

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

Call Item 4

A Bill

HOUSE BILL 1008

5 By: Representative Pickett
6
7

For An Act To Be Entitled

9 AN ACT TO LIMIT THE AMOUNT OF STATE FUNDS THAT
10 MAY BE USED TO SUPPORT INTERSCHOOL ATHLETIC
11 PROGRAMS IN PUBLIC SCHOOLS; AND FOR OTHER
12 PURPOSES.
13

Subtitle

16 AN ACT TO LIMIT THE AMOUNT OF STATE
17 FUNDS THAT MAY BE USED TO SUPPORT
18 INTERSCHOOL ATHLETIC PROGRAMS IN PUBLIC
19 SCHOOLS.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 6, Chapter 20, is amended to add an
25 additional subchapter to read as follows:

26 6-20-2001. Purpose.

27 The purpose of this subchapter is to limit the amount of state funds
28 that may be used to support interschool athletic programs in public schools.
29

30 6-20-2002. Definitions.

31 As used in this subchapter:

32 (1) "Athletic expenditures" mean all direct and indirect
33 expenses related to interschool athletic programs, prorated if necessary,
34 including but no limited to:

35 (A) Salaries or supplemental pay for staff for interschool
36 athletic programs, excluding salaries received for duties as a classroom



1 teacher;

2 (B) All fringe benefits, including, but not limited to,
3 medical and dental insurance, workers' compensation, pension plans, and any
4 other cost associated with employment of staff for interschool athletic
5 programs;

6 (C) Travel, including bus-related operation and
7 maintenance;

8 (D) Equipment;

9 (E) Meals;

10 (F) Supplies;

11 (G) Property and medical insurance;

12 (H) Medical expenses;

13 (I) Utilities; and

14 (J) Maintenance of facilities related to interschool
15 athletic teams and spirit groups, excluding bands;

16 (2) "Classroom teacher" means an individual who is required to
17 hold a teaching license from the Department of Education and who is engaged
18 directly in instruction with students in a classroom setting for more than
19 seventy percent (70%) of the individual's contracted time;

20 (3) "Interschool athletic program" means:

21 (A) Any athletic program which is organized primarily for
22 the purpose of competing with other schools, public or private; or

23 (B) Any athletic programs which are subject to regulation
24 by the Arkansas Activities Association; and

25 (4) "State funds" mean all money derived from state revenues,
26 specifically including but not limited to, the uniform rate of ad valorem
27 property tax established under Arkansas Constitution, Amendment 74, and
28 distributed to a public school or district.

29
30 6-20-2003. Limits on funding.

31 (a) Beginning in school year 2004-2005, public school districts shall
32 be limited to using the following amounts of state funds for athletic
33 expenditures:

34 (1) For interschool athletic programs offered to students in
35 grades six through eight (6-8), a school district shall not spend from state
36 funds more than:

1 (A) A flat base of thirty thousand dollars (\$30,000); plus
 2 (B) Sixty dollars (\$60.00) per student for each student in
 3 grades six through eight (6-8) exceeding five hundred (500) students per the
 4 district's third quarter average daily membership for the previous school
 5 year; and

6 (2) For interschool athletic programs offered to students in
 7 grades nine through twelve (9-12), a school district shall not spend from
 8 state funds more than:

9 (A) A flat base of sixty thousand dollars (\$60,000), plus
 10 (B) One hundred twenty dollars (\$120) per student for each
 11 student in grades nine through twelve (9-12) exceeding five hundred (500)
 12 students per the district's third quarter average daily membership for the
 13 previous school year.

14 (b) School districts shall allocate funds to provide gender equity in
 15 interschool athletic programs.

16
 17 6-20-2004. Certification by local district school board.

18 (a) Annually by September 15 of each year, the local school board of
 19 directors of each school district shall:

20 (1) Certify to the State Board of Education that:

21 (A) For the previous school year, excluding the 2003-2004
 22 school year, the district's total athletic expenditures for interschool
 23 athletic programs did not exceed:

24 (i) The allowable state funds as set out in § 6-20-
 25 2003; plus

26 (ii) Other sources of funding that are not state
 27 funds including, but no limited to, ticket sales, donations, fundraisers, or
 28 local funds in excess of the uniform rate of ad valorem property tax under
 29 Arkansas Constitution, Amendment 74; and

30 (B) For the upcoming school year, the district's total
 31 athletic expenditures for interschool athletic programs will not exceed:

32 (i) The allowable state support as set out in § 6-
 33 20-2003; plus

34 (ii) Other budgeted sources of funding that are not
 35 state funds including, but no limited to, ticket sales, donations,
 36 fundraisers, or local funds in excess of the uniform rate of ad valorem

1 property tax under Arkansas Constitution, Amendment 74;

2 (2) Provide the state board with a report of the school
3 district's total athletic expenditures in a format approved by the state
4 board or the Department of Education for the previous school year and post
5 the report on the school district's website;

6 (3) Provide the state board with a budget for the athletic
7 expenditures as set forth under subdivision (a)(1)(B) of this section for the
8 upcoming year and post the report on the school district's website; and

9 (4) Provide the state board and the department with any
10 additional information or documentation requested.

11 (b)(1) Any school district failing to comply with the provisions of
12 this subchapter and the rules adopted for the implementation of this
13 subchapter shall be identified by the department to be a school in fiscal
14 distress in accordance with the Arkansas Fiscal Assessment and Accountability
15 Program, § 6-20-1901 et seq.

16 (2) Any report required by this subchapter shall be subject to a
17 yearly audit which shall be filed as set forth under §§ 6-20-1801 – 6-20-
18 1804.

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20 6-20-2005. Regulations – Nondiscriminatory application.

21 (a)(1) By May 1, 2004, the State Board of Education shall promulgate
22 any rules necessary for the implementation of this subchapter.

23 (2) The rules shall include a procedure to be developed by the
24 Department of Education to ensure uniform reporting of athletic expenditures.

25 (b) The provisions of this subchapter shall be implemented as
26 necessary to provide gender equity in interschool athletic programs

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