

1 State of Arkansas
2 88th General Assembly
3 Fiscal Session, 2012
4

As Engrossed: S2/28/12
A Bill

SENATE BILL 51

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, 2013; AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
17 APPROPRIATION FOR THE 2012-2013 FISCAL
18 YEAR.
19
20

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

23 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
24 Department of Education, to be payable from the Department of Education
25 Public School Fund Account, for grants and aid to local school districts and
26 special programs of the Department of Education for the fiscal year ending
27 June 30, 2013, the following:
28

| 29 ITEM | FISCAL YEAR |
|--|--------------|
| 30 NO. | 2012-2013 |
| 31 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT | \$34,500,000 |
| 32 (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE | |
| 33 HEALTH INSURANCE | 15,000,000 |
| 34 (03) ADVANCED PLACEMENT INCENTIVE | 825,000 |
| 35 (04) ALTERNATIVE LEARNING | 21,775,797 |
| 36 (05) ALTERNATIVE PAY | 807,907 |



| | | | |
|----|------|-------------------------------------|-------------|
| 1 | (06) | ARKANSAS EASTER SEALS | 193,113 |
| 2 | (07) | ASSESSMENT/END OF COURSE TESTING | 24,375,349 |
| 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 | 6,024,799 |
| 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 | 16,897,920 |
| 20 | (24) | ECONOMIC EDUCATION | 350,000 |
| 21 | (25) | EDUCATION SERVICE COOPERATIVES | 6,129,270 |
| 22 | (26) | ENGLISH LANGUAGE LEARNERS | 12,162,924 |
| 23 | (27) | GENERAL FACILITIES FUNDING | 8,100,000 |
| 24 | (28) | GIFTED & TALENTED | 1,335,381 |
| 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 | 12,016,160 |
| 35 | (37) | NATIONAL SCHOOL LUNCH | 187,235,597 |
| 36 | (38) | NON-TRADITIONAL LICENSURE | 50,000 |

| | | | |
|----|------|---|------------------------|
| 1 | (39) | PROFESSIONAL DEVELOPMENT FUNDING | 24,244,209 |
| 2 | (40) | PUBLIC SCHOOL EMPLOYEE INSURANCE | 37,273,600 |
| 3 | (41) | RESIDENTIAL CENTERS/JUVENILE | |
| 4 | | DETENTION | 16,345,087 |
| 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 | 1,716,859 |
| 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 | 1,904,969,759 |
| 16 | (53) | SUPPLEMENTAL TRANSPORTATION | 500,000 |
| 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) | STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM | <u>200,000</u> |
| 29 | | TOTAL AMOUNT APPROPRIATED | <u>\$2,707,106,563</u> |

30

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 2012-2013 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 | 2012-2013 |
| 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 | |

SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services and operating expenses of the Department of Education - Arkansas Public School Computer Network for the fiscal year ending June 30, 2013, the following:

| 26 | ITEM | FISCAL YEAR |
|----|---------------------------------|----------------|
| 27 | NO. | 2012-2013 |
| 28 | (01) REGULAR SALARIES | \$2,476,305 |
| 29 | (02) PERSONAL SERVICES MATCHING | 775,547 |
| 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 \$23,629,415

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 2012-2013 fiscal year, the following maximum number of
6 regular employees.

7

| 8 | | | Maximum Annual |
|----|---|------------------|------------------|
| 9 | | Maximum | Salary Rate |
| 10 | Item Class | No. of | Fiscal Year |
| 11 | <u>No. Code Title</u> | <u>Employees</u> | <u>2012-2013</u> |
| 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, 2013, the
22 following:

23

| 24 | ITEM | FISCAL YEAR |
|----|--------------------------------------|--------------------|
| 25 | <u>NO.</u> | <u>2012-2013</u> |
| 26 | (01) REGULAR SALARIES | \$264,536 |
| 27 | (02) PERSONAL SERVICES MATCHING | 81,808 |
| 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>\$1,458,044</u> |

36

1 SECTION 6. APPROPRIATION - PUBLIC SCHOOL ATHLETIC TRAINER PILOT PROGRAM
 2 GRANTS. There is hereby appropriated, to the Department of Education, to be
 3 payable from the Department of Education Public School Fund Account, for
 4 Public School Athletic Trainer Pilot Program grants for personal services to
 5 provide access to athletic trainers in public schools and to promote the
 6 health and safety of students by the Department of Education for the fiscal
 7 year ending June 30, 2013, 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~~ 2012 through June 30, ~~2011~~ 2013.

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~~ 2012 through June 30, ~~2011~~ 2013.

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~~ 2012 through June 30, ~~2011~~ 2013.

26

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~~ 2012 through June 30, ~~2011~~ 2013.
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~~ 2012 through June 30, ~~2011~~ 2013.
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~~ 2012 through June 30, ~~2011~~ 2013.

13

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~~ 2012 through June 30, ~~2011~~ 2013.

24

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 three hundred two
3 thousand dollars (\$302,000) each fiscal year from the Department of Education
4 Public School Fund Account to support the annual expenses of the Quiz Bowl,
5 the Creativity in Arkansas, Inc. for grants up to \$1,000 each for students
6 and chaperones, Destination Imagination, the State History Day Competition,
7 and the Arkansas Science Fair Association for grants to regional and state
8 science fairs. The Department shall either expend or have committed for
9 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
10 Inc., Destination Imagination, the State History Day Competition, and
11 Arkansas Science Fair Association grants as authorized herein in order to
12 fulfill the provisions of this section.

13 The provisions of this section shall be in effect only from July 1,
14 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

15

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

26 The provisions of this section shall be in effect only from July 1,
27 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

28

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

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

7 The provisions of this section shall be in effect only from July 1,
8 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

9

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

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

24 The provisions of this section shall be in effect only from July 1,
25 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

26

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

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

34 The provisions of this section shall be in effect only from July 1,
35 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

36

1 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
4 Districts shall pay the teacher retirement employer contribution rate for any
5 eligible employee in accordance with rules and regulations established by the
6 Teacher Retirement Board of Directors. The appropriation contained herein for
7 Teacher Retirement Matching each fiscal year shall be used to provide the
8 employer matching for employees of the Cooperative Education Services Areas,
9 Vocational Centers, Arkansas Easter Seals and the school operated by the
10 Department of Correction.

11 The provisions of this section shall be in effect only from July 1,
12 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

13
14 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
16 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

17 Regardless of any provision of law to the contrary, no school district
18 shall receive state funding for the ~~2010-2011~~ 2012-2013 school year for those
19 students who are included in the district's average daily membership for the
20 previous school year but who are attending any open-enrollment charter school
21 that uses internet, long-distance, or virtual technology as the primary
22 method of teaching.

23 The provisions of this section shall be in effect only from July 1,
24 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

1 that will be expended. The Department may contract with the Division of Child
2 Care and Early Childhood Education to administer the program.

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

16 The provisions of this section shall be in effect only from July 1,
17 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

30
31 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
33 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
34 Chance for School Success Program remaining on June 30, ~~2011~~ 2013, in the
35 Department of Education Public School Fund Account shall be designated and
36 retained for the Arkansas Better Chance for School Success Program.

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

3 (1) Prior to June 30, ~~2011~~ 2013 the Agency shall by written statement
4 set forth its reason(s) for the need to carry forward said funding to the
5 Department of Finance and Administration Office of Budget;

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

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

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

25 The provisions of this section shall be in effect only from July 1,
26 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

27
28 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
30 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
31 Department of Finance and Administration may use up to eleven dollars and
32 twenty cents (\$11.20) from each contribution made under Arkansas Code
33 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
34 members electing to participate in the public school employees' health
35 insurance program as a retiree.

36

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

11 The provisions of this section shall be in effect only from July 1,
12 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

13
14 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
16 INSURANCE. The appropriation contained herein for Public School Employee
17 Insurance each fiscal year shall be used to provide the state contribution
18 for insurance premiums for employees of the Cooperative Education Services
19 Areas, Vocational Centers, and the school operated by the Department of
20 Correction who participate in the Arkansas Public School Life and Health
21 Insurance Program.

22 The provisions of this section shall be in effect only from July 1,
23 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

24
25 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
28 funding for Alternative Learning Environment Programs in excess of the
29 regulatory limitation of six (6) hours per day for those programs that
30 operate more than twelve hours per day, in a proportionate manner and upon
31 special request to the Department of Education.

32 The provisions of this section shall be in effect only from July 1,
33 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

34
35 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE

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

4 The provisions of this section shall be in effect only from July 1,
5 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

6
7 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.
10 Effective for the plan year beginning October 1, ~~2010~~ 2012, if ninety-eight
11 percent (98%) of the uniform rate of tax used in the calculation of State
12 Foundation Funding Aid for fiscal year ~~2010-2011~~ 2012-2013 exceeds nine
13 hundred twenty million seven hundred thirty-one thousand eight hundred
14 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
15 fifteen million dollars (\$15,000,000) of the total increase over the nine
16 hundred twenty million seven hundred thirty-one thousand eight hundred
17 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
18 Department of Finance and Administration in additional health insurance
19 contributions for eligible employees electing to participate in the public
20 school employees' health insurance program administered by the State and
21 Public School Life and Health Insurance Board.

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

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

29
30 SECTION 31. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as
31 follows:

32 (e)(1) Except as provided in subdivision (e)(2) of this section, a
33 school district meeting the requirements of subsection (b) of this section
34 shall receive an amount equal to ten percent (10%) of the foundation funding
35 received by the school district under § 6-20-2305(a)(2) based on the three-
36 quarter average daily membership of the isolated school area under § 6-20-

1 2305(a)(2) if the school district has school facilities open for kindergarten
2 through grade twelve (K-12) in one (1) or more isolated schools meeting the
3 requirements of subsection (b) of this section.

4 (2) A school district shall receive an amount equal to ten percent
5 (10%) of the foundation funding received by the school district under § 6-20-
6 2305(a)(2) based on the three-quarter average daily membership of the
7 isolated school area under § 6-20-2305(a)(2) if:

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

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

15
16 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

18 SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,
19 allocate and commit for expenditure five hundred thousand dollars (\$500,000)
20 for the appropriation made herein for "Supplemental Transportation". The
21 Department shall use such funding to address extraordinary transportation
22 needs of public school districts. The State Board of Education shall
23 promulgate such rules and regulations as may be necessary to implement this
24 provision, which shall be reviewed by the House and Senate Interim Committees
25 on Education.

26
27 *SECTION 33. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
28 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS*
29 *GOVERNOR'S SCHOOL FUNDING. The Department of Education shall allocate, budget*
30 *and commit for expenditure two hundred fifty thousand dollars (\$250,000), in*
31 *addition to funds already being provided for the Arkansas Governor's School,*
32 *to fund the appropriation authorized from general revenue for the Gifted and*
33 *Talented program as appropriated in Section 1 herein. With this additional*
34 *funding the duration of the Arkansas Governor's School shall be extended from*
35 *four (4) weeks to six (6) weeks.*

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

1 2012 through June 30, 2013.

2
3 SECTION 34. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
4 authorized by this act shall be limited to the appropriation for such agency
5 and funds made available by law for the support of such appropriations; and
6 the restrictions of the State Procurement Law, the General Accounting and
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
8 Procedures and Restrictions Act, or their successors, and other fiscal
9 control laws of this State, where applicable, and regulations promulgated by
10 the Department of Finance and Administration, as authorized by law, shall be
11 strictly complied with in disbursement of said funds.

12
13 SECTION 35. LEGISLATIVE INTENT. It is the intent of the General
14 Assembly that any funds disbursed under the authority of the appropriations
15 contained in this act shall be in compliance with the stated reasons for
16 which this act was adopted, as evidenced by the Agency Requests, Executive
17 Recommendations and Legislative Recommendations contained in the budget
18 manuals prepared by the Department of Finance and Administration, letters, or
19 summarized oral testimony in the official minutes of the Arkansas Legislative
20 Council or Joint Budget Committee which relate to its passage and adoption.

21
22 SECTION 36. EMERGENCY CLAUSE. It is found and determined by the
23 General Assembly, that the Constitution of the State of Arkansas prohibits
24 the appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2012 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the legislative session, the delay in the
28 effective date of this Act beyond July 1, 2012 could work irreparable harm
29 upon the proper administration and provision of essential governmental
30 programs. Therefore, an emergency is hereby declared to exist and this Act
31 being necessary for the immediate preservation of the public peace, health
32 and safety shall be in full force and effect from and after July 1, 2012.

33
34 /s/Joint Budget Committee

35 APPROVED: 03/05/2012

36