

1 State of Arkansas *As Engrossed: S3/7/11 S3/14/11 S3/21/11 S3/30/11*

2 88th General Assembly

A Bill

3 Regular Session, 2011

SENATE BILL 211

4

5 By: Joint Budget Committee

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND

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AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL

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PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE

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FISCAL YEAR ENDING JUNE 30, 2012; AND FOR OTHER

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PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF EDUCATION -

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GRANTS AND AID TO LOCAL SCHOOL DISTRICTS

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APPROPRIATION FOR THE 2011-2012 FISCAL

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YEAR.

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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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SECTION 1. APPROPRIATION. There is hereby appropriated, to the

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Department of Education, to be payable from the Department of Education

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Public School Fund Account, for grants and aid to local school districts and

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special programs of the Department of Education for the fiscal year ending

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June 30, 2012, the following:

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30 ITEM

FISCAL YEAR

31 NO.

2011-2012

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(01) 98% URT ACTUAL COLLECTION ADJUSTMENT

\$34,500,000

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(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE

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HEALTH INSURANCE

15,000,000

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(03) ADVANCED PLACEMENT INCENTIVE

825,000

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(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)	<i>SUPPLEMENTAL TRANSPORTATION</i>	<i>500,000</i>
18	(54)	STUDENT GROWTH	28,500,000
19	(55)	SUPPLEMENTAL MILLAGE	10,000,000
20	(56)	SURPLUS COMMODITIES	780,000
21	(57)	TEACHER LICENSING/MENTORING	5,008,758
22	(58)	TEACHER OF THE YEAR	100,000
23	(59)	TEACHER RECRUITMENT	2,100,000
24	(60)	TEACHER RETIREMENT MATCHING	6,655,000
25	(61)	TECHNOLOGY GRANTS	3,602,678
26	(62)	TECHNOLOGY IMPROVEMENTS	500,000
27	(63)	WORKER'S COMPENSATION	450,000
28	(64)	YOUTH SHELTERS	165,000
29	(65)	<i>STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM</i>	<u><i>200,000</i></u>
30		TOTAL AMOUNT APPROPRIATED	<u><i>\$2,647,652,721</i></u>

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

33 There is hereby established for the Department of Education - Arkansas Public
34 School Computer Network for the 2011-2012 fiscal year, the following maximum
35 number of regular employees.

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Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2011-2012
(1)	N047N	ADE APSCN DIRECTOR	1	GRADE N908
(2)	G012C	ADE ASSISTANT TO COMMISSIONER	2	GRADE C129
(3)	G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
(4)	D037C	ADE APSCN APPLICATIONS MANAGER	5	GRADE C124
(5)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
(6)	D050C	SECURITY ANALYST	1	GRADE C122
(7)	D044C	SYSTEMS ANALYST	1	GRADE C122
(8)	D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
(9)	C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
(10)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
(11)	D077C	HELP DESK SPECIALIST	2	GRADE C115
(12)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
(13)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
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	FISCAL YEAR
NO.	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
(E) DATA PROC.	0

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

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

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

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

25	ITEM	FISCAL YEAR
26	NO.	2011-2012
27	(01) REGULAR SALARIES	\$258,773
28	(02) PERSONAL SERVICES MATCHING	80,662
29	(03) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	91,800
31	(B) CONF. & TRAVEL	13,000
32	(C) PROF. FEES	306,900
33	(D) CAP. OUTLAY	0
34	(E) DATA PROC.	0
35	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>700,000</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,451,135</u></u>

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

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

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

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

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

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

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

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

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

30 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
31 fiscal year thereafter, the Department of Education shall from time to time
32 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
33 State, the amount of funds disbursed or approved to be disbursed by the
34 Department of Education for desegregation expenses under any "Desegregation
35 Settlement Agreement". Upon the receipt of such certification, the State
36 Treasurer, after making those deductions as set out in Arkansas Code 19-5-

1 202(b)(2)(B), shall also deduct from the net general revenues the amount
2 certified and transfer this amount to the Department of Education Public
3 School Fund Account there to be used exclusively for payment of or
4 reimbursement for expenses incurred from the Department of Education Public
5 School Fund Account under any "Desegregation Settlement Agreement".
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7 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
9 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
10 Incentive shall be allocated in accordance with rules and regulations
11 established by the State Board of Education.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
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15 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for
18 Residential Centers/Juvenile Detention shall be allocated in accordance with
19 rules and regulations established by the State Board of Education.

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
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23 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
25 AUTHORITY. The Commissioner of the Department of Education, with the approval
26 of the Chief Fiscal Officer of the State and after approval by the Arkansas
27 Legislative Council or Joint Budget Committee, is hereby authorized to
28 request necessary appropriation transfers and any other budget related
29 adjustments necessary within the Department of Education. Provided, however,
30 that the Department of Education shall be limited to submitting no more than
31 two transfer requests during any fiscal year.

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

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

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

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

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

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26 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
28 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
29 shall make available from the Intervention Block Grants appropriation
30 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
31 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
32 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
33 grants up to \$1,000 each for students and chaperones, thirteen thousand five
34 hundred dollars (\$13,500) each fiscal year for Destination Imagination, ~~and~~
35 one hundred thousand dollars (\$100,000) each fiscal year for the State
36 History Day Competition, and seventy-five thousand dollars (\$75,000) each

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

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

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18 SECTION 16. 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 *two* million dollars *(\$2,000,000)*
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,
29 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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31 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
33 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 Center for Quality

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

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

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

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

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

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

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

36 The provisions of this section shall be in effect only from July 1,

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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3 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

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

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

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

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

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

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

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36 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
2 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
3 Chance for School Success Program remaining on June 30, ~~2011~~ 2012, in the
4 Department of Education Public School Fund Account shall be designated and
5 retained for the Arkansas Better Chance for School Success Program.

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

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

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

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

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

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 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
35 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
36 Department of Finance and Administration may use up to eleven dollars and

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

5
6 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
8 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
9 shall transfer on his books and those of the State Treasurer and the State
10 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
11 fiscal year from the Department of Education Public School Fund Account to
12 the University of Arkansas at Little Rock Fund, specifically to provide
13 funding for the Arkansas/STRIVE Program. The total amount of funds
14 transferred each fiscal year pursuant to this section shall not be subject to
15 any indirect costs by the University of Arkansas at Little Rock.

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 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
21 INSURANCE. The appropriation contained herein for Public School Employee
22 Insurance each fiscal year shall be used to provide the state contribution
23 for insurance premiums for employees of the Cooperative Education Services
24 Areas, Vocational Centers, and the school operated by the Department of
25 Correction who participate in the Arkansas Public School Life and Health
26 Insurance 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 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
32 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
33 funding for Alternative Learning Environment Programs in excess of the
34 regulatory limitation of six (6) hours per day for those programs that
35 operate more than twelve hours per day, in a proportionate manner and upon
36 special request to the Department of Education.

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

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 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.
15 Effective for the plan year beginning October 1, ~~2010~~ 2011, if ninety-eight
16 percent (98%) of the uniform rate of tax used in the calculation of State
17 Foundation Funding Aid for fiscal year ~~2010-2011~~ 2011-2012 exceeds nine
18 hundred twenty million seven hundred thirty-one thousand eight hundred
19 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
20 fifteen million dollars (\$15,000,000) of the total increase over the nine
21 hundred twenty million seven hundred thirty-one thousand eight hundred
22 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
23 Department of Finance and Administration in additional health insurance
24 contributions for eligible employees electing to participate in the public
25 school employees' health insurance program administered by the State and
26 Public School Life and Health Insurance Board.

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

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

34
35 SECTION 31. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as
36 follows:

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

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

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

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

21 *SECTION 32. SPECIAL LANGUAGE NOT TO BE INCORPORATED INTO THE ARKANSAS*
22 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*
23 *SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,*
24 *allocate and commit for expenditure five hundred thousand dollars (\$500,000)*
25 *for the appropriation made herein for "Supplemental Transportation". The*
26 *Department shall use such funding to address extraordinary transportation*
27 *needs of public school districts. The State Board of Education shall*
28 *promulgate such rules and regulations as may be necessary to implement this*
29 *provision, which shall be reviewed by the House and Senate Interim Committees*
30 *on Education.*
31

32 *SECTION 33. COMPLIANCE WITH OTHER LAWS.* Disbursement of funds
33 authorized by this act shall be limited to the appropriation for such agency
34 and funds made available by law for the support of such appropriations; and
35 the restrictions of the State Procurement Law, the General Accounting and
36 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary

1 Procedures and Restrictions Act, or their successors, and other fiscal
2 control laws of this State, where applicable, and regulations promulgated by
3 the Department of Finance and Administration, as authorized by law, shall be
4 strictly complied with in disbursement of said funds.

5
6 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General
7 Assembly that any funds disbursed under the authority of the appropriations
8 contained in this act shall be in compliance with the stated reasons for
9 which this act was adopted, as evidenced by the Agency Requests, Executive
10 Recommendations and Legislative Recommendations contained in the budget
11 manuals prepared by the Department of Finance and Administration, letters, or
12 summarized oral testimony in the official minutes of the Arkansas Legislative
13 Council or Joint Budget Committee which relate to its passage and adoption.

14
15 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the
16 General Assembly, that the Constitution of the State of Arkansas prohibits
17 the appropriation of funds for more than a one (1) year period; that the
18 effectiveness of this Act on July 1, 2011 is essential to the operation of
19 the agency for which the appropriations in this Act are provided, and that in
20 the event of an extension of the legislative session, the delay in the
21 effective date of this Act beyond July 1, 2011 could work irreparable harm
22 upon the proper administration and provision of essential governmental
23 programs. Therefore, an emergency is hereby declared to exist and this Act
24 being necessary for the immediate preservation of the public peace, health
25 and safety shall be in full force and effect from and after July 1, 2011.

26
27 */s/Joint Budget Committee*
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