

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: S2/23/09 S3/23/09 S3/30/09 S4/6/09*

2 87th General Assembly

# A Bill

3 Regular Session, 2009

SENATE BILL 291

4

5 By: Joint Budget Committee

6

7

8

## 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

15

16

## Subtitle

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

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	5,118,030
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	15,623,079
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	227,000
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	7,475,840
35	(37)	NATIONAL SCHOOL LUNCH	161,071,480
36	(38)	NON-TRADITIONAL LICENSURE	50,000

1	(39)	PROFESSIONAL DEVELOPMENT FUNDING	23,279,850
2	(40)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
3	(41)	PYGMALION COMMISSION	40,000
4	(42)	RESIDENTIAL CENTERS/JUVENILE DETENTION	15,188,254
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	1,027,858
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	165,000
28	(66)	COORDINATED SCHOOL HEALTH	3,000,000
29	(67)	SCHOOL FACILITY JOINT USE SUPPORT	1,000,000
30	(68)	SMART CORE INCENTIVE FUNDING PROGRAM	<u>3,000,000</u>
31		TOTAL AMOUNT APPROPRIATED	<u>\$2,615,533,626</u>

32

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

34 There is hereby established for the Department of Education - Arkansas Public  
35 School Computer Network for the 2009-2010 fiscal year, the following maximum  
36 number of regular employees whose salaries shall be governed by the

1 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
 2 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
 3 Provided, however, that any position to which a specific maximum annual  
 4 salary is set out herein in dollars, shall be exempt from the provisions of  
 5 said Uniform Classification and Compensation Act. All persons occupying  
 6 positions authorized herein are hereby governed by the provisions of the  
 7 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
 8 or its successor.

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

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

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2009-2010</u>

1	(01) REGULAR SALARIES	\$ 2,190,699
2	(02) PERSONAL SERVICES MATCHING	709,763
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	21,488,347
5	(B) CONF. & TRAVEL	7,250
6	(C) PROF. FEES	0
7	(D) CAP. OUTLAY	200,000
8	(E) DATA PROC.	0
9	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 24,896,059</u>

11

12 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There is  
 13 hereby established for the Department of Education - Office of Education  
 14 Renewal Zones for the 2009-2010 fiscal year, the following maximum number of  
 15 regular employees whose salaries shall be governed by the provisions of the  
 16 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et  
 17 seq.), or its successor, and all laws amendatory thereto. Provided, however,  
 18 that any position to which a specific maximum annual salary is set out herein  
 19 in dollars, shall be exempt from the provisions of said Uniform  
 20 Classification and Compensation Act. All persons occupying positions  
 21 authorized herein are hereby governed by the provisions of the Regular  
 22 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its  
 23 successor.

24

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

33

34 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is  
 35 hereby appropriated, to the Department of Education, to be payable from the  
 36 Department of Education Public School Fund Account, for personal services,

1 operating expenses and grants of the Department of Education - Office of  
 2 Education Renewal Zones for the fiscal year ending June 30, 2010, the  
 3 following:

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

17  
 18 *SECTION 6. APPROPRIATION - SUPPLEMENTAL - AT RISK. There is hereby*  
 19 *appropriated, to the Department of Education, to be payable from the*  
 20 *Department of Education Public School Fund Account, for At Risk Program*  
 21 *grants and aid to local school districts by the Department of Education which*  
 22 *shall be supplemental and in addition to those funds appropriated in Section*  
 23 *1, of Act 229 of 2007, the following:*

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2008-2009</u>
27 (01) AT RISK	<u>\$ 3,500,000</u>

28  
 29 *SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
 30 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING*  
 31 *TRANSFER. On the effective date of this act the Chief Fiscal Officer of the*  
 32 *State shall transfer on his books and those of the State Treasurer and the*  
 33 *State Auditor, the sum of seven million dollars (\$7,000,000) from the General*  
 34 *Revenue Allotment Reserve Fund to the Department of Education Public School*  
 35 *Fund Account. The amount transferred shall be made available by the*  
 36 *Department of Education during the 2009-2010 fiscal year to provide*

1 additional funding for expansion of the College Preparatory Enrichment  
2 Program.

3  
4 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
6 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and  
7 regulations for disbursement of the funds in a manner that insures equity in  
8 meeting the provisions of the nurse to student ratio established in Arkansas  
9 Code 6-18-706.

10 The provisions of this section shall be in effect only from July 1, 2007  
11 2009 through June 30, ~~2009~~ 2010.

12  
13 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
15 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1  
16 of this Act may be fully funded. Any funding and appropriation for ~~that~~  
17 ~~appropriation~~ Isolated Funding that is not utilized shall be transferred to  
18 the appropriation for Special Needs Isolated Funding in Section 1 of this Act  
19 and shall be used there for fully funding each subsection (c) through (f) of  
20 ~~A.C.A. Arkansas Code §6-20-604 continuing sequentially by subsection~~ on a pro  
21 rata basis until the available funds are exhausted. Pro rata basis is  
22 defined as providing each district qualifying for additional funding under  
23 subsections (c) through (f) a proportionate share based on how each  
24 district's additional funding amount bears to the total additional funding  
25 amounts for all qualifying districts. If any funding and appropriation  
26 remains after funding each subsection (c) through (f) of Arkansas Code §6-20-  
27 604 the remaining balance shall be used to fund the provisions of Arkansas  
28 Code §6-20-604 (h) on an equal basis until the available funds are exhausted.

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

31  
32 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO  
34 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School  
35 Districts appropriation in Section 1 of this Act, "school district" means a  
36 school district which contracts with a school district in an adjoining state

1 for the education of some of the pupils within the Arkansas school district  
2 because the portion of the school district wherein such pupils live is  
3 completely separated from the remainder of the school district by a reservoir  
4 covering at least 12,000 acres at normal water level, and where to attend  
5 school in their own district, the pupils of said portion would be required to  
6 travel or to be transported a distance (measured by the nearest highway or  
7 road route) of more than 35 miles round trip and pass through another school  
8 district or districts. The Department of Education shall distribute the  
9 monies appropriated for Grants to School Districts in Section 1 of this Act  
10 to such school districts as reimbursement for expenses incurred in educating  
11 the pupils residing in the separated portion of the school district. The  
12 payments are to be limited to the amount of available appropriation. Such  
13 school districts shall file a request for reimbursement with the Department  
14 of Education and provide the Department of Education with such documentation  
15 as is deemed necessary.

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

28 The provisions of this section shall be in effect only from July 1, ~~2007~~  
29 2009 through June 30, ~~2009~~ 2010.

30

31 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
33 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each  
34 fiscal year thereafter, the Department of Education shall from time to time  
35 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the  
36 State, the amount of funds disbursed or approved to be disbursed by the



1 Department of Education for desegregation expenses under any "Desegregation  
2 Settlement Agreement". Upon the receipt of such certification, the State  
3 Treasurer, after making those deductions as set out in Arkansas Code 19-5-  
4 202(b)(2)(B), shall also deduct from the net general revenues the amount  
5 certified and transfer this amount to the Department of Education Public  
6 School Fund Account there to be used exclusively for payment of or  
7 reimbursement for expenses incurred from the Department of Education Public  
8 School Fund Account under any "Desegregation Settlement Agreement".

9  
10 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
12 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation  
13 Incentive shall be allocated in accordance with rules and regulations  
14 established by the State Board of Education.

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 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
20 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for  
21 Residential Centers/Juvenile Detention shall be allocated in accordance with  
22 rules and regulations 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 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
28 AUTHORITY. The Director of the Department of Education, with the approval of  
29 the Chief Fiscal Officer and after approval by the Arkansas Legislative  
30 Council or Joint Budget Committee, is hereby authorized to request necessary  
31 appropriation transfers and any other budget related adjustments necessary.  
32 Provided, however, that the Department of Education shall be limited to  
33 submitting no more than two transfer requests during any fiscal year.

34 Determining the maximum number of employees and the maximum amount of  
35 appropriation and general revenue funding for a state agency each fiscal year  
36 is the prerogative of the General Assembly. This is usually accomplished by

1 delineating such maximums in the appropriation act(s) for a state agency and  
2 the general revenue allocations authorized for each fund and fund account by  
3 amendment to the Revenue Stabilization law. Further, the General Assembly  
4 has determined that the Department of Education may operate more efficiently  
5 if some flexibility is provided to the Director of the Department of  
6 Education authorizing broad powers under the Transfer Authority provision  
7 herein. Therefore, it is both necessary and appropriate that the General  
8 Assembly maintain oversight by requiring prior approval of the Legislative  
9 Council or Joint Budget Committee as provided by this section. The  
10 requirement of approval by the Legislative Council or Joint Budget Committee  
11 is not a severable part of this section. If the requirement of approval by  
12 the Legislative Council or Joint Budget Committee is ruled unconstitutional  
13 by a court jurisdiction, this entire section is void.

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

16  
17 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN  
19 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds  
20 authorized herein to the Department of Education - for the Quiz Bowl each  
21 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each  
22 fiscal year may be made available to the Department of Education -  
23 Educational Television Division for its documented costs associated with the  
24 Quiz Bowl.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~  
26 2009 through June 30, ~~2009~~ 2010.

27  
28 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
30 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education  
31 shall make available from the Intervention Block Grants appropriation  
32 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal  
33 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred  
34 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for  
35 grants up to \$1,000 each for students and chaperones, thirteen thousand five  
36 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and

1 ~~five~~ one hundred thousand dollars ~~(\$5,000)~~ (\$100,000) each fiscal year for  
2 the State History Day Competition. The Department of Education shall allocate  
3 General Revenue funding totaling no less than ~~one hundred thirty two~~ two  
4 hundred twenty-seven thousand dollars ~~(\$132,000)~~ (\$227,000) each fiscal year  
5 from the Department of Education Public School Fund Account to support the  
6 annual expenses of the Quiz Bowl, the Creativity in Arkansas, Inc. for grants  
7 up to \$1,000 each for students and chaperones, Destination Imagination, and  
8 the State History Day Competition. The Department shall either expend or have  
9 committed for expenditure the monies allocated for the Quiz Bowl, Creativity  
10 in Arkansas, Inc., Destination Imagination, and the State History Day  
11 Competition as authorized herein in order to fulfill the provisions of this  
12 section.

13 The provisions of this section shall be in effect only from July 1, ~~2007~~  
14 2009 through June 30, ~~2009~~ 2010.

15

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

26 The provisions of this section shall be in effect only from July 1, ~~2007~~  
27 2009 through June 30, ~~2009~~ 2010.

28

29 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~EXPLOR-~~  
31 ~~NET~~ CENTER FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total  
32 appropriation authorized by this Act for Technology Grants the Department of  
33 Education shall make available one hundred eighty seven thousand five hundred  
34 seventy five dollars (\$187,575) each fiscal year for ~~Explor-Net Program~~  
35 Center for Quality Teaching and Learning initiatives to teach students  
36 computer repair in a hands-on environment. The Department of Education shall

1 allocate General Revenue funding totaling no less than one hundred eighty  
2 seven thousand five hundred seventy five dollars (\$187,575) each fiscal year  
3 from the Department of Education Public School Fund Account to support the  
4 ~~Explor-Net-Program-Center for Quality Teaching and Learning~~. The Department  
5 shall either expend or have committed for expenditure the monies allocated  
6 for the ~~Explor-Net-Program-Center for Quality Teaching and Learning~~ in order  
7 to fulfill the provisions of this section.

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

25 The provisions of this section shall be in effect only from July 1, 2007  
26 2009 through June 30, ~~2009~~ 2010.

27  
28 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
30 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional  
31 Development Funding ~~for each fiscal year of the 2007-2009 biennium~~, four  
32 million dollars (\$4,000,000) may be authorized by the Director of the  
33 Department of Education to be used by the Department of Education to develop  
34 and implement statewide professional development support systems for teachers  
35 that will benefit student achievement.

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 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
5 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School  
6 Districts shall pay the teacher retirement employer contribution rate for any  
7 eligible employee in accordance with rules and regulations established by the  
8 Teacher Retirement Board of Directors. The appropriation contained herein for  
9 Teacher Retirement Matching each fiscal year shall be used to provide the  
10 employer matching for employees of the Cooperative Education Services Areas,  
11 Vocational Centers, Arkansas Easter Seals and the school operated by the  
12 Department of Correction.

13 The provisions of this section shall be in effect only from July 1, ~~2007~~  
14 2009 through June 30, ~~2009~~ 2010.

15

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

19 ~~(a) Regardless of any provision of law to the contrary, beginning with the~~  
20 ~~2007-2008 school year, no school district shall receive state funding for~~  
21 ~~those students in the district's prior year three quarter average daily~~  
22 ~~membership who were enrolled and attending a public school with an internet,~~  
23 ~~long distance or virtual technology curriculum based program which was not~~  
24 ~~part of a public school district and the public school program was funded by~~  
25 ~~a federal voluntary public school choice grant administered by the Department~~  
26 ~~of Education.~~

27 ~~(b) Prior to July 1, 2007, the Department of Education shall notify the~~  
28 ~~Arkansas State Board of Education of the maximum number of students that the~~  
29 ~~State Board of Education shall allow to enroll and attend any open-~~  
30 ~~enrollment charter school that uses internet, long distance or virtual~~  
31 ~~technology as the primary method of teaching. It is the intent of this~~  
32 ~~language that the Department shall not establish and certify a number of~~  
33 ~~students to the State Board of Education that exceeds the number of students~~  
34 ~~for which school districts were not able to receive state funding because of~~  
35 ~~the requirements of paragraph (a). However, to the extent there are any~~  
36 ~~revenue savings caused by the closure of any open enrollment charter school~~

~~in existence on July 1, 2006, the State Board of Education may increase the maximum number of students allowed to enroll and attend an internet, long-distance or virtual technology open-enrollment charter school to the extent the maximum number of students does not exceed five hundred (500) students.~~

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

(a) Regardless of any provision of any law to the contrary, no internet, long-distance or virtual technology open-enrollment charter school shall receive state funding for more than five hundred (500) students.

(b) Regardless of any provision of law to the contrary, no school district shall receive state funding for the 2009-2010 school year for those students who are included in the district's average daily membership for the previous school year but who are attending any open-enrollment charter school that uses internet, long-distance, or virtual technology as the primary method of teaching.

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

Determining the maximum number of employees and the maximum amount of appropriation and general revenue funding for a state agency each fiscal year is the prerogative of the General Assembly. This is usually accomplished by delineating such maximums in the appropriation act(s) for a state agency and 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 25. 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 *submit this data annually to the National Education Association in accordance*  
22 *with that organization's deadlines for submission for their report "Rankings*  
23 *and Estimates" which includes state-by-state teacher salary comparisons.*

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

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

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

1 Office of Budget;

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

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

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

26

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

35

36 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS



1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State  
3 shall transfer on his books and those of the State Treasurer and the State  
4 Auditor, the sum of two hundred thousand dollars (\$200,000) during each  
5 fiscal year ~~of the biennium~~ from the Department of Education Public School  
6 Fund Account to the University of Arkansas at Little Rock Fund, specifically  
7 to provide funding for the Arkansas/STRIVE Program. The total amount of funds  
8 transferred each fiscal year pursuant to this section shall not be subject to  
9 any indirect costs by the University of Arkansas at Little Rock.

10 The provisions of this section shall be in effect only from July 1, 2007  
11 2009 through June 30, ~~2009~~ 2010.

12  
13 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH  
15 INSURANCE. ~~The Special Language regarding "Health Insurance" as authorized~~  
16 ~~in SECTION 23 of Act 229 of 2007 is amended to read as follows:~~

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

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

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 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide  
3 funding for Alternative Learning Environment Programs in excess of the  
4 regulatory limitation of six (6) hours per day for those programs that  
5 operate more than twelve hours per day, in a proportionate manner and upon  
6 special request to the Department of Education.

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 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*  
11 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE*  
12 *FUND RESTRICTIONS. No state funds shall be used for abortion referral in*  
13 *public schools, or for abortion services. Funds shall be expended in*  
14 *accordance with Arkansas Code Annotated § 6-18-703.*

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

17  
18 SECTION 32. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
19 by this act shall be limited to the appropriation for such agency and funds  
20 made available by law for the support of such appropriations; and the  
21 restrictions of the State Procurement Law, the General Accounting and  
22 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
23 Procedures and Restrictions Act, or their successors, and other fiscal  
24 control laws of this State, where applicable, and regulations promulgated by  
25 the Department of Finance and Administration, as authorized by law, shall be  
26 strictly complied with in disbursement of said funds.

27  
28 SECTION 33. LEGISLATIVE INTENT. It is the intent of the General Assembly  
29 that any funds disbursed under the authority of the appropriations contained  
30 in this act shall be in compliance with the stated reasons for which this act  
31 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
32 and Legislative Recommendations contained in the budget manuals prepared by  
33 the Department of Finance and Administration, letters, or summarized oral  
34 testimony in the official minutes of the Arkansas Legislative Council or  
35 Joint Budget Committee which relate to its passage and adoption.

36

