

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 S4/7/09*

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)	ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
31		HEALTH INSURANCE	15,000,000
32	(69)	SMART CORE INCENTIVE FUNDING PROGRAM	<u>3,000,000</u>
33		TOTAL AMOUNT APPROPRIATED	<u>\$2,630,533,626</u>

34

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

36 There is hereby established for the Department of Education - Arkansas Public

1 School Computer Network for the 2009-2010 fiscal year, the following maximum
 2 number of regular employees whose salaries shall be governed by the
 3 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 4 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 5 Provided, however, that any position to which a specific maximum annual
 6 salary is set out herein in dollars, shall be exempt from the provisions of
 7 said Uniform Classification and Compensation Act. All persons occupying
 8 positions authorized herein are hereby governed by the provisions of the
 9 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 10 or its successor.

11

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

29

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

36

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 2,190,699
(02) PERSONAL SERVICES MATCHING	709,763
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	21,488,347
(B) CONF. & TRAVEL	7,250
(C) PROF. FEES	0
(D) CAP. OUTLAY	200,000
(E) DATA PROC.	0
(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 24,896,059</u>

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

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

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

1 hereby appropriated, to the Department of Education, to be payable from the
 2 Department of Education Public School Fund Account, for personal services,
 3 operating expenses and grants of the Department of Education - Office of
 4 Education Renewal Zones for the fiscal year ending June 30, 2010, the
 5 following:

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

19
 20 *SECTION 6. APPROPRIATION - SUPPLEMENTAL - AT RISK. There is hereby*
 21 *appropriated, to the Department of Education, to be payable from the*
 22 *Department of Education Public School Fund Account, for At Risk Program*
 23 *grants and aid to local school districts by the Department of Education which*
 24 *shall be supplemental and in addition to those funds appropriated in Section*
 25 *1, of Act 229 of 2007, the following:*

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

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

1 Fund Account. The amount transferred shall be made available by the
2 Department of Education during the 2009-2010 fiscal year to provide
3 additional funding for expansion of the College Preparatory Enrichment
4 Program.

5
6 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and
9 regulations for disbursement of the funds in a manner that insures equity in
10 meeting the provisions of the nurse to student ratio established in Arkansas
11 Code 6-18-706.

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

14
15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
17 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
18 of this Act may be fully funded. Any funding and appropriation for ~~that~~
19 ~~appropriation~~ Isolated Funding that is not utilized shall be transferred to
20 the appropriation for Special Needs Isolated Funding in Section 1 of this Act
21 and shall be used there for fully funding each subsection (c) through (f) of
22 ~~A.C.A. Arkansas Code §6-20-604 continuing sequentially by subsection~~ on a pro
23 rata basis until the available funds are exhausted. Pro rata basis is
24 defined as providing each district qualifying for additional funding under
25 subsections (c) through (f) a proportionate share based on how each
26 district's additional funding amount bears to the total additional funding
27 amounts for all qualifying districts. If any funding and appropriation
28 remains after funding each subsection (c) through (f) of Arkansas Code §6-20-
29 604 the remaining balance shall be used to fund the provisions of Arkansas
30 Code §6-20-604 (h) on an equal basis until the available funds are exhausted.

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 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
36 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School

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

18 The provisions of this section shall be in effect only from July 1, ~~2007~~
19 2009 through June 30, ~~2009~~ 2010.

20

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

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

32

33 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
35 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
36 fiscal year thereafter, the Department of Education shall from time to time

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

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

17 The provisions of this section shall be in effect only from July 1, ~~2007~~
18 2009 through June 30, ~~2009~~ 2010.

19
20 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
23 Residential Centers/Juvenile Detention shall be allocated in accordance with
24 rules and regulations established by the State Board of Education.

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 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
30 AUTHORITY. The Director of the Department of Education, with the approval of
31 the Chief Fiscal Officer and after approval by the Arkansas Legislative
32 Council or Joint Budget Committee, is hereby authorized to request necessary
33 appropriation transfers and any other budget related adjustments necessary.
34 Provided, however, that the Department of Education shall be limited to
35 submitting no more than two transfer requests during any fiscal year.

36 Determining the maximum number of employees and the maximum amount of

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

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

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

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

1 grants up to \$1,000 each for students and chaperones, thirteen thousand five
 2 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and
 3 ~~five~~ one hundred thousand dollars ~~(\$5,000)~~ (\$100,000) each fiscal year for
 4 the State History Day Competition. The Department of Education shall allocate
 5 General Revenue funding totaling no less than ~~one hundred thirty two two~~
 6 hundred twenty-seven thousand dollars ~~(\$132,000)~~ (\$227,000) each fiscal year
 7 from the Department of Education Public School Fund Account to support the
 8 annual expenses of the Quiz Bowl, the Creativity in Arkansas, Inc. for grants
 9 up to \$1,000 each for students and chaperones, Destination Imagination, and
 10 the State History Day Competition. The Department shall either expend or have
 11 committed for expenditure the monies allocated for the Quiz Bowl, Creativity
 12 in Arkansas, Inc., Destination Imagination, and the State History Day
 13 Competition as authorized herein in order to fulfill the provisions of this
 14 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. EAST
 20 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
 21 each fiscal year, an amount of not less than one million dollars (\$1,000,000)
 22 or eighteen percent (18%), whichever is greater each fiscal year, shall be
 23 awarded through a grant or professional services contract for EAST
 24 infrastructure, personnel, and operating expenses. The EAST infrastructure
 25 grant or contract for personal services and operating expenses shall be
 26 awarded to an entity that has personnel or experience, or both, in
 27 implementing the EAST Initiative.

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 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~EXPLOR-~~
 33 ~~NET~~ CENTER FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
 34 appropriation authorized by this Act for Technology Grants the Department of
 35 Education shall make available one hundred eighty seven thousand five hundred
 36 seventy five dollars (\$187,575) each fiscal year for ~~Explor-Net Program~~

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

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

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

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

1 that will benefit student achievement.

2 The provisions of this section shall be in effect only from July 1, 2007
3 2009 through June 30, ~~2009~~ 2010.

4

5 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

~~the requirements of paragraph (a). However, to the extent there are any 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

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

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2009 through June 30, ~~2009~~ 2010.

13
14 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
16 TEACHER SALARY. The Arkansas Department of Education is requested to
17 calculate Average Teacher Salary in the Department's Annual Statistical
18 Report to not include extra duty funds. Specifically, the Department is
19 requested to calculate the Average Teacher Salary amount using the National
20 Education Association definitions for Average Salary for Classroom Teachers.
21 *The Arkansas Department of Education shall ~~report on the feasibility of this~~*
22 *~~action to the House and Senate Committees on Education by February 1, 2007~~*
23 *submit this data annually to the National Education Association in accordance*
24 *with that organization's deadlines for submission for their report "Rankings*
25 *and Estimates" which includes state-by-state teacher salary comparisons.*

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

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

- 36 (1) Prior to June 30, ~~2008~~ 2010 ~~and June 30, 2009~~ the Agency shall by

1 written statement set forth its reason(s) for the need to carry forward said
2 ~~appropriation and/or~~ funding to the Department of Finance and Administration
3 Office of Budget;

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

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

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

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

1
2 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
4 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
5 shall transfer on his books and those of the State Treasurer and the State
6 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
7 fiscal year ~~of the biennium~~ from the Department of Education Public School
8 Fund Account to the University of Arkansas at Little Rock Fund, specifically
9 to provide funding for the Arkansas/STRIVE Program. The total amount of funds
10 transferred each fiscal year pursuant to this section shall not be subject to
11 any indirect costs by the University of Arkansas at Little Rock.

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

14
15 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
17 INSURANCE. ~~The Special Language regarding "Health Insurance" as authorized~~
18 ~~in SECTION 23 of Act 229 of 2007 is amended to read as follows:~~
19 ~~SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE~~
20 ~~ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.~~
21 ~~HEALTH INSURANCE. Beginning with the 1996-97 school year, Local School~~
22 ~~Districts shall pay no less than the health insurance contribution rate~~
23 ~~established by Arkansas Code 6-17-1117 for each eligible employee electing to~~
24 ~~participate in the Public School Employee Health Insurance Program. The~~
25 ~~appropriation contained herein for Public School Employee Insurance each~~
26 ~~fiscal year shall be used to provide the state contribution for insurance~~
27 ~~premiums for employees of the Cooperative Education Services Areas,~~
28 ~~Vocational Centers, and the school operated by the Department of Correction~~
29 ~~who participate in the Arkansas Public School Life and Health Insurance~~
30 ~~Program.~~

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

35 The provisions of this section shall be in effect only from July 1, 2007
36 2009 through June 30, ~~2009~~ 2010.

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2 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

4 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
5 funding for Alternative Learning Environment Programs in excess of the
6 regulatory limitation of six (6) hours per day for those programs that
7 operate more than twelve hours per day, in a proportionate manner and upon
8 special request to the Department of Education.

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

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

19
20 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUNDING
22 PROVISION. Effective for the plan year beginning October 1, 2009, if ninety-
23 eight percent (98%) of the uniform rate of tax used in the calculation of
24 State Foundation Funding Aid for fiscal year 2009-2010 exceeds nine hundred
25 twenty million seven hundred thirty-one thousand eight hundred nineteen
26 dollars (\$920,731,819), the Department of Education shall pay up to fifteen
27 million dollars (\$15,000,000) of the total increase over the nine hundred
28 twenty million seven hundred thirty-one thousand eight hundred nineteen
29 dollars (\$920,731,819) to the Employee Benefits Division of the Department of
30 Finance and Administration in additional health insurance contributions for
31 eligible employees electing to participate in the public school employees'
32 health insurance program administered by the State and Public School Life and
33 Health Insurance Board.

34 The Department of Education shall make the contributions by
35 transferring funds to the division in quarterly installments.

36 Funds provided by the Department of Education to the division under

1 this section shall be administered by the board for the benefit of the
2 employee participants of the public school employees' health insurance
3 program.

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

6
7 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
8 by this act shall be limited to the appropriation for such agency and funds
9 made available by law for the support of such appropriations; and the
10 restrictions of the State Procurement Law, the General Accounting and
11 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
12 Procedures and Restrictions Act, or their successors, and other fiscal
13 control laws of this State, where applicable, and regulations promulgated by
14 the Department of Finance and Administration, as authorized by law, shall be
15 strictly complied with in disbursement of said funds.

16
17 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General Assembly
18 that any funds disbursed under the authority of the appropriations contained
19 in this act shall be in compliance with the stated reasons for which this act
20 was adopted, as evidenced by the Agency Requests, Executive Recommendations
21 and Legislative Recommendations contained in the budget manuals prepared by
22 the Department of Finance and Administration, letters, or summarized oral
23 testimony in the official minutes of the Arkansas Legislative Council or
24 Joint Budget Committee which relate to its passage and adoption.

25
26 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the General
27 Assembly, that the Constitution of the State of Arkansas prohibits the
28 appropriation of funds for more than one (1) year period; that the
29 effectiveness of this Act on July 1, 2009 is essential to the operation of
30 the agency for which the appropriations in this Act are provided; with the
31 exception that SECTION 6 in this Act shall be in full force and effect from
32 and after the date of its passage and approval, and that in the event of an
33 extension of the Regular Session, the delay in the effective date of this Act
34 beyond July 1, 2009, with the exception that SECTION 6 in this Act shall be
35 in full force and effect from and after the date of its passage and approval,
36 could work irreparable harm upon the proper administration and provision of

1 essential governmental programs. Therefore, an emergency is hereby declared
2 to exist and this Act being necessary for the immediate preservation of the
3 public peace, health, and safety shall be in full force and effect from and
4 after July 1, 2009; with the exception that SECTION 6 in this Act shall be in
5 full force and effect from and after the date of its passage and approval.

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7 /s/ Joint Budget Committee
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