

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

As Engrossed: S3/7/11
A Bill

SENATE BILL 211

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
9 AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
10 PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE
11 FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
17 APPROPRIATION FOR THE 2011-2012 FISCAL
18 YEAR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
25 Department of Education, to be payable from the Department of Education
26 Public School Fund Account, for grants and aid to local school districts and
27 special programs of the Department of Education for the fiscal year ending
28 June 30, 2012, the following:
29

30 ITEM	FISCAL YEAR
31 NO.	2011-2012
32 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
33 (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
34 HEALTH INSURANCE	15,000,000
35 (03) ADVANCED PLACEMENT INCENTIVE	825,000
36 (04) ALTERNATIVE LEARNING	21,149,603



1	(05)	ALTERNATIVE PAY	807,907
2	(06)	ARKANSAS EASTER SEALS	193,113
3	(07)	ASSESSMENT/END OF COURSE TESTING	24,409,349
4	(08)	AT RISK	1,688,530
5	(09)	BETTER CHANCE PROGRAM	111,000,000
6	(10)	BONDED DEBT ASSISTANCE	28,455,384
7	(11)	CONSOLIDATION INCENTIVE	9,415,127
8	(12)	CONTENT STANDARDS	161,000
9	(13)	CONTENTS STANDARDS CURRICULUM	
10		FRAMEWORKS	50,000
11	(14)	COOP EDUCATION TECH CENTERS	1,200,000
12	(15)	COORDINATED SCHOOL HEALTH	2,000,000
13	(16)	COURT ORDERED DESEGREGATION	69,814,372
14	(17)	CRIMINAL BACKGROUND CHECKS	25,000
15	(18)	DECLINING ENROLLMENT	13,963,389
16	(19)	DEPARTMENT OF CORRECTION	5,881,973
17	(20)	DISTANCE LEARNING	4,760,000
18	(21)	DISTANCE LEARNING OPERATIONS	7,575,000
19	(22)	DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
20	(23)	EARLY CHILDHOOD SPECIAL EDUCATION	16,248,000
21	(24)	ECONOMIC EDUCATION	350,000
22	(25)	EDUCATION SERVICE COOPERATIVES	6,129,270
23	(26)	ENGLISH LANGUAGE LEARNERS	11,115,341
24	(27)	GENERAL FACILITIES FUNDING	8,100,000
25	(28)	GIFTED & TALENTED	1,085,381
26	(29)	GRANTS TO SCHOOL DISTRICTS	67,856
27	(30)	HOME SCHOOL TESTING	250,000
28	(31)	HUMAN DEVELOPMENT CENTER EDUCATION	
29		AID	526,150
30	(32)	INTERVENTION BLOCK GRANTS	302,000
31	(33)	ISOLATED FUNDING	7,896,000
32	(34)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
33	(35)	MASTER PRINCIPAL BONUS	90,000
34	(36)	NATIONAL BOARD OF PROF TEACHING	
35		STANDARDS	10,516,160
36	(37)	NATIONAL SCHOOL LUNCH	178,897,567

1	(38)	NON-TRADITIONAL LICENSURE	50,000
2	(39)	PROFESSIONAL DEVELOPMENT FUNDING	23,709,798
3	(40)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
4	(41)	RESIDENTIAL CENTERS/JUVENILE	
5		DETENTION	16,115,234
6	(42)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
7	(43)	SCHOOL FOOD SERVICES	1,650,000
8	(44)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
9	(45)	SCHOOL FUNDING CONTINGENCY	25,000,000
10	(46)	SCHOOL WORKER DEFENSE	390,000
11	(47)	SERIOUS OFFENDER	1,683,067
12	(48)	SMART START/SMART STEP	10,666,303
13	(49)	SPECIAL EDUCATION SERVICES	4,145,285
14	(50)	SPECIAL EDUCATION-CATASTROPHIC	11,000,000
15	(51)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
16	(52)	STATE FOUNDATION FUNDING	1,858,834,526
17	(53)	STATE FOUNDATION FUNDING-ENHANCED	
18		TRANSPORTATION DISTRIBUTION	2,731,050
19	(54)	STUDENT GROWTH	28,500,000
20	(55)	SUPPLEMENTAL MILLAGE	10,000,000
21	(56)	SURPLUS COMMODITIES	780,000
22	(57)	TEACHER LICENSING/MENTORING	5,008,758
23	(58)	TEACHER OF THE YEAR	100,000
24	(59)	TEACHER RECRUITMENT	2,100,000
25	(60)	TEACHER RETIREMENT MATCHING	6,655,000
26	(61)	TECHNOLOGY GRANTS	3,602,678
27	(62)	TECHNOLOGY IMPROVEMENTS	500,000
28	(63)	WORKER'S COMPENSATION	450,000
29	(64)	YOUTH SHELTERS	165,000
30	(65)	<i>STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM</i>	<u>200,000</u>
31		TOTAL AMOUNT APPROPRIATED	<u>\$2,649,883,771</u>

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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 2011-2012 fiscal year, the following maximum
 36 number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2011-2012
6	(1) N047N	ADE APSCN DIRECTOR	1	GRADE N908
7	(2) G012C	ADE ASSISTANT TO COMMISSIONER	2	GRADE C129
8	(3) G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
9	(4) D037C	ADE APSCN APPLICATIONS MANAGER	5	GRADE C124
10	(5) D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
11	(6) D050C	SECURITY ANALYST	1	GRADE C122
12	(7) D044C	SYSTEMS ANALYST	1	GRADE C122
13	(8) D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
14	(9) C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
15	(10) A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
16	(11) D077C	HELP DESK SPECIALIST	2	GRADE C115
17	(12) C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
18	(13) C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
19	MAX. NO. OF EMPLOYEES		49	

SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.
 There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services and operating expenses of the Department of Education - Arkansas Public School Computer Network for the fiscal year ending June 30, 2012, the following:

ITEM NO.	FISCAL YEAR 2011-2012
(01) REGULAR SALARIES	\$2,428,468
(02) PERSONAL SERVICES MATCHING	765,180
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	19,870,313
(B) CONF. & TRAVEL	7,250
(C) PROF. FEES	0
(D) CAP. OUTLAY	200,000

1	(E) DATA PROC.	0
2	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$23,571,211</u>

4

5 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
6 is hereby established for the Department of Education - Office of Education
7 Renewal Zones for the 2011-2012 fiscal year, the following maximum number of
8 regular employees.

9

10			Maximum Annual
11		Maximum	Salary Rate
12	Item Class	No. of	Fiscal Year
13	No. Code Title	Employees	2011-2012
14	(1) E007C ADE OERZ DIRECTOR	1	GRADE C126
15	(2) E020C ADE OERZ TECHNICAL ASSIST SPECIALIS	3	GRADE C122
16	(3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
17	MAX. NO. OF EMPLOYEES	5	

18

19 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
20 hereby appropriated, to the Department of Education, to be payable from the
21 Department of Education Public School Fund Account, for personal services,
22 operating expenses and grants by the Department of Education - Office of
23 Education Renewal Zones for the fiscal year ending June 30, 2012, the
24 following:

25

26	ITEM	FISCAL YEAR
27	NO.	2011-2012
28	(01) REGULAR SALARIES	\$258,773
29	(02) PERSONAL SERVICES MATCHING	80,662
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	91,800
32	(B) CONF. & TRAVEL	13,000
33	(C) PROF. FEES	306,900
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>700,000</u>

1 TOTAL AMOUNT APPROPRIATED \$1,451,135

2

3 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
5 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
6 of this Act may be fully funded. Any funding and appropriation for Isolated
7 Funding that is not utilized shall be transferred to the appropriation for
8 Special Needs Isolated Funding in Section 1 of this Act and shall be used
9 there for fully funding each subsection (c) through (f) of Arkansas Code
10 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
11 rata basis is defined as providing each district qualifying for additional
12 funding under subsections (c) through (f) a proportionate share based on how
13 each district's additional funding amount bears to the total additional
14 funding amounts for all qualifying districts. If any funding and
15 appropriation remains after funding each subsection (c) through (f) of
16 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
17 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
18 available funds are exhausted.

19 The provisions of this section shall be in effect only from July 1,
20 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

21

22 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
24 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
25 Districts appropriation in Section 1 of this Act, "school district" means a
26 school district which contracts with a school district in an adjoining state
27 for the education of some of the pupils within the Arkansas school district
28 because the portion of the school district wherein such pupils live is
29 completely separated from the remainder of the school district by a reservoir
30 covering at least 12,000 acres at normal water level, and where to attend
31 school in their own district, the pupils of said portion would be required to
32 travel or to be transported a distance (measured by the nearest highway or
33 road route) of more than 35 miles round trip and pass through another school
34 district or districts. The Department of Education shall distribute the
35 monies appropriated for Grants to School Districts in Section 1 of this Act
36 to such school districts as reimbursement for expenses incurred in educating

1 the pupils residing in the separated portion of the school district. The
2 payments are to be limited to the amount of available appropriation. Such
3 school districts shall file a request for reimbursement with the Department
4 of Education and provide the Department of Education with such documentation
5 as is deemed necessary.

6 The provisions of this section shall be in effect only from July 1,
7 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

8

9 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
11 EDUCATION SERVICES. The funds appropriated in the line item "Special
12 Education Services" in Section 1 of this Act shall be used to provide
13 extended year summer programs for handicapped students in need of such
14 services, to provide special education services to foster children who are
15 wards of the State, and to provide funds for the payment of salaries of
16 special education supervisors. The Department of Education shall distribute
17 such funds in the manner necessary to carry out the intent of this Section.

18 The provisions of this section shall be in effect only from July 1,
19 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

20

21 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
23 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
24 fiscal year thereafter, the Department of Education shall from time to time
25 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
26 State, the amount of funds disbursed or approved to be disbursed by the
27 Department of Education for desegregation expenses under any "Desegregation
28 Settlement Agreement". Upon the receipt of such certification, the State
29 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
30 202(b)(2)(B), shall also deduct from the net general revenues the amount
31 certified and transfer this amount to the Department of Education Public
32 School Fund Account there to be used exclusively for payment of or
33 reimbursement for expenses incurred from the Department of Education Public
34 School Fund Account under any "Desegregation Settlement Agreement".

35

36 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
3 Incentive shall be allocated in accordance with rules and regulations
4 established by the State Board of Education.

5 The provisions of this section shall be in effect only from July 1,
6 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

7

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

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

13 The provisions of this section shall be in effect only from July 1,
14 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

15

16 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
18 AUTHORITY. The Commissioner of the Department of Education, with the approval
19 of the Chief Fiscal Officer of the State and after approval by the Arkansas
20 Legislative Council or Joint Budget Committee, is hereby authorized to
21 request necessary appropriation transfers and any other budget related
22 adjustments necessary within the Department of Education. Provided, however,
23 that the Department of Education shall be limited to submitting no more than
24 two transfer requests during any fiscal year.

25 Determining the maximum number of employees and the maximum amount of
26 appropriation and general revenue funding for a state agency each fiscal year
27 is the prerogative of the General Assembly. This is usually accomplished by
28 delineating such maximums in the appropriation act(s) for a state agency and
29 the general revenue allocations authorized for each fund and fund account by
30 amendment to the Revenue Stabilization law. Further, the General Assembly
31 has determined that the Department of Education may operate more efficiently
32 if some flexibility is provided to the Commissioner of the Department of
33 Education authorizing broad powers under the Transfer Authority provision
34 herein. Therefore, it is both necessary and appropriate that the General
35 Assembly maintain oversight by requiring prior approval of the Legislative
36 Council or Joint Budget Committee as provided by this section. The

1 requirement of approval by the Legislative Council or Joint Budget Committee
2 is not a severable part of this section. If the requirement of approval by
3 the Legislative Council or Joint Budget Committee is ruled unconstitutional
4 by a court jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1,
6 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

7

8 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
10 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
11 authorized herein to the Department of Education - for the Quiz Bowl each
12 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
13 fiscal year may be made available to the Department of Education -
14 Educational Television Division for its documented costs associated with the
15 Quiz Bowl.

16 The provisions of this section shall be in effect only from July 1,
17 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

18

19 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
22 shall make available from the Intervention Block Grants appropriation
23 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
24 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
25 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
26 grants up to \$1,000 each for students and chaperones, thirteen thousand five
27 hundred dollars (\$13,500) each fiscal year for Destination Imagination, ~~and~~
28 one hundred thousand dollars (\$100,000) each fiscal year for the State
29 History Day Competition, and seventy-five thousand dollars (\$75,000) each
30 fiscal year for a grant to the Arkansas Science Fair Association for grants
31 to regional and the state science fairs. The Department of Education shall
32 allocate General Revenue funding totaling no less than ~~two hundred twenty-~~
33 ~~seven thousand dollars (\$227,000)~~ three hundred two thousand dollars
34 (\$302,000) each fiscal year from the Department of Education Public School
35 Fund Account to support the annual expenses of the Quiz Bowl, the Creativity
36 in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones,

1 Destination Imagination, ~~and~~ the State History Day Competition, and the
2 Arkansas Science Fair Association for grants to regional and state science
3 fairs. The Department shall either expend or have committed for expenditure
4 the monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc.,
5 Destination Imagination, ~~and~~ the State History Day Competition, and Arkansas
6 Science Fair Association grants as authorized herein in order to fulfill the
7 provisions of this section.

8 The provisions of this section shall be in effect only from July 1,
9 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

10
11 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
12 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST FUNDING
13 PROVISION. Of the total amount appropriated for Technology Grants each fiscal
14 year, an amount of not less than one million dollars (\$1,000,000) or eighteen
15 percent (18%), whichever is greater each fiscal year, shall be awarded
16 through a grant or professional services contract for EAST infrastructure,
17 personnel, and operating expenses. The EAST infrastructure grant or contract
18 for personal services and operating expenses shall be awarded to an entity
19 that has personnel or experience, or both, in implementing the EAST
20 Initiative.

21 The provisions of this section shall be in effect only from July 1,
22 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

23
24 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
26 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
27 appropriation authorized by this Act for Technology Grants the Department of
28 Education shall make available one hundred eighty-seven thousand five hundred
29 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
30 Teaching and Learning initiatives to teach students computer repair in a
31 hands-on environment. The Department of Education shall allocate General
32 Revenue funding totaling no less than one hundred eighty-seven thousand five
33 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
34 of Education Public School Fund Account to support the Center for Quality
35 Teaching and Learning. The Department shall either expend or have committed
36 for expenditure the monies allocated for the Center for Quality Teaching and

1 Learning in order to fulfill the provisions of this section.

2 The provisions of this section shall be in effect only from July 1,
3 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

4

5 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

7 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
8 "Distressed School District Support" in Section 1 of this Act may be used for
9 technical assistance offered by the Department of Education to school
10 districts in academic distress that can include, but is not limited to,
11 teacher specialists, principal specialists, and other personnel assigned by
12 the department. These funds may also be used for alternative research-based
13 technical assistance or programs. Criteria for selecting and approving
14 alternative research-based technical assistance or programs are to be
15 promulgated as a rule by the State Board of Education, provided that
16 alternative staffing and/or compensation programs for teachers shall be
17 approved by at least a majority of the teachers in the school, schools, or
18 school district participating in the program.

19 The provisions of this section shall be in effect only from July 1,
20 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

21

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

24 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
25 Development Funding, four million dollars (\$4,000,000) may be authorized by
26 the Commissioner of the Department of Education to be used by the Department
27 of Education to develop and implement statewide professional development
28 support systems for teachers that will benefit student achievement.

29 The provisions of this section shall be in effect only from July 1,
30 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

31

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

34 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
35 Districts shall pay the teacher retirement employer contribution rate for any
36 eligible employee in accordance with rules and regulations established by the

1 Teacher Retirement Board of Directors. The appropriation contained herein for
2 Teacher Retirement Matching each fiscal year shall be used to provide the
3 employer matching for employees of the Cooperative Education Services Areas,
4 Vocational Centers, Arkansas Easter Seals and the school operated by the
5 Department of Correction.

6 The provisions of this section shall be in effect only from July 1,
7 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

8

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

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

15 (b) Regardless of any provision of law to the contrary, no school
16 district shall receive state funding for the ~~2010-2011~~ 2011-2012 school year
17 for those students who are included in the district's average daily
18 membership for the previous school year but who are attending any open-
19 enrollment charter school that uses internet, long-distance, or virtual
20 technology as the primary method of teaching.

21 The provisions of this section shall be in effect only from July 1,
22 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

23

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

1 Determining the maximum number of employees and the maximum amount of
2 appropriation and general revenue funding for a state agency each fiscal year
3 is the prerogative of the General Assembly. This is usually accomplished by
4 delineating such maximums in the appropriation act(s) for a state agency and
5 the general revenue allocations authorized for each fund and fund account by
6 amendment to the Revenue Stabilization law. Therefore, it is both necessary
7 and appropriate that the General Assembly maintain oversight by requiring
8 prior approval of the Legislative Council or Joint Budget Committee as
9 provided by this section. The requirement of approval by the Legislative
10 Council or Joint Budget Committee is not a severable part of this section.
11 If the requirement of approval by the Legislative Council or Joint Budget
12 Committee is ruled unconstitutional by a court of competent jurisdiction,
13 this entire section is void.

14 The provisions of this section shall be in effect only from July 1,
15 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

16

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

28

29 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
31 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
32 Chance for School Success Program remaining on June 30, ~~2011~~ 2012, in the
33 Department of Education Public School Fund Account shall be designated and
34 retained for the Arkansas Better Chance for School Success Program.

35 Any carry forward of unexpended balance of funding as authorized
36 herein, may be carried forward under the following conditions:

1 (1) Prior to June 30, ~~2011~~ 2012 the Agency shall by written statement
2 set forth its reason(s) for the need to carry forward said funding to the
3 Department of Finance and Administration Office of Budget;

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

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

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

23 The provisions of this section shall be in effect only from July 1,
24 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

34
35 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

9 The provisions of this section shall be in effect only from July 1,
10 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

11
12 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
14 INSURANCE. The appropriation contained herein for Public School Employee
15 Insurance each fiscal year shall be used to provide the state contribution
16 for insurance premiums for employees of the Cooperative Education Services
17 Areas, Vocational Centers, and the school operated by the Department of
18 Correction who participate in the Arkansas Public School Life and Health
19 Insurance Program.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

22
23 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
26 funding for Alternative Learning Environment Programs in excess of the
27 regulatory limitation of six (6) hours per day for those programs that
28 operate more than twelve hours per day, in a proportionate manner and upon
29 special request to the Department of Education.

30 The provisions of this section shall be in effect only from July 1,
31 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

32
33 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
35 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
36 public schools, or for abortion services. Funds shall be expended in

1 accordance with Arkansas Code Annotated §6-18-703.

2 The provisions of this section shall be in effect only from July 1,
3 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

4
5 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

7 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

8 Effective for the plan year beginning October 1, ~~2010~~ 2011, if ninety-eight
9 percent (98%) of the uniform rate of tax used in the calculation of State
10 Foundation Funding Aid for fiscal year ~~2010-2011~~ 2011-2012 exceeds nine
11 hundred twenty million seven hundred thirty-one thousand eight hundred
12 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
13 fifteen million dollars (\$15,000,000) of the total increase over the nine
14 hundred twenty million seven hundred thirty-one thousand eight hundred
15 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
16 Department of Finance and Administration in additional health insurance
17 contributions for eligible employees electing to participate in the public
18 school employees' health insurance program administered by the State and
19 Public School Life and Health Insurance Board.

20 The Department of Education shall make the contributions by
21 transferring funds to the division in quarterly installments. Funds provided
22 by the Department of Education to the division under this section shall be
23 administered by the board for the benefit of the employee participants of the
24 public school employees' health insurance program.

25 The provisions of this section shall be in effect only from July 1,
26 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

27
28 SECTION 30. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as
29 follows:

30 (e)(1) Except as provided in subdivision (e)(2) of this section, a
31 school district meeting the requirements of subsection (b) of this section
32 shall receive an amount equal to ten percent (10%) of the foundation funding
33 received by the school district under § 6-20-2305(a)(2) based on the three-
34 quarter average daily membership of the isolated school area under § 6-20-
35 2305(a)(2) if the school district has school facilities open for kindergarten
36 through grade twelve (K-12) in one (1) or more isolated schools meeting the

1 requirements of subsection (b) of this section.

2 (2) A school district shall receive an amount equal to ten percent
3 (10%) of the foundation funding received by the school district under § 6-20-
4 2305(a)(2) based on the three-quarter average daily membership of the
5 isolated school area under § 6-20-2305(a)(2) if:

6 (A) The school district has school facilities serving students
7 in any grade in kindergarten through grade twelve (K-12) in one (1) or more
8 isolated schools meeting the requirements of subsection (b) of this section;
9 and

10 (B) The school district closed an isolated facility serving
11 students in grades seven (7) through twelve (12) between January 1, 2008, and
12 July 1, 2008.

13

14 SECTION 31. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
15 authorized by this act shall be limited to the appropriation for such agency
16 and funds made available by law for the support of such appropriations; and
17 the restrictions of the State Procurement Law, the General Accounting and
18 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
19 Procedures and Restrictions Act, or their successors, and other fiscal
20 control laws of this State, where applicable, and regulations promulgated by
21 the Department of Finance and Administration, as authorized by law, shall be
22 strictly complied with in disbursement of said funds.

23

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

32

33 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the
34 General Assembly, that the Constitution of the State of Arkansas prohibits
35 the appropriation of funds for more than a one (1) year period; that the
36 effectiveness of this Act on July 1, 2011 is essential to the operation of

1 the agency for which the appropriations in this Act are provided, and that in
2 the event of an extension of the legislative session, the delay in the
3 effective date of this Act beyond July 1, 2011 could work irreparable harm
4 upon the proper administration and provision of essential governmental
5 programs. Therefore, an emergency is hereby declared to exist and this Act
6 being necessary for the immediate preservation of the public peace, health
7 and safety shall be in full force and effect from and after July 1, 2011.

8
9 */s/Joint Budget Committee*

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