

1 OState of ArkansasAs *Engrossed:* S2/14/18 S2/20/18 S2/22/18 S2/27/18

2 91st General Assembly

# A Bill

3 Fiscal Session, 2018

SENATE BILL 33

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, 2019; AND FOR OTHER PURPOSES.

### Subtitle

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
16 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS  
17 AND SPECIAL PROGRAMS APPROPRIATION FOR  
18 THE 2018-2019 FISCAL YEAR.

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

23 SECTION 1. APPROPRIATION - GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND  
24 SPECIAL PROGRAMS. There is hereby appropriated, to the Department of  
25 Education, to be payable from the Department of Education Public School Fund  
26 Account, for grants and aid to local school districts and special programs of  
27 the Department of Education for the fiscal year ending June 30, 2019, the  
28 following:

30 ITEM	FISCAL YEAR
31 NO.	2018-2019
32 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
33 (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE	15,000,000
34 (03) ADVANCED PLACEMENT INCENTIVE	825,000
35 (04) ALTERNATIVE LEARNING	26,594,317
36 (05) ARKANSAS EASTER SEALS	193,113



1	(06)	ASSESSMENT/END OF LEVEL TESTING	22,250,189
2	(07)	AT RISK	1,688,530
3	(08)	BETTER CHANCE PROGRAM	116,000,000
4	(09)	BONDED DEBT ASSISTANCE	28,455,384
5	(10)	COMPUTER SCIENCE INITIATIVE	2,500,000
6	(11)	CONSOLIDATION INCENTIVE	5,981,400
7	(12)	CONTENT STANDARDS	161,000
8	(13)	CONTENTS STANDARDS CURRICULUM FRAMEWORKS	50,000
9	(14)	COOP EDUCATION TECH CENTERS	1,200,000
10	(15)	COORDINATED SCHOOL HEALTH	2,000,000
11	(16)	COURT ORDERED DESEGREGATION	0
12	(17)	CRIMINAL BACKGROUND CHECKS	25,000
13	(18)	DECLINING ENROLLMENT	13,963,389
14	(19)	DEPARTMENT OF CORRECTION	6,734,451
15	(20)	DISTANCE LEARNING	4,760,000
16	(21)	DISTANCE LEARNING OPERATIONS	7,575,000
17	(22)	DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
18	(23)	EARLY CHILDHOOD SPECIAL EDUCATION	16,897,920
19	(24)	ECONOMIC EDUCATION	400,000
20	(25)	EDUCATION SERVICE COOPERATIVES	6,129,270
21	(26)	ENGLISH LANGUAGE LEARNERS	16,353,943
22	(27)	ENHANCED TRANSPORTATION FUNDING	3,000,000
23	(28)	GENERAL FACILITIES FUNDING	8,100,000
24	(29)	GIFTED & TALENTED	1,485,381
25	(30)	GRANTS TO SCHOOL DISTRICTS	67,856
26	(31)	HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
27	(32)	INTERVENTION BLOCK GRANTS	302,000
28	(33)	ISOLATED FUNDING	7,896,000
29	(34)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
30	(35)	MASTER PRINCIPAL BONUS	208,000
31	(36)	NATIONAL BOARD OF PROF TEACHING STANDARDS	18,705,000
32	(37)	NATIONAL SCHOOL LUNCH	232,465,557
33	(38)	NON-TRADITIONAL LICENSURE	50,000
34	(39)	NSL MATCHING GRANT PROGRAM	4,300,000
35	(40)	OE CHARTER FAC FUNDING AID PRG	5,000,000
36	(41)	POSITIVE YOUTH DEVELOPMENT GRANTS	5,000,000

1	(42)	PROFESSIONAL DEVELOPMENT FUNDING	25,143,702
2	(43)	PUBLIC SCHOOL EMPLOYEE INSURANCE	57,373,600
3	(44)	R.I.S.E. ARKANSAS	1,100,000
4	(45)	RESIDENTIAL CENTERS/JUVENILE DETENTION	16,345,087
5	(46)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
6	(47)	SCHOOL FOOD SERVICES	1,650,000
7	(48)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
8	(49)	SCHOOL FUNDING CONTINGENCY	25,000,000
9	(50)	SCHOOL RECOGNITION	7,000,000
10	(51)	SCHOOL WORKER DEFENSE	390,000
11	(52)	SERIOUS OFFENDER	1,716,859
12	(53)	SMART START/SMART STEP	10,666,303
13	(54)	SPECIAL EDUCATION SERVICES	2,802,527
14	(55)	SPECIAL EDUCATION-CATASTROPHIC	13,020,000
15	(56)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
16	(57)	STATE FOUNDATION FUNDING	2,133,039,396
17	(58)	STUDENT GROWTH	37,690,144
18	(59)	SUPPLEMENTAL MILLAGE	10,000,000
19	(60)	SURPLUS COMMODITIES	1,125,065
20	(61)	TEACHER LICENSING/MENTORING	6,065,758
21	(62)	TEACHER OF THE YEAR	100,000
22	(63)	TEACHER RECRUITMENT	2,100,000
23	(64)	TEACHER RETIREMENT MATCHING	10,529,852
24	(65)	TECHNOLOGY GRANTS	3,602,678
25	(66)	TECHNOLOGY IMPROVEMENTS	500,000
26	(67)	WORKER'S COMPENSATION	450,000
27	(68)	YOUTH SHELTERS	<u>165,000</u>
28		TOTAL AMOUNT APPROPRIATED	<u>\$2,989,044,821</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 2018-2019 fiscal year, the following maximum  
 33 number of regular employees.

34

35

36

	Maximum Annual
Maximum	Salary Rate

Item	Class	No. of	Fiscal Year
No.	Code Title	Employees	2018-2019
(1)	N047N ADE APSCN DIRECTOR	1	GRADE GS15
(2)	D105C ADE STATE NETWORK ENGINEER	1	GRADE IT09
(3)	D104C ADE STATE SYSTEMS ADMINISTRATOR	1	GRADE IT08
(4)	D012C DATABASE SPECIALIST	1	GRADE IT08
(5)	D007C INFORMATION SYSTEMS MANAGER	1	GRADE IT08
(6)	D006C SOFTWARE ENGINEER LEAD	1	GRADE IT08
(7)	D042C DATA WAREHOUSE SPECIALIST	1	GRADE IT06
(8)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
(9)	D037C ADE APSCN APPLICATIONS MANAGER	3	GRADE IT05
(10)	D063C COMPUTER SUPPORT SPECIALIST	1	GRADE IT05
(11)	D055C ADE APSCN FIELD ANALYST	25	GRADE IT04
(12)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE IT02
(13)	G012C ADE ASSISTANT TO DIRECTOR	3	GRADE GS12
(14)	G050C ADE APSCN DIVISION MANAGER	3	GRADE GS10
(15)	A089C ACCOUNTANT I	1	GRADE GS07
(16)	C020C STUDENT APPLICATIONS SPECIALIST	4	GRADE GS06
(17)	D077C HELP DESK SPECIALIST	2	GRADE GS05
(18)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
	MAX. NO. OF EMPLOYEES	52	

22

## 23 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK.

24 There is hereby appropriated, to the Department of Education, to be payable  
 25 from the Department of Education Public School Fund Account, for personal  
 26 services and operating expenses of the Department of Education - Arkansas  
 27 Public School Computer Network for the fiscal year ending June 30, 2019, the  
 28 following:

29

ITEM	FISCAL YEAR
NO.	2018-2019
(01) REGULAR SALARIES	\$2,446,175
(02) PERSONAL SERVICES MATCHING	794,465
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	19,245,839
(B) CONF. & TRAVEL	7,250

36

1	(C) PROF. FEES	0
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	0
4	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$22,793,729</u>

6  
 7 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There  
 8 is hereby established for the Department of Education - Office of Education  
 9 Renewal Zones for the 2018-2019 fiscal year, the following maximum number of  
 10 regular employees.

11			Maximum Annual
12		Maximum	Salary Rate
13	Item Class	No. of	Fiscal Year
14	No. Code Title	Employees	2018-2019
15	(1) E020C ADE OERZ TECHNICAL ASSIST SPECIALIST	3	GRADE GS08
16	(2) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
17	MAX. NO. OF EMPLOYEES	4	

18  
 19  
 20 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is  
 21 hereby appropriated, to the Department of Education, to be payable from the  
 22 Department of Education Public School Fund Account, for personal services,  
 23 operating expenses and grants by the Department of Education - Office of  
 24 Education Renewal Zones for the fiscal year ending June 30, 2019, the  
 25 following:

26	ITEM	FISCAL YEAR
27	NO.	2018-2019
28	(01) REGULAR SALARIES	\$154,077
29	(02) PERSONAL SERVICES MATCHING	54,010
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	91,800
32	(B) CONF. & TRAVEL	13,000
33	(C) PROF. FEES	0
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0

1	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>1,024,350</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,337,237</u></u>

3

4 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. R.I.S.E.  
 6 ARKANSAS - CARRY FORWARD. Any unexpended balance of monies allocated for  
 7 R.I.S.E. Arkansas remaining on June 30, ~~2018~~ 2019, in the Department of  
 8 Education Public School Fund Account shall be designated and retained for the  
 9 R.I.S.E. Arkansas. Any carry forward of unexpected balance of funding as  
 10 authorized herein, may be carried forward under the following conditions:

11 (1) Prior to June 30, ~~2018~~ 2019 the Agency shall by written statement  
 12 set forth its reason(s) for the need to carry forward said funding to the  
 13 Department of Finance and Administration Office of Budget;

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

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

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

33 The provisions of this section shall be in effect only from July 1, ~~2017~~  
 34 2018 through June 30, ~~2018~~ 2019.

35

36 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
2 ALLOCATION. The appropriation for the Isolated Funding line item in the  
3 Grants and Aid to Local School Districts and Special Programs section of this  
4 Act may be fully funded. Any funding and appropriation for Isolated Funding  
5 that is not utilized shall be transferred to the appropriation for Special  
6 Needs Isolated Funding in the Grants and Aid to Local School Districts and  
7 Special Programs section of this Act and shall be used there for fully  
8 funding each subsection (c) through (f) of Arkansas Code §6-20-604 on a pro  
9 rata basis until the available funds are exhausted. Pro rata basis is defined  
10 as providing each district qualifying for additional funding under  
11 subsections (c) through (f) a proportionate share based on how each  
12 district's additional funding amount bears to the total additional funding  
13 amounts for all qualifying districts. If any funding and appropriation  
14 remains after funding each subsection (c) through (f) of Arkansas Code §6-20-  
15 604 the remaining balance shall be used to fund the provisions of Arkansas  
16 Code §6-20-604 (h) on an equal basis until the available funds are exhausted.

17 The provisions of this section shall be in effect only from July 1, ~~2017~~  
18 2018 through June 30, ~~2018~~ 2019.

19

20 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO  
22 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School  
23 Districts appropriation in the Grants and Aid to Local School Districts and  
24 Special Programs section of this Act, "school district" means a school  
25 district which contracts with a school district in an adjoining state for the  
26 education of some of the pupils within the Arkansas school district because  
27 the portion of the school district wherein such pupils live is completely  
28 separated from the remainder of the school district by a reservoir covering  
29 at least 12,000 acres at normal water level, and where to attend school in  
30 their own district, the pupils of said portion would be required to travel or  
31 to be transported a distance (measured by the nearest highway or road route)  
32 of more than 35 miles round trip and pass through another school district or  
33 districts. The Department of Education shall distribute the monies  
34 appropriated for Grants to School Districts in the Grants and Aid to Local  
35 School Districts and Special Programs section of this Act to such school  
36 districts as reimbursement for expenses incurred in educating the pupils

1 residing in the separated portion of the school district. The payments are to  
2 be limited to the amount of available appropriation. Such school districts  
3 shall file a request for reimbursement with the Department of Education and  
4 provide the Department of Education with such documentation as is deemed  
5 necessary.

6 The provisions of this section shall be in effect only from July 1, ~~2017~~  
7 2018 through June 30, ~~2018~~ 2019.

8

9 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL  
11 EDUCATION SERVICES. The funds appropriated in the line item "Special  
12 Education Services" in the Grants and Aid to Local School Districts and  
13 Special Programs section of this Act shall be used to provide extended year  
14 summer programs for handicapped students in need of such services, to provide  
15 special education services to foster children who are wards of the State, and  
16 to provide funds for the payment of salaries of special education  
17 supervisors. The Department of Education shall distribute such funds in the  
18 manner necessary to carry out the intent of this Section.

19 The provisions of this section shall be in effect only from July 1, ~~2017~~  
20 2018 through June 30, ~~2018~~ 2019.

21

22 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
24 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each  
25 fiscal year thereafter, the Department of Education shall from time to time  
26 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the  
27 State, the amount of funds disbursed or approved to be disbursed by the  
28 Department of Education for desegregation expenses under any "Desegregation  
29 Settlement Agreement". Upon the receipt of such certification, the State  
30 Treasurer, after making those deductions as set out in Arkansas Code 19-5-  
31 202(b)(2)(B), shall also deduct from the net general revenues the amount  
32 certified and transfer this amount to the Department of Education Public  
33 School Fund Account there to be used exclusively for payment of or  
34 reimbursement for expenses incurred from the Department of Education Public  
35 School Fund Account under any "Desegregation Settlement Agreement".

36 The provisions of this section shall be in effect only from July 1, ~~2017~~



1 2018 through June 30, ~~2018~~ 2019.

2

3 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
5 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation  
6 Incentive shall be allocated in accordance with rules and regulations  
7 established by the State Board of Education.

8 The provisions of this section shall be in effect only from July 1, ~~2017~~  
9 2018 through June 30, ~~2018~~ 2019.

10

11 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
13 RESIDENTIAL CENTERS/JUVENILE DETENTION. The funds appropriated herein for  
14 Residential Centers/Juvenile Detention shall be allocated in accordance with  
15 rules and regulations established by the State Board of Education.

16 The provisions of this section shall be in effect only from July 1, ~~2017~~  
17 2018 through June 30, ~~2018~~ 2019.

18

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

28 Determining the maximum number of employees and the maximum amount of  
29 appropriation and general revenue funding for a state agency each fiscal year  
30 is the prerogative of the General Assembly. This is usually accomplished by  
31 delineating such maximums in the appropriation act(s) for a state agency and  
32 the general revenue allocations authorized for each fund and fund account by  
33 amendment to the Revenue Stabilization law. Further, the General Assembly  
34 has determined that the Department of Education may operate more efficiently  
35 if some flexibility is provided to the Commissioner of the Department of  
36 Education authorizing broad powers under the Transfer Authority provision

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

8 The provisions of this section shall be in effect only from July 1, ~~2017~~  
9 2018 through June 30, ~~2018~~ 2019.

10  
11 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AETN  
13 DOCUMENTED QUIZ BOWL COSTS. Of the total amount of appropriation and funds  
14 authorized herein to the Department of Education for the Quiz Bowl each  
15 fiscal year, an amount not to exceed forty thousand dollars (\$40,000) each  
16 fiscal year may be made available to the Department of Education -  
17 Educational Television Division for its documented costs associated with the  
18 Quiz Bowl.

19 The provisions of this section shall be in effect only from July 1, ~~2017~~  
20 2018 through June 30, ~~2018~~ 2019.

21  
22 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
24 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item  
25 "Distressed School District Support" in the Grants and Aid to Local School  
26 Districts and Special Programs section of this Act may be used for technical  
27 assistance offered by the Department of Education to school districts in  
28 academic distress that can include, but is not limited to, teacher  
29 specialists, principal specialists, and other personnel assigned by the  
30 department. These funds may also be used for alternative research-based  
31 technical assistance or programs. Criteria for selecting and approving  
32 alternative research-based technical assistance or programs are to be  
33 promulgated as a rule by the State Board of Education, provided that  
34 alternative staffing and/or compensation programs for teachers shall be  
35 approved by at least a majority of the teachers in the school, schools, or  
36 school district participating in the program.

1 The provisions of this section shall be in effect only from July 1, 2017  
2 2018 through June 30, ~~2018~~ 2019.

3  
4 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
6 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School  
7 Districts shall pay the teacher retirement employer contribution rate for any  
8 eligible employee in accordance with rules and regulations established by the  
9 Teacher Retirement Board of Directors. The appropriation contained herein for  
10 Teacher Retirement Matching each fiscal year shall be used to provide the  
11 employer matching for employees of the Cooperative Education Services Areas,  
12 Vocational Centers, Arkansas Easter Seals and the school operated by the  
13 Department of Correction.

14 The provisions of this section shall be in effect only from July 1, 2017  
15 2018 through June 30, ~~2018~~ 2019.

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

30 Determining the maximum number of employees and the maximum amount of  
31 appropriation and general revenue funding for a state agency each fiscal year  
32 is the prerogative of the General Assembly. This is usually accomplished by  
33 delineating such maximums in the appropriation act(s) for a state agency and  
34 the general revenue allocations authorized for each fund and fund account by  
35 amendment to the Revenue Stabilization law. Therefore, it is both necessary  
36 and appropriate that the General Assembly maintain oversight by requiring

1 prior approval of the Legislative Council or Joint Budget Committee as  
2 provided by this section. The requirement of approval by the Legislative  
3 Council or Joint Budget Committee is not a severable part of this section.  
4 If the requirement of approval by the Legislative Council or Joint Budget  
5 Committee is ruled unconstitutional by a court of competent jurisdiction,  
6 this entire section is void.

7 The provisions of this section shall be in effect only from July 1, ~~2017~~  
8 2018 through June 30, ~~2018~~ 2019.

9

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

21 The provisions of this section shall be in effect only from July 1, ~~2017~~  
22 2018 through June 30, ~~2018~~ 2019.

23

24 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
26 FORWARD - ARKANSAS BETTER CHANCE. Any unexpended balance of monies allocated  
27 for the Arkansas Better Chance for School Success Program remaining on June  
28 30, ~~2018~~ 2019, in the Department of Education Public School Fund Account  
29 shall be designated and retained for the Arkansas Better Chance for School  
30 Success Program.

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

33 (1) Prior to June 30, ~~2018~~ 2019 the Agency shall by written statement set  
34 forth its reason(s) for the need to carry forward said funding to the  
35 Department of Finance and Administration Office of Budget;

36 (2) The Department of Finance and Administration Office of Budget shall

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

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

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

18 The provisions of this section shall be in effect only from July 1, ~~2017~~  
19 2018 through June 30, ~~2018~~ 2019.

20

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

29 The provisions of this section shall be in effect only from July 1, ~~2017~~  
30 2018 through June 30, ~~2018~~ 2019.

31

32 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
34 ARKANSAS/STRIVE PROGRAM TRANSFER. The Chief Fiscal Officer of the State  
35 shall transfer on his books and those of the State Treasurer and the State  
36 Auditor, the sum of two hundred thousand dollars (\$200,000) during each

1 fiscal year from the Department of Education Public School Fund Account to  
2 the University of Arkansas at Little Rock Fund, specifically to provide  
3 funding for the Arkansas/STRIVE Program. The total amount of funds  
4 transferred each fiscal year pursuant to this section shall not be subject to  
5 any indirect costs by the University of Arkansas at Little Rock.

6 The provisions of this section shall be in effect only from July 1, ~~2017~~  
7 2018 through June 30, ~~2018~~ 2019.

8

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

17 The provisions of this section shall be in effect only from July 1, ~~2017~~  
18 2018 through June 30, ~~2018~~ 2019.

19

20 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
22 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide  
23 funding for Alternative Learning Environment Programs in excess of the  
24 regulatory limitation of six (6) hours per day for those programs that  
25 operate more than twelve hours per day, in a proportionate manner and upon  
26 special request to the Department of Education.

27 The provisions of this section shall be in effect only from July 1, ~~2017~~  
28 2018 through June 30, ~~2018~~ 2019.

29

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

35 The provisions of this section shall be in effect only from July 1, ~~2017~~  
36 2018 through June 30, ~~2018~~ 2019.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION. Effective for the plan year beginning January 1, ~~2017~~ 2018, if ninety-eight percent (98%) of the uniform rate of tax used in the calculation of State Foundation Funding Aid for fiscal year ~~2017-2018~~ 2018-2019 exceeds nine hundred twenty million seven hundred thirty-one thousand eight hundred nineteen dollars (\$920,731,819), the Department of Education shall pay up to fifteen million dollars (\$15,000,000) of the total increase over the nine hundred twenty million seven hundred thirty-one thousand eight hundred nineteen dollars (\$920,731,819) to the Employee Benefits Division of the Department of Finance and Administration in additional health insurance contributions for eligible employees electing to participate in the public school employees' health insurance program administered by the State and Public School Life and Health Insurance Board.

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

The provisions of this section shall be in effect only from July 1, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS GOVERNOR'S SCHOOL FUNDING. The Department of Education shall allocate, budget and commit for expenditure two hundred fifty thousand dollars (\$250,000), in addition to funds already being provided for the Arkansas Governor's School, to fund the appropriation authorized from general revenue for the Gifted and Talented program as appropriated in the Grants and Aid to Local School Districts and Special Programs section herein. With this additional funding the duration of the Arkansas Governor's School shall be extended from four (4) weeks to six (6) weeks.

The provisions of this section shall be in effect only from July 1, ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

1  
2 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST  
4 FUNDING PROVISION. Of the total amount appropriated for Technology Grants  
5 each fiscal year, an amount of not less than three million five thousand  
6 dollars (\$3,005,000) or eighteen percent (18%), whichever is greater each  
7 fiscal year, shall be awarded through a grant or professional services  
8 contract for the EAST Initiative. Not less than one million dollars  
9 (\$1,000,000) of the three million five thousand dollars (\$3,005,000) or  
10 eighteen percent (18%) of the Technology Grants Line Item awarded to the EAST  
11 Initiatives shall be used for EAST infrastructure and personnel growth for  
12 the establishment of new programs. The remaining funding shall be used for  
13 existing EAST infrastructure, personnel, and operating expenses of the EAST  
14 Initiative. The EAST infrastructure grant or contract for personal services  
15 and operating expenses shall be awarded to an entity that has personnel or  
16 experience, or both, in implementing the EAST Initiative.

17 The provisions of this section shall be in effect only from July 1, ~~2017~~  
18 2018 through June 30, ~~2018~~ 2019.

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



1 chaperones, Destination Imagination, the State History Day Competition, and  
2 the Arkansas Science Fair Association for grants to regional and state  
3 science fairs. The Department shall either expend or have committed for  
4 expenditure the monies allocated for the Quiz Bowl, Creativity in Arkansas,  
5 Inc., Destination Imagination, the State History Day Competition, and  
6 Arkansas Science Fair Association grants as authorized herein in order to  
7 fulfill the provisions of this section.

8 The provisions of this section shall be in effect only from July 1, ~~2017~~  
9 2018 through June 30, ~~2018~~ 2019.

10  
11 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. LOCAL  
13 SCHOOL DISTRICT ISOLATED - BASE FUNDING UNDER CERTAIN CIRCUMSTANCES.

14 (a) The amount of funding a school district receives under either § 6-  
15 20-604(c) and (h) or § 6-20-604(d) and (h) in the fiscal year 2014-2015 shall  
16 become the base year funding for fiscal year 2015-2016 if a school district  
17 meets the following requirements in the 2014-2015 fiscal year and all of the  
18 following requirements except for population density ratio in the 2015-2016  
19 fiscal year:

20 (1) Either:

21 (A) Sections 6-20-604(b) and (c); or

22 (B) Sections 6-20-604(b) and (d); and

23 (2) Section 6-20-601.

24 (b) If after the 2015-2016 fiscal year, an increase in a school  
25 district's population density ratio precludes funding under § 6-20-604(c) and  
26 (h) or § 6-20-604(d) and (h), the amount of funding a school district shall  
27 receive is the amount specified under subsection (a) of this section less ten  
28 percent (10%) cumulative each year until the funding amount a school district  
29 receives is the amount of funding the school district is eligible to receive  
30 under:

31 (1) Sections 6-20-604(e) and (h); or

32 (2) Section 6-20-604(f).

33 The provisions of this section shall be in effect only from July 1, ~~2017~~  
34 2018 through June 30, ~~2018~~ 2019.

35  
36 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
2 PROFESSIONAL DEVELOPMENT.

3 (a) Of the total amount appropriated for Professional Development  
4 Funding, three million five hundred thousand dollars (\$3,500,000) may be  
5 authorized by the Commissioner of the Department of Education to be used by  
6 the Department of Education to develop and implement statewide professional  
7 development support systems for teachers that will benefit student  
8 achievement.

9 (b)(1) The Department of Education shall annually report the following  
10 information concerning the Arkansas Online Professional Development  
11 Initiative under § 6-17-707:

- 12 (1) Annual expenditure information;
- 13 (2) Statistical information pertaining to users of the  
14 initiative;
- 15 (3) Course offerings;
- 16 (4) Course hours completed; and
- 17 (5) Certificates awarded.

18 (2) The report under subsection (b)(1) of this section shall be  
19 annually submitted by August 1 to the:

- 20 (1) Governor;
- 21 (2) Legislative Council or, if the General Assembly is  
22 in session, the Joint Budget Committee;
- 23 (3) Senate Committee on Education;
- 24 (4) House Committee on Education; and
- 25 (5) Department of Finance and Administration.

26 (c) The provisions of this section shall be in effect only from July 1,  
27 ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

28

29 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NSL  
31 MATCHING GRANT PROGRAM.

32 (a)(1) Of the appropriation and funding for the NSL MATCHING GRANT  
33 PROGRAM Item in the Grants and Aid to Local School Districts and Special  
34 Programs section of this Act, four million three hundred thousand dollars  
35 (\$4,300,000) shall be set aside by the Department of Education and shall be  
36 used for school district expenditures for evidence-based programs to improve

1 academic achievement of identified national school lunch students.

2 (2) These programs shall be limited to:

3 (A) Tutors as set out in § 6-20-2305(b)(4)(C)(i)(b)(4);

4 (B) Before-school academic programs and after-school academic  
5 programs, including transportation to and from the programs  
6 under § 6-20-2305(b)(4)(C)(i)(b)(2); and

7 (C) Prekindergarten programs under § 6-20-2305(b)(4)(C)(i)(b)(3).

8 (b)(1) Set aside funds authorized in subsection (a) of this section  
9 shall be distributed to school districts on a dollar for dollar matching  
10 basis of school district expenditures for programs under subsection (a) of  
11 this section on a pro rata basis until the available funds are exhausted.

12 (2) As used in this subsection, "pro rata basis" means providing  
13 each district qualifying for additional funding in a proportionate share  
14 based on how each district's expenditure bears to the total of funding  
15 provided in subsection (a) of this section for all qualifying districts as  
16 determined by the Department of Education.

17 (c) If any funding remains after funding subsection (b) of this  
18 section, that remaining balance shall be carried over to the following fiscal  
19 year for the same purposes as provided in this section.

20 (d) The Department of Education shall adopt rules as necessary to  
21 implement this section.

22 (e) The provisions of this section shall be in effect only from July 1,  
23 ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

24  
25 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. R.I.S.E.  
27 ARKANSAS. The appropriation for the R.I.S.E. Arkansas line item in the  
28 Grants and Aid to Local School Districts and Special Programs section of this  
29 Act shall be used for the coordination of a statewide reading campaign with  
30 community partners, parents, and teachers to establish the importance of  
31 reading in homes, schools, and communities.

32 The provisions of this section shall be in effect only from July 1,  
33 ~~2017~~ 2018 through June 30, ~~2018~~ 2019.

34  
35 SECTION 33. SPECIAL LANGUAGE. CODE AMENDMENT. Arkansas Code § 6-17-  
36 812 is amended to read as follows:

1 6-17-812. Compensation for teaching more than the maximum number of  
2 students permitted.

3 (a)(1) If a teacher in grades five through twelve (5-12) ~~volunteers~~  
4 agrees to teach more than the maximum number of students permitted per day  
5 under the Standards for Accreditation of Arkansas Public Schools and School  
6 Districts or subdivision (a)(4)(A) of this section, then the teacher's pay  
7 under his or her contract shall be increased by an amount proportionate to  
8 the teacher's base pay and the additional number of students taught by the  
9 teacher.

10 (2) Subdivision (a)(1) of this section permits a teacher to  
11 ~~volunteer~~ agree to teach more than the maximum number of students permitted  
12 per day under the Standards for Accreditation of Arkansas Public Schools and  
13 School Districts or subdivision (a)(4)(A) of this section but does not permit  
14 a teacher to exceed the maximum class size permitted under the Standards for  
15 Accreditation of Arkansas Public Schools and School Districts.

16 (3) A teacher in grades five through twelve (5-12) may ~~volunteer~~  
17 agree to use his or her conference period during the day to teach an  
18 additional class period or to teach more than the maximum number of students  
19 per day and shall be compensated at a prorated portion of his or her contract  
20 for both the extra class period and for every additional student he or she  
21 teaches over the maximum number of students permitted per day under the  
22 Standards for Accreditation of Arkansas Public Schools and School Districts  
23 or subdivision (a)(4)(A) of this section.

24 (4)(A) Except when a teacher teaches a course that lends itself  
25 to large group instruction, as defined by the Department of Education, The  
26 the maximum number of students a teacher in grades five through twelve (5-12)  
27 is permitted to teach without receiving additional compensation under this  
28 section shall not exceed one hundred fifty (150) students per day.

29 (B) ~~The Department of Education~~ department shall include  
30 in the Standards for Accreditation of Arkansas Public Schools and School  
31 Districts the maximum number of students to be taught per day and the  
32 exception under subdivision (a)(4)(A) of this section.

33 (b)(1) A teacher is not required to teach more than the maximum number  
34 of students permitted per day under the Standards for Accreditation of  
35 Arkansas Public Schools and School Districts, but a teacher may ~~voluntarily~~  
36 agree to teach more than the maximum number of students permitted per day.

1           (2) A teacher ~~who volunteers under subsection (a) of this~~  
2 ~~section~~ shall sign an agreement with the school district for the additional  
3 compensation that is applicable to the semester in which the teacher  
4 ~~volunteers~~ agrees to teach more than the maximum number of students permitted  
5 per day under the Standards for Accreditation of Arkansas Public Schools and  
6 School Districts.

7           (3)(A) Neither the school district nor the teacher is obligated  
8 to enter into or renew an agreement or continue an agreement past the  
9 semester in which the agreement is signed.

10           (B) An agreement between the teacher and the school  
11 district shall be signed before any additional compensation is provided.

12           (C) The provisions of The Teacher Fair Dismissal Act of  
13 1983, § 6-17-1501 et seq., do not apply to an agreement entered into between  
14 a teacher and a school district under this section.

15           (4) A public school or school district that enters into, renews,  
16 or continues an agreement with a teacher under this section is not in  
17 violation of the Standards for Accreditation of Arkansas Public Schools and  
18 School Districts because the teacher teaches more than the maximum number of  
19 students per day.

20           (c) This section does not apply to a public school that operates  
21 primarily as a virtual school.

22           (d) A school district shall adopt a policy to implement this section.

23           (e)(1) The department shall promulgate rules to implement this  
24 section.

25           (2) The rules promulgated by the department shall include  
26 without limitation the manner in which students in grades five (5) and six  
27 (6) are to be counted for the purposes of this section.

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

1 strictly complied with in disbursement of said funds.

2

3 SECTION 35. LEGISLATIVE INTENT. It is the intent of the General  
4 Assembly that any funds disbursed under the authority of the appropriations  
5 contained in this act shall be in compliance with the stated reasons for  
6 which this act was adopted, as evidenced by the Agency Requests, Executive  
7 Recommendations and Legislative Recommendations contained in the budget  
8 manuals prepared by the Department of Finance and Administration, letters, or  
9 summarized oral testimony in the official minutes of the Arkansas Legislative  
10 Council or Joint Budget Committee which relate to its passage and adoption.

11

12 SECTION 36. EFFECTIVE DATE. This act is effective on and after July 1,  
13 2018.

14

*/s/Joint Budget Committee*

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

36