

**ARKANSAS DIVISION OF ELEMENTARY AND SECONDARY EDUCATION
RULES GOVERNING SPECIAL EDUCATION AND RELATED SERVICES
SEC. 18.00 - RESIDENTIAL PLACEMENT
Effective January 21, 2021**

18.01 REGULATORY AUTHORITY

18.01.1 These rules are enacted pursuant to the State Board of Education's authority under ~~Ark. Code Ann.~~ Arkansas Code §§ 6-11-105, 6-18-202, 6-20-104, 6-20-107, and 6-41-202, ~~and Act 523 of 2019.~~

18.02 PURPOSE

18.02.1 It is the purpose of these rules to allocate public school funds for the education of residentially placed students.

18.02.2 It is further the purpose of these rules to define the educational services in such placements.

18.03 DEFINITIONS

18.03.1 In addition to the definitions provided in Section 2.00 of these rules, the following definitions apply specifically to this Section 18.00.

18.03.2 "Juvenile" ~~-means~~ a person who is eighteen (18) years old or younger.

18.03.3 "Juvenile Detention Facility (JDF) — Any detention facility" means any facility operated by a political subdivision of the ~~State~~ state for the temporary care of juveniles alleged to be delinquent, or adjudicated delinquent and awaiting disposition, who require secure custody in a physically restricting facility.

18.03.3.1 Under ~~Ark. Code Ann.~~ Arkansas Code § 9-27-330(a)(11), such facility shall afford opportunities for education, recreation, and other rehabilitative services to adjudicated delinquents who may be ordered by the court to remain in the juvenile detention facility for an indeterminate period not to exceed ninety (90) days.

~~18.03.4 — Student without disabilities — For purposes of these rules, a student who has NOT been identified as disabled in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (IDEA) and Ark. Code Ann. § 6-41-202 et seq., shall be considered nondisabled, including any student not previously enrolled in an Arkansas public school but who meets the residency requirements of Ark. Code Ann. § 6-18-202 upon~~

entering the residential facility and enrolls in the resident district.

~~18.03.5~~ ~~Student with disabilities~~—For purposes of these rules, a student with a disability means a student age 3 to 21 who qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. and Ark. Code Ann. § 6-41-202 et seq.

~~18.03.6~~18.03.4 “Residential placement in state”—For purposes of these rules, residential placement in state means—

~~18.03.6.1~~ ~~One~~one (1) of the following licensed facilities that has a special education component approved by the Special Education Unit of the Division of Elementary and Secondary Education on an annual basis—:

~~A.18.03.4.1~~ Inpatient psychiatric treatment facilities licensed by the Arkansas Department of Human Services (~~DHS~~);

~~B.18.03.4.2~~ Alcohol and drug treatment facilities licensed by the Arkansas Department of Human Services;

~~C.18.03.4.3~~ ~~Easter Seals of~~Easterseals Arkansas;

~~D.18.03.4.4~~ Arkansas State Hospital;

~~E.18.03.4.5~~ Facilities licensed as Intermediate Care Facilities for Individuals with Intellectual Disabilities (ICF/IID) by the Arkansas Department of Human Services;

~~F.18.03.4.6~~ Residential facilities licensed as sexual rehabilitation programs for children by the Arkansas Department of Human Services; and

~~G.18.03.4.7~~ Psychiatric hospitals licensed by the Arkansas Department of Health.

~~18.03.6.2~~18.03.4.8 That has a special education component approved by the Division of Elementary and Secondary Education (~~DESE~~) Special Education Unit, on an annual basis. Such placement does not include the:

18.03.4.8.a Arkansas School for the Blind;

18.03.4.8.b ~~the~~ Arkansas School for the Deaf; or

18.03.4.8.c ~~the~~ Arkansas School for Mathematics, Sciences, and the Arts.

~~18.03.7~~18.03.5 ~~“Residential Placement Out of State—For purposes of these rules, an out-of-state residential or inpatient facility placement out of state”~~
means:

~~18.03.7.1~~18.03.5.1 For a student with disabilities, a facility outside the State of Arkansas, that has a special education component approved by the ~~DESE~~ Special Education Unit of the Division of Elementary and Secondary Education, on an annual basis; that is operating under the appropriate licensure of the state in which it is located; and

~~18.03.7.2~~18.03.5.2 For a student without disabilities, a facility in a state that borders Arkansas that is:

18.03.5.2.a ~~operating~~Operating under the appropriate licensure of the state in which it is located; and

18.03.5.2.b ~~approved~~Approved by the ~~DESE~~ Special Education Unit of the Division of Elementary and Secondary Education.

~~18.03.8~~ ~~Residency—Ark. Code Ann. § 6-18-202 establishes residency requirements for students attending public schools in the State of Arkansas. Students affected by this statute include both those with and without disabilities.~~

18.03.6 “Student with disabilities” means a student age three (3) to twenty-one (21) who qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and Arkansas Code § 6-41-202 et seq.

18.03.7 “Student without disabilities” means a student who has not been identified as disabled in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., and Arkansas Code § 6-41-202 et seq., including any student not previously enrolled in an Arkansas public school but who meets the residency requirements of Arkansas Code § 6-18-202 upon entering the residential facility and enrolls in the resident district.

18.04 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITHOUT DISABILITIES

18.04.1 Assignment of responsibility.

18.04.1.1 When a nondisabled student is placed for ~~non-~~noneducational reasons in a residential treatment facility for treatment, the district where the residential treatment facility is located is the student’s resident district.

- 18.04.1.1.a This district is responsible for educating the student.
- 18.04.1.2 When a nondisabled student who is a ward of the ~~State~~state is placed in a residential treatment facility, the district where the facility is located is responsible for educating the student.
- 18.04.1.3 When a nondisabled student is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent or agent remains responsible for the education of the student.
- 18.04.2 Procedures for educational management.
- 18.04.2.1 Each school district must designate an individual who will be responsible for ensuring compliance with these rules.
- 18.04.2.1.a This may be the district superintendent or a designee.
- 18.04.2.2 When a nondisabled student is placed in a residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission.
- 18.04.2.2.a Failure of the facility to notify the responsible district in a timely fashion may result in loss of reimbursement funding.
- 18.04.2.3 The district superintendent or designee shall convene a conference by a review team within seven (7) calendar days of notice by the residential treatment facility that the student is in a residential program.
- 18.04.2.3.a This conference may be conducted in person or through technology.
- 18.04.2.4 The review team shall be composed of, at a minimum, a representative from the district and a representative from the residential treatment facility.
- 18.04.2.4.a A ~~DHS~~Department of Human Services representative shall also be invited if the student is receiving services from one (1) or

more ~~DHS Divisions~~ Department of Human Services divisions.

18.04.2.5 The review team shall review information available on the student and determine whether a referral for consideration of eligibility for special education and related services is warranted.

18.04.2.6 When the review team determines the student should be referred for consideration of eligibility for special education, a referral form must be completed and a referral conference conducted following the process in §Section 4.00 of State-the DESE Division of Elementary and Secondary Education Special Education rules.

18.04.2.7 When the review team determines that the student should not be referred for consideration for special education and related services, it must identify the general educational and ~~non-educational~~ noneducational needs of the student.

18.04.2.8 Based on the identified needs of the nondisabled student, the review team will determine and document where the educational program of the student will be implemented.

18.04.2.8.a The inter-linkage of the treatment program needs and educational programming must be discussed in reaching a decision on an appropriate educational setting.

18.04.3 Assignment of costs.

18.04.3.1 For nondisabled students, “educational costs” are limited to only those costs incurred for direct educational instruction of the student.

18.04.3.2 All other services provided for the student are considered ~~non-educational~~ noneducational and are not reimbursable under these rules.

18.04.3.2.a Such other costs will be borne by:

18.04.3.2.a.i ~~DHS,~~ The Department of Human Services;

18.04.3.2.a.ii Medicaid;:

18.04.3.2.a.iii ~~private~~ Private insurance;

18.04.3.2.a.iv ~~the~~ The parent; or

18.04.3.2.v ~~by any~~ Any combination thereof.

18.04.3.3 Residential treatment facilities must submit a written request to the school district identifying the costs of education and services provided.

18.04.3.3.a The request must be submitted to the school district by the deadline established by the ~~DESE~~ Division of Elementary and Secondary Education in order for the district to seek reimbursement from the ~~DESE~~ Special Education Unit of the Division of Elementary and Secondary Education.

18.04.3.4 The ~~DESE~~ Division of Elementary and Secondary Education, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

~~A.~~ 18.04.3.4.a The ~~DESE~~ Division of Elementary and Secondary Education authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the ~~DESE~~ Division of Elementary and Secondary Education has approved the facility's education program; and

~~B.~~ 18.04.3.4.b Each program authorization precedes the placement.

~~C.~~ 18.04.3.4.c If the program is not authorized prior to the placement, the ~~DESE~~ Division of Elementary and Secondary Education, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

- 18.04.3.5 The liability of the DESE Division of Elementary and Secondary Education, a public school district, or an open-enrollment charter school for the educational costs or other related costs shall be limited to the reimbursement rate established by the DESE Division of Elementary and Secondary Education for a juvenile placed in a residential or inpatient facility.
- 18.04.4 Funding.
- 18.04.4.1 A local school district may request reimbursement from the DESE Special Education Unit of the Division of Elementary and Secondary Education for the educational costs of nondisabled students placed in residential treatment facilities.
- 18.04.4.2 The local school district shall not be responsible for educational costs exceeding the maximum reimbursement rate for nondisabled students receiving educational services in a residential treatment facility, as determined by the DESE Division of Elementary and Secondary Education.
- 18.04.4.3 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.
- 18.04.5 ~~Extended School Year Services~~ school year services (ESY).
- 18.04.5.1 There is no provision for extended school year (educational) services to nondisabled students when schools are not in session.
- 18.04.5.1.a This applies to nondisabled students in residential placements, as well as their nondisabled peers who attend the local public school.
- 18.04.5.1.b Therefore, there is no need for a district to convene a review team during the summer months when school is not in session.
- 18.04.5.2 Residential treatment facilities cannot bill school districts for educational services provided to nondisabled students during the summer months.

18.05 RESIDENTIAL PLACEMENT IN STATE - STUDENTS WITH DISABILITIES

- 18.05.1 Assignment of responsibility.
- 18.05.1.1 For students with disabilities in state-operated ~~Human Development Centers~~ human development centers, the facility is responsible for procedural safeguards and the provision of FAPE.
- 18.05.1.2 When a student with a disability is placed for ~~non-educational~~ noneducational reasons in a residential treatment facility for treatment, the district where the facility is located is the student's resident district.
- 18.05.1.2.a The district shall be responsible for procedural safeguards and the provision of FAPE.
- 18.05.1.3 When a student with a disability who is a ward of the state is placed in a residential treatment facility, the district where the residential treatment facility is located is responsible for educating the student.
- 18.05.1.4 When a student with a disability is placed in a residential treatment facility for educational purposes by a school district, the placing district remains responsible for procedural safeguards and the provision of FAPE.
- 18.05.1.5 When a student with a disability is placed in a residential treatment facility for educational purposes by a parent or agent other than the school district, the parent may petition the district where the student permanently resides (home district, usually that of the student's parent or guardian) for provision of procedural safeguards and FAPE.
- 18.05.2 Procedural safeguards.
- 18.05.2.1 The procedural safeguards specified in §Section 9.00 of these rules, governing due process, shall be followed.
- 18.05.3 Procedures for educational management.
- 18.05.3.1 When a student with a disability is placed in a residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission.

18.05.3.2 Failure of the facility to notify the responsible district in a timely fashion may result in loss of DESE Division of Elementary and Secondary Education approval of the residential treatment facility's special education program.

18.05.3.3 Procedures for children who transfer from public agencies in the same state as outlined in §Section 8.03.3 of these rules, governing IEPs, should be followed.

18.05.4 Assignment of costs.

18.05.4.1 The DESE division, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an in-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:

A-18.05.4.1.a The DESE division authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the DESE division has approved the facility's education program; and

B-18.05.4.1.b Each program authorization precedes the placement.

C-18.05.4.1.c If the program is not authorized prior to the placement, the DESE division, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.05.4.2 The liability of the DESE division for the educational costs or other related costs for a student placed by a parent or agent other than the school district shall be limited to the reimbursement rate established by the DESE division for a juvenile placed in a residential or inpatient facility.

18.05.4.3 For identified students with disabilities, those costs defined as being educational in accordance with the IDEA Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., will be borne by the district

responsible for provision of procedural safeguards and FAPE.

18.05.4.3.a For students in state-operated ~~Human Development Centers~~ human development centers, the facility assumes those costs.

18.05.4.4 All other costs will be borne by either:

18.05.4.4.a ~~DHS,~~ The Department of Human Services;

18.05.4.4.b Medicaid;

18.05.4.4.c ~~private~~ Private insurance;

18.05.4.4.d ~~the~~ The parent; or

18.05.4.4.e ~~by any~~ Any combination thereof.

18.05.5 Funding.

18.05.5.1 A school district may request reimbursement for the educational costs of students with disabilities who have been placed in approved residential treatment facilities, as defined by the ~~DESE~~ Special Education Unit of the Division of Elementary and Secondary Education.

18.05.5.2 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.05.6 ~~Extended School Year Services~~ school year services (ESY).

18.05.6.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.05.6.2 Determination of student eligibility for ESY services is made by the resident school district based on the rules governing ESY in §Section 19.00 of these rules.

18.06 RESIDENTIAL PLACEMENT OUT-OF-STATE - STUDENTS WITH DISABILITIES

18.06.1 Assignment of responsibility.

18.06.1.1 When a student with a disability is placed in a residential

treatment facility for educational purposes by a school district, the placing school district remains responsible for procedural safeguards and the provision of FAPE.

- 18.06.1.2 When a student with a disability is unilaterally placed in a residential facility for educational purposes by a parent or agent other than the school district, the parent may petition the school district where the student permanently resides (home school district, usually that of the student's parent or guardian) for the provision of procedural safeguards and FAPE.
- 18.06.1.3 When a child with a disability is a ward of the state and is placed in a residential treatment facility outside the boundaries of the State of Arkansas, the ~~ADE~~Department of Education is responsible for procedural safeguards and FAPE.
- 18.06.2 Procedural safeguards.
- 18.06.2.1 The procedural safeguards specified in §Section 9.00 of these rules, governing due process, shall be followed.
- 18.06.3 Assignment of costs.
- 18.06.3.1 The ~~DESE~~Division of Elementary and Secondary Education, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care and treatment, including psychiatric treatment, unless:
- ~~A-18.06.3.1.a~~ At the time of placement:
- ~~1-18.06.3.1.a.i~~ The juvenile qualifies as disabled under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; ~~and~~
- ~~2-18.06.3.1.a.ii~~ Payment is required under the Individuals with Disabilities Education Act; ~~and~~
- 18.06.3.1.a.iii The juvenile's physician determines that the out-of-state placement is medically

necessary and is the most appropriate placement available;

~~B.18.06.3.1.b~~ The Department of Education authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the ~~DESE~~division has approved the facility's education program; ~~and~~

~~C.18.06.3.1.c~~ Each program authorization precedes the placement; and

18.06.3.1.c.i If the program is not authorized prior to placement, the department, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.06.3.1.d The out-of-state residential or inpatient facility is located within a state that borders Arkansas.

18.06.3.2 Nothing in this section shall be construed to require payment by the ~~DESE~~division, a public school district, or an open-enrollment charter school for education costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to April 7, 2005.

18.06.3.3 For identified students with disabilities, those costs defined as being educational in accordance with the ~~IDEA~~Individuals with Disabilities Education Act will be borne by the district/agency responsible for provision of procedural safeguards and FAPE.

18.06.3.4 All other costs will be borne by either;

18.06.3.4.a ~~DHS,~~The Department of Human Services;

18.06.3.4.b ~~Medicaid~~;

18.06.3.4.c ~~private~~Private insurance;

18.06.3.4.d ~~the~~The parent; or

18.06.3.4.e ~~by any~~Any combination thereof.

18.06.3.5 The liability of the ~~DESE~~division for the educational costs or other related costs for a student placed in a residential facility by a parent or agent other than the school district shall be limited to the lesser of the:-

~~A.~~18.06.3.5.a ~~The reimbursement~~Reimbursement rate established by the ~~DESE~~division for a juvenile placed in a residential or inpatient facility; or;

~~B.~~18.06.3.5.b ~~The normal~~Normal and customary educational cost reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility as determined by the ~~DESE~~division.

18.06.4 Funding.

18.06.4.1 A school district may request reimbursement for the educational costs of a student with disabilities placed in an approved residential treatment facility located outside the boundaries of Arkansas.

18.06.4.1.a Reimbursement may be used to fund the cost of such placement incurred by a school district.

18.06.4.2 When requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.

18.06.5 ~~Extended School Year Services~~school year services (ESY).

18.06.5.1 Not all students with disabilities receiving educational services in residential placement will be eligible for or in need of ESY services.

18.06.5.2 Determination of student eligibility for ESY services is made by the resident school ~~district/agency~~district or

agency based on the rules governing ESY in §Section 19.00 of these rules.

18.07 RESIDENTIAL PLACEMENT OUT-OF-STATE - STUDENTS WITHOUT DISABILITIES

- 18.07.1 Assignment of responsibility.
- 18.07.1.1 When a nondisabled student is placed in an out-of- state residential treatment facility for educational purposes by a school district, the placing school district remains responsible for educating the student.
- 18.07.1.2 When a nondisabled student is placed in an out-of- state residential treatment facility for ~~non-~~noneducational reasons and the juvenile's physician determines that the out-of-state placement is medically necessary and is the most appropriate placement available, the student's resident district, as determined by ~~Ark. Code Ann.~~Arkansas Code § 6-18-202, is responsible for educating the student.
- 18.07.1.3 When a nondisabled student who is a ward of the ~~State~~state is placed in an out-of-state residential treatment facility and the juvenile's physician determines that the out-of-state placement is medically necessary and is the most appropriate placement available, the ~~ADE~~Department of Education is responsible for educating the student.
- 18.07.1.4 When a nondisabled student is placed in an out-of- state residential treatment facility for educational purposes by a parent or agent other than the school district, the parent or agent remains responsible for the education of the student.
- 18.07.2 Procedures for educational management.
- 18.07.2.1 Each school district must designate an individual who will be responsible for ensuring compliance with these rules.
- 18.07.2.1.a This may be the district superintendent or a designee.
- 18.07.2.2 When a nondisabled student is placed in an out-of- state residential facility, the facility must notify the responsible school district (superintendent or designee) within seven (7) calendar days of the student's admission.

- 18.07.2.2.a Failure of the facility to notify the responsible district in a timely fashion may result in loss of reimbursement funding.
- 18.07.2.3 The district superintendent or designee shall convene a conference by a review team within seven (7) calendar days of notice by the residential treatment facility that the student is in a residential program.
- 18.07.2.3.a This conference may be conducted in person or through technology.
- 18.07.2.4 The review team shall be composed of, at a minimum, a representative from the district and a representative from the residential treatment facility.
- 18.07.2.4.a A ~~DHS~~Department of Human Services representative shall also be invited if the student is receiving services from one (1) or more ~~DHS Divisions~~Department of Human Services divisions.
- 18.07.2.5 The review team shall:
- 18.07.2.5.a ~~review~~Review information available on the student; and
- 18.07.2.5.b ~~determine~~Determine whether a referral for consideration of eligibility for special education and related services is warranted.
- 18.07.2.6 When the review team determines the student should be referred for consideration of eligibility for special education, a referral form must be completed and a referral conference conducted following the process in §Section 4.00 of the DESEDivision of Elementary and Secondary Education Special Education rules, governing referrals.
- 18.07.2.7 When the review team determines that the student should not be referred for consideration for special education and related services, it must identify the general educational and ~~non-educational~~noneducational needs of the student.
- 18.07.2.8 Based on the identified needs of the nondisabled student, the review team will determine and document where the

educational program of the student will be implemented.

18.07.2.8.a The inter-linkage of the treatment program needs and educational programming must be discussed in reaching a decision on an appropriate educational setting.

18.07.3 Assignment of costs.

18.07.3.1 For nondisabled students, “educational costs” are limited to only those costs incurred for direct educational instruction of the student.

18.07.3.2 All other services provided for the student are considered ~~non-educational~~ noneducational and are not reimbursable under these rules.

18.07.3.2.a Such other costs will be borne by:

18.07.3.2.a.i ~~DHS,~~ The Department of Human Services;

18.07.3.2.a.ii Medicaid;;

18.07.3.2.a.iii ~~private~~ Private insurance;;

18.07.3.2.a.iv ~~the~~ The parent; or

18.07.3.2.a.v ~~by any~~ Any combination thereof.

18.07.3.3 Residential treatment facilities must submit a written request to the responsible school district identifying the costs of education and services provided.

18.07.3.3.a The request must be submitted to the school district by the deadline established by the ~~DESE~~ Special Education Unit of the Division of Elementary and Secondary Education in order for the district to seek reimbursement.

18.07.3.4 The ~~DESE~~ Special Education Unit, a public school district, or an open-enrollment charter school shall not be liable for any educational costs or other related costs associated with the placement of a juvenile in an out-of-state residential or

inpatient facility for any care and treatment, including psychiatric treatment, unless:

~~A-18.07.3.4.a~~ At the time of placement, the juvenile's physician determines that the out-of-state placement is medically necessary and is the most appropriate placement available;

~~B-18.07.3.4.b~~ The ~~DESE~~ Special Education Unit authorizes public payment for educational costs based on a determination that the educational program and facilities are appropriate for the juvenile and the ~~DESE~~ Special Education Unit has approved the facility's education program; ~~and~~

~~C-18.07.3.4.c~~ Each educational program authorization precedes the placement; and

~~D-18.07.3.4.d~~ The out-of-state residential or inpatient facility is located within a state that borders Arkansas.

18.07.3.5 If the program is not authorized prior to the placement, the ~~DESE~~ Division of Elementary and Secondary Education, public school districts, or open-enrollment charter schools shall not be responsible for education or other related costs, nor shall they be subject to any order to pay for educational or other related costs.

18.07.3.6 The liability of the ~~DESE~~ Division of Elementary and Secondary Education, a public school district, or an open-enrollment charter school for the educational costs or other related costs, shall be limited to the lesser of the reimbursement rate established by the ~~DESE~~ Division of Elementary and Secondary Education for a juvenile placed in a residential or inpatient facility or the normal and customary educational cost reimbursement rate of the state in which a juvenile is placed in an out-of-state residential or inpatient facility determined by ~~DESE~~ the Division of Elementary and Secondary Education.

18.07.3.7 Reimbursement for students without disabilities in an out-of-state facility shall be limited to twenty (20) students at any one (1) time during a calendar year.

- 18.07.3.8 Nothing in this section shall be construed to require payment by the Division of Elementary and Secondary Education, a public school district, or an open-enrollment charter school for education costs and other related costs associated with the placement of a juvenile in an out-of-state residential or inpatient facility for any care or treatment, including psychiatric treatment, prior to April 7, 2005.
- 18.07.4 Funding.
- 18.07.4.1 The responsible school district may request reimbursement from the ~~DESE~~-Special Education Unit for the educational costs of nondisabled students placed in residential treatment facilities.
- 18.07.4.2 The school district shall not be responsible for educational costs exceeding the maximum reimbursement rate for nondisabled students receiving educational services in a residential treatment facility, as determined by the ~~DESE~~Division of Elementary and Secondary Education.
- 18.07.4.3 When the requests for reimbursement exceed the amount of funds available, the reimbursement will be prorated.
- 18.07.5 ~~Extended School Year Services~~school year services (ESY).
- 18.07.5.1 There is no provision for extended school year (educational) services to nondisabled students when schools are not in session.
- 18.07.5.1.a This applies to nondisabled students in residential placements, as well as their nondisabled peers who attend the local public school.
- 18.07.5.1.b Therefore, there is no need for a district to convene a review team during the summer months when school is not in session.
- 18.07.5.2 Residential treatment facilities cannot bill school districts for educational services provided to nondisabled students during the summer months.

18.08 JUVENILE DETENTION FACILITIES

18.08.1 General

18.08.1.1 For the purposes of these rules, juvenile detention facilities are designated as approved residential treatment facilities.

18.08.1.2 Upon disposition by the juvenile court that an adjudicated juvenile shall stay in a juvenile detention facility for any period of time, the facility shall notify the juvenile's resident school district of his or her whereabouts.

18.08.1.3 The juvenile detention facility shall certify the detention dates to the juvenile's resident school district within five (5) days after the juvenile is released.

~~18.08.1.2~~ 18.08.1.4 Students detained in a juvenile detention facility for nine (9) days or less.

~~A-~~ 18.08.1.4.a The juvenile detention facility and the district where the juvenile detention facility is located are designated as responsible for educating the student consistent with federal and state laws for any period of time the student is being detained in the facility.

~~B-~~ 18.08.1.4.b The resident district of a student who is being detained in a juvenile detention facility shall work cooperatively with the juvenile detention facility and the district where the juvenile detention facility is located to provide the student with the curriculum, textbooks, or other materials necessary to educate the student for the first nine (9) days that the student is being detained in the facility either awaiting adjudication or pursuant to court order.

~~C-~~ 18.08.1.4.c The resident district shall keep the student enrolled in the district for the first nine (9) days that the student is being detained in the facility.

~~D-~~ 18.08.1.4.d The juvenile detention facility must provide the student's resident school district a weekly attendance record for each of that district's students in the facility, regardless of length of stay.

~~18.08.1.3~~ 18.08.1.5 Students detained in a juvenile detention facility for ten (10) days or more.

~~A.~~ 18.08.1.5.a The juvenile detention facility and the district where the juvenile detention facility is located are designated as responsible for educating the student consistent with federal and state laws for any period of time the student is being detained in the facility.

~~B.~~ 18.08.1.5.b The district where the juvenile detention facility is located shall work cooperatively with the juvenile detention facility to provide the student with the curriculum, textbooks, or other materials necessary to educate the student.

~~C.~~ 18.08.1.5.c Immediately upon receiving notice that a student has been detained in a juvenile detention facility for ten (10) days or more, the resident district shall drop the student from enrollment.

~~18.08.1.4~~ 18.08.1.6 The resident district of a student who is being detained in a juvenile detention facility is designated as responsible for the timely transfer of a student's educational records to the district where the juvenile detention facility is located upon notification by the court or district where the facility is located of the student's placement in a juvenile detention facility.

~~18.08.1.5~~ 18.08.1.7 Juvenile detention facilities must meet all standards required by the ~~Arkansas~~ Department of Finance and Administration in addition to these rules.

18.08.2 Educational services for nondisabled students.

18.08.2.1 In order to be eligible for public school funds, each juvenile detention facility must provide the following educational services for nondisabled students:—

~~A.~~ 8.08.2.1.a The teachers employed by the juvenile detention facility must hold a valid teaching license from the ~~Arkansas Department of Education~~, Division of Elementary and Secondary Education.

- 18.08.3 Educational services for disabled students.
- 18.08.3.1 In order to be eligible for public school funds, each jurisdictional school district and juvenile detention facility must provide the following educational services for disabled students:–
- ~~A-18.08.3.1.a~~ FAPE consistent with the student’s IEP.
- ~~B-18.08.3.1.b~~ The teacher, employed by the JDF or local school district, who is implementing the IEP of a student with a disability must hold a valid teaching license as a special education teacher.
- ~~C-18.08.3.1.c~~ The procedural safeguards specified in these rules shall be followed for those students:
- ~~18.08.3.1.c.i~~ ~~identified~~ Identified as disabled; and
- ~~18.08.3.1.c.ii~~ ~~for those suspected~~ Suspected of being disabled.
- 18.08.4 Funding for students in juvenile detention facilities.
- 18.08.4.1 The resident district of a student detained in a juvenile detention facility for nine (9) days or less shall continue to receive funding based on the student’s enrollment (average daily membership) in the district for those nine (9) days or less for the costs of providing educational services to students in the facility in cooperation with the juvenile detention facility and the district where the facility is located.
- 18.08.4.2 The juvenile detention facility may receive reimbursement from the local school district in which the facility is located for the costs of providing educational services to students in the facility, based upon the following:–
- ~~A-18.08.4.2.a~~ For nondisabled students, educational costs are costs incurred for direct educational instruction and include salaries and benefits of teachers and paraprofessionals, staff development costs, and substitute pay.

- ~~B-18.08.4.2.b~~ For students with disabilities under the IDEA Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq., educational costs include all costs incurred in the provision of FAPE.
- ~~C-18.08.4.2.c~~ For students suspected of having disabilities as defined by the IDEA Individuals with Disabilities Education Act, educational costs shall include costs incurred in the evaluation process.
- 18.08.4.3 The juvenile detention facility and the local school district in which the juvenile detention facility is located must jointly determine the education costs incurred by the facility.
- 18.08.4.4 The juvenile detention facility and the local school district in which the juvenile detention facility is located shall jointly complete an application for funding based on the approved student capacity of the facility and shall submit the application to the DESE division.
- 18.08.4.4.a The application for funding shall include an itemized statement of educational costs incurred.
- 18.08.4.5 The local school district in which the juvenile detention facility is located must reimburse the juvenile detention facility for the amount approved by the DESE division for educational costs incurred up to an amount not to exceed the Formula Foundation Aid times the approved student capacity of the facility.
- 18.08.4.6 If the juvenile detention facility and the local school district cannot agree on an amount for reimbursement, an appeal shall be made by either entity, or both, may appeal to the DESE division for a final decision.
- 18.08.4.7 The DESE division must reimburse local school districts ~~which~~that have juvenile detention facilities on a quarterly basis based upon the district requesting such reimbursements.
- ~~A-18.08.4.7.a~~ The quarterly reimbursement amount will be

determined by dividing the amount identified in ~~§18.08.4.45~~Section 18.08.4.5 by four (4).

~~B-18.08.4.7.b~~ Should costs decrease, the local school district in which the facility is located must notify the ~~DESE~~Special Education Unit of the Division of Elementary and Secondary Education within thirty (30) days of revised costs.

~~C-18.08.4.7.c~~ Any adjustments to reimbursements will be made in the fourth (~~4th~~) quarter.

18.08.4.8 The jurisdictional local school district may request reimbursement for the costs of educational services provided to students in juvenile detention facilities and incurred by the local school district.

18.08.4.9 The juvenile detention facility must provide the jurisdictional local school district a quarterly attendance record for each student in the facility, regardless of length of stay.

18.09 JUVENILE TREATMENT CENTERS (FORMERLY KNOWN AS SERIOUS OFFENDER PROGRAMS)

18.09.1 It shall be the responsibility of each juvenile treatment center that is part of the ~~Department of Human Services~~, Division of Youth Services' (~~DYS~~) system of education to report the attendance of its students in the education program by providing quarterly attendance reports to ~~DYS~~the Division of Youth Services.

~~18.09.2~~ ~~DYS~~The Division of Youth Services will provide the quarterly attendance information to the ~~DESE~~Division of Elementary and Secondary Education.

~~18.09.3~~ Funding will be disbursed to ~~DYS~~the Division of Youth Services in support of education services within ~~DYS~~Division of Youth Services juvenile treatment centers based upon a legislative appropriation for this purpose.

1 State of Arkansas
2 94th General Assembly
3 Regular Session, 2023
4

As Engrossed: H4/3/23

A Bill

HOUSE BILL 1170

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR PUBLIC SCHOOL
9 FUND GRANTS FOR THE DEPARTMENT OF EDUCATION -
10 DIVISION OF ELEMENTARY AND SECONDARY EDUCATION -
11 PUBLIC SCHOOL FUND FOR THE FISCAL YEAR ENDING JUNE
12 30, 2024; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 DIVISION OF ELEMENTARY AND SECONDARY
17 EDUCATION - PUBLIC SCHOOL FUND
18 APPROPRIATION FOR THE 2023-2024 FISCAL
19 YEAR.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION - GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND
26 SPECIAL PROGRAMS. There is hereby appropriated, to the Department of
27 Education, to be payable from the Division of Elementary and Secondary
28 Education Public School Fund Account, for grants and aid to local school
29 districts and special programs of the Department of Education - Division of
30 Elementary and Secondary Education for the fiscal year ending June 30, 2024,
31 the following:
32

ITEM	FISCAL YEAR
NO.	2023-2024
(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
(02) ADVANCED PLACEMENT INCENTIVE	1,275,000



1	(03)	ALTERNATIVE LEARNING	35,783,095
2	(04)	ARKANSAS EASTER SEALS	193,113
3	(05)	ASSESSMENT/END OF LEVEL TESTING	20,309,189
4	(06)	AT RISK	1,688,530
5	(07)	BETTER CHANCE PROGRAM	114,000,000
6	(08)	BONDED DEBT ASSISTANCE	28,455,384
7	(09)	COMPUTER SCIENCE INITIATIVE	3,500,000
8	(10)	CONSOLIDATION INCENTIVE	5,981,400
9	(11)	CONTENT STANDARDS	161,000
10	(12)	CONTENTS STANDARDS CURRICULUM	
11		FRAMEWORKS	50,000
12	(13)	COOP EDUCATION TECH CENTERS	1,200,000
13	(14)	COORDINATED SCHOOL HEALTH	2,000,000
14	(15)	DEPT OF CORRECTION	8,702,425
15	(16)	DECLINING ENROLLMENT	13,963,389
16	(17)	DISTANCE LEARNING	4,760,000
17	(18)	DISTANCE LEARNING OPERATIONS	7,575,000
18	(19)	EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
19	(20)	ECONOMIC EDUCATION	400,000
20	(21)	EDUCATION SERVICE COOPERATIVES	6,129,270
21	(22)	EIDT SPECIAL EDUCATION SERVICES	6,000,000
22	(23)	ENGLISH LANGUAGE LEARNERS	19,075,847
23	(24)	ENHANCED STUDENT ACHIEVEMENT FUNDING	246,723,439
24	(25)	ENHANCED TRANSPORTATION FUNDING	7,200,000
25	(26)	ESA MATCHING GRANT PROGRAM	5,300,000
26	(27)	GIFTED & TALENTED	1,560,381
27	(28)	GRANTS TO SCHOOL DISTRICTS	67,856
28	(29)	HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
29	(30)	INTERVENTION BLOCK GRANTS	302,000
30	(31)	ISOLATED FUNDING	7,896,000
31	(32)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	1,400,000
32	(33)	MASTER PRINCIPAL BONUS	175,000
33	(34)	NATIONAL BOARD OF PROF TEACHING	
34		STANDARDS	18,738,000
35	(35)	NON-TRADITIONAL LICENSURE	50,000
36	(36)	OE CHARTER FAC FUNDING AID PRG	9,075,000

1	(37)	POSITIVE YOUTH DEVELOPMENT GRANTS	5,000,000
2	(38)	PROFESSIONAL DEVELOPMENT FUNDING	37,175,911
3	(39)	PUBLIC SCHOOL EMPLOYEE INSURANCE	142,000,000
4	(40)	R.I.S.E. ARKANSAS	970,000
5	(41)	RESIDENTIAL CENTERS/JUVENILE DETENTION	16,345,087
6	(42)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
7	(43)	SCHOOL FOOD SERVICES	1,650,000
8	(44)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
9	(45)	SCHOOL FUNDING CONTINGENCY	25,000,000
10	(46)	SCHOOL RECOGNITION	7,000,000
11	(47)	SCHOOL WORKER DEFENSE	390,000
12	(48)	SERIOUS OFFENDER	1,716,859
13	(49)	SMART START/SMART STEP	10,666,303
14	(50)	SPECIAL EDUCATION SERVICES	2,802,527
15	(51)	SPECIAL EDUCATION-CATASTROPHIC	13,998,150
16	(52)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
17	(53)	STATE FOUNDATION FUNDING	2,206,861,456
18	(54)	STUDENT GROWTH	37,690,144
19	(55)	SURPLUS COMMODITIES	1,125,065
20	(56)	TEACHER LICENSING/MENTORING	6,065,758
21	(57)	TEACHER OF THE YEAR	100,000
22	(58)	TEACHER RETIREMENT MATCHING	14,776,754
23	(59)	TEACHER SALARY EQUALIZATION	60,000,000
24	(60)	TECHNOLOGY GRANTS	3,602,678
25	(61)	TECHNOLOGY IMPROVEMENTS	500,000
26	(62)	WORKER'S COMPENSATION	450,000
27	(63)	YOUTH SHELTERS	165,000
28	(64)	MATERNITY LEAVE	3,000,000
29	(65)	MERIT TEACHER INCENTIVE	10,000,000
30	(66)	MINIMUM TEACHER SALARY AND RAISES	<u>190,000,000</u>
31		TOTAL AMOUNT APPROPRIATED	<u>\$3,434,241,080</u>

32

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

34 There is hereby established for the Department of Education - Division of
 35 Elementary and Secondary Education - Arkansas Public School Computer Network
 36 for the 2023-2024 fiscal year, the following maximum number of regular

1 employees.

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2023-2024
(1)	D105C	ADE STATE NETWORK ENGINEER	1	GRADE IT09
(2)	D022N	IT SENIOR PROJECT MANAGER	1	GRADE IT09
(3)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	1	GRADE IT08
(4)	D007C	INFORMATION SYSTEMS MANAGER	1	GRADE IT08
(5)	D042C	DATA WAREHOUSE SPECIALIST	1	GRADE IT06
(6)	D037C	ADE APSCN APPLICATIONS MANAGER	3	GRADE IT05
(7)	D063C	COMPUTER SUPPORT SPECIALIST	1	GRADE IT05
(8)	D055C	ADE APSCN FIELD ANALYST	25	GRADE IT04
(9)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE IT02
(10)	N047N	ADE APSCN DIRECTOR	1	GRADE GS15
(11)	G012C	ADE ASSISTANT TO DIRECTOR	3	GRADE GS12
(12)	G050C	ADE APSCN DIVISION MANAGER	3	GRADE GS10
(13)	C020C	STUDENT APPLICATIONS SPECIALIST	2	GRADE GS06
(14)	D077C	HELP DESK SPECIALIST	2	GRADE GS05
(15)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
MAX. NO. OF EMPLOYEES			45	

SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

There is hereby appropriated, to the Department of Education, to be payable from the Division of Elementary and Secondary Education Public School Fund Account, for personal services and operating expenses of the Department of Education - Division of Elementary and Secondary Education - Arkansas Public School Computer Network for the fiscal year ending June 30, 2024, the following:

ITEM NO.	FISCAL YEAR 2023-2024
(01) REGULAR SALARIES	\$2,719,574
(02) PERSONAL SERVICES MATCHING	932,456
(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	25,245,839
2	(B) CONF. & TRAVEL	7,250
3	(C) PROF. FEES	0
4	(D) CAP. OUTLAY	200,000
5	(E) DATA PROC.	0
6	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$29,405,119</u>

8
 9 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
 10 is hereby established for the Department of Education - Division of
 11 Elementary and Secondary Education - Office of Education Renewal Zones for
 12 the 2023-2024 fiscal year, the following maximum number of regular employees.
 13

14		Maximum Annual
15		Salary Rate
16	Item Class	Fiscal Year
17	No. Code Title	2023-2024
18	(1) E020C ADE OERZ TECHNICAL ASSIST SPECIALIST	3 GRADE GS08
19	(2) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE GS04
20	MAX. NO. OF EMPLOYEES	4

21
 22 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 23 hereby appropriated, to the Department of Education, to be payable from the
 24 Division of Elementary and Secondary Education Public School Fund Account,
 25 for personal services, operating expenses, and grants by the Department of
 26 Education - Division of Elementary and Secondary Education - Office of
 27 Education Renewal Zones for the fiscal year ending June 30, 2024, the
 28 following:
 29

30	ITEM	FISCAL YEAR
31	NO.	2023-2024
32	(01) REGULAR SALARIES	\$168,180
33	(02) PERSONAL SERVICES MATCHING	66,099
34	(03) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	25,000
36	(B) CONF. & TRAVEL	3,000

1	(C) PROF. FEES	0
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>1,101,150</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$1,363,429</u>

6
 7 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. R.I.S.E.
 9 ARKANSAS - CARRY FORWARD. Any unexpended balance of monies allocated for
 10 R.I.S.E. Arkansas remaining on June 30, ~~2023~~ 2024, in the Division of
 11 Elementary and Secondary Education Public School Fund Account shall be
 12 designated and retained for the R.I.S.E. Arkansas. Any carry forward of
 13 unexpected balance of funding as authorized herein, may be carried forward
 14 under the following conditions:

15 (1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement
 16 set forth its reason(s) for the need to carry forward said funding to the
 17 Department of Finance and Administration Office of Budget;

18 (2) The Department of Finance and Administration Office of Budget shall
 19 report to the Arkansas Legislative Council or Joint Budget Committee all
 20 amounts carried forward by the September Arkansas Legislative Council or
 21 Joint Budget Committee meeting which report shall include the name of the
 22 Agency, Board, Commission or Institution and the amount of the funding
 23 carried forward, the program name or line item, the funding source of that
 24 appropriation and a copy of the written request set forth in item (1) above;

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

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

1 The provisions of this section shall be in effect only from July 1, ~~2022~~
2 2023 through June 30, ~~2023~~ 2024.

3
4 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 FUND ALLOCATION. The appropriation for the Isolated Funding line item in the
7 Grants and Aid to Local School Districts and Special Programs section of this
8 Act may be fully funded. Any funding and appropriation for Isolated Funding
9 that is not utilized shall be transferred to the appropriation for Special
10 Needs Isolated Funding in the Grants and Aid to Local School Districts and
11 Special Programs section of this Act and shall be used there for fully
12 funding each subsection (c) through (f) of Arkansas Code § 6-20-604 on a pro
13 rata basis until the available funds are exhausted. Pro rata basis is defined
14 as providing each district qualifying for additional funding under
15 subsections (c) through (f) a proportionate share based on how each
16 district's additional funding amount bears to the total additional funding
17 amounts for all qualifying districts. If any funding and appropriation
18 remains after funding each subsection (c) through (f) of Arkansas Code § 6-
19 20-604 the remaining balance shall be used to fund the provisions of Arkansas
20 Code § 6-20-604 (h) on an equal basis until the available funds are
21 exhausted.

22 The provisions of this section shall be in effect only from July 1, ~~2022~~
23 2023 through June 30, ~~2023~~ 2024.

24
25 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 GRANTS TO SCHOOL DISTRICTS. For the purposes of distributing the Grants To
28 School Districts appropriation in the Grants and Aid to Local School
29 Districts and Special Programs section of this Act, "school district" means a
30 school district which contracts with a school district in an adjoining state
31 for the education of some of the pupils within the Arkansas school district
32 because the portion of the school district wherein such pupils live is
33 completely separated from the remainder of the school district by a reservoir
34 covering at least 12,000 acres at normal water level, and where to attend
35 school in their own district, the pupils of said portion would be required to
36 travel or to be transported a distance (measured by the nearest highway or

1 road route) of more than 35 miles round trip and pass through another school
2 district or districts. The Department of Education shall distribute the
3 monies appropriated for Grants to School Districts in the Grants and Aid to
4 Local School Districts and Special Programs section of this Act to such
5 school districts as reimbursement for expenses incurred in educating the
6 pupils residing in the separated portion of the school district. The payments
7 are to be limited to the amount of available appropriation. Such school
8 districts shall file a request for reimbursement with the Department of
9 Education and provide the Department of Education with such documentation as
10 is deemed necessary.

11 The provisions of this section shall be in effect only from July 1, ~~2022~~
12 2023 through June 30, ~~2023~~ 2024.

13
14 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 SPECIAL EDUCATION SERVICES. The funds appropriated in the line item "Special
17 Education Services" in the Grants and Aid to Local School Districts and
18 Special Programs section of this Act shall be used to provide extended year
19 summer programs for handicapped students in need of such services, to provide
20 special education services to foster children who are wards of the State, and
21 to provide funds for the payment of salaries of special education
22 supervisors. The Department of Education shall distribute such funds in the
23 manner necessary to carry out the intent of this Section.

24 The provisions of this section shall be in effect only from July 1, ~~2022~~
25 2023 through June 30, ~~2023~~ 2024.

26
27 SECTION 10. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code Title 6,
28 Chapter 13, Subchapter 14, is amended to add an additional section to codify
29 special language in appropriation acts to read as follows:
30 6-13-1418. Consolidation incentive.

31 An appropriation for consolidation incentive shall be allocated to a
32 resulting district or a receiving district, respectively, according to rules
33 promulgated by the State Board of Education.

34
35 SECTION 11. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 6-20-
36 107, concerning educational costs related to the placement of juveniles in

1 residential or inpatient facilities, is amended to add an additional
2 subsection to codify special language in appropriation acts to read as
3 follows:

4 (g) The funds appropriated to the division for residential or
5 inpatient facilities shall be allocated in accordance with rules promulgated
6 by the State Board of Education.

7
8 SECTION 12. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 6-20-
9 104, concerning reimbursement for educational services provided in juvenile
10 detention facilities, is amended to add an additional subsection to read as
11 follows:

12 (d) The funds appropriated to the division for juvenile detention
13 facilities shall be allocated in accordance with rules promulgated by the
14 State Board of Education.

15
16 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

18 TRANSFER AUTHORITY. The Commissioner of the Department of Education, with the
19 approval of the Chief Fiscal Officer of the State and after approval by the
20 Arkansas Legislative Council or Joint Budget Committee, is hereby authorized
21 to request necessary appropriation transfers and any other budget related
22 adjustments necessary within the Department of Education. Provided, however,
23 that the Department of Education shall be limited to submitting no more than
24 two transfer requests during any fiscal year.

25 Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for a state agency each fiscal year
27 is the prerogative of the General Assembly. This is usually accomplished by
28 delineating such maximums in the appropriation act(s) for a state agency and
29 the general revenue allocations authorized for each fund and fund account by
30 amendment to the Revenue Stabilization law. Further, the General Assembly
31 has determined that the Department of Education may operate more efficiently
32 if some flexibility is provided to the Commissioner of the Department of
33 Education authorizing broad powers under the Transfer Authority provision
34 herein. Therefore, it is both necessary and appropriate that the General
35 Assembly maintain oversight by requiring prior approval of the Legislative
36 Council or Joint Budget Committee as provided by this section. The

1 requirement of approval by the Legislative Council or Joint Budget Committee
2 is not a severable part of this section. If the requirement of approval by
3 the Legislative Council or Joint Budget Committee is ruled unconstitutional
4 by a court jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1, ~~2022~~
6 2023 through June 30, ~~2023~~ 2024.

7

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

10 AETN DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and
11 funds authorized herein to the Department of Education for the Quiz Bowl each
12 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
13 fiscal year may be made available to the Department of Education -
14 Educational Television Division for its documented costs associated with the
15 Quiz Bowl.

16 The provisions of this section shall be in effect only from July 1, ~~2022~~
17 2023 through June 30, ~~2023~~ 2024.

18

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

21 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
22 Districts shall pay the teacher retirement employer contribution rate for any
23 eligible employee in accordance with rules and regulations established by the
24 Teacher Retirement Board of Directors. The appropriation contained herein for
25 Teacher Retirement Matching each fiscal year shall be used to provide the
26 employer matching for employees of the Cooperative Education Services Areas,
27 Vocational Centers, Arkansas Easter Seals and the school operated by the
28 Department of Correction.

29 The provisions of this section shall be in effect only from July 1, ~~2022~~
30 2023 through June 30, ~~2023~~ 2024.

31

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

34 BETTER CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is
35 hereby authorized to expend a maximum of two percent (2%) of available funds
36 for administration of the Better Chance Program. Up to 1.8% of available

1 funds shall be used to administer the program and to monitor program grantees
2 to ensure compliance with programmatic standards. Prior to the utilization of
3 the remaining 0.2% of available funds, the Department of Education shall seek
4 prior review and approval of the Arkansas Legislative Council or Joint Budget
5 Committee by providing a written request to include the following: a) the
6 Department's reason(s) for the use of the funds and b) the amount of funds
7 that will be expended. The Department may contract with the Division of
8 Elementary and Secondary Education to administer the program.

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

22 The provisions of this section shall be in effect only from July 1, ~~2022~~
23 2023 through June 30, ~~2023~~ 2024.

24
25 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

27 AVERAGE TEACHER SALARY. The Arkansas Department of Education is requested to
28 calculate Average Teacher Salary in the Department's Annual Statistical
29 Report to not include extra duty funds. Specifically, the Department is
30 requested to calculate the Average Teacher Salary amount using the National
31 Education Association definitions for Average Salary for Classroom Teachers.
32 The Arkansas Department of Education shall submit this data annually to the
33 National Education Association in accordance with that organization's
34 deadlines for submission for their report "Rankings and Estimates" which
35 includes state-by-state teacher salary comparisons.

36 The provisions of this section shall be in effect only from July 1, ~~2022~~

1 2023 through June 30, ~~2023~~ 2024.

2

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

5 CARRY FORWARD - ARKANSAS BETTER CHANCE. Any unexpended balance of monies
6 allocated for the Arkansas Better Chance for School Success Program remaining
7 on June 30, ~~2023~~ 2024, in the Division of Elementary and Secondary Education
8 Public School Fund Account shall be designated and retained for the Arkansas
9 Better Chance for School Success Program.

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

12 (1) Prior to June 30, ~~2023~~ 2024 the Agency shall by written statement set
13 forth its reason(s) for the need to carry forward said funding to the
14 Department of Finance and Administration Office of Budget;

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

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

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

33 The provisions of this section shall be in effect only from July 1, ~~2022~~
34 2023 through June 30, ~~2023~~ 2024.

35

36 SECTION 19. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 21-5-

1 415, concerning nonpayment of premiums and the failure to file reports by a
2 state agency or school district, is amended to add an additional subsection
3 to codify special language in appropriation acts to read as follows:

4 (d) The division may use up to eleven dollars and twenty cents
5 (\$11.20) from each contribution made under § 6-17-1117(a) to offset the cost
6 of health insurance premiums to eligible members electing to participate in
7 the public school employees' health insurance program as a retiree.

8
9 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

11 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
12 shall transfer on his books and those of the State Treasurer and the State
13 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
14 fiscal year from the Division of Elementary and Secondary Education Public
15 School Fund Account to the University of Arkansas at Little Rock Fund,
16 specifically to provide funding for the Arkansas/STRIVE Program. The total
17 amount of funds transferred each fiscal year pursuant to this section shall
18 not be subject to any indirect costs by the University of Arkansas at Little
19 Rock.

20 The provisions of this section shall be in effect only from July 1, ~~2022~~
21 2023 through June 30, ~~2023~~ 2024.

22
23 SECTION 21. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 6-17-
24 1117(b)(1), concerning the amount paid by the Division of Elementary and
25 Secondary Education to the Employee Benefits Division for purposes of the
26 public school employees' health insurance program, is amended to codify
27 special language in appropriation acts to read as follows:

28 (b)(1)(A) The Division of Elementary and Secondary Education shall pay
29 the Employee Benefits Division the amount established by the House Committee
30 on Education and the Senate Committee on Education through the biennial
31 adequacy review process required by § 10-3-2102, factored according to the
32 medical component of the Consumer Price Index for All Urban Consumers, for
33 each eligible employee electing to participate in the public school
34 employees' health insurance program administered by the State Board of
35 Finance.

36 (B) In addition to the amount paid by the Division of

1 Elementary and Secondary Education for eligible employees electing to
2 participate in the public school employees' health insurance program, the
3 amount paid by the Division of Elementary and Secondary Education to the
4 Employee Benefits Division under this section shall include amounts
5 appropriated to be used to provide contributions for insurance premiums for
6 employees of the following who are participating in the State and Public
7 School Life and Health Insurance Program:

8 (i) An education service cooperative;

9 (ii) A vocational center; and

10 (iii) The Arkansas Correctional School District.

11
12 SECTION 22. SPECIAL LANGUAGE – CODE AMENDMENT. Arkansas Code § 6-48-
13 104(a)(1), concerning the promulgation of rules regarding the funding of
14 alternative learning environment programs by the Division of Elementary and
15 Secondary Education, is amended to add an additional subdivision to codify
16 special language in appropriation acts to read as follows:

17 (D) The division may provide funding in a proportionate
18 manner and upon special request to the division by a school district for an
19 alternative learning environment program in excess of the limit of six (6)
20 hours per day for alternative learning environment programs that operate for
21 more than twelve (12) hours per day.

22
23 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

25 ARKANSAS GOVERNOR'S SCHOOL FUNDING. The Department of Education shall
26 allocate, budget and commit for expenditure two hundred fifty thousand
27 dollars (\$250,000), in addition to funds already being provided for the
28 Arkansas Governor's School, to fund the appropriation authorized from general
29 revenue for the Gifted and Talented program as appropriated in the Grants and
30 Aid to Local School Districts and Special Programs section herein. With this
31 additional funding either the department shall increase the number of grants
32 for AEGIS summer enrichment programs, or the duration of the Arkansas
33 Governor's School shall be extended from four (4) weeks to six (6) weeks.

34 The provisions of this section shall be in effect only from July 1, ~~2022~~
35 2023 through June 30, ~~2023~~ 2024.

36

1 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
3 EAST FUNDING PROVISION. Of the total amount appropriated for Technology
4 Grants each fiscal year, an amount of not less than three million five
5 thousand dollars (\$3,005,000) or eighteen percent (18%), whichever is greater
6 each fiscal year, shall be awarded through a grant or professional services
7 contract for the EAST Initiative. Not less than one million dollars
8 (\$1,000,000) of the three million five thousand dollars (\$3,005,000) or
9 eighteen percent (18%) of the Technology Grants Line Item awarded to the EAST
10 Initiatives shall be used for EAST infrastructure and personnel growth for
11 the establishment of new programs. The remaining funding shall be used for
12 existing EAST infrastructure, personnel, and operating expenses of the EAST
13 Initiative. The EAST infrastructure grant or contract for personal services
14 and operating expenses shall be awarded to an entity that has personnel or
15 experience, or both, in implementing the EAST Initiative.

16 The provisions of this section shall be in effect only from July 1, ~~2022~~
17 2023 through June 30, ~~2023~~ 2024.

18
19 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
22 shall make available from the Intervention Block Grants appropriation
23 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
24 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
25 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
26 grants up to \$1,000 each for students and chaperones, thirteen thousand five
27 hundred dollars (\$13,500) each fiscal year for Destination Imagination, one
28 hundred thousand dollars (\$100,000) each fiscal year for the State History
29 Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year
30 for a grant to the Arkansas Science Fair Association for grants to regional
31 and the state science fairs. The Department of Education shall allocate
32 General Revenue funding totaling no less than three hundred two thousand
33 dollars (\$302,000) each fiscal year from the Division of Elementary and
34 Secondary Education Public School Fund Account to support the annual expenses
35 of the Quiz Bowl, the Creativity in Arkansas, Inc. for grants up to \$1,000
36 each for students and chaperones, Destination Imagination, the State History

1 Day Competition, and the Arkansas Science Fair Association for grants to
2 regional and state science fairs. The Department shall either expend or have
3 committed for expenditure the monies allocated for the Quiz Bowl, Creativity
4 in Arkansas, Inc., Destination Imagination, the State History Day
5 Competition, and Arkansas Science Fair Association grants as authorized
6 herein in order to fulfill the provisions of this section.

7 The provisions of this section shall be in effect only from July 1, ~~2022~~
8 2023 through June 30, ~~2023~~ 2024.

9

10 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 PROFESSIONAL DEVELOPMENT.

13 (a) Of the total amount appropriated for Professional Development
14 Funding, three million five hundred thousand dollars (\$3,500,000) may be
15 authorized by the Commissioner of the Department of Education to be used by
16 the Department of Education to develop and implement statewide professional
17 development support systems for teachers that will benefit student
18 achievement.

19 (b)(1) The Department of Education shall annually report the following
20 information concerning the Arkansas Online Professional Development
21 Initiative under § 6-17-707:

- 22 (1) Annual expenditure information;
23 (2) Statistical information pertaining to users of the
24 initiative;
25 (3) Course offerings;
26 (4) Course hours completed; and
27 (5) Certificates awarded.

28 (2) The report under subsection (b)(1) of this section shall be
29 annually submitted by August 1 to the:

- 30 (1) Governor;
31 (2) Legislative Council or, if the General Assembly is
32 in session, the Joint Budget Committee;
33 (3) Senate Committee on Education;
34 (4) House Committee on Education; and
35 (5) Department of Finance and Administration.

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

1 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

2

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

5 ~~NSL~~ ESA MATCHING GRANT PROGRAM.

6 (a)(1) Of the appropriation and funding for the ~~NSL~~ ESA MATCHING GRANT
7 PROGRAM Item in the Grants and Aid to Local School Districts and Special
8 Programs section of this Act, five million three hundred thousand dollars
9 (\$5,300,000) shall be set aside by the Department of Education and shall be
10 used for school district expenditures for evidence-based programs to improve
11 academic achievement of identified national school lunch students.

12 (2) These programs shall be limited to:

13 (A) Tutors as set out in § 6-20-2305(b)(4)(C)(i)(b)(4);

14 (B) Before-school academic programs and after-school academic
15 programs, including transportation to and from the programs
16 under § 6-20-2305(b)(4)(C)(i)(b)(2); and

17 (C) Prekindergarten programs under § 6-20-2305(b)(4)(C)(i)(b)(3).

18 (b)(1) Set aside funds authorized in subsection (a) of this section
19 shall be distributed to school districts on a dollar for dollar matching
20 basis of school district expenditures for programs under subsection (a) of
21 this section on a pro rata basis until the available funds are exhausted.

22 (2) As used in this subsection, "pro rata basis" means providing
23 each district qualifying for additional funding in a proportionate share
24 based on how each district's expenditure bears to the total of funding
25 provided in subsection (a) of this section for all qualifying districts as
26 determined by the Department of Education.

27 (c) If any funding remains after funding subsection (b) of this
28 section, that remaining balance shall be carried over to the following fiscal
29 year for the same purposes as provided in this section.

30 (d) The Department of Education shall adopt rules as necessary to
31 implement this section.

32 (e) The provisions of this section shall be in effect only from July 1,
33 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

34

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

1 R.I.S.E. ARKANSAS. The appropriation for the R.I.S.E. Arkansas line item in
2 the Grants and Aid to Local School Districts and Special Programs section of
3 this Act shall be used for the coordination of a statewide reading campaign
4 with community partners, parents, and teachers to establish the importance of
5 reading in homes, schools, and communities.

6 The provisions of this section shall be in effect only from July 1,
7 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

8

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

11 ENHANCED STUDENT ACHIEVEMENT FUNDING NAME CHANGE. Any appropriation titled
12 "ENHANCED STUDENT ACHIEVEMENT FUNDING" or abbreviated as "ESA" as named by
13 SB605 of 2019 may also be known as "NATIONAL SCHOOL LUNCH" funding or
14 abbreviated as "NSL" and shall be used for the same purposes as set out in
15 law.

16 The provisions of this section shall be in effect only from July 1, ~~2022~~
17 2023 through June 30, ~~2023~~ 2024.

18

19 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

21 ARKANSAS GOVERNOR'S SCHOOL CURRICULUM. Prior to the beginning of the
22 Arkansas Governor's School Program each year, the Arkansas Department of
23 Education shall review and approve the proposed curriculum for the program
24 year and shall maintain oversight of its implementation for consistency and
25 accuracy.

26 The provisions of this section shall be in effect only from July 1,
27 ~~2022~~ 2023 through June 30, ~~2023~~ 2024.

28

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

1 strictly complied with in disbursement of said funds.

2

3 SECTION 32. LEGISLATIVE INTENT. It is the intent of the General
4 Assembly that any funds disbursed under the authority of the appropriations
5 contained in this act shall be in compliance with the stated reasons for
6 which this act was adopted, as evidenced by the Agency Requests, Executive
7 Recommendations and Legislative Recommendations contained in the budget
8 manuals prepared by the Department of Finance and Administration, letters, or
9 summarized oral testimony in the official minutes of the Arkansas Legislative
10 Council or Joint Budget Committee which relate to its passage and adoption.

11

12 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the
13 General Assembly, that the Constitution of the State of Arkansas prohibits
14 the appropriation of funds for more than a one (1) year period; that the
15 effectiveness of this Act on July 1, 2023 is essential to the operation of
16 the agency for which the appropriations in this Act are provided, and that in
17 the event of an extension of the legislative session, the delay in the
18 effective date of this Act beyond July 1, 2023 could work irreparable harm
19 upon the proper administration and provision of essential governmental
20 programs. Therefore, an emergency is hereby declared to exist and this Act
21 being necessary for the immediate preservation of the public peace, health
22 and safety shall be in full force and effect from and after July 1, 2023.

23

24 */s/Joint Budget Committee*

25

26

27

APPROVED: 4/11/23

28

29

30

31

32

33

34

35

36