

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 1590 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: H3/16/07 H3/21/07

A Bill

HOUSE BILL 2255

5 By: Representatives Cook, *Kenney*
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For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 6-20-2305 TO
10 PROVIDE FLEXIBILITY IN NATIONAL SCHOOL LUNCH
11 STUDENT CATEGORICAL FUNDING TO PUBLIC SCHOOL
12 DISTRICTS; AND FOR OTHER PURPOSES.
13

Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 6-20-
16 2305 TO PROVIDE FLEXIBILITY IN NATIONAL
17 SCHOOL LUNCH STUDENT CATEGORICAL FUNDING
18 TO PUBLIC SCHOOL DISTRICTS.
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 *SECTION 1. Arkansas Code § 6-20-2305(b)(1), concerning funding for*
24 *additional categories, is amended to read as follows:*

25 *(b)(1) In addition to state foundation funding aid, each school*
26 *district shall receive funding for additional education categories as*
27 *provided in subdivisions (b)(2)-~~(6)~~(5) of this section.*
28

29 *SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C), concerning the use of*
30 *national school lunch student funding, is amended to read as follows:*

31 *(C)(i)(a) The State Board of Education shall establish by*
32 *rule a list of approved programs and purposes for which funds allocated under*
33 *this subdivision (b)(4) may be expended.*

34 ~~*(b) Through June 30, 2007, the State Board of Education shall approve*~~
35 ~~*the use of funds by a school district to supplement salaries for classroom*~~



1 ~~teachers only under the following conditions:~~

2 ~~(1) The school district meets the minimum teacher salary schedule~~
 3 ~~in § 6-17-2403 without using funds provided under this subdivision (b)(4);~~
 4 ~~and~~

5 ~~(2) The school district is permitted to use funds provided under~~
 6 ~~this subdivision (b)(4) to supplement salaries for classroom teachers only to~~
 7 ~~the extent the school district was using funds provided under this~~
 8 ~~subdivision (b)(4) to supplement salaries for classroom teachers as of~~
 9 ~~January 1, 2006.~~

10 ~~(e)~~(b) School districts shall expend funds
 11 allocated under this subdivision (b)(4) only on the programs or purposes on
 12 the State Board of Education's list of approved programs and purposes for
 13 which funds allocated under this subdivision (b)(4) may be expended, which
 14 shall include, but are not limited to:

15 (1) Classroom teachers, provided that the
 16 school district meets the minimum salary schedule in § 6-17-2403 without
 17 using funds provided under this subdivision (b)(4) and that those teachers
 18 are used for the purposes delineated in this subdivision (b)(4) ~~and as~~
 19 ~~allowed through June 30, 2007, under subdivision (b)(4)(C)(ii) of this~~
 20 ~~section to supplement salaries of classroom teachers;~~

21 (2) Before-school academic programs and after-school academic
 22 programs, including transportation to and from the programs;

23 (3) Prekindergarten programs coordinated by the Department of
 24 Health and Human Services;

25 (4) Tutors, teachers' aides, counselors, social workers, nurses,
 26 and curriculum specialists;

27 (5) Parent education;

28 (6) Summer programs;

29 (7) Early intervention programs; and

30 (8) Materials, supplies, and equipment, including technology used
 31 in approved programs or for approved purposes.

32 (ii) School districts that have met the needs of
 33 students for whom the funding is provided for additional educational
 34 categories under subsection (b) of this section and that have excess national
 35 school lunch student categorical funds provided under this subdivision (b)(4)
 36 may use the excess national school lunch student categorical funds to

1 supplement all classroom teacher salaries under the following conditions:

2 (a) The school district shall not use any
3 portion of the national school lunch student categorical funds that are carry
4 forward or reserve funds to supplement classroom teacher salaries;

5 (b) The school district shall meet the minimum
6 teacher salary schedule under § 6-17-2403 without using national school lunch
7 student categorical funds;

8 (c) The school district shall comply with the
9 Standards for Accreditation of Arkansas Public Schools established under The
10 Quality Education Act of 2003, § 6-15-201 et seq. and the Arkansas Fiscal
11 Assessment and Accountability Program under § 6-20-1901 et seq. without using
12 national school lunch student categorical funds; and

13 (d) The school district shall agree that it
14 shall not allocate or use any excess national school lunch student
15 categorical funds in any manner except as a bonus to the salary of classroom
16 teachers.

17 (iii) The school district shall include with its
18 comprehensive school improvement plan a written detailed statement concerning
19 how the school district will use its excess national school lunch categorical
20 funds each school year and explaining in detail the amount of funds and
21 percent of total funds to be used to supplement all classroom teacher
22 salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

23 (iv)(a) Upon review of the school district's
24 comprehensive school improvement plan, if the Commissioner of Education
25 determines that the school district has met the needs of students in the
26 school district for whom the funding for additional educational categories
27 under subsection (b) of this section is provided, has met the requirements of
28 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently
29 managed its resources, the commissioner shall give written approval of the
30 detailed planned flexible use of excess national school lunch student
31 categorical funds provided to the school district.

32 (b) The school district shall not use its
33 excess national school lunch categorical funds for classroom teacher salaries
34 as provided in subdivision (b)(4)(C)(ii) of this section unless:

35 (1) The commissioner provides the
36 written approval required under subdivision (b)(4)(C)(iv)(a) of this section;

1 and

2 (2) Funds allocated under this
3 subdivision (b)(4) are available.

4 (v) The excess national school lunch student
5 category funds used to supplement the salary of a classroom teacher shall
6 only be used as a nonrecurring bonus to a classroom teacher's salary for any
7 given school year and shall not be considered a permanent obligation under
8 the school district's teacher salary schedule or as contract obligations of
9 any classroom teacher or employee of the school district.

10 ~~(ii)~~(vi) However, notwithstanding Notwithstanding
11 any other provision of law, if the Department of Education determines that a
12 school district's expenditure of funds allocated under this subdivision
13 (b)(4) would result in the school district's losing funding under any federal
14 law, then the funds allocated to a school district under this subdivision
15 (b)(4) may be expended for other academic programs or salaries.

16 ~~(iii)~~(vii) The Department of Education may direct
17 that a school district expend available funds on specified programs under
18 subdivision (b)(4)(C)(i) of this section.

19 (viii)(a) By the end of each school year, each
20 school district shall submit to the Department of Education a report listing
21 each program upon which funds allocated under this subdivision (b)(4) were
22 expended, the amount expended, and any other information required by the
23 Department of Education on the use of funds allocated under this subdivision
24 (b)(4).

25 (b) The Department of Education shall develop
26 appropriate reporting forms for use by school districts to comply with
27 subdivision (b)(4)(C)(viii) of this section.

28 (ix) Beginning with the 2007-2008 school year and
29 each school year thereafter, any school district that used or applied
30 restricted national school lunch student category funds as a supplement
31 for salaries of classroom teachers in a school district during the 2006-2007
32 school year under former § 6-20-2305 (b)(4)(C)(i)(b) [repealed] shall either:

33
34 (a) Remove the use of all national school
35 lunch student category funds immediately as a supplement to classroom
36 teacher salaries; or

1 (b) Begin the process of removing the use or
2 application of national school lunch student categorical funds as part of an
3 obligated salary schedule in the following manner:

4 (1) A school district shall reduce each
5 current school year by twenty percent (20%) the amount of national school
6 lunch student categorical funds received and used by the school district as a
7 supplement to classroom teacher salaries and shall continue this reduction in
8 the application of national school lunch student categorical funds as a
9 supplement to classroom teacher salaries until the school district has no
10 more than twenty percent (20%) of the total of any current year of all
11 national school lunch student categorical funds received by a school district
12 applied and used as a supplement to classroom teacher salaries for a current
13 school year;

14 (2) No school district shall be allowed
15 to use or consider reserve or carry forward national school lunch student
16 categorical funds as a supplement to classroom teacher salaries;

17 (3) The school district shall meet the
18 minimum teacher salary schedule under § 6-17-2403 without using national
19 school lunch student categorical funds;

20 (4) The school district shall comply
21 with the Standards for Accreditation of Arkansas Public Schools established
22 under The Quality Education Act of 2003, § 6-15-201 et seq. without using
23 national school lunch categorical funds;

24 (5) The school district shall include
25 with its comprehensive school improvement plan a written detailed narrative
26 or plan concerning how the school district will use its excess national
27 school lunch categorical funds each school year and explaining in detail the
28 amount of funds and percent of total funds to be used to supplement all
29 classroom teacher salaries as allowed in subdivision (b)(4)(C)(ix) of this
30 section;

31 (6) Upon review of the school district's
32 comprehensive school improvement plan, if the commissioner determines that
33 the school district has met or is meeting the needs of students in the school
34 district for which the funding for additional educational categories under
35 this subdivision (b)(4)(C)(ix), and has prudently managed its resources, the
36 commissioner shall give written approval of the detailed planned flexible use

1 of excess national school lunch student categorical funds provided to the
2 school district; and

3 (7) Upon review of the school district's
4 comprehensive school improvement plan and other indicators, if the
5 commissioner determines that a school district has not met the needs of
6 students that may be served with national school lunch student categorical
7 funds, the commissioner may require that any and all national school lunch
8 categorical funds dedicated for use or application in the teacher salary fund
9 shall be removed from and not used to meet the classroom teacher salary
10 obligation and redirected and applied to meet the needs of students in a
11 school district.

12 (x) Each school district shall submit to the
13 Department of Education a report listing each program and purpose upon which
14 funds allocated under this subdivision (b)(4) were expended, the amount
15 expended, and any other information required by the Department of Education
16 concerning the receipt and use of funds allocated under this subdivision
17 (b)(4).

18 (xi) No provision of subdivision (b)(4)(C)(ix) of
19 this section shall be deemed to prohibit a school district from participating
20 in the provisions of subdivisions (b)(4)(C)(ii) – (viii) of this section.

21 (xii) The Department of Education shall promulgate
22 rules and develop appropriate reporting forms for use by school districts to
23 comply with subdivisions (b)(4)(C)(i) – (xii) of this section.

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25 /s/ Cook, et al

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27 APPROVED: 4/9/2007
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