

1 State of Arkansas  
2 88th General Assembly  
3 Fiscal Session, 2012  
4

# A Bill

SENATE BILL 51

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, 2013; AND FOR OTHER  
12 PURPOSES.  
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## Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
16 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS  
17 APPROPRIATION FOR THE 2012-2013 FISCAL  
18 YEAR.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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, 2013, the following:  
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30 ITEM	FISCAL YEAR
31 NO.	2012-2013
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	21,775,797



1	(05)	ALTERNATIVE PAY	807,907
2	(06)	ARKANSAS EASTER SEALS	193,113
3	(07)	ASSESSMENT/END OF COURSE TESTING	24,375,349
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	6,024,799
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	16,897,920
21	(24)	ECONOMIC EDUCATION	350,000
22	(25)	EDUCATION SERVICE COOPERATIVES	6,129,270
23	(26)	ENGLISH LANGUAGE LEARNERS	12,162,924
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	12,016,160
36	(37)	NATIONAL SCHOOL LUNCH	187,235,597

1	(38)	NON-TRADITIONAL LICENSURE	50,000
2	(39)	PROFESSIONAL DEVELOPMENT FUNDING	24,244,209
3	(40)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
4	(41)	RESIDENTIAL CENTERS/JUVENILE	
5		DETENTION	16,345,087
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	1,716,859
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	1,904,969,759
17	(53)	SUPPLEMENTAL TRANSPORTATION	500,000
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)	STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM	<u>200,000</u>
30		TOTAL AMOUNT APPROPRIATED	<u>\$2,706,856,563</u>

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SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.  
 There is hereby established for the Department of Education - Arkansas Public  
 School Computer Network for the 2012-2013 fiscal year, the following maximum  
 number of regular employees.

Item	Class		Maximum	Maximum Annual
No.	Code	Title	No. of	Salary Rate
			Employees	Fiscal Year
				2012-2013
(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, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$2,476,305
(02) PERSONAL SERVICES MATCHING	775,547
(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>\$23,629,415</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 2012-2013 fiscal year, the following maximum number of  
 7 regular employees.

9		Maximum Annual
10		Salary Rate
11	Item Class	Fiscal Year
12	No. Code Title	2012-2013
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, 2013, the  
 23 following:

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2012-2013</u>
27	(01) REGULAR SALARIES	\$264,536
28	(02) PERSONAL SERVICES MATCHING	81,808
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>\$1,458,044</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, 2013, 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~~ 2012 through June 30, ~~2011~~ 2013.

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~~ 2012 through June 30, ~~2011~~ 2013.

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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~~ 2012 through June 30, ~~2011~~ 2013.

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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~~ 2012 through June 30, ~~2011~~ 2013.

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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~~ 2012 through June 30, ~~2011~~ 2013.

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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~~ 2012 through June 30, ~~2011~~ 2013.

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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~~ 2012 through June 30, ~~2011~~ 2013.

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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 three hundred two  
4 thousand dollars (\$302,000) each fiscal year from the Department of Education  
5 Public School Fund Account to support the annual expenses of the Quiz Bowl,  
6 the Creativity in Arkansas, Inc. for grants up to \$1,000 each for students  
7 and chaperones, Destination Imagination, the State History Day Competition,  
8 and the Arkansas Science Fair Association for grants to regional and state  
9 science fairs. The Department shall either expend or have committed for  
10 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,  
11 Inc., Destination Imagination, the State History Day Competition, and  
12 Arkansas Science Fair Association grants as authorized herein in order to  
13 fulfill the provisions of this section.

14 The provisions of this section shall be in effect only from July 1,  
15 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

27 The provisions of this section shall be in effect only from July 1,  
28 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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30 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER  
32 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total  
33 appropriation authorized by this Act for Technology Grants the Department of  
34 Education shall make available one hundred eighty-seven thousand five hundred  
35 seventy-five dollars (\$187,575) each fiscal year for Center for Quality  
36 Teaching and Learning initiatives to teach students computer repair in a

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

8 The provisions of this section shall be in effect only from July 1,  
9 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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

25 The provisions of this section shall be in effect only from July 1,  
26 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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

35 The provisions of this section shall be in effect only from July 1,  
36 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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

12 The provisions of this section shall be in effect only from July 1,  
13 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

18 Regardless of any provision of law to the contrary, no school district  
19 shall receive state funding for the ~~2010-2011~~ 2012-2013 school year for those  
20 students who are included in the district's average daily membership for the  
21 previous school year but who are attending any open-enrollment charter school  
22 that uses internet, long-distance, or virtual technology as the primary  
23 method of teaching.

24 The provisions of this section shall be in effect only from July 1,  
25 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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27 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER  
29 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby  
30 authorized to expend a maximum of two percent (2%) of available funds for  
31 administration of the Better Chance Program. Up to 1.8% of available funds  
32 shall be used to administer the program and to monitor program grantees to  
33 ensure compliance with programmatic standards. Prior to the utilization of  
34 the remaining 0.2% of available funds, the Department of Education shall seek  
35 prior review and approval of the Arkansas Legislative Council or Joint Budget  
36 Committee by providing a written request to include the following: a) the

1 Department's reason(s) for the use of the funds and b) the amount of funds  
2 that will be expended. The Department may contract with the Division of Child  
3 Care and Early Childhood Education to administer the program.

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

17 The provisions of this section shall be in effect only from July 1,  
18 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

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32 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
34 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better  
35 Chance for School Success Program remaining on June 30, ~~2011~~ 2013, in the  
36 Department of Education Public School Fund Account shall be designated and

1 retained for the Arkansas Better Chance for School Success Program.

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

4 (1) Prior to June 30, ~~2011~~ 2013 the Agency shall by written statement  
5 set forth its reason(s) for the need to carry forward said funding to the  
6 Department of Finance and Administration Office of Budget;

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

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

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

26 The provisions of this section shall be in effect only from July 1,  
27 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

28  
29 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC  
31 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the  
32 Department of Finance and Administration may use up to eleven dollars and  
33 twenty cents (\$11.20) from each contribution made under Arkansas Code  
34 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible  
35 members electing to participate in the public school employees' health  
36 insurance program as a retiree.

1  
2 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

12 The provisions of this section shall be in effect only from July 1,  
13 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

14  
15 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH  
17 INSURANCE. The appropriation contained herein for Public School Employee  
18 Insurance each fiscal year shall be used to provide the state contribution  
19 for insurance premiums for employees of the Cooperative Education Services  
20 Areas, Vocational Centers, and the school operated by the Department of  
21 Correction who participate in the Arkansas Public School Life and Health  
22 Insurance Program.

23 The provisions of this section shall be in effect only from July 1,  
24 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

25  
26 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

33 The provisions of this section shall be in effect only from July 1,  
34 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

35  
36 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE  
 2 FUND RESTRICTIONS. No state funds shall be used for abortion referral in  
 3 public schools, or for abortion services. Funds shall be expended in  
 4 accordance with Arkansas Code Annotated §6-18-703.

5 The provisions of this section shall be in effect only from July 1,  
 6 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

7  
 8 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

10 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

11 Effective for the plan year beginning October 1, ~~2010~~ 2012, if ninety-eight  
 12 percent (98%) of the uniform rate of tax used in the calculation of State  
 13 Foundation Funding Aid for fiscal year ~~2010-2011~~ 2012-2013 exceeds nine  
 14 hundred twenty million seven hundred thirty-one thousand eight hundred  
 15 nineteen dollars (\$920,731,819), the Department of Education shall pay up to  
 16 fifteen million dollars (\$15,000,000) of the total increase over the nine  
 17 hundred twenty million seven hundred thirty-one thousand eight hundred  
 18 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the  
 19 Department of Finance and Administration in additional health insurance  
 20 contributions for eligible employees electing to participate in the public  
 21 school employees' health insurance program administered by the State and  
 22 Public School Life and Health Insurance Board.

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

28 The provisions of this section shall be in effect only from July 1,  
 29 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

30  
 31 SECTION 31. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e) reads as  
 32 follows:

33 (e)(1) Except as provided in subdivision (e)(2) of this section, a  
 34 school district meeting the requirements of subsection (b) of this section  
 35 shall receive an amount equal to ten percent (10%) of the foundation funding  
 36 received by the school district under § 6-20-2305(a)(2) based on the three-



1 quarter average daily membership of the isolated school area under § 6-20-  
2 2305(a)(2) if the school district has school facilities open for kindergarten  
3 through grade twelve (K-12) in one (1) or more isolated schools meeting the  
4 requirements of subsection (b) of this section.

5 (2) A school district shall receive an amount equal to ten percent  
6 (10%) of the foundation funding received by the school district under § 6-20-  
7 2305(a)(2) based on the three-quarter average daily membership of the  
8 isolated school area under § 6-20-2305(a)(2) if:

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

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

16  
17 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,  
20 allocate and commit for expenditure five hundred thousand dollars (\$500,000)  
21 for the appropriation made herein for "Supplemental Transportation". The  
22 Department shall use such funding to address extraordinary transportation  
23 needs of public school districts. The State Board of Education shall  
24 promulgate such rules and regulations as may be necessary to implement this  
25 provision, which shall be reviewed by the House and Senate Interim Committees  
26 on Education.

27  
28 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
29 authorized by this act shall be limited to the appropriation for such agency  
30 and funds made available by law for the support of such appropriations; and  
31 the restrictions of the State Procurement Law, the General Accounting and  
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
33 Procedures and Restrictions Act, or their successors, and other fiscal  
34 control laws of this State, where applicable, and regulations promulgated by  
35 the Department of Finance and Administration, as authorized by law, shall be  
36 strictly complied with in disbursement of said funds.

1  
2 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General  
3 Assembly that any funds disbursed under the authority of the appropriations  
4 contained in this act shall be in compliance with the stated reasons for  
5 which this act was adopted, as evidenced by the Agency Requests, Executive  
6 Recommendations and Legislative Recommendations contained in the budget  
7 manuals prepared by the Department of Finance and Administration, letters, or  
8 summarized oral testimony in the official minutes of the Arkansas Legislative  
9 Council or Joint Budget Committee which relate to its passage and adoption.  
10

11 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the  
12 General Assembly, that the Constitution of the State of Arkansas prohibits  
13 the appropriation of funds for more than a one (1) year period; that the  
14 effectiveness of this Act on July 1, 2012 is essential to the operation of  
15 the agency for which the appropriations in this Act are provided, and that in  
16 the event of an extension of the legislative session, the delay in the  
17 effective date of this Act beyond July 1, 2012 could work irreparable harm  
18 upon the proper administration and provision of essential governmental  
19 programs. Therefore, an emergency is hereby declared to exist and this Act  
20 being necessary for the immediate preservation of the public peace, health  
21 and safety shall be in full force and effect from and after July 1, 2012.  
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