

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas *As Engrossed: S2/14/13 S3/12/13 S3/25/13 S4/1/13 S4/5/13*

2 89th General Assembly

A Bill

3 Regular Session, 2013

SENATE BILL 233

5 By: Joint Budget Committee

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.

Subtitle

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

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

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:

29 ITEM	FISCAL YEAR
30 NO.	2013-2014
31 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
32 (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
33 HEALTH INSURANCE	15,000,000
34 (03) ADVANCED PLACEMENT INCENTIVE	825,000
35 (04) ALTERNATIVE LEARNING	23,318,012
36 (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	165,000
26	(63)	SCHOOL, CAMPUS AND CHILD SAFETY AND	
27		ACTIVE SHOOTER/SAFE SCHOOLS INITIATIVES	<u>691,500</u>
28		TOTAL AMOUNT APPROPRIATED	<u>\$2,740,904,819</u>

29

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

31 There is hereby established for the Department of Education - Arkansas Public

32 School Computer Network for the 2013-2014 fiscal year, the following maximum

33 number of regular employees.

34			
35			Maximum Annual
36		Maximum	Salary Rate

Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2013-2014
(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	<u>1</u>	GRADE C112
	MAX. NO. OF EMPLOYEES	48	

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, 2014, the following:

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

1 Department of Education Public School Fund Account, for the payment of
2 financial awards to public schools through the Arkansas School Recognition
3 Program for the fiscal year ending June 30, 2014, the following:

<i>ITEM</i>	<i>FISCAL YEAR</i>
<u><i>NO.</i></u>	<u><i>2013-2014</i></u>
<i>(01) ARKANSAS SCHOOL RECOGNITION PROGRAM</i>	<u><i>\$ 10,000,000</i></u>

9 SECTION 7. APPROPRIATION - INTERNATIONAL BACCALAUREATE PROGRAM. There
10 is hereby appropriated, to the Department of Education, to be payable from
11 the Department of Education Public School Fund Account, for grants and aid to
12 local school districts for the International Baccalaureate Program by the
13 Department of Education for the fiscal year ending June 30, 2014, the sum of
14 \$75,000.

16 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANDATORY
18 FUNDING PROVISION. The Department of Education shall expend or have
19 committed for expenditure funds in the Department of Education Public School
20 Fund Account in the amount of seventy-five thousand dollars (\$75,000) to
21 provide funding for grants and aid to local school districts for the
22 International Baccalaureate Program as appropriated herein.

23 The provisions of this section shall be in effect only from July 1,
24 2013 through June 30, 2014.

26 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
28 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
29 of this Act may be fully funded. Any funding and appropriation for Isolated
30 Funding that is not utilized shall be transferred to the appropriation for
31 Special Needs Isolated Funding in Section 1 of this Act and shall be used
32 there for fully funding each subsection (c) through (f) of Arkansas Code
33 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
34 rata basis is defined as providing each district qualifying for additional
35 funding under subsections (c) through (f) a proportionate share based on how
36 each district's additional funding amount bears to the total additional

1 funding amounts for all qualifying districts. If any funding and
2 appropriation remains after funding each subsection (c) through (f) of
3 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
4 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
5 available funds are exhausted.

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

8

9 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
11 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
12 Districts appropriation in Section 1 of this Act, "school district" means a
13 school district which contracts with a school district in an adjoining state
14 for the education of some of the pupils within the Arkansas school district
15 because the portion of the school district wherein such pupils live is
16 completely separated from the remainder of the school district by a reservoir
17 covering at least 12,000 acres at normal water level, and where to attend
18 school in their own district, the pupils of said portion would be required to
19 travel or to be transported a distance (measured by the nearest highway or
20 road route) of more than 35 miles round trip and pass through another school
21 district or districts. The Department of Education shall distribute the
22 monies appropriated for Grants to School Districts in Section 1 of this Act
23 to such school districts as reimbursement for expenses incurred in educating
24 the pupils residing in the separated portion of the school district. The
25 payments are to be limited to the amount of available appropriation. Such
26 school districts shall file a request for reimbursement with the Department
27 of Education and provide the Department of Education with such documentation
28 as is deemed necessary.

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

31

32 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
34 EDUCATION SERVICES. The funds appropriated in the line item "Special
35 Education Services" in Section 1 of this Act shall be used to provide
36 extended year summer programs for handicapped students in need of such

1 services, to provide special education services to foster children who are
2 wards of the State, and to provide funds for the payment of salaries of
3 special education supervisors. The Department of Education shall distribute
4 such funds in the manner necessary to carry out the intent of this Section.

5 The provisions of this section shall be in effect only from July 1, ~~2012~~
6 2013 through June 30, ~~2013~~ 2014.

7

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

10 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
11 fiscal year thereafter, the Department of Education shall from time to time
12 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
13 State, the amount of funds disbursed or approved to be disbursed by the
14 Department of Education for desegregation expenses under any "Desegregation
15 Settlement Agreement". Upon the receipt of such certification, the State
16 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
17 202(b)(2)(B), shall also deduct from the net general revenues the amount
18 certified and transfer this amount to the Department of Education Public
19 School Fund Account there to be used exclusively for payment of or
20 reimbursement for expenses incurred from the Department of Education Public
21 School Fund Account under any "Desegregation Settlement Agreement".

22

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

25 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
26 Incentive shall be allocated in accordance with rules and regulations
27 established by the State Board of Education.

28 The provisions of this section shall be in effect only from July 1, ~~2012~~
29 2013 through June 30, ~~2013~~ 2014.

30

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

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

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2012~~
29 2013 through June 30, ~~2013~~ 2014.

30

31 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN
33 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds
34 authorized herein to the Department of Education for the Quiz Bowl each
35 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each
36 fiscal year may be made available to the Department of Education -

1 Educational Television Division for its documented costs associated with the
2 Quiz Bowl.

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

5

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

8 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
9 shall make available from the Intervention Block Grants appropriation
10 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
11 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
12 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
13 grants up to \$1,000 each for students and chaperones, thirteen thousand five
14 hundred dollars (\$13,500) each fiscal year for Destination Imagination, one
15 hundred thousand dollars (\$100,000) each fiscal year for the State History
16 Day Competition, and seventy-five thousand dollars (\$75,000) each fiscal year
17 for a grant to the Arkansas Science Fair Association for grants to regional
18 and the state science fairs. The Department of Education shall allocate
19 General Revenue funding totaling no less than three hundred two thousand
20 dollars (\$302,000) each fiscal year from the Department of Education Public
21 School Fund Account to support the annual expenses of the Quiz Bowl, the
22 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
23 chaperones, Destination Imagination, the State History Day Competition, and
24 the Arkansas Science Fair Association for grants to regional and state
25 science fairs. The Department shall either expend or have committed for
26 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,
27 Inc., Destination Imagination, the State History Day Competition, and
28 Arkansas Science Fair Association grants as authorized herein in order to
29 fulfill the provisions of this section.

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

32

33 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
35 FUNDING PROVISION. Of the total amount appropriated for Technology Grants
36 each fiscal year, an amount of not less than two million dollars (\$2,000,000)

1 or eighteen percent (18%), whichever is greater each fiscal year, shall be
2 awarded through a grant or professional services contract for EAST
3 infrastructure, personnel, and operating expenses. The EAST infrastructure
4 grant or contract for personal services and operating expenses shall be
5 awarded to an entity that has personnel or experience, or both, in
6 implementing the EAST Initiative.

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

24 The provisions of this section shall be in effect only from July 1,
25 ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

26

27 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
30 "Distressed School District Support" in Section 1 of this Act may be used for
31 technical assistance offered by the Department of Education to school
32 districts in academic distress that can include, but is not limited to,
33 teacher specialists, principal specialists, and other personnel assigned by
34 the department. These funds may also be used for alternative research-based
35 technical assistance or programs. Criteria for selecting and approving
36 alternative research-based technical assistance or programs are to be

1 promulgated as a rule by the State Board of Education, provided that
2 alternative staffing and/or compensation programs for teachers shall be
3 approved by at least a majority of the teachers in the school, schools, or
4 school district participating in the program.

5 The provisions of this section shall be in effect only from July 1, ~~2012~~
6 2013 through June 30, ~~2013~~ 2014.

7

8 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

15 The provisions of this section shall be in effect only from July 1, ~~2012~~
16 2013 through June 30, ~~2013~~ 2014.

17

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2012~~
29 2013 through June 30, ~~2013~~ 2014.

30

31 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. OPEN-
33 ENROLLMENT VIRTUAL CHARTER SCHOOL PROVISIONS.

34 (a) Regardless of any provision of law to the contrary, no school
35 district shall receive state funding for the ~~2012-2013~~ 2013-2014 school year
36 for those students who are included in the district's average daily

1 membership for the previous school year but who are attending any open-
2 enrollment charter school that uses internet, long-distance, or virtual
3 technology as the primary method of teaching.

4 (b) As of school year 2012-13, the State Board of Education has
5 approved a maximum enrollment of 500 for the open-enrollment public virtual
6 charter school.

7 (c) Beginning in school year 2013-14 and thereafter, for an
8 open-enrollment public charter granted to a virtual school, the school shall
9 be allowed to enroll an eligible student in any grade, kindergarten through
10 grade twelve (12), up to a total school enrollment of three thousand (3,000)
11 students.

12 (d) Students that become enrolled in the two thousand five hundred
13 (2,500) additional slots authorized by subsection (c) of this Section must be
14 enrolled in an Arkansas public school for the first three quarters of the
15 prior school year.

16 (e) The provisions of this section shall be in effect only from July 1,
17 ~~2012~~ 2013 through June 30, ~~2013~~ 2014.

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

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. Therefore, it is both necessary
2 and appropriate that the General Assembly maintain oversight by requiring
3 prior approval of the Legislative Council or Joint Budget Committee as
4 provided by this section. The requirement of approval by the Legislative
5 Council or Joint Budget Committee is not a severable part of this section.
6 If the requirement of approval by the Legislative Council or Joint Budget
7 Committee is ruled unconstitutional by a court of competent jurisdiction,
8 this entire section is void.

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

23
24 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
26 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
27 Chance for School Success Program remaining on June 30, ~~2013~~ 2014, in the
28 Department of Education Public School Fund Account shall be designated and
29 retained for the Arkansas Better Chance for School Success Program.

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

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

35 (2) The Department of Finance and Administration Office of Budget shall
36 report to the Arkansas Legislative Council all amounts carried forward by the

1 September Arkansas Legislative Council or Joint Budget Committee meeting
2 which report shall include the name of the Agency, Board, Commission or
3 Institution and the amount of the funding carried forward, the program name
4 or line item, the funding source of that appropriation and a copy of the
5 written request set forth in (1) above;

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

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

17 The provisions of this section shall be in effect only from July 1, ~~2012~~
18 2013 through June 30, ~~2013~~ 2014.

19
20 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
22 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
23 Department of Finance and Administration may use up to eleven dollars and
24 twenty cents (\$11.20) from each contribution made under Arkansas Code
25 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
26 members electing to participate in the public school employees' health
27 insurance program as a retiree.

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

1 transferred each fiscal year pursuant to this section shall not be subject to
2 any indirect costs by the University of Arkansas at Little Rock.

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

5

6 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
8 INSURANCE. The appropriation contained herein for Public School Employee
9 Insurance each fiscal year shall be used to provide the state contribution
10 for insurance premiums for employees of the Cooperative Education Services
11 Areas, Vocational Centers, and the school operated by the Department of
12 Correction who participate in the Arkansas Public School Life and Health
13 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 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
20 funding for Alternative Learning Environment Programs in excess of the
21 regulatory limitation of six (6) hours per day for those programs that
22 operate more than twelve hours per day, in a proportionate manner and upon
23 special request to the Department of Education.

24 The provisions of this section shall be in effect only from July 1, ~~2012~~
25 2013 through June 30, ~~2013~~ 2014.

26

27 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
29 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
30 public schools, or for abortion services. Funds shall be expended in
31 accordance with Arkansas Code Annotated §6-18-703.

32 The provisions of this section shall be in effect only from July 1, ~~2012~~
33 2013 through June 30, ~~2013~~ 2014.

34

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

1 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

2 Effective for the plan year beginning October 1, ~~2012~~ 2013, if ninety-eight
 3 percent (98%) of the uniform rate of tax used in the calculation of State
 4 Foundation Funding Aid for fiscal year ~~2012-2013~~ 2013-2014 exceeds nine
 5 hundred twenty million seven hundred thirty-one thousand eight hundred
 6 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
 7 fifteen million dollars (\$15,000,000) of the total increase over the nine
 8 hundred twenty million seven hundred thirty-one thousand eight hundred
 9 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
 10 Department of Finance and Administration in additional health insurance
 11 contributions for eligible employees electing to participate in the public
 12 school employees' health insurance program administered by the State and
 13 Public School Life and Health Insurance Board.

14 The Department of Education shall make the contributions by transferring
 15 funds to the division in quarterly installments. Funds provided by the
 16 Department of Education to the division under this section shall be
 17 administered by the board for the benefit of the employee participants of the
 18 public school employees' health insurance program.

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 33. Section 1 of Uncodified Act 269 of 2012, is amended to read*
 23 *as follows:*

24
 25 *SECTION 1. APPROPRIATION. There is hereby appropriated, to the*
 26 *Department of Education, to be payable from the Department of Education*
 27 *Public School Fund Account, for grants and aid to local school districts and*
 28 *special programs of the Department of Education for the fiscal year ending*
 29 *June 30, 2013, the following:*

<i>ITEM</i>	<i>FISCAL YEAR</i>
<i>NO.</i>	<i>2012-2013</i>
<i>(01) 98% URT ACTUAL COLLECTION ADJUSTMENT</i>	<i>\$34,500,000</i>
<i>(02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE</i>	<i>15,000,000</i>
<i>(03) ADVANCED PLACEMENT INCENTIVE</i>	<i>825,000</i>
<i>(04) ALTERNATIVE LEARNING</i>	<i>21,775,797</i>

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 FRAMEWORKS	50,000
10	(14) COOP EDUCATION TECH CENTERS	1,200,000
11	(15) COORDINATED SCHOOL HEALTH	2,000,000
12	(16) COURT ORDERED DESEGREGATION	69,814,372
13	(17) CRIMINAL BACKGROUND CHECKS	25,000
14	(18) DECLINING ENROLLMENT	13,963,389
15	(19) DEPARTMENT OF CORRECTION	6,024,799
16	(20) DISTANCE LEARNING	4,760,000
17	(21) DISTANCE LEARNING OPERATIONS	7,575,000
18	(22) DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
19	(23) EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
20	(24) ECONOMIC EDUCATION	350,000
21	(25) EDUCATION SERVICE COOPERATIVES	6,129,270
22	(26) ENGLISH LANGUAGE LEARNERS	12,162,924
23	(27) GENERAL FACILITIES FUNDING	8,100,000
24	(28) GIFTED & TALENTED	1,335,381
25	(29) GRANTS TO SCHOOL DISTRICTS	67,856
26	(30) HOME SCHOOL TESTING	250,000
27	(31) HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
28	(32) INTERVENTION BLOCK GRANTS	302,000
29	(33) ISOLATED FUNDING	7,896,000
30	(34) LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
31	(35) MASTER PRINCIPAL BONUS	90,000
32	(36) NATIONAL BOARD OF PROF TEACHING STANDARDS	12,016,160
33	(37) NATIONAL SCHOOL LUNCH	187,235,597
34	(38) NON-TRADITIONAL LICENSURE	50,000
35	(39) PROFESSIONAL DEVELOPMENT FUNDING	24,244,209
36	(40) PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600

1	(41) RESIDENTIAL CENTERS/JUVENILE DETENTION	16,345,087
2	(42) SCHOOL FACILITY JOINT USE SUPPORT	500,000
3	(43) SCHOOL FOOD SERVICES	1,650,000
4	(44) SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
5	(45) SCHOOL FUNDING CONTINGENCY	25,000,000
6	(46) SCHOOL WORKER DEFENSE	390,000
7	(47) SERIOUS OFFENDER	1,716,859
8	(48) SMART START/SMART STEP	10,666,303
9	(49) SPECIAL EDUCATION SERVICES	4,145,285
10	(50) SPECIAL EDUCATION-CATASTROPHIC	11,000,000
11	(51) SPECIAL NEEDS ISOLATED FUNDING	3,000,000
12	(52) STATE FOUNDATION FUNDING	1,904,969,759
13	(53) SUPPLEMENTAL TRANSPORTATION	500,000
14	(54) STUDENT GROWTH	28,500,000
15	(55) SUPPLEMENTAL MILLAGE	10,000,000
16	(56) SURPLUS COMMODITIES	780,000
17	(57) TEACHER LICENSING/MENTORING	5,008,758
18	(58) TEACHER OF THE YEAR	100,000
19	(59) TEACHER RECRUITMENT	2,100,000
20	(60) TEACHER RETIREMENT MATCHING	6,655,000
21	(61) TECHNOLOGY GRANTS	3,602,678
22	(62) TECHNOLOGY IMPROVEMENTS	500,000
23	(63) WORKER'S COMPENSATION	450,000
24	(64) YOUTH SHELTERS	165,000
25	(65) STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM	<u>200,000</u>
26	TOTAL AMOUNT APPROPRIATED	<u>\$2,706,606,563</u> <u>\$2,707,106,563</u>
27		

28 *SECTION 34. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
29 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Section*
30 *32 of Uncodified Act 269 of 2012, is hereby amended to read as follows:*

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

34 ~~*SUPPLEMENTAL TRANSPORTATION. The Department of Education shall budget,*~~
35 ~~*allocate and commit for expenditure five hundred thousand dollars (\$500,000)*~~
36 ~~*for the appropriation made herein for "Supplemental Transportation". The*~~

~~1 Department shall use such funding to address extraordinary transportation
2 needs of public school districts. The State Board of Education shall
3 promulgate such rules and regulations as may be necessary to implement this
4 provision, which shall be reviewed by the House and Senate Interim Committees
5 on Education.~~

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

16 The provisions of this section shall be in effect only from July 1, ~~2012~~
17 2013 through June 30, ~~2013~~ 2014.

18
19 SECTION 36. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ISOLATED
21 FUNDING - SPECIAL PROVISIONS. When the Department of Education uses a new
22 methodology or technology to recalculate square miles to determine student
23 transportation distance, density ratio, total area, or bus route miles for
24 the purpose of determining the amount of isolated funding a school district
25 receives under Ark. Code Ann. § 6-20-601 et seq., the school district shall
26 receive an amount of isolated funding that is not less than the amount of
27 isolated funding the school district would have received based on the school
28 district's square miles calculated in the prior school year; provided that
29 the school district remains eligible for isolated funding under § 6-20-601 et
30 seq.

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

33
34 SECTION 37. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
35 authorized by this act shall be limited to the appropriation for such agency
36 and funds made available by law for the support of such appropriations; and

1 the restrictions of the State Procurement Law, the General Accounting and
2 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
3 Procedures and Restrictions Act, or their successors, and other fiscal
4 control laws of this State, where applicable, and regulations promulgated by
5 the Department of Finance and Administration, as authorized by law, shall be
6 strictly complied with in disbursement of said funds.

7
8 SECTION 38. LEGISLATIVE INTENT. It is the intent of the General
9 Assembly that any funds disbursed under the authority of the appropriations
10 contained in this act shall be in compliance with the stated reasons for
11 which this act was adopted, as evidenced by the Agency Requests, Executive
12 Recommendations and Legislative Recommendations contained in the budget
13 manuals prepared by the Department of Finance and Administration, letters, or
14 summarized oral testimony in the official minutes of the Arkansas Legislative
15 Council or Joint Budget Committee which relate to its passage and adoption.

16
17 SECTION 39. EMERGENCY CLAUSE. It is found and determined by the General
18 Assembly, that the Constitution of the State of Arkansas prohibits the
19 appropriation of funds for more than a one (1) year period; that the
20 effectiveness of this Act on July 1, 2013 is essential to the operation of
21 the agency for which the appropriations in this Act are provided; with the
22 exception that SECTIONS 33, 34 and 36 in this Act shall be in full force and
23 effect from and after the date of its passage and approval, and that in the
24 event of an extension of the legislative session, the delay in the effective
25 date of this Act beyond July 1, 2013 could work irreparable harm upon the
26 proper administration and provision of essential governmental programs, with
27 the exception that SECTIONS 33, 34 and 36 in this Act shall be in full force
28 and effect from and after the date of its passage and approval. Therefore, an
29 emergency is hereby declared to exist and this Act being necessary for the
30 immediate preservation of the public peace, health and safety shall be in
31 full force and effect from and after July 1, 2013; with the exception that
32 SECTIONS 33, 34 and 36 in this Act shall be in full force and effect from and
33 after the date of its passage and approval.

34
35 /s/ Joint Budget Committee
36