

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006

Call Item 19

A Bill

HOUSE BILL 1023

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR GRANTS AND
10 AIDS AND SPECIAL PROGRAMS FOR THE DEPARTMENT OF
11 EDUCATION WHICH SHALL BE SUPPLEMENTAL AND IN
12 ADDITION TO THOSE FUNDS APPROPRIATED BY ACTS
13 2126, 2131 AND 2138 OF 2005; AND FOR OTHER
14 PURPOSES.

Subtitle

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18 AN ACT FOR THE DEPARTMENT OF EDUCATION
19 - GRANTS AND AIDS AND SPECIAL PROGRAMS
20 SUPPLEMENTAL APPROPRIATION.
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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 aids to local school districts and special
28 programs of the Department of Education which shall be supplemental and in
29 addition to those funds appropriated in Section 1 of Act 2131 of 2005, the
30 following:
31

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) STATE FOUNDATION FUNDING	\$ 57,800,000	\$ 74,725,000
(02) DECLINING ENROLLMENT DISTRICTS	0	11,600,000
TOTAL AMOUNT APPROPRIATED	<u>\$ 57,800,000</u>	<u>\$ 86,325,000</u>



SECTION 2. APPROPRIATION - SPECIAL NEEDS ISOLATED FUNDING. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for special needs isolated funding of the Department of Education which shall be supplemental and in addition to those funds appropriated in Section 7 of Act 2131 of 2005, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) SPECIAL NEEDS ISOLATED FUNDING	\$ 0	\$ 3,000,000

SECTION 3. REGULAR SALARIES - ENHANCED PROFESSIONAL DEVELOPMENT PROGRAMS. There is hereby established for the Department of Education - Enhanced Professional Development Programs the following maximum number of regular employees which shall be supplemental and in addition to those positions authorized in Section 1 of Act 2126 of 2005 and whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item Class	No. of Employees	Maximum Annual Salary Rate	
		2005-2006	2006-2007
(1) 938Z ED ASSOC DIR PROF DEVELOPMENT	1	GRADE 26	
(2) R290 PUBLIC SCHOOL PROGRAM ADVISOR	1	GRADE 22	
MAX. NO. OF EMPLOYEES	2		

SECTION 4. APPROPRIATION - ENHANCED PROFESSIONAL DEVELOPMENT PROGRAMS. There is hereby appropriated, to the Department of Education, to be payable

1 from the Department of Education Fund Account, for personal services and
2 operating expenses of the Department of Education - Enhanced Professional
3 Development Programs which shall be supplemental and in addition to those
4 funds appropriated in Section 3 of Act 2126 of 2005, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 22,990	\$ 142,076
(02) PERSONAL SERV MATCHING	6,257	38,439
(03) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	16,000	0
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	250,000	0
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 295,247</u>	<u>\$ 180,515</u>

17
18 SECTION 5. APPROPRIATION - FINANCIAL REPORTING. There is hereby
19 appropriated, to the Department of Education, to be payable from the
20 Department of Education Fund Account, for the development and associated
21 expenses of uniform financial reporting requirements of the Department of
22 Education which shall be supplemental and in addition to those funds
23 appropriated in Act 2126 of 2005, for the biennial period ending June 30,
24 2007 the sum of.....\$500,000.

25
26 SECTION 6. APPROPRIATION - PROGRAMS OF THE DIVISION OF PUBLIC SCHOOL
27 ACADEMIC FACILITIES AND TRANSPORTATION. There is hereby appropriated, to the
28 Department of Education, to be payable from the Educational Facilities
29 Partnership Fund Account, for grants and aids and special programs providing
30 academic school facility and transportation assistance to public school
31 districts of the Department of Education - Division of Public School Academic
32 Facilities and Transportation which shall be supplemental and in addition to
33 those funds appropriated in Section 4 of Act 2138 of 2005, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007

1	(01) ACADEMIC FACILITIES CATASTROPHIC	\$	0	\$	0
2	(02) ACADEMIC FACILITIES EXTRAORDINARY				
3	CIRCUMSTANCES PROGRAM		0		0
4	(03) ACADEMIC FACILITIES IMMEDIATE REPAIR		0		0
5	(04) TRANSITIONAL ACADEMIC FACILITIES		25,000,000		0
6	(05) ACADEMIC FACILITIES PARTNERSHIP		<u>25,000,000</u>		<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	\$	<u>50,000,000</u>	\$	<u>0</u>

8

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

10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER

11 AUTHORITY – DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION.

12 The Director of the Department of Education – Division of Public School

13 Academic Facilities and Transportation, with the approval of the Chief Fiscal

14 Officer of the State and after approval by the Arkansas Legislative Council

15 or Joint Budget Committee, is hereby authorized to request necessary

16 appropriation transfers and any other budget related adjustments necessary

17 for the appropriations authorized in Section 6 of this Act. Furthermore, it

18 is the intent of the General Assembly that the Department of Education -

19 Division of Public School Academic Facilities and Transportation be able to

20 make use of additional contractual services as necessary and that transfers

21 between line items and among appropriations are anticipated to accomplish

22 those purposes. Determining the maximum number of employees and the maximum

23 amount of appropriation and general revenue funding for a state agency each

24 fiscal year is the prerogative of the General Assembly. This is usually

25 accomplished by delineating such maximums in the appropriation act(s) for a

26 state agency and the general revenue allocations authorized for each fund and

27 fund account by amendment to the Revenue Stabilization law. Further, the

28 General Assembly has determined that the Department of Education – Division

29 of Public School Academic Facilities and Transportation may operate more

30 efficiently if some flexibility is provided to the Director of the Department

31 of Education – Division of Public School Academic Facilities and

32 Transportation authorizing broad powers under the Transfer Authority

33 provision herein. Therefore, it is both necessary and appropriate that the

34 General Assembly maintain oversight by requiring prior approval of the

35 Legislative Council or Joint Budget Committee as provided by this section.

36 The requirement of approval by the Legislative Council or Joint Budget

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

5 The provisions of this section shall be in effect only from July 1,
 6 2005 through June 30, 2007.

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 8 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 10 FORWARD. The unexpended balance of the appropriation provided for the
 11 Academic Facilities Catastrophic, Academic Facilities Extraordinary
 12 Circumstances Program, Academic Facilities Immediate Repair, Transitional
 13 Academic Facilities and Academic Facilities Partnership in this act which
 14 remain on June 30, 2006, shall be carried forward and made available for the
 15 same purpose for the fiscal year ending June 30, 2007.

16 The provisions of this section shall be in effect only from July 1,
 17 2005 through June 30, 2007.

18
 19 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 21 FORWARD. The unexpended balance of the appropriations provided in Section 4
 22 of this Act for Enhanced Professional Development Programs which remain on
 23 June 30, 2006, shall be carried forward and made available for the same
 24 purpose for the fiscal year ending June 30, 2007.

25 The provisions of this section shall be in effect only from July 1,
 26 2005 through June 30, 2007.

27
 28 SECTION 10. SPECIAL LANGUAGE. Arkansas Code 19-5-1227 (d) concerning the
 29 Educational Adequacy Fund is amended to read as follows:

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 31 (d) In the event the Chief Fiscal Officer of the State determines that
 32 the transfers from the Educational Adequacy Fund, when added to the other
 33 resources available to the Department of Education Public School Fund Account
 34 of the Public School Fund, are not sufficient to meet the state's financial
 35 obligation to provide an adequate educational system as authorized by law,
 36 the additional amount required shall be transferred from the other funds and

1 fund accounts, except the Educational Facilities Partnership Fund Account,
 2 within §§ 19-5-402(a) and 19-5-404(a) based upon the proportion that each of
 3 the remaining fund and fund accounts, excluding the Educational Facilities
 4 Partnership Fund Account, bears to the total of the remaining funds and fund
 5 accounts in §§ 19-5-402(a) and 19-5-404(a).

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 7 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ACADEMIC
 9 FACILITIES FUND TRANSFERS AUTHORIZED.

10 a) On the effective date of this act, the Chief Fiscal Officer of the
 11 State shall set aside the sum of fifty million dollars (\$50,000,000) of the
 12 unobligated balances in the General Improvement Fund. The Chief Fiscal
 13 Officer of the State is authorized to transfer, from time to time, from the
 14 fifty million dollars (\$50,000,000) set aside in the General Improvement Fund
 15 as authorized by this section to the Educational Facilities Partnership Fund
 16 Account in amounts as certified by the Director of the Division of Public
 17 School Academic Facilities and Transportation and as recommended by the
 18 Commission for Public School Academic Facilities and Transportation to and
 19 approved by the Chief Fiscal Officer of the State, and only upon prior
 20 approval of the Arkansas Legislative Council or Joint Budget Committee. In no
 21 event shall the total transfers authorized by this section from the General
 22 Improvement Fund to the Educational Facilities Partnership Fund Account
 23 exceed fifty million dollars (\$50,000,000). The amounts transferred shall be
 24 made available by the Department of Education - Division of Public School
 25 Academic Facilities and Transportation during the 2005-07 biennium to provide
 26 additional funding that may be necessary for the Academic Facilities
 27 Immediate Repair, Transitional Academic Facilities, Academic Facilities
 28 Partnership, Academic Facilities Catastrophic, and Academic Facilities
 29 Extraordinary Circumstances Program appropriations authorized in this act.

30 (b) The Chief Fiscal Officer of the State shall not consider the
 31 approval of any transfers, as authorized in this section, from the
 32 unobligated balances in the General Improvement Fund to the Educational
 33 Facilities Partnership Fund Account until the balance of monies remaining in
 34 the Educational Facilities Partnership Fund Account falls below an amount
 35 that is twenty percent (20%) of one hundred six million four hundred two
 36 thousand nine hundred forty-eight dollars (\$106,402,948) which is twenty one

1 million two hundred eighty thousand five hundred ninety dollars
 2 (\$21,280,590).

3 (c) The amounts transferred under this section shall be made only for
 4 the purpose of providing state financial participation for the Academic
 5 Facilities Immediate Repair Program established in ACA 6-20-2504, the
 6 Transitional Academic Facilities Program established in ACA 6-20-2506, the
 7 Academic Facilities Partnership Program established in ACA 6-20-2507,
 8 Academic Facilities Catastrophic, and Academic Facilities Extraordinary
 9 Circumstances Program.

10 (d) Determining the maximum number of employees and the maximum amount
 11 of appropriation and general revenue funding for a state agency each fiscal
 12 year is the prerogative of the General Assembly. This is usually accomplished
 13 by delineating such maximums in the appropriation act(s) for a state agency
 14 and the general revenue allocations authorized for each fund and fund account
 15 by amendment to the Revenue Stabilization law. Further, the General Assembly
 16 has determined that the Department of Education – Division of Public School
 17 Academic Facilities and Transportation may operate more efficiently under the
 18 transfer authority provisions herein. Therefore, it is both necessary and
 19 appropriate that the General Assembly maintain oversight by requiring prior
 20 approval of the Legislative Council or Joint Budget Committee as provided by
 21 this section. The requirement of approval by the Legislative Council or Joint
 22 Budget Committee is not a severable part of this section. If the requirement
 23 of approval by the Legislative Council or Joint Budget Committee is ruled
 24 unconstitutional by a court of competent jurisdiction, this entire section is
 25 void.

26 The provisions of this section shall be in effect only from July 1,
 27 2005 through June 30, 2007.

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 29 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND
 31 TRANSFER - PUBLIC SCHOOL FACILITIES FUND. On the effective date of this Act,
 32 the Chief Fiscal Officer of the State shall transfer on his books and those
 33 of the State Treasurer and the State Auditor the balance in the Public School
 34 Facilities Fund to the Educational Facilities Partnership Fund Account.

35 The provisions of this section shall be in effect only from July 1,
 36 2005 through June 30, 2007.

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 2 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
 4 FOUNDATION, SPECIAL NEEDS ISOLATED AND DECLINING ENROLLMENT DISTRICTS FUNDING
 5 TRANSFERS AUTHORIZED.

6 (a) On the effective date of this act the Chief Fiscal Officer of the
 7 State shall transfer from the unobligated balances in the General Improvement
 8 Fund to the Department of Education Public School Fund Account the sum of
 9 twelve million seven hundred fifty-six thousand one hundred ninety-nine
 10 dollars (\$12,756,199). The amount transferred shall be made available by the
 11 Department of Education during the 2005-06 fiscal year to provide additional
 12 funding that may be necessary for a cost of living adjustment, adequacy
 13 programs, and other programs authorized by the 85th General Assembly meeting
 14 in First Extraordinary Session. On June 30, 2006, the Chief Fiscal Officer of
 15 the State shall determine the actual amount of total net collections
 16 deposited into the Educational Adequacy Fund during the 2005-06 fiscal year.
 17 In the event total net collections deposited into the Educational Adequacy
 18 Fund exceed four hundred eighteen million six hundred thousand dollars
 19 (\$418,600,000), then the Chief Fiscal Officer of the State on June 30, 2006,
 20 shall transfer from the Department of Education Public School Fund Account to
 21 the General Improvement Fund the amount represented by the difference between
 22 the actual amount of net collections and four hundred eighteen million six
 23 hundred thousand dollars (\$418,600,000), but not to exceed twelve million
 24 seven hundred fifty-six thousand one hundred ninety-nine dollars
 25 (\$12,756,199). If on June 30, 2006 the total net collections deposited into
 26 the Educational Adequacy Fund do not exceed four hundred eighteen million six
 27 hundred thousand dollars (\$418,600,000) then the Chief Fiscal Officer of the
 28 State shall not make any transfers from the Department of Education Public
 29 School Fund Account to the General Improvement Fund.

30 (b) On June 30, 2006 the Chief Fiscal Officer of the State shall
 31 transfer on his books and those of the State Treasurer and the State Auditor,
 32 from the General Revenue Allotment Reserve Fund to the General Improvement
 33 Fund, from the first monies attributable to general revenue received over and
 34 above the amount required of the Revenue Stabilization Law during the 2005-06
 35 fiscal year as set out in Arkansas Code 19-5-402, an amount equal to the
 36 transfer to the Department of Education Public School Fund Account from the

1 General Improvement Fund less the amount of any funds transferred from the
2 Department of Education Public School Fund Account to the General Improvement
3 Fund, as authorized in subsection (a) of this section.

4 (c) On the effective date of this act, the Chief Fiscal Officer of the
5 State shall also set aside the sum of fifty-six million one hundred twenty-
6 five thousand dollars (\$56,125,000) of the unobligated balances in the
7 General Improvement Fund. On July 1, 2006 the Chief Fiscal Officer of the
8 State shall transfer the fifty-six million one hundred twenty-five thousand
9 dollars (\$56,125,000) set aside from the unobligated balances in the General
10 Improvement Fund to the Department of Education Public School Fund Account.
11 The amount transferred shall be made available by the Department of Education
12 during the 2006-07 fiscal year to provide additional funding for a cost of
13 living adjustment, adequacy programs, and other programs authorized by the
14 85th General Assembly meeting in First Extraordinary Session. On June 30,
15 2007, the Chief Fiscal Officer of the State shall determine the actual amount
16 of total net collections deposited into the Educational Adequacy Fund during
17 the 2006-07 fiscal year. In the event total net collections deposited into
18 the Educational Adequacy Fund exceed four hundred twenty-eight million
19 dollars (\$428,000,000), then the Chief Fiscal Officer of the State on June
20 30, 2007, shall transfer from the Department of Education Public School Fund
21 Account to the General Improvement Fund the amount represented by the
22 difference between the actual amount of net collections and four hundred
23 twenty-eight million dollars (\$428,000,000), but not to exceed fifty-six
24 million one hundred twenty-five thousand dollars (\$56,125,000). If on June
25 30, 2007 the total net collections deposited into the Educational Adequacy
26 Fund do not exceed four hundred twenty-eight million dollars (\$428,000,000)
27 then the Chief Fiscal Officer of the State shall not make any transfers from
28 the Department of Education Public School Fund Account to the General
29 Improvement Fund.

30 (d) On June 30, 2007 the Chief Fiscal Officer of the State shall
31 transfer on his books and those of the State Treasurer and the State Auditor,
32 from the General Revenue Allotment Reserve Fund to the General Improvement
33 Fund, from the first monies attributable to general revenue received over and
34 above the amount required of the Revenue Stabilization Law during the 2006-07
35 fiscal year as set out in Arkansas Code 19-5-404, an amount equal to the
36 transfer to the Department of Education Public School Fund Account from the

1 General Improvement Fund less the amount of any funds transferred from the
 2 Department of Education Public School Fund Account to the General Improvement
 3 Fund, as authorized in subsection (c) of this section.

4 The provisions of this section shall be in effect only from July 1,
 5 2005 through June 30, 2007.

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

9 PROFESSIONAL DEVELOPMENT AND FINANCIAL REPORTING FUNDING TRANSFERS
 10 AUTHORIZED.

11 (a) On the effective date of this act, or as soon as possible
 12 thereafter, the Chief Fiscal Officer of the State shall transfer, from the
 13 unobligated balances in the General Improvement Fund to the Department of
 14 Education Fund Account the sum of four hundred seventy-five thousand seven
 15 hundred sixty-two dollars (\$475,762) to provide funding for the Enhanced
 16 Professional Development Programs appropriation authorized in this act but,
 17 only upon the enactment of a separate bill passed by the 85th General
 18 Assembly meeting in 1st Extraordinary Session providing for the development
 19 of technology-based or other enhanced professional development opportunities
 20 for the Department of Education.

21 (b) On the effective date of this act, or as soon as possible
 22 thereafter, the Chief Fiscal Officer of the State shall transfer, from the
 23 unobligated balances in the General Improvement Fund to the Department of
 24 Education Fund Account the sum of five hundred thousand dollars (\$500,000) to
 25 provide funding for the development of uniform financial reporting
 26 requirements and associated expenses appropriation authorized in this act
 27 but, only upon the enactment of a separate bill passed by the 85th General
 28 Assembly meeting in 1st Extraordinary Session providing for the development
 29 of uniform reporting requirements for school district fund balances.

30 (c) On June 30, 2006 the Chief Fiscal Officer of the State shall
 31 transfer on his books and those of the State Treasurer and the State Auditor,
 32 from the General Revenue Allotment Reserve Fund from the first monies due to
 33 general revenue received over and above the amount required of the Revenue
 34 Stabilization Law during the 2005-06 fiscal year as set out in Arkansas Code
 35 19-5-402, an amount equal to the actual amount of funds transferred as
 36 authorized in subsections (a) and (b) of this section or so much thereof as

1 is available, to the General Improvement Fund.

2 The provisions of this section shall be in effect only from July 1,
3 2005 through June 30, 2007.

4
5 SECTION 15. REGULAR SALARIES – DIVISION OF PUBLIC SCHOOL ACADEMIC
6 FACILITIES AND TRANSPORTATION - OPERATIONS. There is hereby established for
7 the Department of Education – Division of Public School Academic Facilities
8 and Transportation the following maximum number of regular employees which
9 shall be supplemental and in addition to those positions authorized in
10 Section 1 of Act 2138 of 2005 and whose salaries shall be governed by the
11 provisions of the Uniform Classification and Compensation Act (Arkansas Code
12 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
13 Provided, however, that any position to which a specific maximum annual
14 salary is set out herein in dollars, shall be exempt from the provisions of
15 said Uniform Classification and Compensation Act. All persons occupying
16 positions authorized herein are hereby governed by the provisions of the
17 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
18 or its successor.

			Maximum Annual		
			Maximum	Salary Rate	
			No. of	Fiscal Years	
Item	Class		Employees	2005-2006	2006-2007
No.	Code	Title			
24	(1)	930Z SENIOR TRANSPORTATION MANAGER	<u>1</u>	GRADE 26	
25		MAX. NO. OF EMPLOYEES	1		

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27 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. Section 26
29 of uncodified Act 2126 of the 85th General Assembly Regular Session 2005,
30 concerning a Feasibility Study, is amended to read as follows:

31
32 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
34 FEASIBILITY STUDY. The Department of Education shall authorize and fund a
35 feasibility study ~~costing up to two hundred fifty thousand dollars~~
36 ~~(\$250,000). The purpose of the study shall be to evaluate and determine~~

1 whether the Pulaski County Special School District should continue in
 2 existence by specifically addressing and evaluating the following: 1) the
 3 elimination of the Pulaski County Special School District and redrawing of
 4 school district boundaries in Pulaski County to form one school district
 5 north of the Arkansas River and one district south of the Arkansas River; 2)
 6 the elimination of the Pulaski County Special School District and redrawing
 7 of school district boundaries in Pulaski County to form three districts
 8 including a Little Rock District south of the Arkansas River, a North Little
 9 Rock District north of the Arkansas River and a Jacksonville School District
 10 north of the Arkansas River; 3) whether the elimination of the Pulaski County
 11 Special School District under either option would further desegregation
 12 efforts of the districts and help all districts in gaining unitary status and
 13 in ending the desegregation case; and, 4) to study and propose a plan to
 14 pursue the end of desegregation litigation in Pulaski County.

15 A contract shall be signed no later than October 31, 2005 and the
 16 feasibility study completed no later than June 30, 2006.

17 The provisions of this section shall be in effect only from July 1, 2005
 18 through June 30, 2007.

19

20 SECTION 17. SPECIAL LANGUAGE. Arkansas Code Title 6, Chapter 15,
 21 Subchapter 4 is amended to add an additional section to read as follows:

22 6-15-441. Chunk Testing Grant Program.

23 (a) As used in this section, "chunk testing" means a system of assessment
 24 tools developed by The Learning Institute in Hot Springs, Arkansas, providing
 25 regular assessment of large portions of material that will be on the Arkansas
 26 Comprehensive Testing, Assessment, and Accountability Program's benchmark
 27 exams and end-of-course exam.

28 (b)(1) Beginning July 1, 2006, as part of the Arkansas Comprehensive
 29 Testing, Assessment, and Accountability Program, the Department of Education
 30 shall offer grants to school districts using chunk testing.

31 (2) A grant shall be provided in a amount that is equal to the amount
 32 provided by the Department of Education to the school district during the
 33 2005-2006 school year for Iowa Test of Basic Skills in grades three through
 34 nine (3-9).

35 (3)(A) A school district that obtains a grant for chunk testing shall
 36 not be required to administer the benchmark examination approved by the

1 Department of Education for grades three through nine (3-9).

2 (B) A school district that obtains a grant for chunk testing may
3 administer the Iowa Test of Basic Skills approved by the Department of
4 Education for grades three through nine (3-9) at the district's discretion
5 using only district funds.

6 (c) The State Board of Education shall promulgate rules that establish
7 guidelines that a school district shall follow in order to obtain a grant for
8 chunk testing.

9 (d) The Department of Education shall use funds appropriated for the
10 Arkansas Comprehensive Testing, Assessment, and Accountability Program to
11 provide the grants under this subsection.

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

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

31
32 SECTION 20. EMERGENCY CLAUSE. It is found and determined by the General
33 Assembly of the State of Arkansas that the Arkansas Supreme Court found that
34 the public school funding system continues to be inadequate and the public
35 schools are operating under a constitutional infirmity that must be corrected
36 immediately; that to correct the constitutional infirmity and to provide

1 adequate funding for public education the amount of foundation funding for
2 school districts shall be revised; that school districts require additional
3 resources for the repair, improvement and replacement of academic facilities;
4 that legislative correction is immediately necessary in order to allow school
5 districts to provide an adequate opportunity for an adequate education to
6 every public school student in the state. Therefore, an emergency is
7 declared to exist and this act being necessary for the public peace, health
8 and safety shall become effective on:

9 (1) The date of its approval by the Governor;

10 (2) If the bill is neither approved nor vetoed by the Governor, the
11 expiration of the period of time during which the Governor may veto the bill;
12 or

13 (3) If the bill is vetoed by the Governor and the veto is overridden,
14 the date the last house overrides the veto.

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