

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 87th General Assembly
3 Regular Session, 2009

A Bill

SENATE BILL 291

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
10 AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
11 PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2010; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 - GRANTS AND AID TO LOCAL SCHOOL
18 DISTRICTS APPROPRIATION FOR THE
19 2009-2010 FISCAL YEAR.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department
26 of Education, to be payable from the Department of Education Public School
27 Fund Account, for grants and aid to local school districts and special
28 programs of the Department of Education for the fiscal year ending June 30,
29 2010, the following:
30

| 31 ITEM | FISCAL YEAR |
|--|------------------|
| 32 <u>NO.</u> | <u>2009-2010</u> |
| 33 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT | \$ 25,367,101 |
| 34 (02) ACADEMIC IMPROVEMENT TRAINING | 500,000 |
| 35 (03) ADVANCED PLACEMENT INCENTIVE | 825,000 |
| 36 (04) ALTERNATIVE LEARNING | 19,968,837 |



| | | | |
|----|------|--|-------------|
| 1 | (05) | ALTERNATIVE PAY | 2,500,000 |
| 2 | (06) | ARKANSAS EASTER SEALS | 193,113 |
| 3 | (07) | ASSESSMENT/END OF LEVEL TESTING | 23,887,747 |
| 4 | (08) | AT RISK | 1,618,030 |
| 5 | (09) | BETTER CHANCE PROGRAM | 113,775,000 |
| 6 | (10) | CONSOLIDATION INCENTIVE | 5,210,100 |
| 7 | (11) | CONTENT STANDARDS | 161,000 |
| 8 | (12) | CONTENTS STANDARDS CURRICULUM | |
| 9 | | FRAMEWORKS | 50,000 |
| 10 | (13) | COOP EDUCATION TECH CENTERS | 1,200,000 |
| 11 | (14) | COURT ORDERED DESEGREGATION | 69,814,372 |
| 12 | (15) | CRIMINAL BACKGROUND CHECKS | 50,000 |
| 13 | (16) | DEBT SERVICE FUNDING | 28,455,384 |
| 14 | (17) | DECLINING ENROLLMENT | 13,963,389 |
| 15 | (18) | DEPT OF CORRECTION | 5,447,675 |
| 16 | (19) | DISTANCE LEARNING | 6,500,000 |
| 17 | (20) | DISTANCE LEARNING OPERATIONS | 10,331,400 |
| 18 | (21) | DISTRESSED SCHOOL DISTRICT SUPPORT | 450,000 |
| 19 | (22) | EARLY CHILDHOOD SPECIAL EDUCATION | 15,316,744 |
| 20 | (23) | ECONOMIC EDUCATION | 350,000 |
| 21 | (24) | EDUCATION SERVICE COOPERATIVES | 6,129,270 |
| 22 | (25) | ENGLISH LANGUAGE LEARNERS | 10,231,111 |
| 23 | (26) | GENERAL FACILITIES FUNDING | 8,100,000 |
| 24 | (27) | GIFTED & TALENTED | 1,451,354 |
| 25 | (28) | GRANTS TO SCHOOL DISTRICTS | 50,000 |
| 26 | (29) | HOME SCHOOL TESTING | 250,000 |
| 27 | (30) | HUMAN DEVELOPMENT CENTER EDUCATION AID | 526,150 |
| 28 | (31) | INTENSIVE SCHOOL SUPPORT | 320,000 |
| 29 | (32) | INTERVENTION BLOCK GRANTS | 137,000 |
| 30 | (33) | ISOLATED FUNDING | 7,896,000 |
| 31 | (34) | LEADERSHIP ACADEMY-MASTER PRINCIPAL | 500,000 |
| 32 | (35) | MASTER PRINCIPAL BONUS | 90,000 |
| 33 | (36) | NATIONAL BOARD OF PROF TEACHING | |
| 34 | | STANDARDS | 6,093,500 |
| 35 | (37) | NATIONAL SCHOOL LUNCH | 158,642,907 |
| 36 | (38) | NON-TRADITIONAL LICENSURE | 50,000 |

| | | | |
|----|------|--|------------------------|
| 1 | (39) | PROFESSIONAL DEVELOPMENT FUNDING | 23,079,074 |
| 2 | (40) | PUBLIC SCHOOL EMPLOYEE INSURANCE | 37,273,600 |
| 3 | (41) | PYGMALION COMMISSION | 40,000 |
| 4 | (42) | RESIDENTIAL CENTERS/JUVENILE DETENTION | 13,516,231 |
| 5 | (43) | SCHOOL FOOD SERVICES | 1,650,000 |
| 6 | (44) | SCHOOL FOOD-LEGISLATIVE AUDIT | 75,000 |
| 7 | (45) | SCHOOL FUNDING CONTINGENCY | 25,000,000 |
| 8 | (46) | SCHOOL WORKER DEFENSE | 390,000 |
| 9 | (47) | SERIOUS OFFENDER | 1,050,946 |
| 10 | (48) | SMART START/SMART STEP | 10,457,160 |
| 11 | (49) | SPECIAL EDUCATION SERVICES | 4,145,285 |
| 12 | (50) | SPECIAL EDUCATION-CATASTROPHIC | 11,000,000 |
| 13 | (51) | SPECIAL NEEDS ISOLATED FUNDING | 3,000,000 |
| 14 | (52) | STATE FOUNDATION FUNDING | 1,833,770,949 |
| 15 | (53) | STUDENT GROWTH | 54,851,000 |
| 16 | (54) | SUPPLEMENTAL MILLAGE | 10,000,000 |
| 17 | (55) | SURPLUS COMMODITIES | 780,000 |
| 18 | (56) | TEACHER HOUSING DEVELOPMENT | 100,000 |
| 19 | (57) | TEACHER LICENSING/MENTORING | 7,508,758 |
| 20 | (58) | TEACHER OF THE YEAR | 125,000 |
| 21 | (59) | TEACHER RECRUITMENT | 2,100,000 |
| 22 | (60) | TEACHER RETIREMENT MATCHING | 6,655,000 |
| 23 | (61) | TECHNOLOGY GRANTS | 3,602,678 |
| 24 | (62) | TECHNOLOGY IMPROVEMENTS | 1,000,000 |
| 25 | (63) | TRAVELING TEACHERS | 500,000 |
| 26 | (64) | WORKER'S COMPENSATION | 450,000 |
| 27 | (65) | YOUTH SHELTERS | <u>165,000</u> |
| 28 | | TOTAL AMOUNT APPROPRIATED | <u>\$2,598,687,865</u> |

29

30 SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

31 There is hereby established for the Department of Education - Arkansas Public
 32 School Computer Network for the 2009-2010 fiscal year, the following maximum
 33 number of regular employees whose salaries shall be governed by the
 34 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 35 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 36 Provided, however, that any position to which a specific maximum annual

1 salary is set out herein in dollars, shall be exempt from the provisions of
 2 said Uniform Classification and Compensation Act. All persons occupying
 3 positions authorized herein are hereby governed by the provisions of the
 4 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 5 or its successor.

| Item | Class | | Maximum | Maximum Annual |
|-----------------------|-------|---------------------------------|-----------|----------------|
| No. | Code | Title | No. of | Salary Rate |
| | | | Employees | Fiscal Year |
| | | | | 2009-2010 |
| (1) | N047N | ADE APSCN DIRECTOR | 1 | GRADE N908 |
| (2) | G050C | ADE APSCN DIVISION MANAGER | 2 | GRADE C126 |
| (3) | D037C | ADE APSCN APPLICATIONS MANAGER | 4 | GRADE C124 |
| (4) | D038C | SENIOR SOFTWARE SUPPORT ANALYST | 2 | GRADE C123 |
| (5) | D050C | SECURITY ANALYST | 1 | GRADE C122 |
| (6) | D044C | SYSTEMS ANALYST | 1 | GRADE C122 |
| (7) | D055C | ADE APSCN FIELD ANALYST | 25 | GRADE C121 |
| (8) | C020C | STUDENT APPLICATIONS SPECIALIST | 5 | GRADE C116 |
| (9) | A091C | FISCAL SUPPORT ANALYST | 1 | GRADE C115 |
| (10) | D077C | HELP DESK SPECIALIST | 2 | GRADE C115 |
| (11) | C056C | ADMINISTRATIVE SPECIALIST III | 1 | GRADE C112 |
| (12) | C087C | ADMINISTRATIVE SPECIALIST I | <u>1</u> | GRADE C106 |
| MAX. NO. OF EMPLOYEES | | | 46 | |

25 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK. There
 26 is hereby appropriated, to the Department of Education, to be payable from
 27 the Department of Education Public School Fund Account, for personal services
 28 and operating expenses of the Department of Education - Arkansas Public
 29 School Computer Network for the fiscal year ending June 30, 2010, the
 30 following:

| ITEM | | FISCAL YEAR |
|------|----------------------------|--------------|
| NO. | | 2009-2010 |
| (01) | REGULAR SALARIES | \$ 2,190,699 |
| (02) | PERSONAL SERVICES MATCHING | 709,763 |
| (03) | MAINT. & GEN. OPERATION | |

| | | |
|---|---------------------------------|----------------------|
| 1 | (A) OPER. EXPENSE | 21,488,347 |
| 2 | (B) CONF. & TRAVEL | 7,250 |
| 3 | (C) PROF. FEES | 0 |
| 4 | (D) CAP. OUTLAY | 200,000 |
| 5 | (E) DATA PROC. | 0 |
| 6 | (04) DATA ACCESS IMPLEMENTATION | <u>300,000</u> |
| 7 | TOTAL AMOUNT APPROPRIATED | <u>\$ 24,896,059</u> |

8

9 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There is

10 hereby established for the Department of Education - Office of Education

11 Renewal Zones for the 2009-2010 fiscal year, the following maximum number of

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

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

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

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

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

17 Classification and Compensation Act. All persons occupying positions

18 authorized herein are hereby governed by the provisions of the Regular

19 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its

20 successor.

| 21 | | | | Maximum Annual |
|----|------|---------------------------------------|-----------|----------------|
| 22 | | | | Salary Rate |
| 23 | | | | Fiscal Year |
| 24 | Item | Class | Maximum | |
| 25 | No. | Code Title | No. of | 2009-2010 |
| | | | Employees | |
| 26 | (1) | E007C ADE OERZ DIRECTOR | 1 | GRADE C126 |
| 27 | (2) | E020C ADE OERZ TECH ASSIST SPECIALIST | 3 | GRADE C122 |
| 28 | (3) | C056C ADMINISTRATIVE SPECIALIST III | <u>1</u> | GRADE C112 |
| 29 | | MAX. NO. OF EMPLOYEES | 5 | |

30

31 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is

32 hereby appropriated, to the Department of Education, to be payable from the

33 Department of Education Public School Fund Account, for personal services,

34 operating expenses and grants of the Department of Education - Office of

35 Education Renewal Zones for the fiscal year ending June 30, 2010, the

36 following:

| | | |
|----|--------------------------------------|---------------------|
| 1 | | |
| 2 | ITEM | FISCAL YEAR |
| 3 | <u>NO.</u> | <u>2009-2010</u> |
| 4 | (01) REGULAR SALARIES | \$ 286,452 |
| 5 | (02) PERSONAL SERVICES MATCHING | 87,632 |
| 6 | (03) MAINT. & GEN. OPERATION | |
| 7 | (A) OPER. EXPENSE | 91,800 |
| 8 | (B) CONF. & TRAVEL | 13,000 |
| 9 | (C) PROF. FEES | 306,900 |
| 10 | (D) CAP. OUTLAY | 0 |
| 11 | (E) DATA PROC. | 0 |
| 12 | (04) EDUCATIONAL RENEWAL ZONE GRANTS | <u>1,300,000</u> |
| 13 | TOTAL AMOUNT APPROPRIATED | <u>\$ 2,085,784</u> |
| 14 | | |

15 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 17 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and
 18 regulations for disbursement of the funds in a manner that insures equity in
 19 meeting the provisions of the nurse to student ratio established in Arkansas
 20 Code 6-18-706.

21 The provisions of this section shall be in effect only from July 1, ~~2007~~
 22 2009 through June 30, ~~2009~~ 2010.

23
 24 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 26 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 27 of this Act may be fully funded. Any funding and appropriation for ~~that~~
 28 ~~appropriation- Isolated Funding~~ that is not utilized shall be transferred to
 29 the appropriation for Special Needs Isolated Funding in Section 1 of this Act
 30 and shall be used there for fully funding each subsection (c) through (f) of
 31 ~~A.C.A. Arkansas Code §6-20-604 continuing sequentially by subsection~~ on a pro
 32 rata basis until the available funds are exhausted. If any funding and
 33 appropriation remains after funding each subsection (c) through (f) of
 34 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
 35 provisions of Arkansas Code §6-20-604 (h) on a pro rata basis until the
 36 available funds are exhausted.

1 The provisions of this section shall be in effect only from July 1, 2007
 2 2009 through June 30, ~~2009~~ 2010.

3
 4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
 6 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
 7 Districts appropriation in Section 1 of this Act, "school district" means a
 8 school district which contracts with a school district in an adjoining state
 9 for the education of some of the pupils within the Arkansas school district
 10 because the portion of the school district wherein such pupils live is
 11 completely separated from the remainder of the school district by a reservoir
 12 covering at least 12,000 acres at normal water level, and where to attend
 13 school in their own district, the pupils of said portion would be required to
 14 travel or to be transported a distance (measured by the nearest highway or
 15 road route) of more than 35 miles round trip and pass through another school
 16 district or districts. The Department of Education shall distribute the
 17 monies appropriated for Grants to School Districts in Section 1 of this Act
 18 to such school districts as reimbursement for expenses incurred in educating
 19 the pupils residing in the separated portion of the school district. The
 20 payments are to be limited to the amount of available appropriation. Such
 21 school districts shall file a request for reimbursement with the Department
 22 of Education and provide the Department of Education with such documentation
 23 as is deemed necessary.

24 The provisions of this section shall be in effect only from July 1, 2007
 25 2009 through June 30, ~~2009~~ 2010.

26
 27 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
 29 EDUCATION SERVICES. The funds appropriated in the line item "Special
 30 Education Services" in Section 1 of this Act shall be used to provide
 31 extended year summer programs for handicapped students in need of such
 32 services, to provide special education services to foster children who are
 33 wards of the State, and to provide funds for the payment of salaries of
 34 special education supervisors. The Department of Education shall distribute
 35 such funds in the manner necessary to carry out the intent of this Section.

36 The provisions of this section shall be in effect only from July 1, 2007

1 2009 through June 30, ~~2009~~ 2010.

2

3 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
 6 fiscal year thereafter, the Department of Education shall from time to time
 7 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
 8 State, the amount of funds disbursed or approved to be disbursed by the
 9 Department of Education for desegregation expenses under any "Desegregation
 10 Settlement Agreement". Upon the receipt of such certification, the State
 11 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
 12 202(b)(2)(B), shall also deduct from the net general revenues the amount
 13 certified and transfer this amount to the Department of Education Public
 14 School Fund Account there to be used exclusively for payment of or
 15 reimbursement for expenses incurred from the Department of Education Public
 16 School Fund Account under any "Desegregation Settlement Agreement".

17

18 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

20 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
 21 Incentive shall be allocated in accordance with rules and regulations
 22 established by the State Board of Education.

23 The provisions of this section shall be in effect only from July 1, ~~2007~~
 24 2009 through June 30, ~~2009~~ 2010.

25

26 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

28 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
 29 Residential Centers/Juvenile Detention shall be allocated in accordance with
 30 rules and regulations established by the State Board of Education.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
 32 2009 through June 30, ~~2009~~ 2010.

33

34 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 36 AUTHORITY. The Director of the Department of Education, with the approval of

1 the Chief Fiscal Officer and after approval by the Arkansas Legislative
 2 Council or Joint Budget Committee, is hereby authorized to request necessary
 3 appropriation transfers and any other budget related adjustments necessary.
 4 Provided, however, that the Department of Education shall be limited to
 5 submitting no more than one transfer request during any fiscal year.

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

22 The provisions of this section shall be in effect only from July 1, ~~2007~~
 23 2009 through June 30, ~~2009~~ 2010.

24
 25 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
 27 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
 28 authorized herein to the Department of Education - for the Quiz Bowl each
 29 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
 30 fiscal year may be made available to the Department of Education -
 31 Educational Television Division for its documented costs associated with the
 32 Quiz Bowl.

33 The provisions of this section shall be in effect only from July 1, ~~2007~~
 34 2009 through June 30, ~~2009~~ 2010.

35
 36 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

2 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
 3 shall make available from the Intervention Block Grants appropriation
 4 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
 5 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
 6 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
 7 grants up to \$1,000 each for students and chaperones, thirteen thousand five
 8 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and
 9 ~~five~~ ten thousand dollars ~~(\$5,000)~~ (\$10,000) each fiscal year for the State
 10 History Day Competition. The Department of Education shall allocate General
 11 Revenue funding totaling no less than one hundred thirty ~~two~~ seven thousand
 12 dollars ~~(\$132,000)~~ (\$137,000) each fiscal year from the Department of
 13 Education Public School Fund Account to support the annual expenses of the
 14 Quiz Bowl, the Creativity in Arkansas, Inc. for grants up to \$1,000 each for
 15 students and chaperones, Destination Imagination, and the State History Day
 16 Competition. The Department shall either expend or have committed for
 17 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
 18 Inc., Destination Imagination, and the State History Day Competition as
 19 authorized herein in order to fulfill the provisions of this section.

20 The provisions of this section shall be in effect only from July 1, ~~2007~~
 21 2009 through June 30, ~~2009~~ 2010.

22
 23 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
 25 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
 26 each fiscal year, an amount of not less than one million dollars (\$1,000,000)
 27 or eighteen percent (18%), whichever is greater each fiscal year, shall be
 28 awarded through a grant or professional services contract for EAST
 29 infrastructure, personnel, and operating expenses. The EAST infrastructure
 30 grant or contract for personal services and operating expenses shall be
 31 awarded to an entity that has personnel or experience, or both, in
 32 implementing the EAST Initiative.

33 The provisions of this section shall be in effect only from July 1, ~~2007~~
 34 2009 through June 30, ~~2009~~ 2010.

35
 36 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~EXPLOR-~~
 2 ~~NET~~ CENTER FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
 3 appropriation authorized by this Act for Technology Grants the Department of
 4 Education shall make available one hundred eighty seven thousand five hundred
 5 seventy five dollars (\$187,575) each fiscal year for ~~Explor-Net-Program~~
 6 Center for Quality Teaching and Learning initiatives to teach students
 7 computer repair in a hands-on environment. The Department of Education shall
 8 allocate General Revenue funding totaling no less than one hundred eighty
 9 seven thousand five hundred seventy five dollars (\$187,575) each fiscal year
 10 from the Department of Education Public School Fund Account to support the
 11 ~~Explor-Net-Program~~ Center for Quality Teaching and Learning. The Department
 12 shall either expend or have committed for expenditure the monies allocated
 13 for the ~~Explor-Net-Program~~ Center for Quality Teaching and Learning in order
 14 to fulfill the provisions of this section.

15 The provisions of this section shall be in effect only from July 1, ~~2007~~
 16 2009 through June 30, ~~2009~~ 2010.

17
 18 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 20 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
 21 "Distressed School District Support" in Section 1 of this Act may be used for
 22 technical assistance offered by the Department of Education to school
 23 districts in academic distress that can include, but is not limited to,
 24 teacher specialists, principal specialists, and other personnel assigned by
 25 the department. These funds may also be used for alternative research-based
 26 technical assistance or programs. Criteria for selecting and approving
 27 alternative research-based technical assistance or programs are to be
 28 promulgated as a rule by the State Board of Education, provided that
 29 alternative staffing and/or compensation programs for teachers shall be
 30 approved by at least a majority of the teachers in the school, schools, or
 31 school district participating in the program.

32 The provisions of this section shall be in effect only from July 1, ~~2007~~
 33 2009 through June 30, ~~2009~~ 2010.

34
 35 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

1 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
 2 Development Funding ~~for each fiscal year of the 2007-2009 biennium~~, four
 3 million dollars (\$4,000,000) may be authorized by the Director of the
 4 Department of Education to be used by the Department of Education to develop
 5 and implement statewide professional development support systems for teachers
 6 that will benefit student achievement.

7 The provisions of this section shall be in effect only from July 1, ~~2007~~
 8 2009 through June 30, ~~2009~~ 2010.

9
 10 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

12 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
 13 Districts shall pay the teacher retirement employer contribution rate for any
 14 eligible employee in accordance with rules and regulations established by the
 15 Teacher Retirement Board of Directors. The appropriation contained herein for
 16 Teacher Retirement Matching each fiscal year shall be used to provide the
 17 employer matching for employees of the Cooperative Education Services Areas,
 18 Vocational Centers, Arkansas Easter Seals and the school operated by the
 19 Department of Correction.

20 The provisions of this section shall be in effect only from July 1, ~~2007~~
 21 2009 through June 30, ~~2009~~ 2010.

22
 23 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
 25 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

26 (a) Regardless of any provision of law to the contrary, beginning with the
 27 ~~2007-2008-2009-2010~~ school year, no school district shall receive state
 28 funding for those students in the district's prior year three quarter average
 29 daily membership who were enrolled and attending a public school with an
 30 internet, long-distance or virtual technology curriculum based program which
 31 was not part of a public school district and the public school program was
 32 funded by a federal voluntary public school choice grant administered by the
 33 Department of Education.

34 (b) Prior to July 1, ~~2007~~ 2009, the Department of Education shall notify
 35 the Arkansas State Board of Education of the maximum number of students that
 36 the State Board of Education shall allow to enroll and attend any open-

1 enrollment charter school that uses internet, long-distance or virtual
2 technology as the primary method of teaching. It is the intent of this
3 language that the Department shall not establish and certify a number of
4 students to the State Board of Education that exceeds the number of students
5 for which school districts were not able to receive state funding because of
6 the requirements of paragraph (a). However, to the extent there are any
7 revenue savings caused by the closure of any open-enrollment charter school
8 in existence on July 1, ~~2006~~ 2008, the State Board of Education may increase
9 the maximum number of students allowed to enroll and attend an internet,
10 long-distance or virtual technology open-enrollment charter school to the
11 extent the maximum number of students does not exceed five hundred (500)
12 students.

13 (c) The provisions of this special language shall not restrict, affect or
14 impair any other provision of law or rule concerning public school districts
15 or public charter schools except as provided in paragraph (a) and (b).

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2009 through June 30, ~~2009~~ 2010.

18

19 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
21 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
22 authorized to expend a maximum of two percent (2%) of available funds for
23 administration of the Better Chance Program. Up to 1.8% of available funds
24 shall be used to administer the program and to monitor program grantees to
25 ensure compliance with programmatic standards. Prior to the utilization of
26 the remaining 0.2% of available funds, the Department of Education shall seek
27 prior review and approval of the Arkansas Legislative Council or Joint Budget
28 Committee by providing a written request to include the following: a) the
29 Department's reason(s) for the use of the funds and b) the amount of funds
30 that will be expended. The Department may contract with the Division of Child
31 Care and Early Childhood Education to administer the program.

32 Determining the maximum number of employees and the maximum amount of
33 appropriation and general revenue funding for a state agency each fiscal year
34 is the prerogative of the General Assembly. This is usually accomplished by
35 delineating such maximums in the appropriation act(s) for a state agency and
36 the general revenue allocations authorized for each fund and fund account by

1 amendment to the Revenue Stabilization law. Therefore, it is both necessary
 2 and appropriate that the General Assembly maintain oversight by requiring
 3 prior approval of the Legislative Council or Joint Budget Committee as
 4 provided by this section. The requirement of approval by the Legislative
 5 Council or Joint Budget Committee is not a severable part of this section.
 6 If the requirement of approval by the Legislative Council or Joint Budget
 7 Committee is ruled unconstitutional by a court of competent jurisdiction,
 8 this entire section is void.

9 The provisions of this section shall be in effect only from July 1, ~~2007~~
 10 2009 through June 30, ~~2009~~ 2010.

11
 12 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
 14 TEACHER SALARY. The Arkansas Department of Education is requested to
 15 calculate Average Teacher Salary in the Department's Annual Statistical
 16 Report to not include extra duty funds. Specifically, the Department is
 17 requested to calculate the Average Teacher Salary amount using the National
 18 Education Association definitions for Average Salary for Classroom Teachers.
 19 The Arkansas Department of Education shall report on the feasibility of this
 20 action to the House and Senate Committees on Education by February 1, ~~2007~~
 21 2009.

22
 23 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 25 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
 26 Chance for School Success Program remaining on June 30, ~~2008~~ 2010 ~~and June~~
 27 ~~30, 2009~~, in the Department of Education Public School Fund Account shall be
 28 designated and retained for the Arkansas Better Chance for School Success
 29 Program.

30 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
 31 authorized herein, may be carried forward under the following conditions:

32 (1) Prior to June 30, ~~2008~~ 2010 ~~and June 30, 2009~~ the Agency shall by
 33 written statement set forth its reason(s) for the need to carry forward said
 34 ~~appropriation and/or~~ funding to the Department of Finance and Administration
 35 Office of Budget;

36 (2) The Department of Finance and Administration Office of Budget shall

1 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
 2 ~~the first fiscal year of the biennium to the second fiscal year of the~~
 3 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
 4 Committee meeting ~~in the second fiscal year of the biennial period and from~~
 5 ~~the second year of the biennium~~ by the following September Arkansas
 6 Legislative Council or Joint Budget Committee meeting which report shall
 7 include the name of the Agency, Board, Commission or Institution and the
 8 amount of the ~~appropriation and/or~~ funding carried forward ~~from the first~~
 9 ~~fiscal year to the second fiscal year~~, the program name or line item, the
 10 funding source of that appropriation and a copy of the written request set
 11 forth in (1) above;

12 (3) Each Agency, Board, Commission or Institution shall provide a written
 13 report to the Arkansas Legislative Council or Joint Budget Committee
 14 containing all information set forth in item (2) above, along with a written
 15 statement as to the current status of the project, contract, purpose etc. for
 16 which the carry forward was originally requested no later than thirty (30)
 17 days prior to the time the Agency, Board, Commission or Institution presents
 18 its budget request to the Arkansas Legislative Council/Joint Budget
 19 Committee; and

20 (4) Thereupon, the Department of Finance and Administration shall include
 21 all information obtained in item (3) above in the ~~biennial~~ budget manuals
 22 and/or a statement of non-compliance by the Agency, Board, Commission or
 23 Institution.

24
 25 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
 27 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
 28 Department of Finance and Administration may use up to eleven dollars and
 29 twenty cents (\$11.20) from each contribution made under Arkansas Code §6-17-
 30 1117 (a) to offset the cost of health insurance premiums to eligible members
 31 electing to participate in the public school employees' health insurance
 32 program as a retiree.

33
 34 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 36 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State

1 shall transfer on his books and those of the State Treasurer and the State
2 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
3 fiscal year ~~of the biennium~~ from the Department of Education Public School
4 Fund Account to the University of Arkansas at Little Rock Fund, specifically
5 to provide funding for the Arkansas/STRIVE Program. The total amount of funds
6 transferred each fiscal year pursuant to this section shall not be subject to
7 any indirect costs by the University of Arkansas at Little Rock.

8 The provisions of this section shall be in effect only from July 1, 2007
9 2009 through June 30, ~~2009~~ 2010.

10

11 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
13 INSURANCE. ~~The Special Language regarding "Health Insurance" as authorized~~
14 ~~in SECTION 23 of Act 229 of 2007 is amended to read as follows:~~

15 ~~SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE~~
16 ~~ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.~~
17 ~~HEALTH INSURANCE. Beginning with the 1996-97 school year, Local School~~
18 ~~Districts shall pay no less than the health insurance contribution rate~~
19 ~~established by Arkansas Code 6-17-1117 for each eligible employee electing to~~
20 ~~participate in the Public School Employee Health Insurance Program. The~~
21 ~~appropriation contained herein for Public School Employee Insurance each~~
22 ~~fiscal year shall be used to provide the state contribution for insurance~~
23 ~~premiums for employees of the Cooperative Education Services Areas,~~
24 ~~Vocational Centers, and the school operated by the Department of Correction~~
25 ~~who participate in the Arkansas Public School Life and Health Insurance~~
26 ~~Program.~~

27 ~~In addition, the Department of Education shall pay the Employee Benefits~~
28 ~~Division of the Department of Finance and Administration a minimum of sixty-~~
29 ~~one dollars (\$61) per month for each eligible employee electing to~~
30 ~~participate in the public school employee health insurance program.~~

31 The provisions of this section shall be in effect only from July 1, 2007
32 2009 through June 30, ~~2009~~ 2010.

33

34 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
36 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide

1 funding for Alternative Learning Environment Programs in excess of the
2 regulatory limitation of six (6) hours per day for those programs that
3 operate more than twelve hours per day, in a proportionate manner and upon
4 special request to the Department of Education.

5 The provisions of this section shall be in effect only from July 1, 2007
6 2009 through June 30, ~~2009~~ 2010.

7
8 SECTION 29. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
9 by this act shall be limited to the appropriation for such agency and funds
10 made available by law for the support of such appropriations; and the
11 restrictions of the State Procurement Law, the General Accounting and
12 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
13 Procedures and Restrictions Act, or their successors, and other fiscal
14 control laws of this State, where applicable, and regulations promulgated by
15 the Department of Finance and Administration, as authorized by law, shall be
16 strictly complied with in disbursement of said funds.

17
18 SECTION 30. LEGISLATIVE INTENT. It is the intent of the General Assembly
19 that any funds disbursed under the authority of the appropriations contained
20 in this act shall be in compliance with the stated reasons for which this act
21 was adopted, as evidenced by the Agency Requests, Executive Recommendations
22 and Legislative Recommendations contained in the budget manuals prepared by
23 the Department of Finance and Administration, letters, or summarized oral
24 testimony in the official minutes of the Arkansas Legislative Council or
25 Joint Budget Committee which relate to its passage and adoption.

26
27 SECTION 31. EMERGENCY CLAUSE. It is found and determined by the General
28 Assembly, that the Constitution of the State of Arkansas prohibits the
29 appropriation of funds for more than a one (1) year period; that the
30 effectiveness of this Act on July 1, 2009 is essential to the operation of
31 the agency for which the appropriations in this Act are provided, and that in
32 the event of an extension of the Regular Session, the delay in the effective
33 date of this Act beyond July 1, 2009 could work irreparable harm upon the
34 proper administration and provision of essential governmental programs.
35 Therefore, an emergency is hereby declared to exist and this Act being
36 necessary for the immediate preservation of the public peace, health and

safety shall be in full force and effect from and after July 1, 2009.

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