

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

As Engrossed: S3/7/11 S3/14/11 S3/21/11

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.
19
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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		Salary Rate
12	Item Class	Fiscal Year
13	No. Code Title	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	<u>NO.</u>	<u>2011-2012</u>
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. APPROPRIATION - PUBLIC SCHOOL ATHLETIC TRAINER PILOT

4 PROGRAM GRANTS. There is hereby appropriated, to the Department of
5 Education, to be payable from the Department of Education Public School Fund
6 Account, for Public School Athletic Trainer Pilot Program grants for personal
7 services to provide access to athletic trainers in public schools and to
8 promote the health and safety of students by the Department of Education for
9 the fiscal year ending June 30, 2012, the sum of\$200,000.

10

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

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

29

30 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
32 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
33 Districts appropriation in Section 1 of this Act, "school district" means a
34 school district which contracts with a school district in an adjoining state
35 for the education of some of the pupils within the Arkansas school district
36 because the portion of the school district wherein such pupils live is

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

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

26 The provisions of this section shall be in effect only from July 1,
27 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

28

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

31 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
32 fiscal year thereafter, the Department of Education shall from time to time
33 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
34 State, the amount of funds disbursed or approved to be disbursed by the
35 Department of Education for desegregation expenses under any "Desegregation
36 Settlement Agreement". Upon the receipt of such certification, the State

1 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
2 202(b)(2)(B), shall also deduct from the net general revenues the amount
3 certified and transfer this amount to the Department of Education Public
4 School Fund Account there to be used exclusively for payment of or
5 reimbursement for expenses incurred from the Department of Education Public
6 School Fund Account under any "Desegregation Settlement Agreement".
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 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
11 Incentive shall be allocated in accordance with rules and regulations
12 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.

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

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

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

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

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

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

26

27 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
30 shall make available from the Intervention Block Grants appropriation
31 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
32 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
33 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
34 grants up to \$1,000 each for students and chaperones, thirteen thousand five
35 hundred dollars (\$13,500) each fiscal year for Destination Imagination, ~~and~~
36 one hundred thousand dollars (\$100,000) each fiscal year for the State

1 History Day Competition, and seventy-five thousand dollars (\$75,000) each
2 fiscal year for a grant to the Arkansas Science Fair Association for grants
3 to regional and the state science fairs. The Department of Education shall
4 allocate General Revenue funding totaling no less than ~~two hundred twenty-~~
5 ~~seven thousand dollars (\$227,000)~~ three hundred two thousand dollars
6 (\$302,000) each fiscal year from the Department of Education Public School
7 Fund Account to support the annual expenses of the Quiz Bowl, the Creativity
8 in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones,
9 Destination Imagination, and the State History Day Competition, and the
10 Arkansas Science Fair Association for grants to regional and state science
11 fairs. The Department shall either expend or have committed for expenditure
12 the monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc.,
13 Destination Imagination, ~~and~~ the State History Day Competition, and Arkansas
14 Science Fair Association grants as authorized herein in order to fulfill the
15 provisions of this section.

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 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
21 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
22 each fiscal year, an amount of not less than *two million dollars (\$2,000,000)*
23 or eighteen percent (18%), whichever is greater each fiscal year, shall be
24 awarded through a grant or professional services contract for EAST
25 infrastructure, personnel, and operating expenses. The EAST infrastructure
26 grant or contract for personal services and operating expenses shall be
27 awarded to an entity that has personnel or experience, or both, in
28 implementing the EAST Initiative.

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 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
34 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
35 appropriation authorized by this Act for Technology Grants the Department of
36 Education shall make available one hundred eighty-seven thousand five hundred

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

10 The provisions of this section shall be in effect only from July 1,
11 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

12
13 SECTION 18. 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,
28 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

29
30 SECTION 19. 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, four million dollars (\$4,000,000) may be authorized by
34 the Commissioner of the Department of Education to be used by the Department
35 of Education to develop and implement statewide professional development
36 support systems for teachers that will benefit student achievement.

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

3
4 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
6 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
7 Districts shall pay the teacher retirement employer contribution rate for any
8 eligible employee in accordance with rules and regulations established by the
9 Teacher Retirement Board of Directors. The appropriation contained herein for
10 Teacher Retirement Matching each fiscal year shall be used to provide the
11 employer matching for employees of the Cooperative Education Services Areas,
12 Vocational Centers, Arkansas Easter Seals and the school operated by the
13 Department of Correction.

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

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

23 Regardless of any provision of law to the contrary, no school district
24 shall receive state funding for the ~~2010-2011~~ 2011-2012 school year for those
25 students who are included in the district's average daily membership for the
26 previous school year but who are attending any open-enrollment charter school
27 that uses internet, long-distance, or virtual technology as the primary
28 method of teaching.

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 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
34 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
35 authorized to expend a maximum of two percent (2%) of available funds for
36 administration of the Better Chance Program. Up to 1.8% of available funds

1 shall be used to administer the program and to monitor program grantees to
2 ensure compliance with programmatic standards. Prior to the utilization of
3 the remaining 0.2% of available funds, the Department of Education shall seek
4 prior review and approval of the Arkansas Legislative Council or Joint Budget
5 Committee by providing a written request to include the following: a) the
6 Department's reason(s) for the use of the funds and b) the amount of funds
7 that will be expended. The Department may contract with the Division of Child
8 Care and Early Childhood Education to administer the program.

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

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

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

36

1 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
3 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
4 Chance for School Success Program remaining on June 30, ~~2011~~ 2012, in the
5 Department of Education Public School Fund Account shall be designated and
6 retained for the Arkansas Better Chance for School Success Program.

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

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

12 (2) The Department of Finance and Administration Office of Budget
13 shall report to the Arkansas Legislative Council all amounts carried forward
14 by the September Arkansas Legislative Council or Joint Budget Committee
15 meeting which report shall include the name of the Agency, Board, Commission
16 or Institution and the amount of the funding carried forward, the program
17 name or line item, the funding source of that appropriation and a copy of the
18 written request set forth in (1) above;

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

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

31 The provisions of this section shall be in effect only from July 1,
32 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

33
34 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
36 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the

1 Department of Finance and Administration may use up to eleven dollars and
2 twenty cents (\$11.20) from each contribution made under Arkansas Code
3 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
4 members electing to participate in the public school employees' health
5 insurance program as a retiree.

6
7 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

19
20 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
22 INSURANCE. The appropriation contained herein for Public School Employee
23 Insurance each fiscal year shall be used to provide the state contribution
24 for insurance premiums for employees of the Cooperative Education Services
25 Areas, Vocational Centers, and the school operated by the Department of
26 Correction who participate in the Arkansas Public School Life and Health
27 Insurance Program.

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

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31 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

33 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
34 funding for Alternative Learning Environment Programs in excess of the
35 regulatory limitation of six (6) hours per day for those programs that
36 operate more than twelve hours per day, in a proportionate manner and upon

1 special request to the Department of Education.

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. STATE
7 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
8 public schools, or for abortion services. Funds shall be expended in
9 accordance with Arkansas Code Annotated §6-18-703.

10 The provisions of this section shall be in effect only from July 1,
11 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

12
13 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

15 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

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

28 The Department of Education shall make the contributions by
29 transferring funds to the division in quarterly installments. Funds provided
30 by the Department of Education to the division under this section shall be
31 administered by the board for the benefit of the employee participants of the
32 public school employees' health insurance program.

33 The provisions of this section shall be in effect only from July 1,
34 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

35
36 SECTION 31. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as

1 follows:

2 (e)(1) Except as provided in subdivision (e)(2) of this section, a
3 school district meeting the requirements of subsection (b) of this section
4 shall receive an amount equal to ten percent (10%) of the foundation funding
5 received by the school district under § 6-20-2305(a)(2) based on the three-
6 quarter average daily membership of the isolated school area under § 6-20-
7 2305(a)(2) if the school district has school facilities open for kindergarten
8 through grade twelve (K-12) in one (1) or more isolated schools meeting the
9 requirements of subsection (b) of this section.

10 (2) A school district shall receive an amount equal to ten percent
11 (10%) of the foundation funding received by the school district under § 6-20-
12 2305(a)(2) based on the three-quarter average daily membership of the
13 isolated school area under § 6-20-2305(a)(2) if:

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

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

21

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

31

32 SECTION 33. LEGISLATIVE INTENT. It is the intent of the General
33 Assembly that any funds disbursed under the authority of the appropriations
34 contained in this act shall be in compliance with the stated reasons for
35 which this act was adopted, as evidenced by the Agency Requests, Executive
36 Recommendations and Legislative Recommendations contained in the budget

1 manuals prepared by the Department of Finance and Administration, letters, or
2 summarized oral testimony in the official minutes of the Arkansas Legislative
3 Council or Joint Budget Committee which relate to its passage and adoption.
4

5 SECTION 34. EMERGENCY CLAUSE. It is found and determined by the
6 General Assembly, that the Constitution of the State of Arkansas prohibits
7 the appropriation of funds for more than a one (1) year period; that the
8 effectiveness of this Act on July 1, 2011 is essential to the operation of
9 the agency for which the appropriations in this Act are provided, and that in
10 the event of an extension of the legislative session, the delay in the
11 effective date of this Act beyond July 1, 2011 could work irreparable harm
12 upon the proper administration and provision of essential governmental
13 programs. Therefore, an emergency is hereby declared to exist and this Act
14 being necessary for the immediate preservation of the public peace, health
15 and safety shall be in full force and effect from and after July 1, 2011.

16
17 */s/ Joint Budget Committee*
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