

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  
4

As Engrossed: S2/23/09 S3/23/09

# A Bill

SENATE BILL 291

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	67,856
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>\$2,598,705,721</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
11	(1) N047N	ADE APSCN DIRECTOR	1	GRADE N908
12	(2) G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
13	(3) D037C	ADE APSCN APPLICATIONS MANAGER	4	GRADE C124
14	(4) D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
15	(5) D050C	SECURITY ANALYST	1	GRADE C122
16	(6) D044C	SYSTEMS ANALYST	1	GRADE C122
17	(7) D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
18	(8) C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
19	(9) A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
20	(10) D077C	HELP DESK SPECIALIST	2	GRADE C115
21	(11) C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
22	(12) C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
23	MAX. NO. OF EMPLOYEES		46	

24  
 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
34 (01) REGULAR SALARIES	\$ 2,190,699
35 (02) PERSONAL SERVICES MATCHING	709,763
36 (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	No. of	2009-2010
	Title		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 two transfer requests 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

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

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*/s/ Joint Budget Committee*