

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/25/97 S3/26/97 S4/1/97

A Bill

SENATE BILL 668

5 By: Senator Malone, Russ, Hopkins, Edwards, Mahony, Jeffries, Argue, Beebe, Bell, Harriman
6
7

For An Act To Be Entitled

9 "AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AIDS TO
10 LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE
11 DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING
12 JUNE 30, 1999; AND FOR OTHER PURPOSES."
13

Subtitle

14 "AN ACT FOR THE DEPARTMENT OF EDUCATION
15 GRANTS AND AIDS APPROPRIATION FOR THE
16 1997-99 BIENNIUM."
17
18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. APPROPRIATIONS - GENERAL EDUCATION DIVISION. There is
22 hereby appropriated, to the Department of Education - General Education
23 Division, to be payable from the Public School Fund, for grants and aids to
24 local school districts and special programs of the Department of Education -
25 General Education Division for the biennial period ending June 30, 1999, the
26 following:
27

28 ITEM	29 FISCAL YEARS	
NO.	1997-98	1998-99
30 (01) GROWTH FACILITIES FUNDING	\$ 5,000,000	\$ 5,000,000
31 (02) GENERAL FACILITIES FUNDING	10,000,000	10,000,000
32 (03) <i>SMALL SCHOOL FUNDING</i>	5,557,000	5,557,000
33 (04) STUDENT GROWTH	22,600,000	22,600,000
34 (05) ADDITIONAL BASE FUNDING	20,000,000	20,000,000
35 (06) DEBT SERVICE FUNDING SUPPLEMENT	20,000,000	20,000,000
36 (07) DEPARTMENT OF CORRECTION	2,786,348	2,922,452

1	(08)	RESIDENTIAL CENTERS/JUVENILE DETENTION	8,012,000	8,512,000
2	(09)	EARLY CHILD CURRICULUM		
3		SPECIALISTS	1,000,000	1,000,000
4	(10)	VOCATIONAL START-UP	2,370,000	2,370,000
5	(11)	CONSOLIDATION INCENTIVE	750,000	1,500,000
6	(12)	STATE EQUALIZATION FUNDING	1,310,000,000	1,335,000,000
7	(13)	PYGMALION COMMISSION	25,000	25,000
8	(14)	COOP ED TECH CENTERS OPERATIONS	750,000	750,000
9	(15)	TEACHER RETIREMENT MATCHING	2,843,833	2,995,928
10	(16)	TRANSPORTATION AID	7,000,000	7,000,000
11	(17)	CRIPPLED CHILDREN	143,113	143,113
12	(18)	PUBLIC SCHOOL EMPLOYEE INSURANCE	636,530	674,772
13	(19)	SCHOOL FOOD SERVICES	1,650,000	1,650,000
14	(20)	SURPLUS COMMODITIES	175,000	175,000
15	(21)	WORKER'S COMPENSATION	3,000,000	3,000,000
16	(22)	SCHOOL FOOD-LEGISLATIVE AUDIT		
17		COSTS	100,000	100,000
18	(23)	GIFTED & TALENTED	1,942,896	1,942,896
19	(24)	COMPUTER-BASED EDUC-OPERATIONS	500,000	500,000
20	(25)	COMPUTER-BASED EDUC-GRANTS	2,200,000	2,200,000
21	(26)	READING PROGRAM	794,839	794,839
22	(27)	SPECIAL EDUCATION SERVICES	3,000,000	3,000,000
23	(28)	HUMAN DEVELOPMENT CTR EDUC AID	663,000	663,000
24	(29)	COOPERATIVE EDUC SERVICES AREAS	4,520,521	4,520,521
25	(30)	MODEL RURAL EARLY CHILD CONSORTIUM	500,000	500,000
26	(31)	EARLY CHILDHOOD SPECIAL EDUCATION	4,997,400	4,997,400
27	(32)	WORKER'S COMPENSATION PURCHASES	6,600,000	6,600,000
28	(33)	TARGETED CATEGORIES		
29	(A)	CATASTROPHIC LOSS FUNDING	2,300,000	1,700,000
30	(B)	LIMITED ENGLISH PROF.	2,100,000	2,100,000
31	(C)	AT RISK	4,500,000	4,500,000
32	(D)	HIGHCOST SPECIAL EDUCATION	1,000,000	1,000,000
33	(34)	ADVANCED PLACEMENT	325,000	325,000
34	(35)	INCENTIVE FUNDING I	17,000,000	18,000,000
35	(36)	ECONOMIC EDUCATION	200,000	200,000

1	(37) PARENTS AS TEACHERS	500,000	
2	500,000		
3	(38) COMMUNITY BASED PILOT GRANTS	439,080	439,080
4	(39) PAT PROG & TRAINING CTR	300,000	300,000
5	(40) TEACHER RETIREMENT LOAN		
6	REPAYMENT	<u>4,160,571</u>	<u>4,160,571</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$1,486,442,131</u>	<u>\$1,509,318,522</u>

8

9 SECTION 2. APPROPRIATIONS - VOCATIONAL AND TECHNICAL EDUCATION

10 DIVISION. There is hereby appropriated, to the Department of Education -

11 Vocational and Technical Education Division, to be payable from the Public

12 School Fund, for grants and aids to local school districts and special

13 programs of the Department of Education - Vocational and Technical Education

14 Division for the biennial period ending June 30, 1999, the following:

16	ITEM	FISCAL YEARS	
17	NO.	1997-98	1998-99
18	(01) ADULT BASIC & GENERAL ADULT EDUC	\$ 17,159,202	\$ 17,159,202
19	(02) VOCATIONAL CENTER AID	3,601,000	3,601,000
20	(03) CAPITAL EQUIPMENT	1,282,630	1,282,630
21	(04) COORD CAREER ED SERV/SPEC NEEDS		
22	STUDENTS	998,873	998,873
23	(05) ADULT EDUC CAPITAL IMPROVEMENT		
24	PROJECTS	<u>\$ 300,000</u>	<u>\$ 300,000</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 23,341,705</u>	<u>\$ 23,341,705</u>

26

27 SECTION 3. SPECIAL LANGUAGE - The funds appropriated in the line item

28 "Special Education Services" in Section 1 of this Act shall be used to provide

29 extended year summer programs for handicapped students in need of such

30 services, to provide special education services to foster children who are

31 wards of the State, and to provide funds for the payment of salaries of

32 special education supervisors. The Department of Education shall distribute

33 such funds in the manner necessary to carry out the intent of this Section.

34

35 SECTION 4. SPECIAL LANGUAGE - The funds appropriated in Section 2 of

1 this Act may also be used to match any available federal funds from any agency
2 in order to provide the maximum amount of money possible for the purposes
3 enumerated in such section.

4
5 SECTION 5. SPECIAL LANGUAGE - RESTRICTIONS. The funds appropriated by
6 Item (03) of Section 2 herein, shall be administered by the Department of
7 Education - Vocational and Technical Education Division and shall be used to
8 provide additional assistance to local school districts to enhance and/or
9 upgrade equipment in existing job-specific programs. Pursuant to policies and
10 regulations which include applications, disbursement procedures, and matching
11 requirements of the Vocational and Technical Division, these funds can be used
12 to purchase capital equipment to enhance or technically upgrade existing
13 job-specific vocational programs. Such funds shall be distributed to local
14 school districts in such amounts, as determined by the Department of Education
15 - Vocational and Technical Education Division.

16
17 SECTION 6. SPECIAL LANGUAGE - Of the funds appropriated and made
18 available for Computer-Based Education Grants in Section 1 of this Act, an
19 amount up to \$100,000 per year may be used to contract with private providers
20 for continuing an adult literacy project.

21
22 SECTION 7. The Director of the Department of Education, with the
23 approval of the Chief Fiscal Officer and after review by the Arkansas
24 Legislative Council, is hereby authorized to request necessary appropriation
25 transfers and any other budget related adjustments necessary to implement The
26 Equitable School Finance System Act of 1995.

27
28 SECTION 8. SPECIAL LANGUAGE. Beginning with the 1996-97 school year,
29 Local School Districts shall pay the teacher retirement employer contribution
30 rate for any eligible employee in accordance with rules and regulations
31 established by the Teacher Retirement Board of Directors. The appropriation
32 contained herein for Teacher Retirement Matching each fiscal year shall be
33 used to provide the employer matching for employees of the Cooperative
34 Education Services Areas, Vocational Centers, Model Vocational Technical
35 Education Resource Center, and the school operated by the Department of

1 Correction.

2

3 SECTION 9. SPECIAL LANGUAGE. Beginning with the 1996-97 school year,
4 Local School Districts shall pay the health insurance contribution rate
5 established by the State Board of Education for each eligible employee
6 electing to participate in the Public School Employee Health Insurance
7 Program. The appropriation contained herein for Public School Employee
8 Insurance each fiscal year shall be used to provide the state contribution for
9 insurance premiums for employees of the Cooperative Education Services Areas,
10 Vocational Centers, Model Vocational Technical Education Resource Center, and
11 the school operated by the Department of Correction.

12

13 SECTION 10. SPECIAL LANGUAGE. The appropriations contained herein for
14 Vocational Center Aid and Vocational Center Start-Up shall be allocated in
15 accordance with rules and regulations established by the State Board of
16 Vocational Education, after the rules and regulations have undergone a prior
17 review by the Administrative Rules and Regulations Subcommittee of the
18 Arkansas Legislative Council or Joint Budget Committee.

19

20 SECTION 11. SPECIAL LANGUAGE. Of the funds and appropriation
21 authorized by Item (01) in Section 2 of this Act for Adult Basic and General
22 Adult Education, a sum of \$1,050,000 each fiscal year shall be made available
23 to the secondary area vocational centers managed by local education agencies,
24 in order to expand the vocational education and training opportunities
25 available to area citizens in need of adult educational training or retraining
26 due to changing technology.

27 The secondary area vocational centers which elect to provide enhanced
28 education/training employment or retraining services appropriate to area
29 industry/business needs, may request from the State Board of Vocational
30 Education to be designated as a Community Based Education Center.

31

32 SECTION 12. SPECIAL LANGUAGE. Of the funds and appropriation provided
33 for At-Risk, the Department of Education shall spend up to, but not exceed,
34 the sum of \$1,000,000 each fiscal year to monitor and assess or enter into a
35 Professional/Consultant Services contract for the purpose of monitoring and

1 assessing, the various programs under the purview of the Department of
2 Education. Further, the Department of Education shall report the findings of
3 such monitoring and assessment to the Joint Interim Committee on Education
4 each fiscal year.

5
6 SECTION 13. (A) For the fiscal year ending June 30, 1998, the
7 Department of Education shall from time to time as needed, certify to the
8 State Treasurer and the Chief Fiscal Office of the State, the amount of funds
9 disbursed for desegregation expenses under the "Pulaski County School
10 Desegregation Settlement Agreement." Upon the receipt of such certification,
11 the State Treasurer, after making those deductions as set out in Arkansas Code
12 19-5-202(b)(2)(B), shall also deduct up to, but not to exceed in total for
13 fiscal year 1997-98 the sum of \$28,000,000 from the net general revenues and
14 transfer this amount to the Public School Fund.

15 (B) For the fiscal year ending June 30, 1999, the Department of Education
16 shall from time to time as needed, certify to the State Treasurer and the
17 Chief Fiscal Office of the State, the amount of funds disbursed for
18 desegregation expenses under the "Pulaski County School Desegregation
19 Settlement Agreement." Upon the receipt of such certification, the State
20 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
21 202(b)(2)(B), shall also deduct up to, but not to exceed in total for fiscal
22 year 1998-99 the sum of \$28,100,000 from the net general revenues and transfer
23 this amount to the Public School Fund.

24
25 SECTION 14. SPECIAL LANGUAGE. The appropriation contained herein for
26 Consolidation Incentive shall be allocated in accordance with rules and
27 regulations established by the State Board of Education.

28
29 SECTION 15. SPECIAL LANGUAGE. The funds appropriated herein for
30 Residential Centers/Juvenile Detention shall be allocated in accordance with
31 rules and regulations established by the State Board of Education.

32
33 SECTION 16. SPECIAL LANGUAGE. The State Board of Education shall have
34 the authority to budget carryover balances in the Public School Fund.
35 However, the State Board shall first budget any carryover balances to fund

1 appropriations designated as targeted categories in Item (33) of Section 1 of
2 this Act, and Incentive Funding I and Additional Base Funding.

3

4 SECTION 17. SPECIAL LANGUAGE. The appropriation and funds authorized
5 herein for PURCHASE OF WORKERS' COMPENSATION COVERAGE BY SCHOOL DISTRICTS AND
6 EDUCATION SERVICE COOPERATIVES shall be distributed proportionally by the
7 Department of Education to each of the various school districts based on each
8 school district's average daily membership (ADM) the previous year and to each
9 of the state's education service cooperatives in an amount equal to 50% of the
10 amount each cooperative expended for that purpose the previous year.

11

12 SECTION 18. SPECIAL LANGUAGE - ADULT EDUCATION CAPITAL IMPROVEMENT
13 PROJECTS. In the event that there is an unexpended balance of monies
14 remaining at the end of any fiscal year from the amount approved by the State
15 Board of Education for Adult Education programs from the Public School Fund,
16 such amount shall be set aside and carried forward to be used exclusively for
17 financing Adult Education Capital Improvement Projects.

18

19 SECTION 19. SPECIAL LANGUAGE. The funds appropriated for Catastrophic
20 Loss Funding in SECTION 1 of this Act shall first be made available to local
21 school districts that received fiscal crisis relief funding for loss of
22 maintenance and operation revenues during the 1996-97 school year.

23

24 SECTION 20. SPECIAL LANGUAGE. The funds appropriated for Computer-
25 Based Education Grants in Section 1 of this Act shall be distributed to IMPAC
26 Learning Systems, Inc., for the purpose of providing computer-based education
27 grants to public school districts and provide for the maintenance and
28 operations support for these computer-based education systems.

29

30 SECTION 21. SPECIAL LANGUAGE. The funds appropriated for Computer-Based
31 Education Operations in Section 1 of this Act shall be distributed to IMPAC
32 Learning Systems, Inc., for the purpose of providing the maintenance and
33 operations support for preexisting computer-based education systems.

34

35 SECTION 22. SPECIAL LANGUAGE. Arkansas Code Annotated §6-16-405 (4) is

1 hereby repealed:

2

3 ~~'(4) Develop and implement standards and criteria for the evaluation and~~
4 ~~recommendation to the Department of Education of computer-based educational~~
5 ~~projects to be operated by the Department of Education and the public school~~
6 ~~districts of this State and for the allocation of funds and assistance by the~~
7 ~~commission to the department or public schools of this State for use in the~~
8 ~~support and operation of computer-based education projects in the public~~
9 ~~schools.'~~

10

11 SECTION 23. SPECIAL LANGUAGE. Arkansas Code Annotated §6-16-406 is
12 hereby repealed:

13

14 ~~'(a) The Department of Education shall, after seeking the advice of the~~
15 ~~commission, recommend to the State Board of Education proposed standards,~~
16 ~~criteria, rules, and regulations for providing financial assistance to school~~
17 ~~districts to be used in connection with computer-based education projects in~~
18 ~~the public schools. These rules and regulations shall include forms and~~
19 ~~instructions developed by the Department of Education, upon which school~~
20 ~~districts may make application for financial assistance for computer-based~~
21 ~~education projects. Before approving such standards, criteria, rules, and~~
22 ~~regulations and forms, the State Board of Education shall hold hearings~~
23 ~~thereon, and adopt them in the manner provided by the Arkansas Administrative~~
24 ~~Procedure Act, as amended, §25-15-201 et seq.~~

25 ~~(b) The Department of Education shall provide leadership and assistance~~
26 ~~to local school districts by training teachers in means of using computer~~
27 ~~technology in the instructional process in teaching and improving of learning~~
28 ~~opportunities in the basic skills in the public schools.~~

29 ~~(c) The Department of Education may acquire, develop, test, evaluate,~~
30 ~~and improve computer software and computer-based instructional materials and,~~
31 ~~after obtaining the assistance and advice of the commission, recommend to~~
32 ~~school districts in this State computer software and instructional materials~~
33 ~~deemed to meet the standards established for computer-based education projects~~
34 ~~required to receive funds or to obtain matching funds to be made available by~~
35 ~~the department or by the commission to assist in defraying the cost of~~

1 ~~computer-based education projects in the public schools.~~

2 ~~(d) The Department of Education may hold seminars and training sessions~~
3 ~~and offer technical advice and assistance to its own staff and school~~
4 ~~districts as may be deemed necessary in support and improvement of computer-~~
5 ~~based educational projects in the public schools of this State.'~~

6

7 SECTION 24. SPECIAL LANGUAGE. Arkansas Code Annotated §6-16-407 is
8 hereby repealed.

9

10 ' ~~(a) The Department of Education shall, in accordance with the~~
11 ~~standards, rules, regulations, and forms promulgated and approved by the State~~
12 ~~Board of Education, receive applications from school districts in this state~~
13 ~~for computer-based educational projects. Upon receipt of such applications,~~
14 ~~the Department of Education shall submit them to the commission for its~~
15 ~~evaluation and recommendations.~~

16 ~~(b) The Commission shall review all applications for computer-based~~
17 ~~educational projects received by the Department of Education and filed with~~
18 ~~the commission for its review, and after making such study, evaluation, and~~
19 ~~investigation in connection therewith as the commission deems appropriate, it~~
20 ~~shall, in writing, submit its evaluations, findings, and recommendations in~~
21 ~~regard thereto to the Department of Education. In addition, the commission~~
22 ~~shall notify the Department of Education of the amount of the funds or other~~
23 ~~assistance which will be provided in support of any such project.~~

24 ~~(c) After receiving the advice and recommendations of the commission, the~~
25 ~~Department of Education shall review each application for financial assistance~~
26 ~~for computer-based educational projects received from school districts and~~
27 ~~shall notify the school district in writing of its approval or rejection of~~
28 ~~such application, provided that the department may return the application to~~
29 ~~the school district and request that additional information or supporting data~~
30 ~~be filed with the department before final action is taken on the application.~~
31 ~~If the application is approved for state assistance, the department shall~~
32 ~~notify the school district of the extent to which the department or the~~
33 ~~commission will provide financial assistance to the project.~~

34 ~~(d) If the Department of Education shall determine that the amount of~~
35 ~~funds available during any fiscal year for providing financial support of~~

1 ~~computer-based educational projects and support programs will not be adequate~~
2 ~~to fund all such projects for which applications are filed by school districts~~
3 ~~for state assistance, the department shall review all such applications and~~
4 ~~shall approve those projects which the department believes to be in the best~~
5 ~~interest of the needs of applying school districts that have the capability of~~
6 ~~producing maximum educational results within the limitations of the funds~~
7 ~~available. In arriving at such decision, the Department of Education shall~~
8 ~~seek the advice and evaluation of the commission with respect to applications~~
9 ~~for computer-based educational projects.~~

10 ~~(e) The commission may delegate to the Director of General Education, the~~
11 ~~Director of Vocational and Technical Education, or any designated official or~~
12 ~~employee of the department, the authority to review applications for computer-~~
13 ~~based educational projects and to approve them in behalf of the commission as~~
14 ~~being eligible for funds to be made available by the commission, in~~
15 ~~accordance with the appropriate rules and regulations promulgated by the~~
16 ~~commission.'~~

17

18 SECTION 25. SPECIAL LANGUAGE. Arkansas code annotated §6-16-408 is
19 hereby repealed:

20 ~~'(a) The commission and the Department of Education shall, from time to~~
21 ~~time, monitor the accomplishments and achievements of each computer-based~~
22 ~~instructional project being operated in the public schools through financial~~
23 ~~assistance provided by the department or the commission and may make~~
24 ~~recommendations to the project.~~

25 ~~(b) The commission may recommend to the Department of Education the~~
26 ~~termination and withdrawal of financial support to any computer-based~~
27 ~~instructional project or may withdraw any financial or in-kind support that~~
28 ~~the commission is making to such project, if the commission determines that~~
29 ~~the project is not being operated in accordance with the criteria, standards,~~
30 ~~rules, and regulations promulgated by the State Board of Education and by the~~
31 ~~commission.'~~

32

33 SECTION 26. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
34 authorized by this Act shall be limited to the appropriation for such agency
35 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Purchasing Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal control
4 laws of this State, where applicable, and regulations promulgated by the
5 Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7

8 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this Act shall be in compliance with the stated reasons for which
11 this Act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

16

17 SECTION 28. CODE. All provisions of this Act of a general and
18 permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the
19 Arkansas Code Revision Commission shall incorporate the same in the Code.

20

21 SECTION 29. SEVERABILITY. If any provision of this Act or the
22 application thereof to any person or circumstance is held invalid, such
23 invalidity shall not affect other provisions or applications of the Act which
24 can be given effect without the invalid provision or application, and to this
25 end the provisions of this Act are declared to be severable.

26

27 SECTION 30. GENERAL REPEALER. All laws and parts of laws in conflict
28 with this Act are hereby repealed.

29

30 SECTION 31. EMERGENCY CLAUSE. It is hereby found and determined by the
31 Eighty-First General Assembly, that the Constitution of the State of Arkansas
32 prohibits the appropriation of funds for more than a two (2) year period; that
33 the effectiveness of this Act on July 1, 1997 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, and that in
35 the event of an extension of the Regular Session, the delay in the effective

1 date of this Act beyond July 1, 1997 could work irreparable harm upon the
2 proper administration and provision of essential governmental programs.
3 Therefore, an emergency is hereby declared to exist and this Act being
4 necessary for the immediate preservation of the public peace, health and
5 safety shall be in full force and effect from and after July 1, 1997.

6 /s/Malone et al

7
8
9
10
11