

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

*As Engrossed: S1/30/04*  
**A Bill**

Call Item 3

SENATE BILL 79

5 By: Joint Budget Committee  
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7

**For An Act To Be Entitled**

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND  
10 AIDS TO LOCAL SCHOOL DISTRICTS AND SPECIAL  
11 PROGRAMS, AND TO PROVIDE A BONUS TO TEACHERS IN  
12 SPECIAL SETTINGS FOR THE DEPARTMENT OF EDUCATION  
13 FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2005; AND  
14 FOR OTHER PURPOSES.

**Subtitle**

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18 AN ACT FOR THE DEPARTMENT OF EDUCATION  
19 - GRANTS AND AIDS TO LOCAL SCHOOL  
20 DISTRICTS AND SPECIAL PROGRAMS  
21 APPROPRIATION FOR THE 2003-2005  
22 BIENNIUM.  
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24

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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27 SECTION 1. APPROPRIATION. There is hereby appropriated, to the Department  
28 of Education, to be payable from the Department of Education Public School  
29 Fund Account, for grants and aids to local school districts and special  
30 programs of the Department of Education for the biennial period ending June  
31 30, 2005, the following:  
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ITEM	FISCAL YEARS	
	NO.	
	2003-2004	2004-2005
(01) STATE FOUNDATION FUNDING AID	\$ 0	\$1,760,751,092
(02) NATIONAL SCHOOL LUNCH STUDENT FUNDING	0	132,146,400



1	(03) ALTERNATIVE LEARNING ENVIRONMENT		
2	STUDENT FUNDING	0	15,914,438
3	(04) ENGLISH LANGUAGE LEARNER STUDENT		
4	FUNDING	0	3,128,210
5	(05) PROFESSIONAL DEVELOPMENT FUNDING	0	22,251,515
6	(06) GENERAL FACILITIES FUNDING	0	8,115,181
7	(07) DEBT SERVICE FUNDING SUPPLEMENT	0	27,535,288
8	(08) STUDENT GROWTH FUNDING	0	41,291,748
9	(09) ISOLATED FUNDING	0	9,076,387
10	(10) SPECIAL EDUCATION CATASTROPHIC OCCURRENCES	0	8,800,000
11	(11) COURT ORDERED DESEGREGATION	<u>0</u>	<u>56,800,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 0</u>	<u>\$ 2,085,810,259</u>

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14 SECTION 2. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. AGENCY

16 TEACHERS IN SPECIAL SETTINGS BONUS FUNDING. If sufficient appropriation or

17 funds, or both, are not available in the budgets of the following agencies as

18 approved by the Chief Fiscal Officer of the State during the 2004-05 Fiscal

19 Year to fully provide a one-time \$2,500 bonus to each full time equivalent

20 certified teacher employed on October 1, 2004, by the Department of Human

21 Services Human Development Centers, Intermediate Care Facilities for the

22 Mentally Retarded for Children, and the Division of Youth Services -

23 Residential, or the School for Mathematics, Sciences and the Arts, or the

24 Arkansas National Guard Youth Challenge Program and the Civilian Student

25 Training Program, or the Department of Workforce Education Adult Education,

26 or the School for the Blind or the School for the Deaf, the Chief Fiscal

27 Officer of the State shall transfer the amount of moneys necessary from the

28 Merit Adjustment Fund and any necessary appropriation, from that authorized

29 to the Department of Finance and Administration for Regular Salaries for

30 transfer to state agencies, to the various fund or fund accounts of the

31 agencies listed herein in order to provide the one-time \$2,500 bonus to

32 eligible teachers.

33 Further, the appropriation and funds authorized herein for the bonus shall

34 not be spent until the agencies have submitted a list of proposed payments to

35 the Chief Fiscal Officer of the State for approval. Such information shall

36 be submitted in such form and content as may be required by the Chief Fiscal

1 Officer of the State.

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3 The provisions of this section shall be in effect only from July 1, 2003  
4 through June 30, 2005.

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6 SECTION 3. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE  
7 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY  
8 CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FUNDING PROVISION. During the  
9 2004-05 fiscal year each school district that contracts with or otherwise  
10 receives teaching services for its students shall pay to the applicable  
11 provider of service, a one-time bonus in an amount equal to \$2,500 for each  
12 full time equivalent certified teacher employed on October 1, 2004, by the  
13 provider that is providing the services to school district students.  
14 Immediately upon receiving the monies from the school district the provider  
15 of service shall make available the \$2,500 one-time bonus to each of its full  
16 time equivalent certified teachers that are providing the services to school  
17 district students. Further, the school district shall provide the one-time  
18 bonus in an amount equal to \$2,500 per full time equivalent certified teacher  
19 to those teachers providing Adult Education services to students of the  
20 school district. Each provider will be responsible for notifying the school  
21 district of its proportional share of the cost to provide the full time  
22 equivalent certified teacher. If a dispute were to occur, the Arkansas  
23 Department of Education will have final authority to determine the amount due  
24 from a school district.

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26 The provisions of this section shall be in effect only from July 1, 2003  
27 through June 30, 2005.

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29 SECTION 4. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
31 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal  
32 Officer of the State shall transfer on his books and those of the State  
33 Treasurer and the Auditor of the State the sum of four hundred seven thousand  
34 five hundred dollars (\$407,500) from funds received from the Jobs and Growth  
35 Tax Relief Reconciliation Act of 2003, Public Law 108-27, to the  
36 Developmental Disabilities Services Fund Account for providing a one-time

1 bonus of \$2,500 for each full time equivalent certified teacher employed by a  
2 private provider that is providing teaching services to children ages 3 to 5  
3 years old.

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5 The provisions of this section shall be in effect only from July 1, 2003  
6 through June 30, 2005.

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8 Section 5. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. NON-AGENCY  
10 CERTIFIED TEACHERS IN SPECIAL SETTINGS BONUS FOR CHILDREN AGES 3 TO 5 YEARS  
11 OLD. The Department of Human Services - Developmental Disabilities Services,  
12 shall provide a one-time bonus of \$2,500 for each full time equivalent  
13 certified teacher employed on October 1, 2004, by a private provider that is  
14 providing teaching services to children ages 3 to 5 years old. Immediately  
15 upon receiving the monies from the Department of Human Services -  
16 Developmental Disabilities Services Division the provider of service shall  
17 make available the \$2,500 one-time bonus to each of its full time equivalent  
18 certified teachers that are providing the services to children ages 3 to 5  
19 years old.

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21 The provisions of this section shall be in effect only from July 1, 2003  
22 through June 30, 2005.

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24 SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND  
26 TRANSFER. Immediately upon the effective date of this act, the Chief Fiscal  
27 Officer of the State shall transfer on his books and those of the State  
28 Treasurer and the Auditor of the State the sum of nine hundred ten thousand  
29 dollars (\$910,000) from funds received from the Jobs and Growth Tax Relief  
30 Reconciliation Act of 2003, Public Law 108-27, to the Department of Education  
31 Public School Fund Account for providing a one-time bonus of \$2,500 for each  
32 certified teacher employed by a Educational Services Cooperative that is  
33 providing teaching services to special education children ages 3 to 5 years  
34 old or employed as a Math or Literacy Specialist on October 1, 2004. The  
35 provisions of this section shall be in effect only from July 1, 2003 through  
36 June 30, 2005.

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2 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DEFINITION  
4 OF CERTIFIED TEACHER.

5 "Certified Teacher " means:

6 (A) An individual who is required to hold a teaching license from  
7 the department and who is engaged directly in instruction with students in a  
8 classroom setting for more than seventy percent (70%) of the individual's  
9 contracted time;

10 (B) A guidance counselor; or

11 (C) A librarian;  
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13 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. RETIREMENT  
15 BENEFITS. Bonus payments as required by this act are not considered as  
16 salary for the calculation of retirement benefits under the Arkansas Teacher  
17 Retirement System or the Arkansas Public Employee Retirement System. However,  
18 this special language does not preclude or require any provider of services  
19 from including the bonus for retirement purposes.  
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21 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CHARTER  
23 SCHOOL FUNDING RESTRICTIONS. Regardless of any provision of any law to the  
24 contrary, the Department of Education shall fund from state monies only those  
25 charter schools which provide education services in a traditional public  
26 school setting and, if the internet or long-distance learning technology is  
27 used, the internet or long-distance learning technology is used as a  
28 supplement to the school's traditional classroom setting.  
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30 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SCHOOL FOR  
32 THE BLIND AND SCHOOL FOR THE DEAF CERTIFIED EDUCATIONAL SUPPORT STAFF BONUS.  
33 If sufficient appropriation and funds are available in the budgets of the  
34 School for the Blind and the School for the Deaf as approved by the Chief  
35 Fiscal Officer of the State during the 2004-05 fiscal year, the schools are  
36 authorized to provide a one-time bonus of \$2,500 to each certified

1 educational support staff that may not otherwise be eligible to receive the  
2 bonus under Section 2 of this Act. The provisions of this section shall only  
3 be in effect from July 1, 2003 through June 30, 2005.

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

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

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24 SECTION 13. EMERGENCY CLAUSE. It is found and determined by the General  
25 Assembly, that the Constitution of the State of Arkansas prohibits the  
26 appropriation of funds for more than a two (2) year period; that due to the  
27 November 2002 Arkansas Supreme Court decision regarding the inadequacy of  
28 Arkansas public schools the effectiveness of this Act on the date of its  
29 passage and approval is essential to the operation of the agency for which  
30 the appropriations in this Act are provided, and that in the event of an  
31 extension of the Second Extraordinary Session, the delay in the effective  
32 date of this Act beyond the date of its passage and approval could work  
33 irreparable harm upon the proper administration and provision of essential  
34 governmental programs. Therefore, an emergency is hereby declared to exist  
35 and this Act being necessary for the immediate preservation of the public  
36 peace, health and safety shall be in full force and effect from and after the

1 date of its passage and approval.

2 If the bill is neither approved nor vetoed by the Governor, it shall become  
3 effective on the expiration of the period of time during which the Governor  
4 may veto the bill. If the bill is vetoed by the Governor and the veto is  
5 overridden, it shall become effective on the date the last house overrides  
6 the veto.

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*/s/ Joint Budget Committee*

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