

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  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/16/07 H3/21/07

# A Bill

HOUSE BILL 2255

5 By: Representatives Cook, Kenney  
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## For An Act To Be Entitled

9 AN ACT TO AMEND ARKANSAS CODE § 6-20-2305 TO  
10 PROVIDE FLEXIBILITY IN NATIONAL SCHOOL LUNCH  
11 STUDENT CATEGORICAL FUNDING TO PUBLIC SCHOOL  
12 DISTRICTS; AND FOR OTHER PURPOSES.  
13

## Subtitle

15 AN ACT TO AMEND ARKANSAS CODE § 6-20-  
16 2305 TO PROVIDE FLEXILIBITY IN NATIONAL  
17 SCHOOL LUNCH STUDENT CATEGORICAL FUNDING  
18 TO PUBLIC SCHOOL DISTRICTS.  
19  
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
22

23 *SECTION 1. Arkansas Code § 6-20-2305(b)(1), concerning funding for*  
24 *additional categories, is amended to read as follows:*

25 *(b)(1) In addition to state foundation funding aid, each school*  
26 *district shall receive funding for additional education categories as*  
27 *provided in subdivisions (b)(2)-~~(6)~~(5) of this section.*  
28

29 *SECTION 2. Arkansas Code § 6-20-2305(b)(4)(C), concerning the use of*  
30 *national school lunch student funding, is amended to read as follows:*

31 *(C)(i)(a) The State Board of Education shall establish by*  
32 *rule a list of approved programs and purposes for which funds allocated under*  
33 *this subdivision (b)(4) may be expended.*

34 ~~*(b) Through June 30, 2007, the State Board of Education shall approve*~~  
35 ~~*the use of funds by a school district to supplement salaries for classroom*~~  
36 ~~*teachers only under the following conditions:*~~



1 ~~(1) The school district meets the minimum teacher salary schedule~~  
2 ~~in § 6-17-2403 without using funds provided under this subdivision (b)(4);~~  
3 ~~and~~

4 ~~(2) The school district is permitted to use funds provided under~~  
5 ~~this subdivision (b)(4) to supplement salaries for classroom teachers only to~~  
6 ~~the extent the school district was using funds provided under this~~  
7 ~~subdivision (b)(4) to supplement salaries for classroom teachers as of~~  
8 ~~January 1, 2006.~~

9 ~~(e)(b)~~ School districts shall expend funds  
10 allocated under this subdivision (b)(4) only on the programs or purposes on  
11 the State Board of Education’s list of approved programs and purposes for  
12 which funds allocated under this subdivision (b)(4) may be expended, which  
13 shall include, but are not limited to:

14 (1) Classroom teachers, provided that the  
15 school district meets the minimum salary schedule in § 6-17-2403 without  
16 using funds provided under this subdivision (b)(4) and that those teachers  
17 are used for the purposes delineated in this subdivision (b)(4) ~~and as~~  
18 ~~allowed through June 30, 2007, under subdivision (b)(4)(C)(ii) of this~~  
19 ~~section to supplement salaries of classroom teachers;~~

20 (2) Before-school academic programs and after-school academic  
21 programs, including transportation to and from the programs;

22 (3) Prekindergarten programs coordinated by the Department of  
23 Health and Human Services;

24 (4) Tutors, teachers’ aides, counselors, social workers, nurses,  
25 and curriculum specialists;

26 (5) Parent education;

27 (6) Summer programs;

28 (7) Early intervention programs; and

29 (8) Materials, supplies, and equipment, including technology used  
30 in approved programs or for approved purposes.

31 (ii) School districts that have met the needs of  
32 students for whom the funding is provided for additional educational  
33 categories under subsection (b) of this section and that have excess national  
34 school lunch student categorical funds provided under this subdivision (b)(4)  
35 may use the excess national school lunch student categorical funds to  
36 supplement all classroom teacher salaries under the following conditions:

1 (a) The school district shall not use any  
2 portion of the national school lunch student categorical funds that are carry  
3 forward or reserve funds to supplement classroom teacher salaries;

4 (b) The school district shall meet the minimum  
5 teacher salary schedule under § 6-17-2403 without using national school lunch  
6 student categorical funds;

7 (c) The school district shall comply with the  
8 Standards for Accreditation of Arkansas Public Schools established under The  
9 Quality Education Act of 2003, § 6-15-201 et seq. and the Arkansas Fiscal  
10 Assessment and Accountability Program under § 6-20-1901 et seq. without using  
11 national school lunch student categorical funds; and

12 (d) The school district shall agree that it  
13 shall not allocate or use any excess national school lunch student  
14 categorical funds in any manner except as a bonus to the salary of classroom  
15 teachers.

16 (iii) The school district shall include with its  
17 comprehensive school improvement plan a written detailed statement concerning  
18 how the school district will use its excess national school lunch categorical  
19 funds each school year and explaining in detail the amount of funds and  
20 percent of total funds to be used to supplement all classroom teacher  
21 salaries as allowed in subdivision (b)(4)(C)(ii) of this section.

22 (iv)(a) Upon review of the school district's  
23 comprehensive school improvement plan, if the Commissioner of Education  
24 determines that the school district has met the needs of students in the  
25 school district for whom the funding for additional educational categories  
26 under subsection (b) of this section is provided, has met the requirements of  
27 subdivisions (b)(4)(C)(ii) and (iii) of this section, and has prudently  
28 managed its resources, the commissioner shall give written approval of the  
29 detailed planned flexible use of excess national school lunch student  
30 categorical funds provided to the school district.

31 (b) The school district shall not use its  
32 excess national school lunch categorical funds for classroom teacher salaries  
33 as provided in subdivision (b)(4)(C)(ii) of this section unless:

34 (1) The commissioner provides the  
35 written approval required under subdivision (b)(4)(C)(iv)(a) of this section;  
36 and

1 (2) Funds allocated under this  
2 subdivision (b)(4) are available.

3 (v) The excess national school lunch student  
4 categorical funds used to supplement the salary of a classroom teacher shall  
5 only be used as a nonrecurring bonus to a classroom teacher's salary for any  
6 given school year and shall not be considered a permanent obligation under  
7 the school district's teacher salary schedule or as contract obligations of  
8 any classroom teacher or employee of the school district.

9 ~~(ii)~~(vi) However, notwithstanding Notwithstanding  
10 any other provision of law, if the Department of Education determines that a  
11 school district's expenditure of funds allocated under this subdivision  
12 (b)(4) would result in the school district's losing funding under any federal  
13 law, then the funds allocated to a school district under this subdivision  
14 (b)(4) may be expended for other academic programs or salaries.

15 ~~(iii)~~(vii) The Department of Education may direct  
16 that a school district expend available funds on specified programs under  
17 subdivision (b)(4)(C)(i) of this section.

18 (viii)(a) By the end of each school year, each  
19 school district shall submit to the Department of Education a report listing  
20 each program upon which funds allocated under this subdivision (b)(4) were  
21 expended, the amount expended, and any other information required by the  
22 Department of Education on the use of funds allocated under this subdivision  
23 (b)(4).

24 (b) The Department of Education shall develop  
25 appropriate reporting forms for use by school districts to comply with  
26 subdivision (b)(4)(C)(viii) of this section.

27 (ix) Beginning with the 2007-2008 school year and  
28 each school year thereafter, any school district that used or applied  
29 restricted national school lunch student categorical funds as a supplement  
30 for salaries of classroom teachers in a school district during the 2006-2007  
31 school year under former § 6-20-2305 (b)(4)(C)(i)(b) [repealed] shall either:

32  
33 (a) Remove the use of all national school  
34 lunch student categorical funds immediately as a supplement to classroom  
35 teacher salaries; or

36 (b) Begin the process of removing the use or

1 application of national school lunch student categorical funds as part of an  
2 obligated salary schedule in the following manner:

3 (1) A school district shall reduce each  
4 current school year by twenty percent (20%) the amount of national school  
5 lunch student categorical funds received and used by the school district as a  
6 supplement to classroom teacher salaries and shall continue this reduction in  
7 the application of national school lunch student categorical funds as a  
8 supplement to classroom teacher salaries until the school district has no  
9 more than twenty percent (20%) of the total of any current year of all  
10 national school lunch student categorical funds received by a school district  
11 applied and used as a supplement to classroom teacher salaries for a current  
12 school year;

13 (2) No school district shall be allowed  
14 to use or consider reserve or carry forward national school lunch student  
15 categorical funds as a supplement to classroom teacher salaries;

16 (3) The school district shall meet the  
17 minimum teacher salary schedule under § 6-17-2403 without using national  
18 school lunch student categorical funds;

19 (4) The school district shall comply  
20 with the Standards for Accreditation of Arkansas Public Schools established  
21 under The Quality Education Act of 2003, § 6-15-201 et seq. without using  
22 national school lunch categorical funds;

23 (5) The school district shall include  
24 with its comprehensive school improvement plan a written detailed narrative  
25 or plan concerning how the school district will use its excess national  
26 school lunch categorical funds each school year and explaining in detail the  
27 amount of funds and percent of total funds to be used to supplement all  
28 classroom teacher salaries as allowed in subdivision (b)(4)(C)(ix) of this  
29 section;

30 (6) Upon review of the school district's  
31 comprehensive school improvement plan, if the commissioner determines that  
32 the school district has met or is meeting the needs of students in the school  
33 district for which the funding for additional educational categories under  
34 this subdivision (b)(4)(C)(ix), and has prudently managed its resources, the  
35 commissioner shall give written approval of the detailed planned flexible use  
36 of excess national school lunch student categorical funds provided to the

1 school district; and

2 (7) Upon review of the school district's  
3 comprehensive school improvement plan and other indicators, if the  
4 commissioner determines that a school district has not met the needs of  
5 students that may be served with national school lunch student categorical  
6 funds, the commissioner may require that any and all national school lunch  
7 categorical funds dedicated for use or application in the teacher salary fund  
8 shall be removed from and not used to meet the classroom teacher salary  
9 obligation and redirected and applied to meet the needs of students in a  
10 school district.

11 (x) Each school district shall submit to the  
12 Department of Education a report listing each program and purpose upon which  
13 funds allocated under this subdivision (b)(4) were expended, the amount  
14 expended, and any other information required by the Department of Education  
15 concerning the receipt and use of funds allocated under this subdivision  
16 (b)(4).

17 (xi) No provision of subdivision (b)(4)(C)(ix) of  
18 this section shall be deemed to prohibit a school district from participating  
19 in the provisions of subdivisions (b)(4)(C)(ii) – (viii) of this section.

20 (xii) The Department of Education shall promulgate  
21 rules and develop appropriate reporting forms for use by school districts to  
22 comply with subdivisions (b)(4)(C)(i) – (xii) of this section.

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24 /s/ Cook, et al  
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