

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 233

5 By: Joint Budget Committee
6

For An Act To Be Entitled

8 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO
9 LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE
10 DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING
11 JUNE 30, 2014; AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION -
15 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
16 APPROPRIATION FOR THE 2013-2014 FISCAL
17 YEAR.
18
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20

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

23 SECTION 1. APPROPRIATION. There is hereby appropriated, to the
24 Department of Education, to be payable from the Department of Education
25 Public School Fund Account, for grants and aid to local school districts and
26 special programs of the Department of Education for the fiscal year ending
27 June 30, 2014, the following:
28

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
HEALTH INSURANCE	15,000,000
(03) ADVANCED PLACEMENT INCENTIVE	825,000
(04) ALTERNATIVE LEARNING	23,318,012
(05) ARKANSAS EASTER SEALS	193,113



1	(06)	ASSESSMENT/END OF COURSE TESTING	24,223,861
2	(07)	AT RISK	1,688,530
3	(08)	BETTER CHANCE PROGRAM	111,000,000
4	(09)	BONDED DEBT ASSISTANCE	28,455,384
5	(10)	CONSOLIDATION INCENTIVE	3,760,200
6	(11)	CONTENT STANDARDS	161,000
7	(12)	CONTENTS STANDARDS CURRICULUM	
8		FRAMEWORKS	50,000
9	(13)	COOP EDUCATION TECH CENTERS	1,200,000
10	(14)	COORDINATED SCHOOL HEALTH	2,000,000
11	(15)	COURT ORDERED DESEGREGATION	69,814,372
12	(16)	CRIMINAL BACKGROUND CHECKS	25,000
13	(17)	DECLINING ENROLLMENT	13,963,389
14	(18)	DEPT OF CORRECTION	6,220,892
15	(19)	DISTANCE LEARNING	4,760,000
16	(20)	DISTANCE LEARNING OPERATIONS	7,575,000
17	(21)	DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
18	(22)	EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
19	(23)	ECONOMIC EDUCATION	350,000
20	(24)	EDUCATION SERVICE COOPERATIVES	6,129,270
21	(25)	ENGLISH LANGUAGE LEARNERS	13,075,049
22	(26)	GENERAL FACILITIES FUNDING	8,100,000
23	(27)	GIFTED & TALENTED	1,335,381
24	(28)	GRANTS TO SCHOOL DISTRICTS	67,856
25	(29)	HOME SCHOOL TESTING	250,000
26	(30)	HUMAN DEVELOPMENT CENTER EDUCATION	
27		AID	526,150
28	(31)	INTERVENTION BLOCK GRANTS	302,000
29	(32)	ISOLATED FUNDING	7,896,000
30	(33)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
31	(34)	MASTER PRINCIPAL BONUS	200,000
32	(35)	NATIONAL BOARD OF PROF TEACHING	
33		STANDARDS	13,516,160
34	(36)	NATIONAL SCHOOL LUNCH	200,253,906
35	(37)	NON-TRADITIONAL LICENSURE	50,000
36	(38)	PROFESSIONAL DEVELOPMENT FUNDING	24,692,402

1	(39)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
2	(40)	RESIDENTIAL CENTERS/JUVENILE	
3		DETENTION	16,345,087
4	(41)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
5	(42)	SCHOOL FOOD SERVICES	1,650,000
6	(43)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
7	(44)	SCHOOL FUNDING CONTINGENCY	25,000,000
8	(45)	SCHOOL WORKER DEFENSE	390,000
9	(46)	SERIOUS OFFENDER	1,716,859
10	(47)	SMART START/SMART STEP	10,666,303
11	(48)	SPECIAL EDUCATION SERVICES	2,802,527
12	(49)	SPECIAL EDUCATION-CATASTROPHIC	12,900,000
13	(50)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
14	(51)	STATE FOUNDATION FUNDING	1,923,089,661
15	(52)	STUDENT GROWTH	28,500,000
16	(53)	SUPPLEMENTAL MILLAGE	10,000,000
17	(54)	SURPLUS COMMODITIES	1,349,810
18	(55)	TEACHER LICENSING/MENTORING	5,008,758
19	(56)	TEACHER OF THE YEAR	100,000
20	(57)	TEACHER RECRUITMENT	2,100,000
21	(58)	TEACHER RETIREMENT MATCHING	10,102,189
22	(59)	TECHNOLOGY GRANTS	3,602,678
23	(60)	TECHNOLOGY IMPROVEMENTS	500,000
24	(61)	WORKER'S COMPENSATION	450,000
25	(62)	YOUTH SHELTERS	<u>165,000</u>
26		TOTAL AMOUNT APPROPRIATED	<u>\$2,740,213,319</u>

27

28 SECTION 2. REGULAR SALARIES - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.
 29 There is hereby established for the Department of Education - Arkansas Public
 30 School Computer Network for the 2013-2014 fiscal year, the following maximum
 31 number of regular employees.

32

33			Maximum Annual
34		Maximum	Salary Rate
35	Item Class	No. of	Fiscal Year
36	<u>No. Code Title</u>	<u>Employees</u>	<u>2013-2014</u>

1	(1)	N047N	ADE APSCN DIRECTOR	1	GRADE N908
2	(2)	G012C	ADE ASSISTANT TO COMMISSIONER	2	GRADE C129
3	(3)	G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
4	(4)	D037C	ADE APSCN APPLICATIONS MANAGER	5	GRADE C124
5	(5)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
6	(6)	D050C	SECURITY ANALYST	1	GRADE C122
7	(7)	D044C	SYSTEMS ANALYST	1	GRADE C122
8	(8)	D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
9	(9)	C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
10	(10)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
11	(11)	D077C	HELP DESK SPECIALIST	2	GRADE C115
12	(12)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
13			MAX. NO. OF EMPLOYEES	48	

14

15 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

16 There is hereby appropriated, to the Department of Education, to be payable
 17 from the Department of Education Public School Fund Account, for personal
 18 services and operating expenses of the Department of Education - Arkansas
 19 Public School Computer Network for the fiscal year ending June 30, 2014, the
 20 following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2013-2014</u>
24	(01) REGULAR SALARIES	\$2,328,377
25	(02) PERSONAL SERVICES MATCHING	791,477
26	(03) MAINT. & GEN. OPERATION	
27	(A) OPER. EXPENSE	19,245,839
28	(B) CONF. & TRAVEL	7,250
29	(C) PROF. FEES	0
30	(D) CAP. OUTLAY	200,000
31	(E) DATA PROC.	0
32	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
33	TOTAL AMOUNT APPROPRIATED	<u>\$22,872,943</u>

34

35 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
 36 is hereby established for the Department of Education - Office of Education

1 Renewal Zones for the 2013-2014 fiscal year, the following maximum number of
 2 regular employees.

3				4	Maximum Annual
5				Maximum	Salary Rate
6	Item	Class		No. of	Fiscal Year
7	No.	Code	Title	Employees	2013-2014
8	(1)	E007C	ADE OERZ DIRECTOR	1	GRADE C126
9	(2)	E020C	ADE OERZ TECHNICAL ASSIST SPECIALIST	3	GRADE C122
10	(3)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
11	MAX. NO. OF EMPLOYEES			5	

12
 13 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 14 hereby appropriated, to the Department of Education, to be payable from the
 15 Department of Education Public School Fund Account, for personal services,
 16 operating expenses and grants by the Department of Education - Office of
 17 Education Renewal Zones for the fiscal year ending June 30, 2014, the
 18 following:

20	ITEM	FISCAL YEAR
21	NO.	2013-2014
22	(01) REGULAR SALARIES	\$259,688
23	(02) PERSONAL SERVICES MATCHING	86,535
24	(03) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	91,800
26	(B) CONF. & TRAVEL	13,000
27	(C) PROF. FEES	306,900
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	0
30	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>717,450</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$1,475,373</u>

32
 33 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 35 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 36 of this Act may be fully funded. Any funding and appropriation for Isolated

1 Funding that is not utilized shall be transferred to the appropriation for
 2 Special Needs Isolated Funding in Section 1 of this Act and shall be used
 3 there for fully funding each subsection (c) through (f) of Arkansas Code
 4 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
 5 rata basis is defined as providing each district qualifying for additional
 6 funding under subsections (c) through (f) a proportionate share based on how
 7 each district's additional funding amount bears to the total additional
 8 funding amounts for all qualifying districts. If any funding and
 9 appropriation remains after funding each subsection (c) through (f) of
 10 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
 11 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
 12 available funds are exhausted.

13 The provisions of this section shall be in effect only from July 1, ~~2012~~
 14 2013 through June 30, ~~2013~~ 2014.

15
 16 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
 18 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
 19 Districts appropriation in Section 1 of this Act, "school district" means a
 20 school district which contracts with a school district in an adjoining state
 21 for the education of some of the pupils within the Arkansas school district
 22 because the portion of the school district wherein such pupils live is
 23 completely separated from the remainder of the school district by a reservoir
 24 covering at least 12,000 acres at normal water level, and where to attend
 25 school in their own district, the pupils of said portion would be required to
 26 travel or to be transported a distance (measured by the nearest highway or
 27 road route) of more than 35 miles round trip and pass through another school
 28 district or districts. The Department of Education shall distribute the
 29 monies appropriated for Grants to School Districts in Section 1 of this Act
 30 to such school districts as reimbursement for expenses incurred in educating
 31 the pupils residing in the separated portion of the school district. The
 32 payments are to be limited to the amount of available appropriation. Such
 33 school districts shall file a request for reimbursement with the Department
 34 of Education and provide the Department of Education with such documentation
 35 as is deemed necessary.

36 The provisions of this section shall be in effect only from July 1, ~~2012~~

1 2013 through June 30, ~~2013~~ 2014.

2
3 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
5 EDUCATION SERVICES. The funds appropriated in the line item "Special
6 Education Services" in Section 1 of this Act shall be used to provide
7 extended year summer programs for handicapped students in need of such
8 services, to provide special education services to foster children who are
9 wards of the State, and to provide funds for the payment of salaries of
10 special education supervisors. The Department of Education shall distribute
11 such funds in the manner necessary to carry out the intent of this Section.

12 The provisions of this section shall be in effect only from July 1, ~~2012~~
13 2013 through June 30, ~~2013~~ 2014.

14
15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
17 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
18 fiscal year thereafter, the Department of Education shall from time to time
19 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
20 State, the amount of funds disbursed or approved to be disbursed by the
21 Department of Education for desegregation expenses under any "Desegregation
22 Settlement Agreement". Upon the receipt of such certification, the State
23 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
24 202(b)(2)(B), shall also deduct from the net general revenues the amount
25 certified and transfer this amount to the Department of Education Public
26 School Fund Account there to be used exclusively for payment of or
27 reimbursement for expenses incurred from the Department of Education Public
28 School Fund Account under any "Desegregation Settlement Agreement".

29
30 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
32 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
33 Incentive shall be allocated in accordance with rules and regulations
34 established by the State Board of Education.

35 The provisions of this section shall be in effect only from July 1, ~~2012~~
36 2013 through June 30, ~~2013~~ 2014.

1
2 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

7 The provisions of this section shall be in effect only from July 1, ~~2012~~
8 2013 through June 30, ~~2013~~ 2014.

9
10 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
12 AUTHORITY. The Commissioner of the Department of Education, with the approval
13 of the Chief Fiscal Officer of the State and after approval by the Arkansas
14 Legislative Council or Joint Budget Committee, is hereby authorized to
15 request necessary appropriation transfers and any other budget related
16 adjustments necessary within the Department of Education. Provided, however,
17 that the Department of Education shall be limited to submitting no more than
18 two transfer requests during any fiscal year.

19 Determining the maximum number of employees and the maximum amount of
20 appropriation and general revenue funding for a state agency each fiscal year
21 is the prerogative of the General Assembly. This is usually accomplished by
22 delineating such maximums in the appropriation act(s) for a state agency and
23 the general revenue allocations authorized for each fund and fund account by
24 amendment to the Revenue Stabilization law. Further, the General Assembly
25 has determined that the Department of Education may operate more efficiently
26 if some flexibility is provided to the Commissioner of the Department of
27 Education authorizing broad powers under the Transfer Authority provision
28 herein. Therefore, it is both necessary and appropriate that the General
29 Assembly maintain oversight by requiring prior approval of the Legislative
30 Council or Joint Budget Committee as provided by this section. The
31 requirement of approval by the Legislative Council or Joint Budget Committee
32 is not a severable part of this section. If the requirement of approval by
33 the Legislative Council or Joint Budget Committee is ruled unconstitutional
34 by a court jurisdiction, this entire section is void.

35 The provisions of this section shall be in effect only from July 1, ~~2012~~
36 2013 through June 30, ~~2013~~ 2014.

1
2 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
4 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
5 authorized herein to the Department of Education for the Quiz Bowl each
6 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
7 fiscal year may be made available to the Department of Education -
8 Educational Television Division for its documented costs associated with the
9 Quiz Bowl.

10 The provisions of this section shall be in effect only from July 1, ~~2012~~
11 2013 through June 30, ~~2013~~ 2014.

12
13 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
15 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
16 shall make available from the Intervention Block Grants appropriation
17 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
18 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
19 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
20 grants up to \$1,000 each for students and chaperones, thirteen thousand five
21 hundred dollars (\$13,500) each fiscal year for Destination Imagination, one
22 hundred thousand dollars (\$100,000) each fiscal year for the State History
23 Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year
24 for a grant to the Arkansas Science Fair Association for grants to regional
25 and the state science fairs. The Department of Education shall allocate
26 General Revenue funding totaling no less than three hundred two thousand
27 dollars (\$302,000) each fiscal year from the Department of Education Public
28 School Fund Account to support the annual expenses of the Quiz Bowl, the
29 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
30 chaperones, Destination Imagination, the State History Day Competition, and
31 the Arkansas Science Fair Association for grants to regional and state
32 science fairs. The Department shall either expend or have committed for
33 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
34 Inc., Destination Imagination, the State History Day Competition, and
35 Arkansas Science Fair Association grants as authorized herein in order to
36 fulfill the provisions of this section.

1 The provisions of this section shall be in effect only from July 1, ~~2012~~
2 2013 through June 30, ~~2013~~ 2014.

3
4 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
5 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST FUNDING
6 PROVISION. Of the total amount appropriated for Technology Grants each fiscal
7 year, an amount of not less than two million dollars (\$2,000,000) or eighteen
8 percent (18%), whichever is greater each fiscal year, shall be awarded
9 through a grant or professional services contract for EAST infrastructure,
10 personnel, and operating expenses. The EAST infrastructure grant or contract
11 for personal services and operating expenses shall be awarded to an entity
12 that has personnel or experience, or both, in implementing the EAST
13 Initiative.

14 The provisions of this section shall be in effect only from July 1, ~~2012~~
15 2013 through June 30, ~~2013~~ 2014.

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

31 The provisions of this section shall be in effect only from July 1,
32 ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

33
34 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
36 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item

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

12 The provisions of this section shall be in effect only from July 1, ~~2012~~
13 2013 through June 30, ~~2013~~ 2014.

14
15 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

22 The provisions of this section shall be in effect only from July 1, ~~2012~~
23 2013 through June 30, ~~2013~~ 2014.

24
25 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

27 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
28 Districts shall pay the teacher retirement employer contribution rate for any
29 eligible employee in accordance with rules and regulations established by the
30 Teacher Retirement Board of Directors. The appropriation contained herein for
31 Teacher Retirement Matching each fiscal year shall be used to provide the
32 employer matching for employees of the Cooperative Education Services Areas,
33 Vocational Centers, Arkansas Easter Seals and the school operated by the
34 Department of Correction.

35 The provisions of this section shall be in effect only from July 1, ~~2012~~
36 2013 through June 30, ~~2013~~ 2014.

1
 2 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
 4 ENROLLMENT VIRTUAL CHARTER SCHOOL FUNDING RESTRICTIONS.

5 Regardless of any provision of law to the contrary, no school district
 6 shall receive state funding for the ~~2012-2013~~ 2013-2014 school year for those
 7 students who are included in the district's average daily membership for the
 8 previous school year but who are attending any open-enrollment charter school
 9 that uses internet, long-distance, or virtual technology as the primary
 10 method of teaching.

11 The provisions of this section shall be in effect only from July 1, ~~2012~~
 12 2013 through June 30, ~~2013~~ 2014.

13
 14 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
 16 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
 17 authorized to expend a maximum of two percent (2%) of available funds for
 18 administration of the Better Chance Program. Up to 1.8% of available funds
 19 shall be used to administer the program and to monitor program grantees to
 20 ensure compliance with programmatic standards. Prior to the utilization of
 21 the remaining 0.2% of available funds, the Department of Education shall seek
 22 prior review and approval of the Arkansas Legislative Council or Joint Budget
 23 Committee by providing a written request to include the following: a) the
 24 Department's reason(s) for the use of the funds and b) the amount of funds
 25 that will be expended. The Department may contract with the Division of Child
 26 Care and Early Childhood Education to administer the program.

27 Determining the maximum number of employees and the maximum amount of
 28 appropriation and general revenue funding for a state agency each fiscal year
 29 is the prerogative of the General Assembly. This is usually accomplished by
 30 delineating such maximums in the appropriation act(s) for a state agency and
 31 the general revenue allocations authorized for each fund and fund account by
 32 amendment to the Revenue Stabilization law. Therefore, it is both necessary
 33 and appropriate that the General Assembly maintain oversight by requiring
 34 prior approval of the Legislative Council or Joint Budget Committee as
 35 provided by this section. The requirement of approval by the Legislative
 36 Council or Joint Budget Committee is not a severable part of this section.

1 If the requirement of approval by the Legislative Council or Joint Budget
2 Committee is ruled unconstitutional by a court of competent jurisdiction,
3 this entire section is void.

4 The provisions of this section shall be in effect only from July 1, ~~2012~~
5 2013 through June 30, ~~2013~~ 2014.

6
7 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
9 TEACHER SALARY. The Arkansas Department of Education is requested to
10 calculate Average Teacher Salary in the Department's Annual Statistical
11 Report to not include extra duty funds. Specifically, the Department is
12 requested to calculate the Average Teacher Salary amount using the National
13 Education Association definitions for Average Salary for Classroom Teachers.
14 The Arkansas Department of Education shall submit this data annually to the
15 National Education Association in accordance with that organization's
16 deadlines for submission for their report "Rankings and Estimates" which
17 includes state-by-state teacher salary comparisons.

18
19 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
21 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
22 Chance for School Success Program remaining on June 30, ~~2013~~ 2014, in the
23 Department of Education Public School Fund Account shall be designated and
24 retained for the Arkansas Better Chance for School Success Program.

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

27 (1) Prior to June 30, ~~2013~~ 2014 the Agency shall by written statement set
28 forth its reason(s) for the need to carry forward said funding to the
29 Department of Finance and Administration Office of Budget;

30 (2) The Department of Finance and Administration Office of Budget shall
31 report to the Arkansas Legislative Council all amounts carried forward by the
32 September Arkansas Legislative Council or Joint Budget Committee meeting
33 which report shall include the name of the Agency, Board, Commission or
34 Institution and the amount of the funding carried forward, the program name
35 or line item, the funding source of that appropriation and a copy of the
36 written request set forth in (1) above;

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

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

12 The provisions of this section shall be in effect only from July 1, ~~2012~~
 13 2013 through June 30, ~~2013~~ 2014.

14
 15 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
 17 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
 18 Department of Finance and Administration may use up to eleven dollars and
 19 twenty cents (\$11.20) from each contribution made under Arkansas Code
 20 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
 21 members electing to participate in the public school employees' health
 22 insurance program as a retiree.

23
 24 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 26 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State
 27 shall transfer on his books and those of the State Treasurer and the State
 28 Auditor, the sum of two hundred thousand dollars (\$200,000) during each
 29 fiscal year from the Department of Education Public School Fund Account to
 30 the University of Arkansas at Little Rock Fund, specifically to provide
 31 funding for the Arkansas/STRIVE Program. The total amount of funds
 32 transferred each fiscal year pursuant to this section shall not be subject to
 33 any indirect costs by the University of Arkansas at Little Rock.

34 The provisions of this section shall be in effect only from July 1, ~~2012~~
 35 2013 through June 30, ~~2013~~ 2014.

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

9 The provisions of this section shall be in effect only from July 1, ~~2012~~
10 2013 through June 30, ~~2013~~ 2014.

11
12 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
14 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
15 funding for Alternative Learning Environment Programs in excess of the
16 regulatory limitation of six (6) hours per day for those programs that
17 operate more than twelve hours per day, in a proportionate manner and upon
18 special request to the Department of Education.

19 The provisions of this section shall be in effect only from July 1, ~~2012~~
20 2013 through June 30, ~~2013~~ 2014.

21
22 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
24 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
25 public schools, or for abortion services. Funds shall be expended in
26 accordance with Arkansas Code Annotated §6-18-703.

27 The provisions of this section shall be in effect only from July 1, ~~2012~~
28 2013 through June 30, ~~2013~~ 2014.

29
30 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
32 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.
33 Effective for the plan year beginning October 1, ~~2012~~ 2013, if ninety-eight
34 percent (98%) of the uniform rate of tax used in the calculation of State
35 Foundation Funding Aid for fiscal year ~~2012-2013~~ 2013-2014 exceeds nine
36 hundred twenty million seven hundred thirty-one thousand eight hundred

1 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
2 fifteen million dollars (\$15,000,000) of the total increase over the nine
3 hundred twenty million seven hundred thirty-one thousand eight hundred
4 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
5 Department of Finance and Administration in additional health insurance
6 contributions for eligible employees electing to participate in the public
7 school employees' health insurance program administered by the State and
8 Public School Life and Health Insurance Board.

9 The Department of Education shall make the contributions by transferring
10 funds to the division in quarterly installments. Funds provided by the
11 Department of Education to the division under this section shall be
12 administered by the board for the benefit of the employee participants of the
13 public school employees' health insurance program.

14 The provisions of this section shall be in effect only from July 1, ~~2012~~
15 2013 through June 30, ~~2013~~ 2014.

16
17 SECTION 30. 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 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
30 GOVERNOR'S SCHOOL FUNDING. The Department of Education shall allocate, budget
31 and commit for expenditure two hundred fifty thousand dollars (\$250,000), in
32 addition to funds already being provided for the Arkansas Governor's School,
33 to fund the appropriation authorized from general revenue for the Gifted and
34 Talented program as appropriated in Section 1 herein. With this additional
35 funding the duration of the Arkansas Governor's School shall be extended from
36 four (4) weeks to six (6) weeks.

1 The provisions of this section shall be in effect only from July 1, ~~2012~~
2 2013 through June 30, ~~2013~~ 2014.

3
4 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ISOLATED
6 FUNDING - SPECIAL PROVISIONS. When the Department of Education uses a new
7 methodology or technology to recalculate square miles to determine student
8 transportation distance, density ratio, total area, or bus route miles for
9 the purpose of determining the amount of isolated funding a school district
10 receives under Ark. Code Ann. § 6-20-601 et seq., the school district shall
11 receive an amount of isolated funding that is not less than the amount of
12 isolated funding the school district would have received based on the school
13 district's square miles calculated in the prior school year; provided that
14 the school district remains eligible for isolated funding under § 6-20-601 et
15 seq.

16
17 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
18 authorized by this act shall be limited to the appropriation for such agency
19 and funds made available by law for the support of such appropriations; and
20 the restrictions of the State Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

26
27 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General
28 Assembly that any funds disbursed under the authority of the appropriations
29 contained in this act shall be in compliance with the stated reasons for
30 which this act was adopted, as evidenced by the Agency Requests, Executive
31 Recommendations and Legislative Recommendations contained in the budget
32 manuals prepared by the Department of Finance and Administration, letters, or
33 summarized oral testimony in the official minutes of the Arkansas Legislative
34 Council or Joint Budget Committee which relate to its passage and adoption.

35
36 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly, that the Constitution of the State of Arkansas prohibits
2 the appropriation of funds for more than a one (1) year period; that the
3 effectiveness of this Act on July 1, 2013 is essential to the operation of
4 the agency for which the appropriations in this Act are provided; with the
5 exception that SECTION 32 in this Act shall be in full force and effect from
6 and after the date of its passage and approval, and that in the event of an
7 extension of the legislative session, the delay in the effective date of this
8 Act beyond July 1, 2013 could work irreparable harm upon the proper
9 administration and provision of essential governmental programs, with the
10 exception that SECTION 32 in this Act shall be in full force and effect from
11 and after the date of its passage and approval. Therefore, an emergency is
12 hereby declared to exist and this Act being necessary for the immediate
13 preservation of the public peace, health and safety shall be in full force
14 and effect from and after July 1, 2013; with the exception that SECTION 32 in
15 this Act shall be in full force and effect from and after the date of its
16 passage and approval.

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