

1 State of Arkansas  
2 84th General Assembly  
3 Second Extraordinary Session, 2003  
4

As Engrossed: H1/28/04

# A Bill

Call Item 4

HOUSE BILL 1148

5 By: Representative Stovall  
6  
7

## For An Act To Be Entitled

9 AN ACT TO REPEAL ACT 27 OF THE SECOND  
10 EXTRAORDINARY SESSION OF THE EIGHTY FOURTH  
11 GENERAL ASSEMBLY; AND FOR OTHER PURPOSES.  
12

### Subtitle

14 AN ACT TO REPEAL ACT 27 OF THE SECOND  
15 EXTRAORDINARY SESSION OF THE EIGHTY  
16 FOURTH GENERAL ASSEMBLY; AND FOR OTHER  
17 PURPOSES.  
18  
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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22 SECTION 1. Act 27 of the Second Extraordinary Session of the 84<sup>th</sup>  
23 General Assembly is repealed.

24 ~~SECTION 1. Section 1, Item Number (13) POVERTY INDEX, of Act 51 of the~~  
25 ~~First Extraordinary Session of 2003 is amended to read as follows:~~  
26

<del>ITEM</del>	<del>_____ FISCAL YEARS</del>	
<del><u>NO.</u></del>	<del><u>2003-2004</u></del>	<del><u>2004-2005</u></del>
<del>(13) NATIONAL SCHOOL LUNCH ACT STUDENTS</del>	<del>_____ 21,500,000</del>	<del>_____ 8,500,000</del>

31 ~~SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE~~  
32 ~~ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW,~~  
33 ~~FUNDING TRANSFER. Immediately upon the effective date of this act, the Chief~~  
34 ~~Fiscal Officer of the State shall transfer on his books and those of the~~  
35 ~~State Treasurer and the Auditor of the State the sum of five million dollars~~  
36 ~~(\$5,000,000) from funds received from the Jobs and Growth Tax Relief~~



1 ~~Reconciliation Act of 2003, Public Law 108-27, to the Department of Education~~  
2 ~~Public School Fund Account.~~

3  
4 ~~SECTION 3.—SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE~~  
5 ~~ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.~~  
6 ~~NATIONAL SCHOOL LUNCH ACT FUNDING.~~

7 ~~(a) For the purpose of distributing National School Lunch Act student~~  
8 ~~funding to school districts as appropriated in Item (13) of Section 1 of Act~~  
9 ~~51 of the First Extraordinary Session of 2003 as amended by this act,~~  
10 ~~National School Lunch Act student funding is funding for students eligible~~  
11 ~~for the free or reduced lunch program. These funds shall be used only for~~  
12 ~~early intervention strategies sanctioned by the Department of Education in~~  
13 ~~reading and writing literacy or mathematics for students in pre-kindergarten~~  
14 ~~through grade one (preK-1).~~

15 ~~(b) DEFINITIONS.~~

16 ~~(1) “Pre-kindergarten” means a program developed for children~~  
17 ~~between the ages of three (3) and five (5) years old;~~

18 ~~(2) “Kindergarten enrollment” means the number of students~~  
19 ~~enrolled in kindergarten on October 1 of each year;~~

20 ~~(3) “Grade one (1) enrollment” means the number of students~~  
21 ~~enrolled in grade one (1) on October 1 of each year;~~

22 ~~(4) “Eligible student” means a child who is at least three (3)~~  
23 ~~years old and participating in an approved program or is enrolled in grades~~  
24 ~~kindergarten or one (1) in an eligible public school;~~

25 ~~(5) “Percent of free and reduced lunch program” means the total~~  
26 ~~amount of National School Lunch Act students divided by the total~~  
27 ~~kindergarten and grade one (1) enrollment;~~

28 ~~(6) “National School Lunch Act (NSLA) students” means those~~  
29 ~~students from low socio-economic backgrounds in grades kindergarten through~~  
30 ~~grade one (k-1) by eligibility for free or reduced priced meals under the~~  
31 ~~National School Lunch Act as calculated on the October 1 of each year and~~  
32 ~~submitted to the department in the Arkansas Public School Computer Network~~  
33 ~~Cycle 2 Report.~~

34 ~~(c) CALCULATION OF NATIONAL SCHOOL LUNCH ACT STUDENT FUNDING.~~

35 ~~(1) National School Lunch Act student funding shall be~~  
36 ~~calculated using the following data elements from the previous fiscal year:~~

- 1                   ~~(A) — Kindergarten enrollment;~~  
2                   ~~(B) — Grade one (1) enrollment;~~  
3                   ~~(C) — Kindergarten National School Lunch Act students; and~~  
4                   ~~(D) — Grade one (1) National School Lunch Act students.~~

5                   ~~(2) — For the 2003–2004 school year, National School Lunch Act~~  
6 ~~student funding for each identified National School Lunch Act student shall~~  
7 ~~be as follows:~~

8                   ~~(A) — For schools in which eighty percent (80%) or greater~~  
9 ~~of the enrolled students are National School Lunch Act students, funding~~  
10 ~~shall be seven hundred fifty dollars (\$750) per NSLA student;~~

11                   ~~(B) — For schools in which at least sixty percent (60%) but~~  
12 ~~less than eighty percent (80%) of the enrolled students are National School~~  
13 ~~Lunch Act students, funding shall be four hundred dollars (\$400) per NSLA~~  
14 ~~student; and~~

15                   ~~(C) — For schools in which less than sixty percent (60%) of~~  
16 ~~the enrolled students are National School Lunch Act students, funding shall~~  
17 ~~be three hundred dollars (\$300) per NSLA student.~~

18                   ~~(3) — Funding for National School Lunch Act students shall be~~  
19 ~~based on the number of students eligible for free or reduced-price lunch~~  
20 ~~program under the National School Lunch Act identified on the October 1,~~  
21 ~~enrollment report submitted to the Department of Education each year;~~  
22 ~~submitted in October of 2002.~~

23                   ~~(4) — The amount of National School Lunch Act student funding a~~  
24 ~~school district shall receive for the schools in the district is equal to the~~  
25 ~~product of the amount determined under subdivision (c)(2) of this section~~  
26 ~~times the number of eligible free and reduced students enrolled in grades~~  
27 ~~kindergarten and one (1).~~

28                   ~~(5) — For monitoring purposes, the school district shall account~~  
29 ~~for the funds with a source of funds code and revenue code specified by the~~  
30 ~~department and shall submit reports as required.~~

31                   ~~(d) — RESTRICTED USE OF FUNDS.~~

32                   ~~(1) — Funds received by a school shall be restricted to early~~  
33 ~~intervention programs approved by the department.~~

34                   ~~(2) — Moneys distributed shall be exempt from inclusion in~~  
35 ~~calculations of additional base funding under Arkansas Code § 6-20-303 and~~  
36 ~~the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the~~

1 exemption provision for revenues generated for students with low socio-  
2 economic status.

3 ~~(3) Schools may carry NSLA balances over from one fiscal year to~~  
4 ~~the next. These balances shall be restricted to approved programs.~~

5 ~~(4) Funds shall only be used to benefit students in an eligible~~  
6 ~~public school.~~

7 ~~(5) Any additional personnel to be employed by the school shall~~  
8 ~~hold an appropriate Arkansas teaching license or be exceptionally well~~  
9 ~~qualified in the field of early childhood education.~~

10 ~~(6) Funds shall be used for programs designed to increase~~  
11 ~~student achievement in reading, writing, and mathematics in pre-kindergarten~~  
12 ~~through grade one (1).~~

13 ~~(7) Specific program activities exceeding minimum requirements~~  
14 ~~eligible for National School Lunch Act student funding, include, but are not~~  
15 ~~limited to:~~

16 ~~(A) Hiring literacy or mathematics specialists;~~

17 ~~(B) Hiring literacy coaches;~~

18 ~~(C) Providing professional development in the areas of~~  
19 ~~reading and writing literacy or mathematics;~~

20 ~~(D) Purchasing computers or software, or other~~  
21 ~~improvements in technology to assist in instructional activities;~~

22 ~~(E) Establishing before and after school instructional~~  
23 ~~activities;~~

24 ~~(F) Extending school year instructional activities; and~~

25 ~~(G) Establishing, maintaining or expanding pre-~~  
26 ~~kindergarten through grade one (1) programs.~~

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28 SECTION 2. Section 1 of Act 51 of the First Extraordinary Session of  
29 2003 is amended to add a new Item to read as follows:

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31 (13) POVERTY INDEX 8,500,000 8,500,000

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33 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
34 General Assembly of the State of Arkansas that Act 27 was enacted in order to  
35 provide assistance to poverty areas in the event that other poverty  
36 assistance was not made available to the public schools and that supplemental

1 assistance for poverty students is contained in the school distribution  
2 formula of 2003 thereby making the funding provided in Act 27 unnecessary.  
3 Therefore, an emergency is declared to exist and this act being immediately  
4 necessary for the preservation of the public peace, health, and safety shall  
5 become effective on:

- 6 (1) The date of its approval by the Governor;  
7 (2) If the bill is neither approved nor vetoed by the Governor,  
8 the expiration of the period of time during which the Governor may veto the  
9 bill; or  
10 (3) If the bill is vetoed by the Governor and the veto is  
11 overridden, the date the last house overrides the veto.

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13 */s/ Stovall*  
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