

IN THE CIRCUIT COURT OF PULASKI COUNTY, AR

DIVISION
6TH DIVISION



60CV-11-2677 601-60100026985-020
DEER/MT. JUDEA SCHOOL DIST V 47 Pages
PULASKI CO 06/01/2011 09:51 AM
CIRCUIT COURT CC05\$

DEER/MT. JUDEA SCHOOL DISTRICT

PLAINTIFF

v.

No. **60CV2011 2677**

FILED 06/01/11 10:03:32
Larry Crane Pulaski Circuit Clerk
AR

DR. TOM W. KIMBRELL, IN HIS OFFICIAL
CAPACITY AS COMMISSIONER
OF EDUCATION FOR THE STATE OF ARKANSAS

DEFENDANT

AND,

MELBOURNE SCHOOL DISTRICT

DEFENDANT

COMPLAINT

Plaintiff Deer/Mt. Judea School District for its Complaint states:

Parties

1. Plaintiff Deer/Mr. Judea School District is a body corporate that may sue in its own name. Ark. Code Ann. § 6-13-102(a). Plaintiff operates two K-12 isolated schools as defined by Ark. Code Ann. § 6-20-602. Plaintiff seeks a declaration that Section 32 of Act 293 of the 2010 Fiscal Session of the 87th General Assembly (“Act 293”) and Section 31 of Act 1075 of the 2011 Regular Session of the 88th General Assembly (“Act 1075”) are local or special legislation in violation of Amendment 14 of the Constitution of Arkansas. Plaintiff has standing pursuant to Article 16, § 13 of the Constitution of Arkansas to prevent the

unconstitutional expenditure of State tax dollars. *See Ghegan & Ghegan, Inc. v. Weiss*, 338 Ark. 9, 991 S.W.2d 536 (1999). The unconstitutional expenditure of tax dollars authorized by Acts 293 and 1075 will result in a decrease in funding to Plaintiff.

2. Defendant Dr. Tom W. Kimbrell is the Commissioner of Education for the State of Arkansas and the person responsible for the disbursement of tax dollars appropriated by Act 293 and 1075.

3. Defendant Melbourne School District is a body corporate that may be sued in its own name. Ark. Code Ann. § 6-13-102(a). The Melbourne School District (“Melbourne”) is the only school district in the State of Arkansas that qualifies for funding under Section 32 of Act 293 and Section 31 of Act 1075. Melbourne is being made a party to this action pursuant to Ark. Code Ann. § 16-111-106(a).

4. The Attorney General for the State of Arkansas is also entitled to be heard in this matter and will be duly served. *See* Ark. Code Ann. § 16-111-106(b).

Jurisdiction and Venue

5. This Court has jurisdiction pursuant to Ark. Code Ann. §§ 16-13-201(a), 16-123-105(a), and 16-111-103(a).

6. Pulaski County is the proper venue for this action. *See* Ark. Code Ann. §§ 16-60-102(2) and 103(4).

Statement of Facts

7. Act 293 appropriates tax dollars for education for the fiscal year ending June 30, 2011. A true and correct copy of Act 293 is attached hereto as Exhibit A.

8. Act 1075 appropriates tax dollars for education for the fiscal year ending June 30, 2012. A true and correct copy of Act 1075 is attached hereto as Exhibit B.

9. Act 293 and Act 1075 include an appropriation for "special needs isolated funding" (§ 1, Item No. 57, and § 1, Item No. 51, respectively). Special needs isolated funding is distributed pursuant to Ark. Code Ann. § 6-20-604.

10. Section 32 of Act 293 and Section 31 of Act 1075 amend § 6-20-604(e) as follows (new language is underlined):

(e)(1) A Except as provided in subdivision (e)(2) of this section,
a school district meeting the requirements of subsection (b) of this section shall receive an amount equal to ten percent (10%) of the foundation funding received by the school district under § 6-20-2305(a)(2) based on the three-quarter average daily membership of the isolated school area under § 6-20-2305(a)(2) if the school district has school facilities open for kindergarten through grade twelve (K-12) in one (1) or more isolated schools meeting the requirements of subsection (b) of this section.

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

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

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

11. The Melbourne School District is the only school district that will receive special needs isolated funding under Section 32 of Act 293 and Section 31 of Act 1075 because of the time period specified in § 6-20-604(e)(2)(B).

12. But for the time period specified in § 6-20-604(e)(2)(B), the Dewitt School District (“Dewitt”) would qualify for special needs isolated funding. Dewitt satisfies the criterion contained in § 6-20-604(e)(2)(A) but do not satisfy the criterion contained in § 6-20-604(e)(2)(B). There are likely other Arkansas school districts that, like Dewitt, would qualify for special needs isolated funding but for the time period specified in § 6-20-604(e)(2)(B).

13. On April 26, 2004, the State Board of Education (“State Board”) administratively annexed the Gillett School District (“Gillett”) to Dewitt. Gillett was an isolated school as defined by Ark. Code Ann. § 6-20-603(a) and received isolated school special needs funding pursuant to Ark. Code Ann. § 6-20-604(b). Dewitt continued to receive isolated school special needs funding based on its continued operation of Gillett Elementary School and Gillett High School. On April 28, 2009, Dewitt voted to close Gillett High School effective July 1, 2009.

After closing Gillett High School, Dewitt was no longer eligible for isolated school special needs funding because § 6-20-604(e) required that a school district have “school facilities open for kindergarten through grade twelve (K-12)” in the isolated school area. *See* Ark. Code Ann. § 6-20-604(e).

14. Melbourne was in the same situation as Dewitt after closing Mt. Pleasant High School effective July 1, 2008. However, during the 2010 Fiscal Session of the 87th General Assembly, Melbourne secured passage of section 32 of Act 293 allowing Melbourne, and only Melbourne, to continue to receive isolated school special needs funding despite only operating an elementary campus in the isolated school area of Mt. Pleasant.

15. There is no rational or legitimate reason to provide additional funding to the Melbourne School District but not to other school districts meeting the criterion of § 6-20-604(e)(2)(A). There is no rational or legitimate reason to provide additional funding to the Melbourne School District based on the fact that it closed an isolated school *between January 1, 2008 and July 1, 2008*.

16. The General Assembly adopted § 6-20-604 in express recognition of the fact that “school districts that contain isolated schools need additional funding to provide an adequate education for students attending schools in those school districts.” Ark. Code Ann. § 6-20-604. The General Assembly has identified two reasons why school districts that contain isolated schools need additional funding.

First, when it originally adopted § 6-20-604, the General Assembly declared, “The new requirements under the Standards for Accreditation of Arkansas Public Schools adopted by the State Board of Education have disproportionately increased the cost of operations for school districts that contain isolated schools.” *See* Act 1452 of 2005, § 1. Second, the General Assembly has recognized that school districts with isolated schools have higher transportation costs than other school districts. In 2009, the General Assembly declared:

It is found and determined by the General Assembly of the State of Arkansas that school districts that enroll students in an isolated school or from a closed isolated school need funding for the transportation of those students to and from the isolated area; that some school districts may lose isolated school funding when an isolated school is closed but continue to have the additional transportation costs; that the loss of the funding may place a hardship on the school district involved; and that this act is immediately necessary because school districts affected by this act and the Department of Education need to resolve the funding issues under this act before the beginning of the 2009-2010 school year.

Act 811 of 2009, § 4.

17. The time period criterion set forth in § 6-20-604(e)(2)(B) bears no rational relationship to a school district’s need for special needs isolated funding. The time period during which an isolated school was closed has no impact on the cost of operating an isolated school or to the cost of transporting students living in an isolated school area. Neither the 87th General Assembly nor the 88th General Assembly advanced any rational or legitimate reason to provide special needs

isolated funding to the Melbourne School District but not other similarly situated school districts. School districts that closed isolated schools before, January 1, 2008, and after July 1, 2008, are similarly situated in all material respects to the Melbourne School District.

18. Amendment 14 to the Constitution of Arkansas provides, "The General Assembly shall not pass any local or special act." In *Wilson v. Weiss*, 368 Ark. 300, 245 S.W.3d 144 (2006) ("*Wilson I*"), the Arkansas Supreme Court summarized its Amendment 14 jurisprudence:

We have "differentiated that 'special' legislation arbitrarily separates some person, place, or thing, while 'local' legislation arbitrarily applies to one geographic division of the state to the exclusion of the rest of the state." *McCutchen v. Huckabee*, 328 Ark. 202, 208, 943 S.W.2d 225, 227 (citing *Fayetteville Sch. Dist. No. 1 v. Arkansas State Bd. of Educ.*, 313 Ark. 1, 852 S.W.2d 122 (1993)). With regard to a challenge under Amendment 14, this court has also said:

[T]his court has repeatedly held that merely because a statute ultimately affects less than all of the state's territory does not necessarily render it local or special legislation. *Fayetteville, supra*; *City of Little Rock v. Waters*, 303 Ark. 363, 797 S.W.2d 426 (1990).

Instead, we have consistently held that an act of the General Assembly that applies to only a portion of this state is constitutional if the reason for limiting the act to one area is rationally related to the purposes of that act. *Fayetteville, supra*; *Owen [v. Dalton], supra* [296 Ark. 351, 757 S.W.2d 921 (1988)]; *Board of Trustees v. City of Little Rock*, 295 Ark. 585, 750 S.W.2d 950 (1988); *Streight v. Ragland*, 280 Ark. 206, 655 S.W.2d 459 (1983). Of particular interest, is *Phillips v. Giddings*, 278 Ark. 368, 646 S.W.2d 1(1983), where we clarified that ***although there may be a legitimate purpose for passing the act, it is the classification, or the decision to apply that act to only one area***

of the state, that must be rational. McCutchen, 328 Ark. at 208-09, 943 S.W.2d at 227-28.

Wilson I, 368 Ark. at 307-08, 245 S.W.2d at 150 (emphasis supplied).

19. The issue before this Court is whether there exists a rational and legitimate reason for Act 293/Act 1075 to provide special needs isolated funding to the Melbourne School District and not other similarly situated school districts that have closed isolated schools. *Wilson I*, 368 Ark. at 308, 245 S.W.2d at 151. For the reasons discussed above, no such rational basis exists.

Prayer for Relief

WHEREFORE, Plaintiff prays for a declaration that Section 32 of Act 293 and Section 31 of Act 1075 are local or special legislation in violation of Amendment 14 of the Constitution of Arkansas; that Defendant Kimbrell be permanently enjoined from disbursing funds pursuant to Section 32 of Act 293 and Section 31 of Act 1075; that Defendant Melbourne School District be permanently enjoined from expending funds received pursuant to Section 32 of Act 293 and Section 31 of Act 1075; that Plaintiff be awarded its costs and attorneys' fees expended herein; and that Plaintiff be awarded all other just and proper relief to which he may be entitled.

Respectfully submitted,

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Attorneys for Plaintiff Deer/Mt. Judea School District

By: Clay Fendley
Clay Fendley

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

Act 293 of the Fiscal Session

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010
4

As Engrossed: S2/11/10 S2/17/10

A Bill

SENATE BILL 120

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
10 AID TO LOCAL SCHOOL DISTRICTS AND SPECIAL
11 PROGRAMS FOR THE DEPARTMENT OF EDUCATION FOR THE
12 FISCAL YEAR ENDING JUNE 30, 2011; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION -
17 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
18 APPROPRIATION FOR THE 2010-2011 FISCAL
19 YEAR.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department
26 of Education, to be payable from the Department of Education Public School
27 Fund Account, for grants and aid to local school districts and special
28 programs of the Department of Education for the fiscal year ending June 30,
29 2011, the following:
30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2010-2011</u>
33	(01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$ 26,508,621
34	(02) ACADEMIC IMPROVEMENT TRAINING	500,000
35	(03) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
36	HEALTH INSURANCE	15,000,000

1	(04)	ADVANCED PLACEMENT INCENTIVE	825,000
2	(05)	ALTERNATIVE LEARNING	19,968,837
3	(06)	ALTERNATIVE PAY	2,500,000
4	(07)	ARKANSAS EASTER SEALS	193,113
5	(08)	ASSESSMENT/END OF COURSE TESTING	23,887,747
6	(09)	AT RISK	5,188,530
7	(10)	BETTER CHANCE PROGRAM	116,619,375
8	(11)	BONDED DEBT ASSISTANCE	28,455,384
9	(12)	CERTIFIED SPEECH-LANGUAGE PATHOLOGIST	
10		INCENTIVE BONUSES	2,500,000
11	(13)	CONSOLIDATION INCENTIVE	5,210,100
12	(14)	CONTENT STANDARDS	161,000
13	(15)	CONTENTS STANDARDS CURRICULUM	
14		FRAMEWORKS	50,000
15	(16)	COOP EDUCATION TECH CENTERS	1,200,000
16	(17)	COORDINATED SCHOOL HEALTH	3,000,000
17	(18)	COURT ORDERED DESEGREGATION	69,814,372
18	(19)	CRIMINAL BACKGROUND CHECKS	50,000
19	(20)	DECLINING ENROLLMENT	13,963,389
20	(21)	DEPT OF CORRECTION	5,597,675
21	(22)	DISTANCE LEARNING	6,500,000
22	(23)	DISTANCE LEARNING OPERATIONS	10,331,400
23	(24)	DISTRESSED SCHOOL DISTRICT SUPPORT	450,000
24	(25)	EARLY CHILDHOOD SPECIAL EDUCATION	15,623,079
25	(26)	ECONOMIC EDUCATION	350,000
26	(27)	EDUCATION SERVICE COOPERATIVES	6,129,270
27	(28)	ENGLISH LANGUAGE LEARNERS	10,231,111
28	(29)	GENERAL FACILITIES FUNDING	8,100,000
29	(30)	GIFTED & TALENTED	1,480,381
30	(31)	GRANTS TO SCHOOL DISTRICTS	67,856
31	(32)	HOME SCHOOL TESTING	250,000
32	(33)	HUMAN DEVELOPMENT CENTER EDUCATION AID	526,150
33	(34)	INTENSIVE SCHOOL SUPPORT	320,000
34	(35)	INTERNATIONAL BACCALAUREATE PROGRAM	75,000
35	(36)	INTERVENTION BLOCK GRANTS	227,000
36	(37)	ISOLATED FUNDING	7,896,000

1	(38)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
2	(39)	MASTER PRINCIPAL BONUS	90,000
3	(40)	NATIONAL BOARD OF PROF TEACHING	
4		STANDARDS	7,475,840
5	(41)	NATIONAL SCHOOL LUNCH	161,071,480
6	(42)	NON-TRADITIONAL LICENSURE	50,000
7	(43)	PROFESSIONAL DEVELOPMENT FUNDING	23,279,850
8	(44)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
9	(45)	PYGMALION COMMISSION	40,000
10	(46)	RESIDENTIAL CENTERS/JUVENILE DETENTION	15,188,254
11	(47)	SCHOOL FACILITY JOINT USE SUPPORT	1,000,000
12	(48)	SCHOOL FOOD SERVICES	1,650,000
13	(49)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
14	(50)	SCHOOL FUNDING CONTINGENCY	25,000,000
15	(51)	SCHOOL WORKER DEFENSE	390,000
16	(52)	SERIOUS OFFENDER	1,050,946
17	(53)	SMART CORE INCENTIVE FUNDING PROGRAM	3,000,000
18	(54)	SMART START/SMART STEP	10,666,303
19	(55)	SPECIAL EDUCATION SERVICES	4,145,285
20	(56)	SPECIAL EDUCATION-CATASTROPHIC	11,000,000
21	(57)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
22	(58)	STATE FOUNDATION FUNDING	1,843,181,242
23	(59)	STUDENT GROWTH	54,851,000
24	(60)	SUPPLEMENTAL MILLAGE	10,000,000
25	(61)	SURPLUS COMMODITIES	1,027,858
26	(62)	TEACHER HOUSING DEVELOPMENT	100,000
27	(63)	TEACHER LICENSING/MENTORING	7,508,758
28	(64)	TEACHER OF THE YEAR	125,000
29	(65)	TEACHER RECRUITMENT	2,100,000
30	(66)	TEACHER RETIREMENT MATCHING	6,655,000
31	(67)	TECHNOLOGY GRANTS	3,602,678
32	(68)	TECHNOLOGY IMPROVEMENTS	1,000,000
33	(69)	TRAVELING TEACHERS	500,000
34	(70)	WORKER'S COMPENSATION	450,000
35	(71)	YOUTH SHELTERS	165,000
36		TOTAL AMOUNT APPROPRIATED	<u>\$2,646,963,484</u>

1

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

3 There is hereby established for the Department of Education - Arkansas Public
 4 School Computer Network for the 2010-2011 fiscal year, the following maximum
 5 number of regular employees whose salaries shall be governed by the
 6 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 7 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 8 Provided, however, that any position to which a specific maximum annual
 9 salary is set out herein in dollars, shall be exempt from the provisions of
 10 said Uniform Classification and Compensation Act. All persons occupying
 11 positions authorized herein are hereby governed by the provisions of the
 12 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 13 or its successor.

14

				Maximum Annual
				Salary Rate
				Fiscal Year
Item	Class		Maximum	
No.	Code	Title	No. of	2010-2011
			Employees	
19	(1)	N047N ADE APSCN DIRECTOR	1	GRADE N908
20	(2)	G050C ADE APSCN DIVISION MANAGER	2	GRADE C126
21	(3)	D037C ADE APSCN APPLICATIONS MANAGER	4	GRADE C124
22	(4)	D038C SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
23	(5)	D050C SECURITY ANALYST	1	GRADE C122
24	(6)	D044C SYSTEMS ANALYST	1	GRADE C122
25	(7)	D055C ADE APSCN FIELD ANALYST	25	GRADE C121
26	(8)	C020C STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
27	(9)	A091C FISCAL SUPPORT ANALYST	1	GRADE C115
28	(10)	D077C HELP DESK SPECIALIST	2	GRADE C115
29	(11)	C056C ADMINISTRATIVE SPECIALIST III	1	GRADE C112
30	(12)	C087C ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
31	MAX. NO. OF EMPLOYEES		46	

32

33 SECTION 3. APPROPRIATION - ARKANSAS PUBLIC SCHOOL COMPUTER NETWORK. There
 34 is hereby appropriated, to the Department of Education, to be payable from
 35 the Department of Education Public School Fund Account, for personal services
 36 and operating expenses of the Department of Education - Arkansas Public

1 School Computer Network for the fiscal year ending June 30, 2011, the
 2 following:

4 ITEM	FISCAL YEAR
5 NO.	2010-2011
6 (01) REGULAR SALARIES	\$ 2,233,046
7 (02) PERSONAL SERVICES MATCHING	718,947
8 (03) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	23,316,667
10 (B) CONF. & TRAVEL	7,250
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	200,000
13 (E) DATA PROC.	0
14 (04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 26,775,910</u>

16
 17 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There is
 18 hereby established for the Department of Education - Office of Education
 19 Renewal Zones for the 2010-2011 fiscal year, the following maximum number of
 20 regular employees whose salaries shall be governed by the provisions of the
 21 Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et
 22 seq.), or its successor, and all laws amendatory thereto. Provided, however,
 23 that any position to which a specific maximum annual salary is set out herein
 24 in dollars, shall be exempt from the provisions of said Uniform
 25 Classification and Compensation Act. All persons occupying positions
 26 authorized herein are hereby governed by the provisions of the Regular
 27 Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its
 28 successor.

31	Maximum	Maximum Annual
32 Item Class	No. of	Salary Rate
33 No. Code Title	Employees	Fiscal Year
		2010-2011
34 (1) E007C ADE OERZ DIRECTOR	1	GRADE C126
35 (2) E020C ADE OERZ TECH ASSIST SPECIALIST	3	GRADE C122
36 (3) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112

1 MAX. NO. OF EMPLOYEES 5

2

3 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
 4 hereby appropriated, to the Department of Education, to be payable from the
 5 Department of Education Public School Fund Account, for personal services,
 6 operating expenses and grants of the Department of Education - Office of
 7 Education Renewal Zones for the fiscal year ending June 30, 2011, the
 8 following:

9

10	ITEM	FISCAL YEAR
11	NO.	2010-2011
12	(01) REGULAR SALARIES	\$ 293,025
13	(02) PERSONAL SERVICES MATCHING	89,057
14	(03) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	91,800
16	(B) CONF. & TRAVEL	13,000
17	(C) PROF. FEES	306,900
18	(D) CAP. OUTLAY	0
19	(E) DATA PROC.	0
20	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>1,300,000</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,093,782</u>

22

23 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 25 DISBURSEMENT PROCEDURES. The State Board of Education shall develop rules and
 26 regulations for disbursement of the funds in a manner that insures equity in
 27 meeting the provisions of the nurse to student ratio established in Arkansas
 28 Code §6-18-706.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
 30 2010 through June 30, ~~2009~~ 2011.

31

32 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 34 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 35 of this Act may be fully funded. Any funding and appropriation for Isolated
 36 Funding that is not utilized shall be transferred to the appropriation for

1 Special Needs Isolated Funding in Section 1 of this Act and shall be used
2 there for fully funding each subsection (c) through (f) of Arkansas Code
3 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
4 rata basis is defined as providing each district qualifying for additional
5 funding under subsections (c) through (f) a proportionate share based on how
6 each district's additional funding amount bears to the total additional
7 funding amounts for all qualifying districts. If any funding and
8 appropriation remains after funding each subsection (c) through (f) of
9 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
10 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
11 available funds are exhausted.

12 The provisions of this section shall be in effect only from July 1, ~~2007~~
13 2010 through June 30, ~~2009~~ 2011.

14
15 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
17 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
18 Districts appropriation in Section 1 of this Act, "school district" means a
19 school district which contracts with a school district in an adjoining state
20 for the education of some of the pupils within the Arkansas school district
21 because the portion of the school district wherein such pupils live is
22 completely separated from the remainder of the school district by a reservoir
23 covering at least 12,000 acres at normal water level, and where to attend
24 school in their own district, the pupils of said portion would be required to
25 travel or to be transported a distance (measured by the nearest highway or
26 road route) of more than 35 miles round trip and pass through another school
27 district or districts. The Department of Education shall distribute the
28 monies appropriated for Grants to School Districts in Section 1 of this Act
29 to such school districts as reimbursement for expenses incurred in educating
30 the pupils residing in the separated portion of the school district. The
31 payments are to be limited to the amount of available appropriation. Such
32 school districts shall file a request for reimbursement with the Department
33 of Education and provide the Department of Education with such documentation
34 as is deemed necessary.

35 The provisions of this section shall be in effect only from July 1, ~~2007~~
36 2010 through June 30, ~~2009~~ 2011.

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

11 The provisions of this section shall be in effect only from July 1, ~~2007~~
12 2010 through June 30, ~~2009~~ 2011.

13
14 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
17 fiscal year thereafter, the Department of Education shall from time to time
18 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
19 State, the amount of funds disbursed or approved to be disbursed by the
20 Department of Education for desegregation expenses under any "Desegregation
21 Settlement Agreement". Upon the receipt of such certification, the State
22 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
23 202(b)(2)(B), shall also deduct from the net general revenues the amount
24 certified and transfer this amount to the Department of Education Public
25 School Fund Account there to be used exclusively for payment of or
26 reimbursement for expenses incurred from the Department of Education Public
27 School Fund Account under any "Desegregation Settlement Agreement".

28
29 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 CONSOLIDATION INCENTIVE. The appropriation contained herein for Consolidation
32 Incentive shall be allocated in accordance with rules and regulations
33 established by the State Board of Education.

34 The provisions of this section shall be in effect only from July 1, ~~2007~~
35 2010 through June 30, ~~2009~~ 2011.

36

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

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

8
9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
11 AUTHORITY. The Commissioner of the Department of Education, with the approval
12 of the Chief Fiscal Officer and after approval by the Arkansas Legislative
13 Council or Joint Budget Committee, is hereby authorized to request necessary
14 appropriation transfers and any other budget related adjustments necessary.
15 Provided, however, that the Department of Education shall be limited to
16 submitting no more than two transfer requests during any fiscal year.

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

33 The provisions of this section shall be in effect only from July 1, ~~2007~~
34 2010 through June 30, ~~2009~~ 2011.

35
36 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

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

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

10
11 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
13 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
14 shall make available from the Intervention Block Grants appropriation
15 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
16 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
17 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
18 grants up to \$1,000 each for students and chaperones, thirteen thousand five
19 hundred dollars (\$13,500) each fiscal year for Destination Imagination, and
20 one hundred thousand dollars (\$100,000) each fiscal year for the State
21 History Day Competition. The Department of Education shall allocate General
22 Revenue funding totaling no less than two hundred twenty-seven thousand
23 dollars (\$227,000) each fiscal year from the Department of Education Public
24 School Fund Account to support the annual expenses of the Quiz Bowl, the
25 Creativity in Arkansas, Inc. for grants up to \$1,000 each for students and
26 chaperones, Destination Imagination, and the State History Day Competition.
27 The Department shall either expend or have committed for expenditure the
28 monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc., Destination
29 Imagination, and the State History Day Competition as authorized herein in
30 order to fulfill the provisions of this section.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
32 2010 through June 30, ~~2009~~ 2011.

33
34 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EAST
36 FUNDING PROVISION. Of the total amount appropriated for Technology Grants

1 each fiscal year, an amount of not less than one million dollars (\$1,000,000)
2 or eighteen percent (18%), whichever is greater each fiscal year, shall be
3 awarded through a grant or professional services contract for EAST
4 infrastructure, personnel, and operating expenses. The EAST infrastructure
5 grant or contract for personal services and operating expenses shall be
6 awarded to an entity that has personnel or experience, or both, in
7 implementing the EAST Initiative.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

10
11 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
13 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
14 appropriation authorized by this Act for Technology Grants the Department of
15 Education shall make available one hundred eighty-seven thousand five hundred
16 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
17 Teaching and Learning initiatives to teach students computer repair in a
18 hands-on environment. The Department of Education shall allocate General
19 Revenue funding totaling no less than one hundred eighty-seven thousand five
20 hundred seventy-five dollars (\$187,575) each fiscal year from the Department
21 of Education Public School Fund Account to support the Center for Quality
22 Teaching and Learning. The Department shall either expend or have committed
23 for expenditure the monies allocated for the Center for Quality Teaching and
24 Learning in order to fulfill the provisions of this section.

25 The provisions of this section shall be in effect only from July 1, ~~2007~~
26 2010 through June 30, ~~2009~~ 2011.

27
28 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
30 DISTRESSED SCHOOL DISTRICT SUPPORT. The funds appropriated in the line item
31 "Distressed School District Support" in Section 1 of this Act may be used for
32 technical assistance offered by the Department of Education to school
33 districts in academic distress that can include, but is not limited to,
34 teacher specialists, principal specialists, and other personnel assigned by
35 the department. These funds may also be used for alternative research-based
36 technical assistance or programs. Criteria for selecting and approving

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

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

8

9 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
11 PROFESSIONAL DEVELOPMENT. Of the total amount appropriated for Professional
12 Development Funding, four million dollars (\$4,000,000) may be authorized by
13 the Commissioner of the Department of Education to be used by the Department
14 of Education to develop and implement statewide professional development
15 support systems for teachers that will benefit student achievement.

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2010 through June 30, ~~2009~~ 2011.

18

19 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 RETIREMENT MATCHING. Beginning with the 1996-97 school year, Local School
22 Districts shall pay the teacher retirement employer contribution rate for any
23 eligible employee in accordance with rules and regulations established by the
24 Teacher Retirement Board of Directors. The appropriation contained herein for
25 Teacher Retirement Matching each fiscal year shall be used to provide the
26 employer matching for employees of the Cooperative Education Services Areas,
27 Vocational Centers, Arkansas Easter Seals and the school operated by the
28 Department of Correction.

29 The provisions of this section shall be in effect only from July 1, ~~2007~~
30 2010 through June 30, ~~2009~~ 2011.

31

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

35 (a) Regardless of any provision of any law to the contrary, no internet,
36 long-distance or virtual technology open-enrollment charter school shall

1 receive state funding for more than five hundred (500) students.

2 (b) Regardless of any provision of law to the contrary, no school district
3 shall receive state funding for the ~~2009-2010~~ 2010-2011 school year for those
4 students who are included in the district's average daily membership for the
5 previous school year but who are attending any open-enrollment charter school
6 that uses internet, long-distance, or virtual technology as the primary
7 method of teaching.

8 The provisions of this section shall be in effect only from July 1, ~~2007~~
9 2010 through June 30, ~~2009~~ 2011.

10
11 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
13 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
14 authorized to expend a maximum of two percent (2%) of available funds for
15 administration of the Better Chance Program. Up to 1.8% of available funds
16 shall be used to administer the program and to monitor program grantees to
17 ensure compliance with programmatic standards. Prior to the utilization of
18 the remaining 0.2% of available funds, the Department of Education shall seek
19 prior review and approval of the Arkansas Legislative Council or Joint Budget
20 Committee by providing a written request to include the following: a) the
21 Department's reason(s) for the use of the funds and b) the amount of funds
22 that will be expended. The Department may contract with the Division of Child
23 Care and Early Childhood Education to administer the program.

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

1 The provisions of this section shall be in effect only from July 1, ~~2007~~
2 2010 through June 30, ~~2009~~ 2011.

3
4 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AVERAGE
6 TEACHER SALARY. The Arkansas Department of Education is requested to
7 calculate Average Teacher Salary in the Department's Annual Statistical
8 Report to not include extra duty funds. Specifically, the Department is
9 requested to calculate the Average Teacher Salary amount using the National
10 Education Association definitions for Average Salary for Classroom Teachers.
11 The Arkansas Department of Education shall submit this data annually to the
12 National Education Association in accordance with that organization's
13 deadlines for submission for their report "Rankings and Estimates" which
14 includes state-by-state teacher salary comparisons.

15
16 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
18 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
19 Chance for School Success Program remaining on June 30, ~~2010~~ 2011, in the
20 Department of Education Public School Fund Account shall be designated and
21 retained for the Arkansas Better Chance for School Success Program.

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

24 (1) Prior to June 30, ~~2010~~ 2011 the Agency shall by written statement set
25 forth its reason(s) for the need to carry forward said funding to the
26 Department of Finance and Administration Office of Budget;

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

34 (3) Each Agency, Board, Commission or Institution shall provide a written
35 report to the Arkansas Legislative Council or Joint Budget Committee
36 containing all information set forth in item (2) above, along with a written

1 statement as to the current status of the project, contract, purpose etc. for
2 which the carry forward was originally requested no later than thirty (30)
3 days prior to the time the Agency, Board, Commission or Institution presents
4 its budget request to the Arkansas Legislative Council/Joint Budget
5 Committee; and

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

9 The provisions of this section shall be in effect only from July 1, ~~2007~~
10 2010 through June 30, ~~2009~~ 2011.

11

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

20

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

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
32 2010 through June 30, ~~2009~~ 2011.

33

34 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. HEALTH
36 INSURANCE. The appropriation contained herein for Public School Employee

1 Insurance each fiscal year shall be used to provide the state contribution
2 for insurance premiums for employees of the Cooperative Education Services
3 Areas, Vocational Centers, and the school operated by the Department of
4 Correction who participate in the Arkansas Public School Life and Health
5 Insurance Program.

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 2010 through June 30, ~~2009~~ 2011.

8

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

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

16 The provisions of this section shall be in effect only from July 1, ~~2007~~
17 2010 through June 30, ~~2009~~ 2011.

18

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

24 The provisions of this section shall be in effect only from July 1, ~~2009~~
25 2010 through June 30, ~~2010~~ 2011.

26

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

29 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

30 Effective for the plan year beginning October 1, ~~2009~~ 2010, if ninety-eight
31 percent (98%) of the uniform rate of tax used in the calculation of State
32 Foundation Funding Aid for fiscal year ~~2009-2010~~ 2010-2011 exceeds nine
33 hundred twenty million seven hundred thirty-one thousand eight hundred
34 nineteen dollars (\$920,731,819), the Department of Education shall pay up to
35 fifteen million dollars (\$15,000,000) of the total increase over the nine
36 hundred twenty million seven hundred thirty-one thousand eight hundred

1 nineteen dollars (\$920,731,819) to the Employee Benefits Division of the
 2 Department of Finance and Administration in additional health insurance
 3 contributions for eligible employees electing to participate in the public
 4 school employees' health insurance program administered by the State and
 5 Public School Life and Health Insurance Board.

6 The Department of Education shall make the contributions by transferring
 7 funds to the division in quarterly installments.

8 Funds provided by the Department of Education to the division under this
 9 section shall be administered by the board for the benefit of the employee
 10 participants of the public school employees' health insurance program.

11 The provisions of this section shall be in effect only from July 1, ~~2009~~
 12 2010 through June 30, ~~2010~~ 2011.

13

14 SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. MANDATORY
 16 FUNDING PROVISION - INTERNATIONAL BACCALAUREATE PROGRAM. The Department of
 17 Education shall allocate, budget and commit for expenditure funds available
 18 in the Department of Education Public School Fund Account and the Educational
 19 Adequacy Fund in the amount of seventy-five thousand dollars (\$75,000) to
 20 provide funding for grants and aid to local school districts for the
 21 International Baccalaureate Program as appropriated in SECTION 1 of this act.

22 The provisions of this section shall be in effect only from July 1, ~~2009~~
 23 2010 through June 30, ~~2010~~ 2011.

24

25 SECTION 32. SPECIAL LANGUAGE. Arkansas Code § 6-20-604(e), concerning
 26 isolated school needs funding, is amended to read as follows:

27 (e)(1) A Except as provided in subdivision (e)(2) of this section, a
 28 school district meeting the requirements of subsection (b) of this section
 29 shall receive an amount equal to ten percent (10%) of the foundation funding
 30 received by the school district under § 6-20-2305(a)(2) based on the three-
 31 quarter average daily membership of the isolated school area under § 6-20-
 32 2305(a)(2) if the school district has school facilities open for kindergarten
 33 through grade twelve (K-12) in one (1) or more isolated schools meeting the
 34 requirements of subsection (b) of this section.

35 (2) A school district shall receive an amount equal to ten percent
 36 (10%) of the foundation funding received by the school district under § 6-20-

1 2305(a)(2) based on the three-quarter average daily membership of the
2 isolated school area under § 6-20-2305(a)(2) if:

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

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

10
11 SECTION 33. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
12 by this act shall be limited to the appropriation for such agency and funds
13 made available by law for the support of such appropriations; and the
14 restrictions of the State Procurement Law, the General Accounting and
15 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
16 Procedures and Restrictions Act, or their successors, and other fiscal
17 control laws of this State, where applicable, and regulations promulgated by
18 the Department of Finance and Administration, as authorized by law, shall be
19 strictly complied with in disbursement of said funds.

20
21 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General Assembly
22 that any funds disbursed under the authority of the appropriations contained
23 in this act shall be in compliance with the stated reasons for which this act
24 was adopted, as evidenced by the Agency Requests, Executive Recommendations
25 and Legislative Recommendations contained in the budget manuals prepared by
26 the Department of Finance and Administration, letters, or summarized oral
27 testimony in the official minutes of the Arkansas Legislative Council or
28 Joint Budget Committee which relate to its passage and adoption.

29
30 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the General
31 Assembly, that the Constitution of the State of Arkansas prohibits the
32 appropriation of funds for a longer period than one (1) fiscal year; that the
33 effectiveness of this Act on July 1, 2010 is essential to the operation of
34 the agency for which the appropriations in this Act are provided, with the
35 exception that Section 32 in this Act which shall be in full force and effect
36 from and after the date of its passage and approval, and that in the event of

1 an extension of the legislative session, the delay in the effective date of
2 this Act beyond July 1, 2010 could work irreparable harm upon the proper
3 administration and provision of essential governmental programs, with the
4 exception that Section 32 in this Act which shall be in full force and effect
5 from and after the date of its passage and approval. Therefore, an emergency
6 is hereby declared to exist and this Act being necessary for the immediate
7 preservation of the public peace, health and safety shall be in full force
8 and effect from and after July 1, 2010, with the exception that Section 32 in
9 this Act which shall be in full force and effect from and after the date of
10 its passage and approval.

11
12 /s/ Joint Budget Committee

13
14 APPROVED: 2/26/2010
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1 State of Arkansas *As Engrossed: S3/7/11 S3/14/11 S3/21/11 S3/30/11*
2 88th General Assembly **A Bill**
3 Regular Session, 2011

SENATE BILL 211

4

5 By: Joint Budget Committee

6

7

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, 2012; AND FOR OTHER PURPOSES.

12

13

14

Subtitle

15

AN ACT FOR THE DEPARTMENT OF EDUCATION -
16 GRANTS AND AID TO LOCAL SCHOOL DISTRICTS
17 APPROPRIATION FOR THE 2011-2012 FISCAL
18 YEAR.

19

20

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

22

23

24

SECTION 1. APPROPRIATION. There is hereby appropriated, to the
Department of Education, to be payable from the Department of Education
25 Public School Fund Account, for grants and aid to local school districts and
26 special programs of the Department of Education for the fiscal year ending
27 June 30, 2012, the following:

28

29

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2011-2012</u>
31 (01) 98% URT ACTUAL COLLECTION ADJUSTMENT	\$34,500,000
32 (02) ADDITIONAL PUBLIC SCHOOL EMPLOYEE	
33 HEALTH INSURANCE	15,000,000
34 (03) ADVANCED PLACEMENT INCENTIVE	825,000
35 (04) ALTERNATIVE LEARNING	21,149,603
36 (05) ALTERNATIVE PAY	807,907

36



1	(06)	ARKANSAS EASTER SEALS	193,113
2	(07)	ASSESSMENT/END OF COURSE TESTING	24,409,349
3	(08)	AT RISK	1,688,530
4	(09)	BETTER CHANCE PROGRAM	111,000,000
5	(10)	BONDED DEBT ASSISTANCE	28,455,384
6	(11)	CONSOLIDATION INCENTIVE	9,415,127
7	(12)	CONTENT STANDARDS	161,000
8	(13)	CONTENTS STANDARDS CURRICULUM	
9		FRAMEWORKS	50,000
10	(14)	COOP EDUCATION TECH CENTERS	1,200,000
11	(15)	COORDINATED SCHOOL HEALTH	2,000,000
12	(16)	COURT ORDERED DESEGREGATION	69,814,372
13	(17)	CRIMINAL BACKGROUND CHECKS	25,000
14	(18)	DECLINING ENROLLMENT	13,963,389
15	(19)	DEPARTMENT OF CORRECTION	5,881,973
16	(20)	DISTANCE LEARNING	4,760,000
17	(21)	DISTANCE LEARNING OPERATIONS	7,575,000
18	(22)	DISTRESSED SCHOOL DISTRICT SUPPORT	50,000
19	(23)	EARLY CHILDHOOD SPECIAL EDUCATION	16,248,000
20	(24)	ECONOMIC EDUCATION	350,000
21	(25)	EDUCATION SERVICE COOPERATIVES	6,129,270
22	(26)	ENGLISH LANGUAGE LEARNERS	11,115,341
23	(27)	GENERAL FACILITIES FUNDING	8,100,000
24	(28)	GIFTED & TALENTED	1,085,381
25	(29)	GRANTS TO SCHOOL DISTRICTS	67,856
26	(30)	HOME SCHOOL TESTING	250,000
27	(31)	HUMAN DEVELOPMENT CENTER EDUCATION	
28		AID	526,150
29	(32)	INTERVENTION BLOCK GRANTS	302,000
30	(33)	ISOLATED FUNDING	7,896,000
31	(34)	LEADERSHIP ACADEMY-MASTER PRINCIPAL	500,000
32	(35)	MASTER PRINCIPAL BONUS	90,000
33	(36)	NATIONAL BOARD OF PROF TEACHING	
34		STANDARDS	10,516,160
35	(37)	NATIONAL SCHOOL LUNCH	178,897,567
36	(38)	NON-TRADITIONAL LICENSURE	50,000

1	(39)	PROFESSIONAL DEVELOPMENT FUNDING	23,709,798
2	(40)	PUBLIC SCHOOL EMPLOYEE INSURANCE	37,273,600
3	(41)	RESIDENTIAL CENTERS/JUVENILE	
4		DETENTION	16,115,234
5	(42)	SCHOOL FACILITY JOINT USE SUPPORT	500,000
6	(43)	SCHOOL FOOD SERVICES	1,650,000
7	(44)	SCHOOL FOOD-LEGISLATIVE AUDIT	75,000
8	(45)	SCHOOL FUNDING CONTINGENCY	25,000,000
9	(46)	SCHOOL WORKER DEFENSE	390,000
10	(47)	SERIOUS OFFENDER	1,683,067
11	(48)	SMART START/SMART STEP	10,666,303
12	(49)	SPECIAL EDUCATION SERVICES	4,145,285
13	(50)	SPECIAL EDUCATION-CATASTROPHIC	11,000,000
14	(51)	SPECIAL NEEDS ISOLATED FUNDING	3,000,000
15	(52)	STATE FOUNDATION FUNDING	1,858,834,526
16	(53)	<i>SUPPLEMENTAL TRANSPORTATION</i>	<i>500,000</i>
17	(54)	STUDENT GROWTH	28,500,000
18	(55)	SUPPLEMENTAL MILLAGE	10,000,000
19	(56)	SURPLUS COMMODITIES	780,000
20	(57)	TEACHER LICENSING/MENTORING	5,008,758
21	(58)	TEACHER OF THE YEAR	100,000
22	(59)	TEACHER RECRUITMENT	2,100,000
23	(60)	TEACHER RETIREMENT MATCHING	6,655,000
24	(61)	TECHNOLOGY GRANTS	3,602,678
25	(62)	TECHNOLOGY IMPROVEMENTS	500,000
26	(63)	WORKER'S COMPENSATION	450,000
27	(64)	YOUTH SHELTERS	165,000
28	(65)	<i>STUDENT SUCCESS RESEARCH DATA PILOT PROGRAM</i>	<u><i>200,000</i></u>
29		TOTAL AMOUNT APPROPRIATED	<u><i>\$2,647,652,721</i></u>

30

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

32 There is hereby established for the Department of Education - Arkansas Public
 33 School Computer Network for the 2011-2012 fiscal year, the following maximum
 34 number of regular employees.

35

36

Maximum Annual

1				Maximum	Salary Rate
2	Item	Class		No. of	Fiscal Year
3	No.	Code	Title	Employees	2011-2012
4	(1)	N047N	ADE APSCN DIRECTOR	1	GRADE N908
5	(2)	G012C	ADE ASSISTANT TO COMMISSIONER	2	GRADE C129
6	(3)	G050C	ADE APSCN DIVISION MANAGER	2	GRADE C126
7	(4)	D037C	ADE APSCN APPLICATIONS MANAGER	5	GRADE C124
8	(5)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	2	GRADE C123
9	(6)	D050C	SECURITY ANALYST	1	GRADE C122
10	(7)	D044C	SYSTEMS ANALYST	1	GRADE C122
11	(8)	D055C	ADE APSCN FIELD ANALYST	25	GRADE C121
12	(9)	C020C	STUDENT APPLICATIONS SPECIALIST	5	GRADE C116
13	(10)	A091C	FISCAL SUPPORT ANALYST	1	GRADE C115
14	(11)	D077C	HELP DESK SPECIALIST	2	GRADE C115
15	(12)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
16	(13)	C087C	ADMINISTRATIVE SPECIALIST I	<u>1</u>	GRADE C106
17		MAX. NO. OF EMPLOYEES		49	

18

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

20 There is hereby appropriated, to the Department of Education, to be payable
 21 from the Department of Education Public School Fund Account, for personal
 22 services and operating expenses of the Department of Education - Arkansas
 23 Public School Computer Network for the fiscal year ending June 30, 2012, the
 24 following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2011-2012</u>
28	(01) REGULAR SALARIES	\$2,428,468
29	(02) PERSONAL SERVICES MATCHING	765,180
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	19,870,313
32	(B) CONF. & TRAVEL	7,250
33	(C) PROF. FEES	0
34	(D) CAP. OUTLAY	200,000
35	(E) DATA PROC.	0
36	(04) DATA ACCESS IMPLEMENTATION	<u>300,000</u>

1 TOTAL AMOUNT APPROPRIATED \$23,571,211

2

3 SECTION 4. REGULAR SALARIES - OFFICE OF EDUCATION RENEWAL ZONES. There
4 is hereby established for the Department of Education - Office of Education
5 Renewal Zones for the 2011-2012 fiscal year, the following maximum number of
6 regular employees.

7

8				Maximum Annual
9				Salary Rate
10	Item	Class	Maximum	Fiscal Year
11	No.	Code	No. of	2011-2012
	<u>Title</u>			<u>Employees</u>
12	(1)	E007C	ADE OERZ DIRECTOR	1 GRADE C126
13	(2)	E020C	ADE OERZ TECHNICAL ASSIST SPECIALIS	3 GRADE C122
14	(3)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE C112
15			MAX. NO. OF EMPLOYEES	5

16

17 SECTION 5. APPROPRIATION - OFFICE OF EDUCATION RENEWAL ZONES. There is
18 hereby appropriated, to the Department of Education, to be payable from the
19 Department of Education Public School Fund Account, for personal services,
20 operating expenses and grants by the Department of Education - Office of
21 Education Renewal Zones for the fiscal year ending June 30, 2012, the
22 following:

23

24	ITEM	FISCAL YEAR
25	<u>NO.</u>	<u>2011-2012</u>
26	(01) REGULAR SALARIES	\$258,773
27	(02) PERSONAL SERVICES MATCHING	80,662
28	(03) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	91,800
30	(B) CONF. & TRAVEL	13,000
31	(C) PROF. FEES	306,900
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	0
34	(04) EDUCATIONAL RENEWAL ZONE GRANTS	<u>700,000</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$1,451,135</u>

36

1 SECTION 6. APPROPRIATION - PUBLIC SCHOOL ATHLETIC TRAINER PILOT
 2 PROGRAM GRANTS. There is hereby appropriated, to the Department of
 3 Education, to be payable from the Department of Education Public School Fund
 4 Account, for Public School Athletic Trainer Pilot Program grants for personal
 5 services to provide access to athletic trainers in public schools and to
 6 promote the health and safety of students by the Department of Education for
 7 the fiscal year ending June 30, 2012, the sum of\$200,000.

8
 9 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 11 ALLOCATION. The appropriation for the Isolated Funding line item in Section 1
 12 of this Act may be fully funded. Any funding and appropriation for Isolated
 13 Funding that is not utilized shall be transferred to the appropriation for
 14 Special Needs Isolated Funding in Section 1 of this Act and shall be used
 15 there for fully funding each subsection (c) through (f) of Arkansas Code
 16 §6-20-604 on a pro rata basis until the available funds are exhausted. Pro
 17 rata basis is defined as providing each district qualifying for additional
 18 funding under subsections (c) through (f) a proportionate share based on how
 19 each district's additional funding amount bears to the total additional
 20 funding amounts for all qualifying districts. If any funding and
 21 appropriation remains after funding each subsection (c) through (f) of
 22 Arkansas Code §6-20-604 the remaining balance shall be used to fund the
 23 provisions of Arkansas Code §6-20-604 (h) on an equal basis until the
 24 available funds are exhausted.

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

27
 28 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. GRANTS TO
 30 SCHOOL DISTRICTS. For the purposes of distributing the Grants To School
 31 Districts appropriation in Section 1 of this Act, "school district" means a
 32 school district which contracts with a school district in an adjoining state
 33 for the education of some of the pupils within the Arkansas school district
 34 because the portion of the school district wherein such pupils live is
 35 completely separated from the remainder of the school district by a reservoir
 36 covering at least 12,000 acres at normal water level, and where to attend

1 school in their own district, the pupils of said portion would be required to
2 travel or to be transported a distance (measured by the nearest highway or
3 road route) of more than 35 miles round trip and pass through another school
4 district or districts. The Department of Education shall distribute the
5 monies appropriated for Grants to School Districts in Section 1 of this Act
6 to such school districts as reimbursement for expenses incurred in educating
7 the pupils residing in the separated portion of the school district. The
8 payments are to be limited to the amount of available appropriation. Such
9 school districts shall file a request for reimbursement with the Department
10 of Education and provide the Department of Education with such documentation
11 as is deemed necessary.

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

14
15 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
17 EDUCATION SERVICES. The funds appropriated in the line item "Special
18 Education Services" in Section 1 of this Act shall be used to provide
19 extended year summer programs for handicapped students in need of such
20 services, to provide special education services to foster children who are
21 wards of the State, and to provide funds for the payment of salaries of
22 special education supervisors. The Department of Education shall distribute
23 such funds in the manner necessary to carry out the intent of this Section.

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

26
27 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 DESEGREGATION EXPENSES. (A) For the fiscal year ending June 30, and for each
30 fiscal year thereafter, the Department of Education shall from time to time
31 as needed, certify to the State Treasurer and the Chief Fiscal Officer of the
32 State, the amount of funds disbursed or approved to be disbursed by the
33 Department of Education for desegregation expenses under any "Desegregation
34 Settlement Agreement". Upon the receipt of such certification, the State
35 Treasurer, after making those deductions as set out in Arkansas Code 19-5-
36 202(b)(2)(B), shall also deduct from the net general revenues the amount

1 certified and transfer this amount to the Department of Education Public
2 School Fund Account there to be used exclusively for payment of or
3 reimbursement for expenses incurred from the Department of Education Public
4 School Fund Account under any "Desegregation Settlement Agreement".
5

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

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

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

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

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

19 The provisions of this section shall be in effect only from July 1,
20 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
21

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

24 AUTHORITY. The Commissioner of the Department of Education, with the approval
25 of the Chief Fiscal Officer of the State and after approval by the Arkansas
26 Legislative Council or Joint Budget Committee, is hereby authorized to
27 request necessary appropriation transfers and any other budget related
28 adjustments necessary within the Department of Education. Provided, however,
29 that the Department of Education shall be limited to submitting no more than
30 two transfer requests during any fiscal year.

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

1 has determined that the Department of Education may operate more efficiently
2 if some flexibility is provided to the Commissioner of the Department of
3 Education authorizing broad powers under the Transfer Authority provision
4 herein. Therefore, it is both necessary and appropriate that the General
5 Assembly maintain oversight by requiring prior approval of the Legislative
6 Council or Joint Budget Committee as provided by this section. The
7 requirement of approval by the Legislative Council or Joint Budget Committee
8 is not a severable part of this section. If the requirement of approval by
9 the Legislative Council or Joint Budget Committee is ruled unconstitutional
10 by a court jurisdiction, this entire section is void.

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

13

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

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

24

25 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 INTERVENTION BLOCK GRANTS FUNDING RESTRICTION. The Department of Education
28 shall make available from the Intervention Block Grants appropriation
29 authorized by this Act, one hundred thousand dollars (\$100,000) each fiscal
30 year for the annual expenses of the Quiz Bowl, thirteen thousand five hundred
31 dollars (\$13,500) each fiscal year for Creativity in Arkansas, Inc. for
32 grants up to \$1,000 each for students and chaperones, thirteen thousand five
33 hundred dollars (\$13,500) each fiscal year for Destination Imagination, ~~and~~
34 one hundred thousand dollars (\$100,000) each fiscal year for the State
35 History Day Competition, and seventy-five thousand dollars (\$75,000) each
36 fiscal year for a grant to the Arkansas Science Fair Association for grants

1 to regional and the state science fairs. The Department of Education shall
2 allocate General Revenue funding totaling no less than ~~two hundred twenty-~~
3 ~~seven thousand dollars (\$227,000)~~ three hundred two thousand dollars
4 (\$302,000) each fiscal year from the Department of Education Public School
5 Fund Account to support the annual expenses of the Quiz Bowl, the Creativity
6 in Arkansas, Inc. for grants up to \$1,000 each for students and chaperones,
7 Destination Imagination, ~~and~~ the State History Day Competition, and the
8 Arkansas Science Fair Association for grants to regional and state science
9 fairs. The Department shall either expend or have committed for expenditure
10 the monies allocated for the Quiz Bowl, Creativity in Arkansas, Inc.,
11 Destination Imagination, ~~and~~ the State History Day Competition, and Arkansas
12 Science Fair Association grants as authorized herein in order to fulfill the
13 provisions of this section.

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

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

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

29
30 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CENTER
32 FOR QUALITY TEACHING AND LEARNING FUNDING PROVISION. Of the total
33 appropriation authorized by this Act for Technology Grants the Department of
34 Education shall make available one hundred eighty-seven thousand five hundred
35 seventy-five dollars (\$187,575) each fiscal year for Center for Quality
36 Teaching and Learning initiatives to teach students computer repair in a

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

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

10
11 SECTION 18. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

27
28 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

1

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

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

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

14

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

18 ~~(a) Regardless of any provision of any law to the contrary, no~~
19 ~~internet, long-distance or virtual technology open-enrollment charter school~~
20 ~~shall receive state funding for more than five hundred (500) students.~~

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

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

29

30 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BETTER
32 CHANCE PROGRAM ADMINISTRATIVE FEES. The Department of Education is hereby
33 authorized to expend a maximum of two percent (2%) of available funds for
34 administration of the Better Chance Program. Up to 1.8% of available funds
35 shall be used to administer the program and to monitor program grantees to
36 ensure compliance with programmatic standards. Prior to the utilization of

1 the remaining 0.2% of available funds, the Department of Education shall seek
2 prior review and approval of the Arkansas Legislative Council or Joint Budget
3 Committee by providing a written request to include the following: a) the
4 Department's reason(s) for the use of the funds and b) the amount of funds
5 that will be expended. The Department may contract with the Division of Child
6 Care and Early Childhood Education to administer the program.

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

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

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

34
35 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

1 FORWARD. Any unexpended balance of monies allocated for the Arkansas Better
2 Chance for School Success Program remaining on June 30, ~~2011~~ 2012, in the
3 Department of Education Public School Fund Account shall be designated and
4 retained for the Arkansas Better Chance for School Success Program.

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

7 (1) Prior to June 30, ~~2011~~ 2012 the Agency shall by written statement
8 set forth its reason(s) for the need to carry forward said funding to the
9 Department of Finance and Administration Office of Budget;

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

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

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

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

31
32 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PUBLIC
34 SCHOOL RETIREE HEALTH INSURANCE. The Employee Benefits Division of the
35 Department of Finance and Administration may use up to eleven dollars and
36 twenty cents (\$11.20) from each contribution made under Arkansas Code

1 §6-17-1117 (a) to offset the cost of health insurance premiums to eligible
2 members electing to participate in the public school employees' health
3 insurance program as a retiree.
4

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

15 The provisions of this section shall be in effect only from July 1,
16 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.
17

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

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

29 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
31 ALTERNATIVE LEARNING ENVIRONMENT. The Department of Education may provide
32 funding for Alternative Learning Environment Programs in excess of the
33 regulatory limitation of six (6) hours per day for those programs that
34 operate more than twelve hours per day, in a proportionate manner and upon
35 special request to the Department of Education.

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

1 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

2

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

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

10

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

13 ADDITIONAL PUBLIC SCHOOL EMPLOYEE HEALTH INSURANCE FUNDING PROVISION.

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

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

31 The provisions of this section shall be in effect only from July 1,
32 ~~2010~~ 2011 through June 30, ~~2011~~ 2012.

33

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

36 (e)(1) Except as provided in subdivision (e)(2) of this section, a

1 school district meeting the requirements of subsection (b) of this section
2 shall receive an amount equal to ten percent (10%) of the foundation funding
3 received by the school district under § 6-20-2305(a)(2) based on the three-
4 quarter average daily membership of the isolated school area under § 6-20-
5 2305(a)(2) if the school district has school facilities open for kindergarten
6 through grade twelve (K-12) in one (1) or more isolated schools meeting the
7 requirements of subsection (b) of this section.

8 (2) A school district shall receive an amount equal to ten percent
9 (10%) of the foundation funding received by the school district under § 6-20-
10 2305(a)(2) based on the three-quarter average daily membership of the
11 isolated school area under § 6-20-2305(a)(2) if:

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

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

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

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

1 control laws of this State, where applicable, and regulations promulgated by
2 the Department of Finance and Administration, as authorized by law, shall be
3 strictly complied with in disbursement of said funds.
4

5 SECTION 34. LEGISLATIVE INTENT. It is the intent of the General
6 Assembly that any funds disbursed under the authority of the appropriations
7 contained in this act shall be in compliance with the stated reasons for
8 which this act was adopted, as evidenced by the Agency Requests, Executive
9 Recommendations and Legislative Recommendations contained in the budget
10 manuals prepared by the Department of Finance and Administration, letters, or
11 summarized oral testimony in the official minutes of the Arkansas Legislative
12 Council or Joint Budget Committee which relate to its passage and adoption.
13

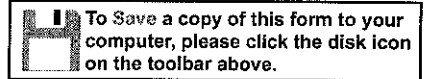
14 SECTION 35. EMERGENCY CLAUSE. It is found and determined by the
15 General Assembly, that the Constitution of the State of Arkansas prohibits
16 the appropriation of funds for more than a one (1) year period; that the
17 effectiveness of this Act on July 1, 2011 is essential to the operation of
18 the agency for which the appropriations in this Act are provided, and that in
19 the event of an extension of the legislative session, the delay in the
20 effective date of this Act beyond July 1, 2011 could work irreparable harm
21 upon the proper administration and provision of essential governmental
22 programs. Therefore, an emergency is hereby declared to exist and this Act
23 being necessary for the immediate preservation of the public peace, health
24 and safety shall be in full force and effect from and after July 1, 2011.
25

26 /s/ Joint Budget Committee
27
28

29 APPROVED: 04/04/2011
30
31
32
33
34
35

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

**COVER SHEET
STATE OF ARKANSAS
CIRCUIT COURT: CIVIL**



The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

County: Pulaski FILING INFORMATION District: 6 Docket Number: 60 CV-11-2677
Judge: Gox Division: 602 Filing Date: 6-1-2011
Plaintiff: Deer/Mt. Judea School District Defendant: Tom Kimbrell and Melbourne School Dist.

Attorney Providing Information: Clay Fendley 4 Capitol Mall, Rm. 304-A, Little Rock, AR 72201
 Plaintiff Defendant Intervenor Address
Litigant, if Pro Se: N/A 303 School Dr., Melbourne, AR 72556
Address
Related Case(s): Judge N/A Case Number(s) N/A

Type of Case:

- | | | |
|---|---|---|
| Torts
<input type="checkbox"/> (NM) Negligence: Motor Vehicle
<input type="checkbox"/> (NO) Negligence: Other
<input type="checkbox"/> (BF) Bad Faith
<input type="checkbox"/> (FR) Fraud
<input type="checkbox"/> (MP) Malpractice
<input type="checkbox"/> (PL) Product Liability
<input type="checkbox"/> (OD) Other _____ | Equity
<input type="checkbox"/> (FC) Foreclosure
<input type="checkbox"/> (QT) Quiet Title
<input type="checkbox"/> (IJ) Injunction
<input type="checkbox"/> (PT) Partition
<input type="checkbox"/> (OT) Other _____ | Miscellaneous
<input type="checkbox"/> (CD) Condemnation
<input type="checkbox"/> (RE) Replevin
<input checked="" type="checkbox"/> (DJ) Declaratory Judgment
<input type="checkbox"/> (UD) Unlawful Detainer
<input type="checkbox"/> (IN) Incorporation
<input type="checkbox"/> (EL) Election
<input type="checkbox"/> (FJ) Foreign Judgment
<input type="checkbox"/> (WT) Writs _____
<input type="checkbox"/> (AA) Administrative Appeal
<input type="checkbox"/> (CF) Property Forfeiture
<input type="checkbox"/> (RD) Remove Disabilities
<input type="checkbox"/> (NC) Name Change
<input type="checkbox"/> (OM) Other _____ |
|---|---|---|

Jury Trial Requested: Yes No Manner of Filing: Original Re-open Transfer
 Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: _____ Bench Trial Non-Trial Jury Trial

- | | | |
|---|---|--|
| Judgment Type:
<input type="checkbox"/> (DJ) Default Judgment
<input type="checkbox"/> (SJ) Summary Judgment
<input type="checkbox"/> (CJ) Consent Judgment
<input type="checkbox"/> (TJ) Trial Judgment
<input type="checkbox"/> (OJ) Other Judgment
<input type="checkbox"/> (PG) Petition Granted
<input type="checkbox"/> (PD) Petition Denied
<input type="checkbox"/> (DF) Decree of Foreclosure | Dismissal Type:
<input type="checkbox"/> (DW) Dismissed with Prejudice
<input type="checkbox"/> (DN) Dismissed without Prejudice | Other:
<input type="checkbox"/> (TR) Transferred to Another Jurisdiction
<input type="checkbox"/> (RB) Removed to Bankruptcy Court
<input type="checkbox"/> (RF) Removed to Federal Court
<input type="checkbox"/> (AR) Arbitration |
|---|---|--|

Judgment For: Plaintiff Defendant Both Judgment Amount: \$ _____

Clerk's Signature
AOC 23 10-01
625 Marshall Street
Little Rock, AR 72201

Date

Send 1 paper or electronic copy to AOC upon filing.
Send 1 paper or electronic copy to AOC upon disposition.
Keep original in court file.

Effective 1-1-2002