

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas *As Engrossed: S3/15/05 S3/31/05 S4/6/05 S4/8/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 874

4

5 By: Senators Broadway, Argue, Bisbee

6 By: Representatives Mahony, Stovall, Wood, Elliott

7

8

9

For An Act To Be Entitled

10

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL

11

SERVICES AND OPERATING EXPENSES FOR THE

12

DEPARTMENT OF EDUCATION - DIVISION OF PUBLIC

13

SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION FOR

14

THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR

15

OTHER PURPOSES.

16

17

18

Subtitle

19

AN ACT FOR THE DEPARTMENT OF EDUCATION -

20

DIVISION OF PUBLIC SCHOOL ACADEMIC

21

FACILITIES AND TRANSPORTATION

22

APPROPRIATION FOR THE 2005-2007

23

BIENNIUM.

24

25

26

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

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28

SECTION 1. REGULAR SALARIES - OPERATIONS. There is hereby established for

29

the Department of Education - Division of Public School Academic Facilities

30

and Transportation for the 2005-2007 biennium, the following maximum number

31

of regular employees whose salaries shall be governed by the provisions of

32

the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et

33

seq.), or its successor, and all laws amendatory thereto. Provided, however,

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that any position to which a specific maximum annual salary is set out herein

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in dollars, shall be exempt from the provisions of said Uniform

36

Classification and Compensation Act. All persons occupying positions



1 authorized herein are hereby governed by the provisions of the Regular
 2 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 3 successor.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Years
			2005-2006	2006-2007
(1)		DIRECTOR, DIV. OF PUB.SCH.ACAD.FAC.T	1	\$107,760 \$110,286
(2)	9287	ED ASST DIRECTOR ACADEMIC FACILITIES	1	\$88,497 \$90,728
(3)		SENIOR PROJECT ADMINISTRATOR	1	GRADE 25
(4)		AREA PROJECT MANAGER	5	GRADE 23
(5)	A032	AGENCY FISCAL MANAGER	1	GRADE 22
(6)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE 22
(7)		SCHOOL BUS DRIVER TRAINER	5	GRADE 20
(8)		SCHOOL BUS TRANS. INSP.	5	GRADE 18
(9)	R010	ADMINISTRATIVE ASSISTANT II	2	GRADE 17
(10)	A108	ACCOUNTING TECHNICIAN II	1	GRADE 15
(11)	K153	SECRETARY II	<u>2</u>	GRADE 13
MAX. NO. OF EMPLOYEES			25	

21
 22 SECTION 2. EXTRA HELP - OPERATIONS. There is hereby authorized, for the
 23 Department of Education - Division of Public School Academic Facilities and
 24 Transportation for the 2005-2007 biennium, the following maximum number of
 25 part-time or temporary employees, to be known as "Extra Help", payable from
 26 funds appropriated herein for such purposes: five (5) temporary or part-time
 27 employees, when needed, at rates of pay not to exceed those provided in the
 28 Uniform Classification and Compensation Act, or its successor, or this act
 29 for the appropriate classification.

30
 31 SECTION 3. APPROPRIATION - OPERATIONS. There is hereby appropriated, to
 32 the Department of Education, to be payable from the Division of Public School
 33 Academic Facilities and Transportation Fund Account, for personal services
 34 and operating expenses of the Department of Education - Division of Public
 35 School Academic Facilities and Transportation for the biennial period ending
 36 June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 917,310	\$ 943,699
(02) EXTRA HELP	30,000	30,000
(03) PERSONAL SERV MATCHING	295,148	300,877
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	130,000	130,000
(B) CONF. & TRAVEL	25,000	25,000
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	20,000	20,000
(E) DATA PROC.	5,000	5,000
(05) SAFETY TRAINING	<u>250,000</u>	<u>250,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 1,772,458</u>	<u>\$ 1,804,576</u>

SECTION 4. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the Department of Education - Division of Public School Academic Facilities and Transportation, to be payable from the Educational Facilities Partnership Fund Account, for grants and aids and special programs providing academic school facility and transportation assistance to the public school districts of the Department of Education - Division of Public School Academic Facilities and Transportation for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) ACADEMIC FACILITIES IMMEDIATE REPAIR	\$ 20,000,000	\$ 0
(02) TRANSITIONAL ACADEMIC FACILITIES	50,000,000	0
(03) ACADEMIC FACILITIES PARTNERSHIP	<u>0</u>	<u>50,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 70,000,000</u>	<u>\$ 50,000,000</u>

SECTION 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER AUTHORITY. The Director of the Department of Education - Division of Public School Academic Facilities and Transportation, with the approval of the Chief Fiscal Officer of the State and after approval by the Arkansas Legislative Council or Joint Budget Committee, is hereby authorized to request necessary

1 appropriation transfers and any other budget related adjustments necessary
2 for the appropriations authorized herein. Furthermore, it is the intent of
3 the General Assembly that the Department of Education - Division of Public
4 School Academic Facilities and Transportation be able to make use of
5 additional contractual services as necessary and that transfers between line
6 items and among appropriations are anticipated to accomplish those purposes.

7 Determining the maximum number of employees and the maximum amount of
8 appropriation and general revenue funding for a state agency each fiscal year
9 is the prerogative of the General Assembly. This is usually accomplished by
10 delineating such maximums in the appropriation act(s) for a state agency and
11 the general revenue allocations authorized for each fund and fund account by
12 amendment to the Revenue Stabilization law. Further, the General Assembly
13 has determined that the Department of Education - Division of Public School
14 Academic Facilities and Transportation may operate more efficiently if some
15 flexibility is provided to the Director of the Department of Education -
16 Division of Public School Academic Facilities and Transportation authorizing
17 broad powers under the Transfer Authority provision herein. Therefore, it is
18 both necessary and appropriate that the General Assembly maintain oversight
19 by requiring prior approval of the Legislative Council or Joint Budget
20 Committee as provided by this section. The requirement of approval by the
21 Legislative Council or Joint Budget Committee is not a severable part of this
22 section. If the requirement of approval by the Legislative Council or Joint
23 Budget Committee is ruled unconstitutional by a court of competent
24 jurisdiction, this entire section is void.

25 The provisions of this section shall be in effect only from July 1, 2005
26 through June 30, 2007.

27
28 *SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE*
29 *NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD.*
30 *The balance of the appropriations as provided in Section 4 of this Act for*
31 *grants and aid and special programs providing academic school facility and*
32 *transportation assistance to the public school district for Programs of the*
33 *Division of Public School Academic Facilities and Transportation which*
34 *remain on June 30, 2006, shall be carried forward and made available for the*
35 *same purpose for the fiscal year ending June 30, 2007.*

36 The provisions of this section shall be in effect only from July 1, 2005

1 through June 30, 2007.

2 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
3 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER.
4 Immediately upon the effective date of this act, and on July 1, 2006, the
5 Chief Fiscal Officer of the State shall transfer on his books and those of
6 the State Treasurer and Auditor of State the sum of seven hundred sixty five
7 thousand dollars (\$765,000) from the Department of Education Public School
8 Fund Account to the Division of Public School Academic Facilities and
9 Transportation Fund Account to provide funds for the appropriation in Section
10 3 of this Act.

11 The provisions of this section shall be in effect only from July 1, 2005
12 through June 30, 2007.

13
14 SECTION 8. SPECIAL LANGUAGE. Arkansas Code 6-20-1701 through 6-20-1716
15 concerning High Cost Transportation Funding is repealed.

16 ~~6-20-1701. Title.~~

17 ~~The title of this subchapter shall be "The High Cost Transportation Funding~~
18 ~~Formula Act of 1997".~~

19
20 ~~6-20-1702. Definitions.~~

21
22 ~~As used in this subchapter, unless the context otherwise requires:~~

23 ~~— (1) "Activity bus" means a bus which is used to transport students for~~
24 ~~participation in activities sanctioned by the Arkansas Activities Association~~
25 ~~or other extracurricular activities sanctioned by the school district;~~

26 ~~(2)(A) "Approved transportation unit" means a school bus which meets all~~
27 ~~state and federal safety standards for school bus construction and which is~~
28 ~~certified by the manufacturer as a school bus.~~

29 ~~(B) The school bus must be assigned to a regular school bus route for~~
30 ~~transporting students to and from the public schools during the regular~~
31 ~~school term.~~

32 ~~(C) To qualify for state aid, the bus must have a capacity of at least~~
33 ~~eleven (11) students.~~

34 ~~(D) All approved transportation units shall be in good repair, sanitary, and~~
35 ~~in safe operating condition as indicated by regular maintenance and safety~~
36 ~~inspections;~~

- 1 ~~(3) "Area" means the number of square miles of land within the school~~
2 ~~district boundary lines computed to the nearest whole section;~~
- 3 ~~(4) "Assigned school" means the school site where a student receives most of~~
4 ~~his or her academic instruction;~~
- 5 ~~(5)(A) "Average daily membership" means the total number of days attended~~
6 ~~plus the total number of days absent by students in grades kindergarten~~
7 ~~through twelve (K-12) during the first three (3) quarters of each school year~~
8 ~~divided by the number of school days actually taught in the district during~~
9 ~~that period of time with the result rounded up to the nearest hundredth.~~
- 10 ~~(B) In those instances in which the average daily membership for fewer than~~
11 ~~three (3) quarters is specified, the number of days used in the calculation~~
12 ~~shall be the days in the specified period of time.~~
- 13 ~~(C) As applied to this subchapter, students who may be counted for average~~
14 ~~daily membership are:~~
- 15 ~~(i) Students who reside within the boundaries of the school district and are~~
16 ~~enrolled in a public school operated by the district or a private school for~~
17 ~~special education students, with such attendance resulting from a written~~
18 ~~tuition agreement approved by the Department of Education;~~
- 19 ~~(ii) Legally transferred students living outside the district but attending~~
20 ~~a public school in the district; and~~
- 21 ~~(iii) Students who reside within the boundaries of the school district and~~
22 ~~are enrolled in the Arkansas National Guard Youth Challenge Program, so long~~
23 ~~as the students are participants in the program;~~
- 24 ~~(6)(A) "Average daily transported" means the average number of students~~
25 ~~transported daily in kindergarten through grade twelve (K-12). Average daily~~
26 ~~transported is based on the average of the first three (3) quarters of the~~
27 ~~previous school year rounded up to the nearest hundredth.~~
- 28 ~~(B) Students eligible to be counted as the average daily transported include~~
29 ~~resident students attending school within the district and residing two (2)~~
30 ~~route miles or more from their respective assigned schools, legally~~
31 ~~transferred students under § 6-18-316, school choice students under § 6-18-~~
32 ~~206, and tuition agreement students;~~
- 33 ~~(7) "Bus seating capacity" means the rated seating capacity, indicating the~~
34 ~~maximum number of persons to be accommodated, as designated by the~~
35 ~~manufacturer;~~
- 36 ~~(8) "Density" means the area in square miles of the school district divided~~

- 1 ~~into the average daily transported in grades kindergarten through twelve (K-~~
2 ~~12) rounded up to the nearest tenth;~~
- 3 ~~(9) "Disaster aid" means transportation aid payable to a school district due~~
4 ~~to a natural or man-made disaster that causes a school district to reroute~~
5 ~~one (1) or more approved transportation units so that additional miles are~~
6 ~~incurred above the previously established route for a minimum of twenty (20)~~
7 ~~school days in which affected students are actually transported;~~
- 8 ~~(10) "Feeder bus" means a bus used to transport students from their home to~~
9 ~~the bus line where they board an approved transportation unit. No~~
10 ~~transportation aid shall be allowed for a feeder bus;~~
- 11 ~~(11) "Fleet seating capacity" means the number of approved transportation~~
12 ~~units, by bus seating capacity, times the bus seating capacity of each~~
13 ~~respective unit;~~
- 14 ~~(12) "Legally transferred students" means students granted transfers under §~~
15 ~~6-18-316;~~
- 16 ~~(13) "Previous year" means the school year immediately preceding the school~~
17 ~~year in which funds authorized by this chapter are allocated;~~
- 18 ~~(14) "Resident student" means a student in grades kindergarten through~~
19 ~~twelve (K-12) living within the local school district;~~
- 20 ~~(15) "Route" means an established regular course of travel used daily by an~~
21 ~~approved transportation unit for the purpose of moving students to and from~~
22 ~~their assigned school;~~
- 23 ~~(16) "School choice students" means students attending a public school in a~~
24 ~~district other than the one in which the student resides pursuant to § 6-18-~~
25 ~~206;~~
- 26 ~~(17) "Shuttle bus" means a bus not used on the daily route but used to~~
27 ~~shuttle students from one (1) school to another. Shuttle buses shall not be~~
28 ~~counted for aid purposes as approved transportation units;~~
- 29 ~~(18) "Spare bus" means a bus that is held in reserve, i.e., an additional or~~
30 ~~extra bus which shall not be counted in the number approved for aid purposes~~
31 ~~as an approved transportation unit;~~
- 32 ~~(19) "Special unit" means an eleven-passenger to sixteen-passenger school~~
33 ~~bus meeting all state and federal safety standards; and~~
- 34 ~~(20) "Tuition agreement students" means students attending school outside~~
35 ~~the resident district under a written tuition agreement between the resident~~
36 ~~district and the receiving district.~~

1

2 ~~6-20-1703. Calculation of transportation aid.~~

3

4 ~~A local school district's base aid is determined by adding the school~~
5 ~~district's student aid and bus allowance using the worksheet for~~
6 ~~transportation in § 6-20-1716 and the formula components set forth in § 6-20-~~
7 ~~1704.~~

8

9

10 ~~6-20-1704. Calculation of transportation aid components.~~

11

12 ~~-(a) Calculation of Average Daily Transported.~~

13 ~~—(1)(A) Average daily transported may include resident students who~~
14 ~~reside two (2) route miles or more from their assigned schools.~~

15 ~~(B) Districts may count students who live in this area, even if private~~
16 ~~transportation is provided for these students, so long as a school bus is~~
17 ~~operated by the district for the potential transportation of these students.~~

18 ~~(C) The school district must determine whether a student lives without or~~
19 ~~within the two mile distance for each assigned school using an established~~
20 ~~bus route.~~

21 ~~(2)(A) Average daily transported may include legally transferred students,~~
22 ~~school choice students, and tuition agreement students.~~

23 ~~(B) However, a legally transferred student, a school choice student, or a~~
24 ~~tuition agreement student may only be counted toward average daily~~
25 ~~transported if the district actually transports this student.~~

26 ~~(C) Under § 6-18-206, if both the resident district and the receiving~~
27 ~~district provide transportation to a legally transferred student, a school~~
28 ~~choice student, or a tuition agreement student, both districts may count this~~
29 ~~student on their average daily transported calculation.~~

30 ~~(3) Average daily transported may not include students living within the~~
31 ~~two mile distance of the assigned school, using an established bus route,~~
32 ~~even if students are picked up at courtesy bus stops within the two mile~~
33 ~~distance.~~

34 ~~(4) In order to verify average daily transported, all school districts must~~
35 ~~keep accurate records indicating:~~

36 ~~(A) The number of students who live outside the two route mile distance from~~

1 ~~their assigned school;~~
2 ~~(B) The bus in which students identified in subdivision (a)(4)(A) of this~~
3 ~~section are transported;~~
4 ~~(C) The distance which students identified in subdivision (a)(4)(A) of this~~
5 ~~section live from the assigned school as measured by an established bus~~
6 ~~route;~~
7 ~~(D) All legally transferred students who are transported;~~
8 ~~(E) All school choice students who are transported; and~~
9 ~~(F) All tuition agreement students who are transported.~~
10 ~~(b) Calculation of student aid. Student aid is determined by multiplying the~~
11 ~~district's average daily transported times the rate per student pursuant to §~~
12 ~~6-20-1715.~~
13 ~~(c) Calculation of bus allowance. (1) Total bus allowance is determined by~~
14 ~~summing the following: For each category of bus seating capacity of approved~~
15 ~~transportation units, multiply the number of approved transportation units~~
16 ~~times the allowance.~~
17 ~~(2)(A) To determine the number of approved transportation units for the~~
18 ~~current school year, use the number of approved transportation units operated~~
19 ~~in the previous year.~~
20 ~~(B) Approved transportation units that run a double or triple run are~~
21 ~~counted as one (1) unit.~~
22 ~~(C) Activity buses, feeder buses, shuttle buses, and spare buses shall not~~
23 ~~be included for aid purposes.~~
24 ~~(3) Approved transportation units may qualify for an allowance based on bus~~
25 ~~seating capacity as follows:~~

Bus Seating Capacity	Allowance per Unit
89	\$4,400
83	\$4,100
77	\$3,800
71	\$3,500
65	\$3,200
59	\$3,100
53	\$3,000
47	\$2,900
41	\$2,800

1 ~~_____ 35 _____ \$2,700~~

2 ~~_____ 23 _____ \$2,500~~

3 ~~Special~~

4 ~~units _____ \$2,400~~

5

6 ~~(d) District's base aid amount. The district's base aid is determined by~~
 7 ~~adding the total student aid and the total bus allowance.~~

8

9 ~~6-20-1705. Modification of transportation aid.~~

10

11 ~~(a) Base aid shall be modified by applying two (2) factors to the~~
 12 ~~district's base aid:~~

13 ~~_____ (1) Minimum base aid; and~~

14 ~~(2) Maximum base aid.~~

15 ~~(b) The sum of base aid as adjusted by subsection (a) of this section,~~
 16 ~~handicapped aid, and disaster aid shall be further modified by application of~~
 17 ~~the high cost transportation adjustment factor.~~

18

19 ~~6-20-1706. Minimum transportation aid.~~

20

21 ~~(a) The minimum amount of base aid for which a district may qualify is~~
 22 ~~determined by comparing the fleet seating capacity and the maximum eligible~~
 23 ~~average daily transported.~~

24 ~~_____ (b) Maximum eligible average daily transported is the average daily~~
 25 ~~transported times one and two tenths (1.2).~~

26 ~~(c) If the maximum eligible average daily transported is less than the fleet~~
 27 ~~seating capacity:~~

28 ~~(1) Multiply the number of approved transportation units excluding special~~
 29 ~~units times the maximum eligible average daily transported, including any~~
 30 ~~adjustments for annexation or consolidation, or both and divide by the fleet~~
 31 ~~seating capacity.~~

32 ~~(2) Multiply the result in subdivision (c)(1) of this section times nine~~
 33 ~~thousand two hundred dollars (\$9,200) and add the total base aid for special~~
 34 ~~units.~~

35 ~~(d) If the maximum eligible average daily transported is greater than the~~
 36 ~~fleet seating capacity, multiply the number of approved transportation units~~

1 ~~excluding special units times nine thousand two hundred dollars (\$9,200) and~~
2 ~~add the base aid for special units.~~

3
4 ~~6-20-1707. Maximum base aid.~~

5
6 ~~(a) The maximum amount of base aid for which a district may qualify is~~
7 ~~determined by comparing the fleet seating capacity and the maximum eligible~~
8 ~~average daily transported.~~

9 ~~(b) If the maximum eligible average daily transported is less than the~~
10 ~~fleet seating capacity:~~

11 ~~(1) Multiply the number of approved transportation units, excluding special~~
12 ~~units, times the maximum eligible average daily transported, including any~~
13 ~~adjustments for annexation or consolidation or both, and divide by the fleet~~
14 ~~seating capacity; and~~

15 ~~(2)(A) If transportation aid is funded in an amount less than nine million~~
16 ~~two hundred thousand dollars (\$9,200,000), the result from subdivision (b)(1)~~
17 ~~of this section shall be multiplied times fourteen thousand eight hundred~~
18 ~~dollars (\$14,800) and added to the base aid for special units; or~~

19 ~~(B) If transportation aid is funded in the amount of nine million two~~
20 ~~hundred thousand dollars (\$9,200,000) or more, the result from subdivision~~
21 ~~(b)(1) of this section shall be multiplied times sixteen thousand dollars~~
22 ~~(\$16,000) and added to the base aid for special units.~~

23 ~~(c) If the maximum eligible average daily transported is more than the fleet~~
24 ~~seating capacity; and~~

25 ~~(1) If transportation aid is funded in an amount less than nine million two~~
26 ~~hundred thousand dollars (\$9,200,000), the number of approved transportation~~
27 ~~units, excluding special units, shall be multiplied times fourteen thousand~~
28 ~~eight hundred dollars (\$14,800) and added to the base aid for special units;~~

29 ~~or~~

30 ~~(2) If transportation aid is funded in the amount of nine million two~~
31 ~~hundred thousand dollars (\$9,200,000) or more, the number of approved~~
32 ~~transportation units, excluding special units, shall be multiplied times~~
33 ~~sixteen thousand dollars (\$16,000) and added to the base aid for special~~
34 ~~units.~~

35
36 ~~6-20-1708. Application of minimum and maximum adjustment factors.~~

1

2 ~~—(a) A school district may not qualify for less base aid than the minimum~~
3 ~~base aid, and it may not qualify for more than the maximum base aid.~~

4 ~~—(b) The adjusted base aid for which a district is qualified shall be:~~

5 ~~(1) The school district's base aid if the base aid is less than the maximum~~
6 ~~base aid calculated under § 6-20-1707 and greater than the minimum base aid~~
7 ~~calculated in § 6-20-1706;~~

8 ~~(2) The minimum base aid calculated under § 6-20-1706, if the school~~
9 ~~district's base aid amount is less than its minimum base aid; or~~

10 ~~(3) The maximum base aid calculated under § 6-20-1707, if the school~~
11 ~~district's base aid amount is more than the maximum base aid.~~

12

13

14 ~~6-20-1709. High cost transportation adjustment factor.~~

15

16 ~~—(a) Total transportation aid shall be adjusted by application of the high~~
17 ~~cost transportation factor as follows:~~

18 ~~—(1) Multiply the high cost transportation factor, to be determined~~
19 ~~annually by the Department of Education, times the average daily membership~~
20 ~~of the district; and~~

21 ~~(2) Subtract the result in subdivision (a)(1) of this section from the sum~~
22 ~~of adjusted base aid pursuant to § 6-20-1708, handicapped aid, and disaster~~
23 ~~aid on the transportation worksheet in § 6-20-1716.~~

24 ~~(b) Workshop aid shall be provided exclusive of the high cost transportation~~
25 ~~adjustment.~~

26

27 ~~6-20-1710. Workshop aid.~~

28

29 ~~—(a) In addition to the total amount of approved aid, a district shall be~~
30 ~~entitled to workshop aid.~~

31 ~~—(b) Workshop aid shall be calculated as follows:~~

32 ~~(1)(A) Seventy dollars (\$70.00) will be paid to the school district for each~~
33 ~~qualified route driver, substitute driver, and activity driver employed by~~
34 ~~the school district who attends the Department of Education-sponsored in-~~
35 ~~service workshop.~~

36 ~~(B) To qualify for the seventy dollars (\$70.00), attendees shall hold a~~

1 ~~valid Class "A", "B", "C", or "D" driver's license with a "P" or passenger~~
2 ~~endorsement.~~

3 ~~(C) Payment shall be made from an instructor's sign-in sheet containing name~~
4 ~~and license number;~~

5 ~~(2) Three hundred fifty dollars (\$350) will be paid to the school district~~
6 ~~for each school bus mechanic who attends the annual workshop for mechanics~~
7 ~~sponsored by the department;~~

8 ~~(3)(A) Resident districts or host districts that furnish instructors for the~~
9 ~~in-service program shall be reimbursed for all expenses incurred in the~~
10 ~~school bus driver training program.~~

11 ~~(B)(i) Instructors shall receive seven dollars (\$7.00) per qualified~~
12 ~~attendee, mileage at the current state allowable rate, and any related~~
13 ~~documented expenses associated with the in-service program for bus drivers.~~

14 ~~(ii) Instructors will be paid one hundred fifty dollars (\$150) for~~
15 ~~conducting a beginning school bus drivers workshop for schools.~~

16 ~~(C) All school bus safety instructors shall be employed full time by a~~
17 ~~public/state educational institution.~~

18 ~~(D) Payment is made during the current year of instruction;~~

19 ~~(4) Documented expenses for five (5) Arkansas Association of Student~~
20 ~~Transportation officers will be paid to the Southeastern States Pupil~~
21 ~~Transportation Conference in July of each year. An officer elected at the~~
22 ~~yearly meeting who cannot attend shall not be replaced with a substitute, and~~
23 ~~the attendance option shall be forfeited that year; and~~

24 ~~(5)(A) Documented expenses for six (6) delegates to the National Minimum~~
25 ~~School Bus Standards Conference will be paid. This conference, conducted~~
26 ~~every five (5) years, established the standards for operational and~~
27 ~~mechanical specifications for school buses nationwide.~~

28 ~~(B)(i) All delegates shall be employed full time by a public school system~~
29 ~~and shall be active in the school transportation program.~~

30 ~~(ii) All delegates shall be approved by the Director of the Department of~~
31 ~~Education.~~

32
33 ~~6-20-1711. Handicapped aid.~~

34 ~~—(a) In addition to the total amount of adjusted base aid, a district~~
35 ~~shall be entitled to handicapped aid.~~

36 ~~—(b) Handicapped aid is determined by multiplying three hundred dollars~~

1 ~~(\$300) times the number of school buses used primarily for transporting~~
2 ~~children with disabilities.~~

3 ~~(e)(1) For each unit used primarily for transporting children with~~
4 ~~disabilities, the district may receive an additional two hundred dollars~~
5 ~~(\$200) for each school bus equipped with a wheelchair lift.~~

6 ~~(2) For each student requiring specialized transportation according to his~~
7 ~~or her individualized education plan, the district may receive an additional~~
8 ~~twenty five dollars (\$25.00) for each eligible student.~~

9
10 ~~6-20-1712. Annexation and consolidation incentive.~~

11
12 ~~(a)(1) A transportation incentive factor will be allowed for school~~
13 ~~districts annexing or consolidating. This incentive factor shall assume that~~
14 ~~all students of annexed or consolidated school districts are eligible to be~~
15 ~~transported until actual average daily transported can be determined.~~

16 ~~—(2) To calculate this incentive factor, the average daily membership of~~
17 ~~the nontransported students shall be added to the average daily transported~~
18 ~~before completing the transportation worksheet in § 6-20-1716.~~

19 ~~(3) Once actual average daily transported can be determined, an adjustment~~
20 ~~may be made in average daily transported.~~

21 ~~(b) In the event that a consolidation or annexation occurs during the school~~
22 ~~year, an adjustment in the average daily transported may be made at the time~~
23 ~~that the event occurs.~~

24 ~~(c) On any additional approved transportation units used to transport the~~
25 ~~new average daily transported pursuant to subsection (a) of this section,~~
26 ~~depreciation will be allowed in the same manner as on all other approved~~
27 ~~transportation units.~~

28
29 ~~6-20-1713. Disaster aid.~~

30
31 ~~(a) Districts may apply for disaster aid by completing an application with~~
32 ~~written documentation of the natural or man-made disaster and returning it to~~
33 ~~the Department of Education.~~

34 ~~—(b) Disaster aid must be claimed during the school year in which the~~
35 ~~disaster occurred.~~

36 ~~(c) Disaster aid is payable during the school year in which the disaster~~

~~occurs or exists, and the aid is payable for a maximum of the current school year or until the temporary rerouting of the school bus ceases.~~

~~(d)(1) The department will calculate disaster aid by taking eighty-five percent (85%) of the state average cost per mile times the additional miles added to the bus route.~~

~~(2)(A) The state average cost per mile will be calculated using data from the previous year.~~

~~(B) The state average cost will include all expenditures from the previous year less any insurance settlement.~~

~~6-20-1714. Miscellaneous provisions.~~

~~(a)(1) Transportation aid deductions shall be made for those schools having fewer than the required number of school days as prescribed by the educational standards.~~

~~—(2) Deductions shall be made as follows: Approved state aid divided by the required number of days equals aid per day. Aid per day times the number of days not in attendance equals deductions for a shortened school year.~~

~~(3) No deductions will be made if a waiver is granted by the Department of Education on the number of days in attendance.~~

~~(b) The department may deny transportation aid for children who are transported beyond a reasonable distance in cases where the children can be satisfactorily accommodated to an approved school nearer their residence. However, the state recognizes and supports that some districts may choose to bus students greater distances to achieve further desegregation. Superintendents are urged to survey conditions and propose agreements between districts in keeping with sound administration and economy in the use of public school funds.~~

~~(c) The following penalties shall be assessed against districts:~~

~~(1) No transportation aid shall be granted to any district if the proper officials do not make such reports as are required for participation;~~

~~(2) An indication of an inaccurate report may be the basis for an investigation by the department; and~~

~~(3) Base aid shall be withheld on any approved transportation unit found to be operating in violation of the minimum standards as adopted by the State Board of Education.~~

~~(d)(1) Any state transportation aid funds distributed to a school district under this subchapter shall be used by the district only for those purposes as enumerated by the board as permitted uses of state transportation aid.~~

~~(2) Any balance of state transportation aid funds on hand in any school district at the end of any biennium shall be returned to the department for deposit in the state transportation aid formula unless a waiver is granted for the purchase of a school bus by the department.~~

~~(e) The board is authorized to formulate rules and regulations for the administration of funds distributed under this subchapter for high cost transportation.~~

~~6-20-1715. Density chart.~~

~~(a) If transportation aid is funded in an amount less than nine million two hundred thousand dollars (\$9,200,000), the density chart shall be as follows:~~

Density	Rate per	Density	Rate per	Density	Rate per
Student	Student	Student	Student	Student	Student
0.1	\$265.12	3.1	\$212.32	6.1	\$159.52
0.2	\$263.36	3.2	\$210.56	6.2	\$157.76
0.3	\$261.61	3.3	\$208.80	6.3	\$156.00
0.4	\$259.84	3.4	\$207.04	6.4	\$154.24
0.5	\$258.08	3.5	\$205.28	6.5	\$152.48
0.6	\$256.32	3.6	\$203.52	6.6	\$150.72
0.7	\$254.56	3.7	\$201.76	6.7	\$148.96
0.8	\$252.80	3.8	\$200.00	6.8	\$147.20
0.9	\$251.04	3.9	\$198.24	6.9	\$145.44
1.0	\$249.28	4.0	\$196.48	7.0	\$143.68
1.1	\$247.52	4.1	\$194.72	7.1	\$141.92
1.2	\$245.76	4.2	\$192.96	7.2	\$140.16
1.3	\$244.00	4.3	\$191.20	7.3	\$138.40
1.4	\$242.24	4.4	\$189.44	7.4	\$136.64
1.5	\$240.48	4.5	\$187.68	7.5	\$134.88
1.6	\$238.72	4.6	\$185.92	7.6	\$133.12
1.7	\$236.96	4.7	\$184.16	7.7	\$131.36
1.8	\$235.20	4.8	\$182.40	7.8	\$129.60

1	1.9	\$233.44	4.9	\$180.64	7.9	\$127.84
2	2.0	\$231.68	5.0	\$178.88	8.0	\$126.08
3	2.1	\$229.92	5.1	\$177.12	8.1	\$124.32
4	2.2	\$228.16	5.2	\$175.36	8.2	\$122.56
5	2.3	\$226.40	5.3	\$173.60	8.3	\$120.80
6	2.4	\$224.64	5.4	\$171.84	8.4	\$119.04
7	2.5	\$222.88	5.5	\$170.08	8.5	\$117.28
8	2.6	\$221.12	5.6	\$168.32	8.6	\$115.52
9	2.7	\$219.36	5.7	\$166.56	8.7	\$113.76
10	2.8	\$217.60	5.8	\$164.80	8.8	\$112.00
11	2.9	\$215.84	5.9	\$163.04	8.9	\$110.24
12	3.0	\$214.08	6.0	\$161.28	9.0	\$108.48

13

14 ~~(b) If the transportation aid is funded in the amount of nine million two~~
 15 ~~hundred thousand dollars (\$9,200,000) or more, the density chart shall be as~~
 16 ~~follows:~~

17

18	Density	Rate per	Density	Rate per	Density	Rate per
19	Student	Student	Student	Student	Student	Student
20	0.1	\$272.12	3.1	\$219.32	6.1	\$166.52
21	0.2	\$270.36	3.2	\$217.56	6.2	\$164.76
22	0.3	\$268.60	3.3	\$215.80	6.3	\$163.00
23	0.4	\$266.84	3.4	\$214.04	6.4	\$161.24
24	0.5	\$265.08	3.5	\$212.28	6.5	\$159.48
25	0.6	\$263.32	3.6	\$210.52	6.6	\$157.72
26	0.7	\$261.56	3.7	\$208.76	6.7	\$155.96
27	0.8	\$259.80	3.8	\$207.00	6.8	\$154.20
28	0.9	\$258.04	3.9	\$205.24	6.9	\$152.44
29	1.0	\$256.28	4.0	\$203.48	7.0	\$150.68
30	1.1	\$254.52	4.1	\$201.72	7.1	\$148.92
31	1.2	\$252.76	4.2	\$199.96	7.2	\$147.16
32	1.3	\$251.00	4.3	\$198.20	7.3	\$145.40
33	1.4	\$249.24	4.4	\$196.44	7.4	\$143.64
34	1.5	\$247.48	4.5	\$194.68	7.5	\$141.88
35	1.6	\$245.72	4.6	\$192.92	7.6	\$140.12
36	1.7	\$243.96	4.7	\$191.16	7.7	\$138.36

1	1.8	\$242.20	4.8	\$189.40	7.8	\$136.60
2	1.9	\$240.44	4.9	\$187.64	7.9	\$134.84
3	2.0	\$238.68	5.0	\$185.88	8.0	\$133.08
4	2.1	\$236.92	5.1	\$184.12	8.1	\$131.32
5	2.2	\$235.16	5.2	\$182.36	8.2	\$129.56
6	2.3	\$233.40	5.3	\$180.60	8.3	\$127.80
7	2.4	\$231.64	5.4	\$178.84	8.4	\$126.04
8	2.5	\$229.88	5.5	\$177.08	8.5	\$124.28
9	2.6	\$228.12	5.6	\$175.32	8.6	\$122.52
10	2.7	\$226.36	5.7	\$173.56	8.7	\$120.76
11	2.8	\$224.60	5.8	\$171.80	8.8	\$119.00
12	2.9	\$222.84	5.9	\$170.04	8.9	\$117.24
13	3.0	\$221.08	6.0	\$168.28	9.0	\$115.48

14

15 ~~— 6-20-1716. Transportation worksheet.~~

16

17 ~~HIGH COST TRANSPORTATION AID WORKSHEET~~

18

19 _____ LEA# _____

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21

22

23 ~~SCHOOL DISTRICT~~ _____ COUNTY _____

24

25 ~~1. Average daily transported~~ _____

26

27 ~~2. Area~~ _____

28

29 ~~3. Density (average daily transported divided by area)~~ _____

30

31 ~~4. Rate per student (from § 6-20-1715)~~ _____

32

33 ~~5. Student aid (rate per student times average daily~~

34

35 ~~transported)~~ _____

36

1	6. Bus allowance: _____			
2				
3				
4	Seating	No.	Capacity	Allowance
5	Capacity	Units	of Fleet	Allowance by Size
6	89	_____	_____	\$4,400
7	83	_____	_____	\$4,100
8	77	_____	_____	\$3,800
9	71	_____	_____	\$3,500
10	65	_____	_____	\$3,200
11	59	_____	_____	\$3,100
12	53	_____	_____	\$3,000
13	47	_____	_____	\$2,900
14	41	_____	_____	\$2,800
15	35	_____	_____	\$2,700
16	23	_____	_____	\$2,500
17	Special	_____	_____	\$2,400
18	TOTALS:	_____	_____	Allowance:
19				
20	7. Student aid plus total bus allowance _____			
21				
22	8. Minimum aid _____			
23				
24	9. Maximum aid _____			
25				
26	10. Total aid qualified for (between lines 8 and 9) _____			
27				
28	11. Handicapped aid: _____			
29				
30	(a) Buses @ \$300 each _____			
31				
32	(b) Wheelchair lifts @ \$200 each _____			
33				
34	(c) Children with disabilities @ \$25.00 each _____			
35				
36	12. Disaster aid _____			

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~~13. High cost adjustment factor~~ _____

~~14. Total transportation aid~~

~~(line 10 plus line 11 plus line 12 minus line 13)~~ _____

~~15. Workshop aid~~ _____

~~16. Total approved aid (line 13 plus line 14)~~ _____

SECTION 9. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC SCHOOL FACILITIES 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 Auditor of State the sum of one million dollars (\$1,000,000), or so much thereof as is available, from the Public School Facilities Fund to the Educational Facilities Partnership Fund Account to provide funds for the appropriation provided herein.

SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND 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 Auditor of State the sum of one million seven thousand four hundred fifty eight dollars (\$1,007,458) from the Educational Facilities Partnership Fund Account to the Division of Public School Academic Facilities and Transportation Fund Account to provide funds for the appropriation in Section 3 of this Act. On July 1, 2006 the Chief Fiscal Officer of the State shall transfer on his books and those of the State Treasurer and Auditor of State the sum of one million thirty nine thousand five hundred seventy six dollars (\$1,039,576) from the Educational Facilities Partnership Fund Account to the Division of Public School Academic Facilities and Transportation Fund Account to provide funds for the appropriation in Section 3 of this Act.

The provisions of this section shall be in effect only from July 1, 2005 through June 30, 2007.

1
2 SECTION 11. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
3 by this act shall be limited to the appropriation for such agency and funds
4 made available by law for the support of such appropriations; and the
5 restrictions of the State Procurement Law, the General Accounting and
6 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
7 Procedures and Restrictions Act, or their successors, and other fiscal
8 control laws of this State, where applicable, and regulations promulgated by
9 the Department of Finance and Administration, as authorized by law, shall be
10 strictly complied with in disbursement of said funds.

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

20
21 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General
22 Assembly, that the Constitution of the State of Arkansas prohibits the
23 appropriation of funds for more than a two (2) year period; that the
24 effectiveness of this Act on July 1, 2005 is essential to the operation of
25 the agency for which the appropriations in this Act are provided, and that in
26 the event of an extension of the Regular Session, the delay in the effective
27 date of this Act beyond July 1, 2005 could work irreparable harm upon the
28 proper administration and provision of essential governmental programs.
29 Therefore, an emergency is hereby declared to exist and this Act being
30 necessary for the immediate preservation of the public peace, health and
31 safety shall be in full force and effect from and after July 1, 2005.

32
33 /s/ Broadway
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