

State of Arkansas
88th General Assembly
Fiscal Session, 2012

A Bill

SENATE BILL 52

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE
DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR
ENDING JUNE 30, 2013; AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION
APPROPRIATION FOR THE 2012-2013 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Department of Education for the 2012-2013 fiscal year, the following maximum
number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2012-2013
(1)	U033U	COMMISSIONER OF EDUCATION	1	\$243,103
(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	\$148,965
(3)	N005N	ADE ASST COMMISSIONER LEARNING SVS.	1	GRADE N912
(4)	N006N	ADE ASST COMMR PUBLIC SCHOOL ACCT	1	GRADE N912
(5)	G001N	ADE LITIGATION ATTORNEY	1	GRADE N912
(6)	N009N	ASST COMMR FISCAL & ADMIN SVS.	1	GRADE N912
(7)	N010N	ASST COMMISSIONER HUMAN RESOURCES	1	GRADE N912



1	(8)	N008N	ASST COMM RESEARCH & TECHNOLOGY	1	GRADE N912
2	(9)	N069N	ADE SPECIAL ADVISOR	1	GRADE N908
3	(10)	N068N	ADE SPECIAL ASSIST TO COMMISSIONER	1	GRADE N908
4	(11)	E003N	ADE COORD SCH. IMP / STDS ASSURANCE	1	GRADE N905
5	(12)	E002N	ADE COORD OF SPECIAL PROJECTS	1	GRADE N905
6	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
7	(14)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
8	(15)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
9	(16)	N160N	TEACHER HOUSING DEVELOP CMSN DIR	1	GRADE N901
10	(17)	G012C	ADE ASSISTANT TO COMMISSIONER	1	GRADE C129
11	(18)	A008C	ADE FINANCE DIVISION MANAGER	1	GRADE C129
12	(19)	G006C	ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE C129
13	(20)	E060C	ED ASSOCIATE DIR CHILD NUTRITION	1	GRADE C129
14	(21)	A010C	AGENCY CONTROLLER II	1	GRADE C128
15	(22)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
16	(23)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	11	GRADE C126
17	(24)	R009C	ADE BUDGET MANAGER	1	GRADE C125
18	(25)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
19	(26)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
20	(27)	G075C	ADE PROGRAM ADMINISTRATOR	3	GRADE C124
21	(28)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
22	(29)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
23	(30)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	28	GRADE C123
24	(31)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
25	(32)	D047C	INFO SYSTEMS BUSINESS ANALYST	3	GRADE C122
26	(33)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	128	GRADE C122
27	(34)	D044C	SYSTEMS ANALYST	3	GRADE C122
28	(35)	A052C	ACCOUNTING COORDINATOR	5	GRADE C121
29	(36)	G109C	GRANTS MANAGER	2	GRADE C121
30	(37)	L035C	NUTRITIONIST CONSULTANT	9	GRADE C121
31	(38)	R014C	PERSONNEL MANAGER	1	GRADE C121
32	(39)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
33	(40)	A060C	SENIOR AUDITOR	1	GRADE C119
34	(41)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
35	(42)	D064C	WEBSITE DEVELOPER	1	GRADE C118
36	(43)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117

1	(44)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
2	(45)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
3	(46)	P020C	PRODUCTION ARTIST	1	GRADE C117
4	(47)	A089C	ACCOUNTANT I	2	GRADE C116
5	(48)	V014C	BUYER	1	GRADE C116
6	(49)	C037C	ADMINISTRATIVE ANALYST	16	GRADE C115
7	(50)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
8	(51)	A091C	FISCAL SUPPORT ANALYST	4	GRADE C115
9	(52)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
10	(53)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
11	(54)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
12	(55)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
13	(56)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
14	(57)	C056C	ADMINISTRATIVE SPECIALIST III	38	GRADE C112
15	(58)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
16	(59)	C073C	ADMINISTRATIVE SPECIALIST II	<u>41</u>	GRADE C109
17		MAX. NO. OF EMPLOYEES		347	

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19 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 20 for the Department of Education - State Operations for the 2012-2013 fiscal
 21 year, the following maximum number of part-time or temporary employees, to be
 22 known as "Extra Help", payable from funds appropriated herein for such
 23 purposes: eight (8) temporary or part-time employees, when needed, at rates
 24 of pay not to exceed those provided in the Uniform Classification and
 25 Compensation Act, or its successor, or this act for the appropriate
 26 classification.

27

28 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 29 appropriated, to the Department of Education, to be payable from the
 30 Department of Education Fund Account, for personal services and operating
 31 expenses of the Department of Education - State Operations for the fiscal
 32 year ending June 30, 2013, the following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2012-2013</u>
36	(01) REGULAR SALARIES	\$14,571,285

1	(02) EXTRA HELP	14,998
2	(03) PERSONAL SERVICES MATCHING	4,429,334
3	(04) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	3,479,443
5	(B) CONF. & TRAVEL	206,530
6	(C) PROF. FEES	205,569
7	(D) CAP. OUTLAY	100,000
8	(E) DATA PROC.	0
9	(05) READING RECOVERY	100,000
10	(06) AR LEADERSHIP ACADEMY	<u>900,000</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$24,007,159</u></u>

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13 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is
 14 hereby appropriated, to the Department of Education, to be payable from the
 15 federal funds as designated by the Chief Fiscal Officer of the State, for
 16 personal services and operating expenses of the Department of Education -
 17 Federal Grants Administration for the fiscal year ending June 30, 2013, the
 18 following:

19

20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2012-2013</u>
22	(01) REGULAR SALARIES	\$486,605
23	(02) PERSONAL SERVICES MATCHING	148,895
24	(03) MAINT. & GEN. OPERATION	
25	(A) OPER. EXPENSE	49,970
26	(B) CONF. & TRAVEL	19,672
27	(C) PROF. FEES	60,000
28	(D) CAP. OUTLAY	0
29	(E) DATA PROC.	<u>0</u>
30	TOTAL AMOUNT APPROPRIATED	<u><u>\$765,142</u></u>

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32 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 33 appropriated, to the Department of Education, to be payable from the
 34 Educational Buildings Maintenance Fund, for operating expenses of the
 35 Department of Education - Building Maintenance for the fiscal year ending
 36 June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$500,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the Education Revolving Loan Certificates Fund, for personal services and operating expenses of the Department of Education - Revolving Loan Certificates Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$67,936
(02) PERSONAL SERVICES MATCHING	24,274
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	27,500
(B) CONF. & TRAVEL	2,500
(C) PROF. FEES	10,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$13,132,210</u></u>

SECTION 7. APPROPRIATION - CHILD NUTRITION. There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Child Nutrition Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$836,785
(02) PERSONAL SERVICES MATCHING	268,486
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	672,100
(B) CONF. & TRAVEL	52,600
(C) PROF. FEES	156,400
(D) CAP. OUTLAY	50,000
(E) DATA PROC.	0
(04) SCHOOL FOOD SERVICE/NUTRITION ED	165,168,000
(05) REFUNDS/REIMBURSEMENTS	<u>399,600</u>
TOTAL AMOUNT APPROPRIATED	<u>\$167,603,971</u>

SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

There is hereby authorized, for the Department of Education - Federal Elementary and Secondary Education for the 2012-2013 fiscal year, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: four (4) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Federal Elementary and Secondary Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$3,188,231
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	994,710
(04) MAINT. & GEN. OPERATION	

(A) OPER. EXPENSE	3,475,900
(B) CONF. & TRAVEL	710,500
(C) PROF. FEES	18,351,105
(D) CAP. OUTLAY	200,000
(E) DATA PROC.	0
(05) ENTITLEMENT GRANT PROGRAMS	496,095,368
(06) REFUNDS/REIMBURSEMENTS	1,110,000
(07) AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009	<u>314,600,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$838,735,814</u>

SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses and grants by the Department of Education - Multiple Grant Award Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$122,000
(B) CONF. & TRAVEL	16,500
(C) PROF. FEES	40,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
TOTAL AMOUNT APPROPRIATED	<u>\$2,626,375</u>

SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for Medicaid reimbursement and administration of the Department of Education - Medicaid Reimbursement Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) REFUNDS/REIMBURSEMENTS	\$5,000,000
(02) MEDICAID ADMIN	<u>10,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$5,010,500</u></u>

SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expense and grants by the Department of Education - Alternative Certification Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$515,292
(B) CONF. & TRAVEL	8,500
(C) PROF. FEES	125,420
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for grants for school education programs for fish and wildlife conservation by the Department of Education - Fish and Wildlife Conservation for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) FISH/WILDLIFE CONSERVATION GRANTS	<u><u>\$800,000</u></u>

SECTION 14. APPROPRIATION - CONFERENCES. There is hereby appropriated,

to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of conferences sponsored by the Department of Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$400,000
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	50,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$475,000</u></u>

SECTION 15. APPROPRIATION - SCHOOL DISTRICT MILLAGE ROLLBACK
 COMPENSATION. There is hereby appropriated, to the Department of Education, to be payable from the Property Tax Relief Trust Fund, to compensate various school districts for Amendment 79 millage rollback by the Department of Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(01) AMENDMENT 79 MILLAGE ROLLBACK	
COMPENSATION TO SCHOOL	
DISTRICTS	<u><u>\$950,000</u></u>

SECTION 16. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.
 There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for reimbursement of school districts for administrative activities that support the Arkansas Medicaid Program by the Department of Education - Medicaid Administration Claiming Program for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
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NO.	2012-2013
(01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

SECTION 17. APPROPRIATION - PULASKI COUNTY DESEGREGATION CASE COSTS.

There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Fund Account, for payment of consultants, expert witnesses, attorneys' fees, or other costs related to investigating and pursuing the end of the Pulaski County Desegregation Case by the Department of Education for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) PULASKI COUNTY DESEG CASE COSTS	<u>\$916,621</u>

SECTION 18. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the School-Age Children Eye and Vision Care Fund, for operating expenses and costs incurred in studying, evaluating vision needs, screening vision programs, the development of a strategic statewide plan, and associated expenses for eye and vision care of school-age children in Arkansas for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) VARIOUS OPERATING EXPENSES FOR VISION SCREENING AND CARE	<u>\$1,000,000</u>

SECTION 19. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

There is hereby established for the Department of Education - Professional Licensure Standards Board for the 2012-2013 fiscal year, the following maximum number of regular employees.

		Maximum Annual
	Maximum	Salary Rate
Item Class	No. of	Fiscal Year

No.	Code	Title	Employees	2012-2013
(1)	X012C	EDUCATION CHIEF INVESTIGATOR	1	GRADE C125
(2)	G073C	ATTORNEY	1	GRADE C124
(3)	X037C	EDUCATION INVESTIGATOR	4	GRADE C121
(4)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
(5)	C037C	ADMINISTRATIVE ANALYST	1	GRADE C115
(6)	C056C	ADMINISTRATIVE SPECIALIST III	1	GRADE C112
(7)	C073C	ADMINISTRATIVE SPECIALIST II	<u>1</u>	GRADE C109
		MAX. NO. OF EMPLOYEES	10	

SECTION 20. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Professional Licensure Standards Board for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$440,038
(02) PERSONAL SERVICES MATCHING	148,814
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	326,325
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	9,505
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$934,682</u></u>

SECTION 21. APPROPRIATION - TEACHER HOUSING DEVELOPMENT FOUNDATION - OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Teacher Housing Development Foundation - Operations for the fiscal year ending June 30, 2013, the following:

ITEM	FISCAL YEAR
NO.	2012-2013
(01) REGULAR SALARIES	\$65,000
(02) PERSONAL SERVICES MATCHING	19,098
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	25,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	10,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(04) TEACHER GRANTS AND AID	<u>100,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$219,098</u></u>

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EQUALIZATION OF PERSONAL PROPERTY MILLAGE.

(A) Amendment 79 of the Constitution of the State of Arkansas provides that school district millage must be equal for all classes of property and several school districts now have unequalized millage on real and personal property. The Arkansas Department of Education and the Assessment Coordination Department are hereby authorized to identify those school districts which are affected by the Amendment 79 provision to equalize millage and calculate the loss in revenues due to the equalization of the millage. Loss in revenue shall be defined as the difference between the collectable taxes calculated by multiplying the current assessment times the pre-equalized mills and the current assessment times post-equalized mills.

(B) School districts shall receive funding authorized herein equal to the loss in revenues as calculated by the Arkansas Department of Education and the Assessment Coordination Department.

(C) Funding received by school districts pursuant to this act shall be considered unrestricted revenues to those districts.

The provisions of this section shall be in effect only from July 1, ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
2 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,
3 Federal Flood Control Funds, or any similar turnback funds in the State
4 Treasury for which the eligible county and/or school district cannot be
5 identified may be transferred to the Department of Education Public School
6 Fund Account and used for any lawful school purpose.

7 The provisions of this section shall be in effect only from July 1,
8 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

9
10 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
12 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
13 balances or any law to the contrary, any funds which remain in the Department
14 of Education Fund Account at the end of a fiscal year shall remain in the
15 Department of Education Fund Account and made available to fund appropriation
16 authorized by law and made payable from the Department of Education Fund
17 Account for the following fiscal year.

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

20 (1) Prior to June 30, ~~2010~~ 2013 the Agency shall by written statement
21 set forth its reason(s) for the need to carry forward said funding to the
22 Department of Finance and Administration Office of Budget;

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

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

1 Committee; and

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

6
7 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
9 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
10 General Assembly that the appropriation for the salary of the Commissioner of
11 the Department of Education shall be the sole and exclusive authority for his
12 or her salary. It is further the intent of the General Assembly that the
13 Commissioner be required to devote all of his or her working time exclusively
14 to the performance of his or her duties as Commissioner of the Department of
15 Education. Therefore, the Commissioner of the Department of Education is
16 hereby prohibited from accepting any additional salary from any other source
17 (including state, federal, or private entities or persons) for the
18 performance of his or her duties as Commissioner, and is prohibited from
19 accepting any salary, fees or compensation from any other source (including
20 state, federal or private entities or persons) for any other employment of
21 any kind outside the scope of his or her duties as Commissioner, including
22 but not limited to consulting work for any other public or private entity.
23 This section shall not be construed to prohibit the Commissioner from
24 accepting or receiving expense reimbursements and employee benefits as
25 provided by State law.

26
27 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 ESTABLISHMENT OF A "POSITION POOL".

30 (a) To address needs emerging from statewide education issues and the
31 necessity of recruiting and retaining qualified personnel, the Arkansas
32 Department of Education or its successor agency is authorized for the ~~2010-~~
33 ~~2011~~ 2012-2013 fiscal year a pool of no more than five (5) non-classified
34 positions at a maximum salary level not to exceed one hundred twenty-five
35 thousand dollars (\$125,000) per year. These positions are to be used by the
36 Department of Education in the event that the personal services needs of the

1 Department during the ~~2010-2011~~ 2012-2013 fiscal year require additional
2 positions, either by title or in number, that are not authorized by the
3 General Assembly in Section 1 of this Act. These positions may also be used
4 to properly classify positions when the Department does not have a vacant
5 position available with the appropriate title and salary level.

6 (b) To address needs emerging from statewide education issues and the
7 necessity of recruiting and retaining qualified personnel, the Arkansas
8 Department of Education or its successor agency is authorized for the ~~2010-~~
9 ~~2011~~ 2012-2013 fiscal year a pool of twenty-five (25) classified positions at
10 up to a grade C130. These positions are to be used by the Department of
11 Education in the event that the personal services needs of the Department
12 during the ~~2010-2011~~ 2012-2013 fiscal year require additional positions,
13 either by classification or in number, that are not authorized by the General
14 Assembly in Section 1 of this Act. These positions may also be used to
15 properly classify positions when the Department does not have a vacant
16 position available with the appropriate title and grade level.

17 (c) Any salary determinations or adjustments administered under the
18 provisions of Subsections (a) and (b) of this Section shall be made by
19 comparing the qualifications and salary levels of similar employees in school
20 districts or in other state education agencies.

21 (d) The Department of Education is authorized to access the pool
22 positions authorized in this Section at any time when it is determined by the
23 Commissioner that the need exists. The Commissioner shall provide a
24 quarterly report of the justification for the need to allocate titles from
25 this growth pool to the Chief Fiscal Officer of the State and to the Arkansas
26 Legislative Council for review. The report shall also include an accounting
27 of the names, titles, and salaries of personnel whose salaries have been
28 adjusted under provisions of Subsections (a) and (b) of this Section.

29 (e) If the Department of Education requests continuation of any
30 "Position Pool" position(s) as established herein during the next fiscal
31 year, the position(s) must be requested as a new position(s) in the agency's
32 budget request.

33 (f) Determining the number of personnel to be employed by a state
34 agency is the prerogative of the General Assembly and is usually accomplished
35 by delineating the maximum number of personnel by identifying job titles and
36 the maximum grade or salary attached to those titles. The General Assembly

1 has determined that the Arkansas Department of Education could be operated
2 more efficiently if some flexibility is given to that agency. That
3 flexibility is being accomplished by providing a position pool in Subsections
4 (a) and (b) of this Section and since the General Assembly has granted the
5 agency broad powers under the growth pool concept, it is both necessary and
6 appropriate that the General Assembly maintain oversight of the utilization
7 of the position pool by requiring review of the Legislative Council in the
8 utilization of the position pool. Therefore, the requirement of review by the
9 Legislative Council is not a severable part of this section. If the
10 requirement of review by the Legislative Council is ruled unconstitutional by
11 a court of competent jurisdiction, this entire section is void.

12 The provisions of this section shall be in effect only from July 1,
13 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

14
15 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
17 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
18 the Department of Education that a reduction in the amount of available
19 appropriation within the Department of Education Fund Account is required
20 from the amount appropriated, the reduction in the available appropriation
21 from the full amount appropriated for the Arkansas Leadership Academy shall
22 be limited to the average percentage reduction in the other appropriations to
23 the Department of Education from the Department of Education Fund Account.

24 The provisions of this section shall be in effect only from July 1,
25 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

26
27 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
28 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
29 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
30 line item in Section 3 of this Act shall be used for the School Support
31 Program which will provide support to schools or school districts designated
32 by the Department of Education as being in school improvement status and to
33 provide for general operations of the Leadership Academy.

34 The provisions of this section shall be in effect only from July 1,
35 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

1 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
3 COUNTY DESEGREGATION CASE COSTS FUND TRANSFER - PUBLIC SCHOOL FUND.

4 The Department of Education shall retain and use any unexpended balance of
5 funds transferred to the Department of Education Fund Account during the
6 2007-09 biennium for the purpose of providing funds for Pulaski County
7 Desegregation Case Costs incurred by the Department of Education and the
8 three (3) Pulaski County School Districts to comply with the provisions of
9 Arkansas Code §6-20-415 and §6-20-416. These retained funds shall be used
10 exclusively to provide funds for Pulaski County Desegregation Case Costs
11 incurred by the Department of Education and the three (3) Pulaski County
12 School Districts under Arkansas Code §6-20-415 and §6-20-416.

13 No portion of these retained funds shall be expended by the Department
14 of Education without certification by the Commissioner of the Department of
15 Education to the Chief Fiscal Officer of the State and prior approval by the
16 Chief Fiscal Officer of the State.

17 The provisions of this section shall be in effect only from July 1,
18 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

19
20 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
21 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE FUND
22 RESTRICTIONS. No state funds shall be used for abortion referral in public
23 schools, or for abortion services. Funds shall be expended in accordance with
24 Arkansas Code Annotated § 6-18-703.

25 The provisions of this section shall be in effect only from July 1,
26 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

27
28 SECTION 31. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
29 authorized by this act shall be limited to the appropriation for such agency
30 and funds made available by law for the support of such appropriations; and
31 the restrictions of the State Procurement Law, the General Accounting and
32 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
33 Procedures and Restrictions Act, or their successors, and other fiscal
34 control laws of this State, where applicable, and regulations promulgated by
35 the Department of Finance and Administration, as authorized by law, shall be
36 strictly complied with in disbursement of said funds.

1
2 SECTION 32. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.
10

11 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2012 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2012 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2012.
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