate of tax used in the calculation of
25 State Foundation Funding Aid for fiscal year 2009-2010 exceeds nine hundred
26 twenty million seven hundred thirty-one thousand eight hundred nineteen
27 dollars (\$920,731,819), the Department of Education shall pay up to fifteen
28 million dollars (\$15,000,000) of the total increase over the nine hundred
29 twenty million seven hundred thirty-one thousand eight hundred nineteen
30 dollars (\$920,731,819) to the Employee Benefits Division of the Department of
31 Finance and Administration in additional health insurance contributions for
32 eligible employees electing to participate in the public school employees'
33 health insurance program administered by the State and Public School Life and
34 Health Insurance Board.

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

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

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

7
8 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
9 by this act shall be limited to the appropriation for such agency and funds
10 made available by law for the support of such appropriations; and the
11 restrictions of the State Procurement Law, the General Accounting and
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
13 Procedures and Restrictions Act, or their successors, and other fiscal
14 control laws of this State, where applicable, and regulations promulgated by
15 the Department of Finance and Administration, as authorized by law, shall be
16 strictly complied with in disbursement of said funds.

17
18 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General Assembly
19 that any funds disbursed under the authority of the appropriations contained
20 in this act shall be in compliance with the stated reasons for which this act
21 was adopted, as evidenced by the Agency Requests, Executive Recommendations
22 and Legislative Recommendations contained in the budget manuals prepared by
23 the Department of Finance and Administration, letters, or summarized oral
24 testimony in the official minutes of the Arkansas Legislative Council or
25 Joint Budget Committee which relate to its passage and adoption.

26
27 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the General
28 Assembly, that the Constitution of the State of Arkansas prohibits the
29 appropriation of funds for more than one (1) year period; that the
30 effectiveness of this Act on July 1, 2009 is essential to the operation of
31 the agency for which the appropriations in this Act are provided; with the
32 exception that SECTION 6 in this Act shall be in full force and effect from
33 and after the date of its passage and approval, and that in the event of an
34 extension of the Regular Session, the delay in the effective date of this Act
35 beyond July 1, 2009, with the exception that SECTION 6 in this Act shall be
36 in full force and effect from and after the date of its passage and approval,

1 could work irreparable harm upon the proper administration and provision of
2 essential governmental programs. Therefore, an emergency is hereby declared
3 to exist and this Act being necessary for the immediate preservation of the
4 public peace, health, and safety shall be in full force and effect from and
5 after July 1, 2009; with the exception that SECTION 6 in this Act shall be in
6 full force and effect from and after the date of its passage and approval.

7
8 /s/ Joint Budget Committee

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10 APPROVED: 4/9/2009
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