

Stricken language will be deleted and underlined language will be added.

State of Arkansas As Engrossed: S2/14/18 S2/20/18 S2/22/18 S2/27/18 S2/28/18

91st General Assembly

A Bill

Fiscal Session, 2018

SENATE BILL 33

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2019; AND FOR OTHER PURPOSES.

Subtitle

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

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

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

| ITEM NO. | | FISCAL YEAR 2018-2019 |
|----------|--|--------------------------|
| (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 | 26,594,317 |
| (05) | ARKANSAS EASTER SEALS | 193,113 |



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

| | | |
|------|--|------------------------|
| (42) | PROFESSIONAL DEVELOPMENT FUNDING | 25,143,702 |
| (43) | PUBLIC SCHOOL EMPLOYEE INSURANCE | 57,373,600 |
| (44) | R.I.S.E. ARKANSAS | 1,100,000 |
| (45) | RESIDENTIAL CENTERS/JUVENILE DETENTION | 16,345,087 |
| (46) | SCHOOL FACILITY JOINT USE SUPPORT | 500,000 |
| (47) | SCHOOL FOOD SERVICES | 1,650,000 |
| (48) | SCHOOL FOOD-LEGISLATIVE AUDIT | 75,000 |
| (49) | SCHOOL FUNDING CONTINGENCY | 25,000,000 |
| (50) | SCHOOL RECOGNITION | 7,000,000 |
| (51) | SCHOOL WORKER DEFENSE | 390,000 |
| (52) | SERIOUS OFFENDER | 1,716,859 |
| (53) | SMART START/SMART STEP | 10,666,303 |
| (54) | SPECIAL EDUCATION SERVICES | 2,802,527 |
| (55) | SPECIAL EDUCATION-CATASTROPHIC | 13,020,000 |
| (56) | SPECIAL NEEDS ISOLATED FUNDING | 3,000,000 |
| (57) | STATE FOUNDATION FUNDING | 2,133,039,396 |
| (58) | STUDENT GROWTH | 37,690,144 |
| (59) | SUPPLEMENTAL MILLAGE | 10,000,000 |
| (60) | SURPLUS COMMODITIES | 1,125,065 |
| (61) | TEACHER LICENSING/MENTORING | 6,065,758 |
| (62) | TEACHER OF THE YEAR | 100,000 |
| (63) | TEACHER RECRUITMENT | 2,100,000 |
| (64) | TEACHER RETIREMENT MATCHING | 10,529,852 |
| (65) | TECHNOLOGY GRANTS | 3,602,678 |
| (66) | TECHNOLOGY IMPROVEMENTS | 500,000 |
| (67) | WORKER'S COMPENSATION | 450,000 |
| (68) | YOUTH SHELTERS | <u>165,000</u> |
| | TOTAL AMOUNT APPROPRIATED | <u>\$2,990,544,821</u> |

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

There is hereby established for the Department of Education - Arkansas Public School Computer Network for the 2018-2019 fiscal year, the following maximum number of regular employees.

| Maximum | Maximum Annual Salary Rate |
|---------|----------------------------|
|---------|----------------------------|

| Item No. | Class Code | Title | No. of Employees | Fiscal Year 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 | |

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, 2019, the following:

| ITEM NO. | FISCAL YEAR 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 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby authorized to expend a maximum of two percent (2%) of available funds for administration of the Better Chance Program. Up to 1.8% of available funds shall be used to administer the program and to monitor program grantees to ensure compliance with programmatic standards. Prior to the utilization of the remaining 0.2% of available funds, the Department of Education shall seek prior review and approval of the Arkansas Legislative Council or Joint Budget Committee by providing a written request to include the following: a) the Department's reason(s) for the use of the funds and b) the amount of funds that will be expended. The Department may contract with the Division of Child Care and Early Childhood Education to administer the program.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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.

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

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

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

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

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

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

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

(1) Either:

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

(2) Section 6-20-601.

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

- (1) Sections 6-20-604(e) and (h); or
- (2) Section 6-20-604(f).

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

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

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

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

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

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

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

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

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

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

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

academic achievement of identified national school lunch students.

(2) These programs shall be limited to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

strictly complied with in disbursement of said funds.

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

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

/s/ Joint Budget Committee