

1 State of Arkansas *As Engrossed: S12/26/03 S12/29/03 S12/29/03* Call Item 4

2 84th General Assembly

# A Bill

3 Second Extraordinary Session, 2003

SENATE BILL 43

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5 By: Senators Broadway, Bisbee

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## For An Act To Be Entitled

9 AN ACT TO AMEND ACT 51 OF THE FIRST EXTRAORDINARY  
10 SESSION OF 2003 TO PROVIDE FUNDING FOR NATIONAL  
11 SCHOOL LUNCH ACT STUDENTS AND ALTERNATIVE  
12 LEARNING ENVIRONMENT STUDENTS; AND FOR OTHER  
13 PURPOSES.

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## Subtitle

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

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

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28 ITEM

FISCAL YEARS

29 NO.

2003-2004

2004-2005

30 ~~(13) POVERTY INDEX~~

~~8,500,000~~

~~8,500,000~~

31 (13) NATIONAL SCHOOL LUNCH ACT STUDENTS

21,500,000

8,500,000

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33 SECTION 2. Section 1, Item Number (50) ALTERNATIVE LEARNING, of Act 51  
34 of the First Extraordinary Session of 2003 is amended to read as follows:

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36 ITEM

FISCAL YEARS



NO.		2003-2004	2004-2005
<del>(50)</del>	<del>ALTERNATIVE LEARNING</del>	3,000,000	3,000,000
(50)	ALTERNATIVE LEARNING	12,600,000	3,000,000

SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and the Auditor of the State the sum of *twenty one million eight hundred seventy thousand four hundred seven dollars (\$21,870,407)* from funds received from the Jobs and Growth Tax Relief Reconciliation Act of 2003, Public Law 108-27, to the Department of Education Public School Fund Account.

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

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

(b) DEFINITIONS.

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

(2) "Kindergarten enrollment" means the number of students enrolled in kindergarten on October 1 of each year;

(3) "Grade one (1) enrollment" means the number of students enrolled in grade one (1) on October 1 of each year;

(4) "Eligible student" means a child who is at least three (3) years old and participating in an approved program or is enrolled in grades

1 kindergarten or one (1) in an eligible public school;

2 (5) "Percent of free and reduced lunch program" means the total  
3 amount of National School Lunch Act students divided by the total  
4 kindergarten and grade one (1) enrollment;

5 (6) "National School Lunch Act (NSLA) students" means those  
6 students from low socio-economic backgrounds in grades kindergarten through  
7 grade one (k-1) by eligibility for free or reduced-priced meals under the  
8 National School Lunch Act as calculated on the October 1 of each year and  
9 submitted to the department in the Arkansas Public School Computer Network  
10 Cycle 2 Report.

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

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

14 (A) Kindergarten enrollment;

15 (B) Grade one (1) enrollment;

16 (C) Kindergarten National School Lunch Act students; and

17 (D) Grade one (1) National School Lunch Act students.

18 (2) For the 2003-2004 school year, National School Lunch Act  
19 student funding for each identified National School Lunch Act student shall  
20 be as follows:

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

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

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

31 (3) Funding for National School Lunch Act students shall be  
32 based on the number of students eligible for free or reduced-price lunch  
33 program under the National School Lunch Act identified on the October 1,  
34 enrollment report submitted to the Department of Education each year;  
35 submitted in October of 2002.

36 (4) The amount of National School Lunch Act student funding a

1 school district shall receive for the schools in the district is equal to the  
2 product of the amount determined under subdivision (c)(2) of this section  
3 times the number of eligible free and reduced students enrolled in grades  
4 kindergarten and one (1).

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

8 (d) RESTRICTED USE OF FUNDS.

9 (1) Funds received by a school shall be restricted to early  
10 intervention programs approved by the department.

11 (2) Moneys distributed shall be exempt from inclusion in  
12 calculations of additional base funding under Arkansas Code § 6-20-303 and  
13 the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the  
14 exemption provision for revenues generated for students with low socio-  
15 economic status.

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

18 (4) Funds shall only be used to benefit students in an eligible  
19 public school.

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

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

26 (7) Specific program activities exceeding minimum requirements  
27 eligible for National School Lunch Act student funding, include, but are not  
28 limited to:

29 (A) Hiring literacy or mathematics specialists;

30 (B) Hiring literacy coaches;

31 (C) Providing professional development in the areas of  
32 reading and writing literacy or mathematics;

33 (D) Purchasing computers or software, or other  
34 improvements in technology to assist in instructional activities;

35 (E) Establishing before and after school instructional  
36 activities;

1                   (F) Extending school year instructional activities; and  
2                   (G) Establishing, maintaining or expanding pre-  
3 kindergarten through grade one (1) programs.  
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5           SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE  
6 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
7 ALTERNATIVE LEARNING.

8           (a) For the purpose of distributing alternative learning funding to  
9 school districts as appropriated in Item (50) of Section 1 of Act 51 of the  
10 First Extraordinary Session of 2003 as amended by this act, alternative  
11 learning funding is funding for student intervention programs in compliance  
12 with Arkansas Code §§ 6-18-508 and 6-18-509 that seek to eliminate  
13 traditional barriers to learning for students and that include a component  
14 for the education of gifted and talented students.

15           (b) DEFINITIONS.

16           (1) "Alternative learning environment" means a non-traditional  
17 or flexible instructional program, in compliance with Arkansas Code 6-18-508  
18 and 6-18-509, designed to improve student achievement in the core academic  
19 subjects that the students could not achieve in a regular classroom  
20 environment, and that meets the eligibility requirements for funding  
21 purposes.

22           (2) "Alternative learning student" means a student enrolled in  
23 an eligible alternative learning environment for a minimum of twenty (20)  
24 consecutive days per school year.

25           (3) "Full-time equivalent alternative learning student" means an  
26 alternative learning student who has at least six (6) hours per day of  
27 student/teacher interaction time in the alternative learning environment.

28           (4) "Half-time equivalent alternative learning student" means an  
29 alternative learning student who has at least three (3) hours per day of  
30 student/teacher interaction time in the alternative learning environment;

31           (5) "Quarter time equivalent alternative learning student" means  
32 an alternative learning student in kindergarten through grade six (K-6) who  
33 has at least one and one-half (1 ½) hours per day of student/teacher  
34 interaction time in the alternative learning environment.

35           (c) ALTERNATIVE LEARNING ENVIRONMENT ELIGIBILITY REQUIREMENTS. The  
36 alternative learning environment shall:

1 (1) Have students supervised by a currently licensed teacher;

2 (2) Have a student/teacher ratio in the alternative learning

3 environment of no more than twenty (20) to one (1). If an aide is employed  
4 in addition to a licensed supervisor, the student/teacher ratio shall be no  
5 more than twenty-two (22) to one (1);

6 (3) Provide each alternative learning student access to the

7 services of a school counselor or a mental health professional; and

8 (4) Provide a curriculum including mathematics, science, social

9 studies, and language arts correlated with the regular classroom instruction  
10 or with the standards for the tests of General Educational Development.

11 (d) FUNDING FOR ALTERNATIVE LEARNING ENVIRONMENTS. For the 2003-2004  
12 school year, alternative learning environment funding shall be two thousand  
13 five hundred dollars (\$2,500) for each full-time equivalent identified  
14 alternative learning environment student reported in the 2002-2003 school  
15 year.

16 (e) RESTRICTED USE OF FUNDS.

17 (1) Any funds received by a local school district under this  
18 regulation may only be expended for eligible alternative learning environment  
19 programs.

20 (2) For monitoring purposes, the school district shall account  
21 for the funds with a source of funds code and revenue code specified by the  
22 Department of Education and submit reports as required.

23 (3) Funds distributed shall be exempt from inclusion in  
24 calculations of additional base funding under Arkansas Code § 6-20-303 and  
25 the Federal Range Ratio, 34 C.F.R. § 222.61, et seq., (1994), under the  
26 exemption provision for revenues generated for students with special  
27 educational needs.

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29 SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
30 General Assembly that the Constitution of the State of Arkansas requires the  
31 state to maintain a general, suitable, and efficient system of free public  
32 schools; that the Supreme Court of Arkansas issued an opinion in November  
33 2002 declaring the current school-funding system unconstitutional; that in  
34 order to implement a school-funding system that meets constitutional  
35 compliance, funds must be made available immediately to the Department of  
36 Education to provide assistance and support for schools; that this act is

1 immediately necessary because the effectiveness of this Act on its passage  
2 and approval is essential to the operation of the agency for which the  
3 appropriations in this Act are provided, and that in the event of an  
4 extension of the Second Extraordinary Session of 2003, the delay in the  
5 effective date of this Act upon its passage and approval could work  
6 irreparable harm upon the proper administration and provision of essential  
7 governmental programs. Therefore, an emergency is declared to exist and this  
8 act being immediately necessary for the preservation of the public peace,  
9 health, and safety shall become effective on:

10 (1) The date of its approval by the Governor;

11 (2) If the bill is neither approved nor vetoed by the Governor,  
12 the expiration of the period of time during which the Governor may veto the  
13 bill; or

14 (3) If the bill is vetoed by the Governor and the veto is  
15 overridden, the date the last house overrides the veto.

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