

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
88th General Assembly  
Fiscal Session, 2012

As Engrossed: S2/22/12 S2/27/12  
**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



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

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

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Education - State Operations 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: eight (8) 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 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Fund Account, for personal services and operating expenses of the Department of Education - State Operations for the fiscal year ending June 30, 2013, the following:

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

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

SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. 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 Grants Administration for the fiscal year ending June 30, 2013, the following:

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

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

ITEM NO.	FISCAL YEAR 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 NO.	FISCAL YEAR 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 NO.	FISCAL YEAR
	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 NO.	FISCAL YEAR
	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><u>\$838,735,814</u></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 NO.	FISCAL YEAR 2012-2013
(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><u>\$2,626,375</u></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 NO.	FISCAL YEAR 2012-2013
(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 - 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 NO.	FISCAL YEAR 2012-2013
(01) AR MEDICAID ADMIN CLAIMS	<u><u>\$15,000,000</u></u>

SECTION 16. 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
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NO.	2012-2013
(01) PULASKI COUNTY DESEG CASE COSTS	<u>\$916,621</u>

SECTION 17. 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 NO.	FISCAL YEAR 2012-2013
(01) VARIOUS OPERATING EXPENSES FOR VISION SCREENING AND CARE	<u>\$1,000,000</u>

SECTION 18. 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.

Item No.	Class Code Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 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 19. 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 NO.	FISCAL YEAR 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 20. 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 NO.	FISCAL YEAR 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

\$219,098

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds, Federal Flood Control Funds, or any similar turnback funds in the State Treasury for which the eligible county and/or school district cannot be identified may be transferred to the Department of Education Public School Fund Account and used for any lawful school purpose.

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

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the Department of Education Fund Account at the end of a fiscal year shall remain in the Department of Education Fund Account and made available to fund appropriation authorized by law and made payable from the Department of Education Fund Account for the following fiscal year.

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

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

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

(3) Each Agency, Board, Commission or Institution shall provide a written report to the Arkansas Legislative Council or Joint Budget Committee containing all information set forth in item (2) above, along with a written statement as to the current status of the project, contract, purpose etc. for

which the carry forward was originally requested no later than thirty (30) days prior to the time the Agency, Board, Commission or Institution presents its budget request to the Arkansas Legislative Council/Joint Budget Committee; and

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

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

SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ESTABLISHMENT OF A "POSITION POOL".

(a) To address needs emerging from statewide education issues and the necessity of recruiting and retaining qualified personnel, the Arkansas Department of Education or its successor agency is authorized for the ~~2010-~~ ~~2011~~ 2012-2013 fiscal year a pool of no more than five (5) non-classified

positions at a maximum salary level not to exceed one hundred twenty-five thousand dollars (\$125,000) per year. These positions are to be used by the Department of Education in the event that the personal services needs of the Department during the ~~2010-2011~~ 2012-2013 fiscal year require additional positions, either by title or in number, that are not authorized by the General Assembly in Section 1 of this Act. These positions may also be used to properly classify positions when the Department does not have a vacant position available with the appropriate title and salary level.

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

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

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

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

(f) Determining the number of personnel to be employed by a state

agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Department of Education could be operated more efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing a position pool in Subsections (a) and (b) of this Section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the position pool by requiring review of the Legislative Council in the utilization of the position pool. Therefore, the requirement of review by the Legislative Council is not a severable part of this section. If the requirement of review by the Legislative Council is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by the Department of Education that a reduction in the amount of available appropriation within the Department of Education Fund Account is required from the amount appropriated, the reduction in the available appropriation from the full amount appropriated for the Arkansas Leadership Academy shall be limited to the average percentage reduction in the other appropriations to the Department of Education from the Department of Education Fund Account.

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

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

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

SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI COUNTY DESEGREGATION CASE COSTS FUND TRANSFER - PUBLIC SCHOOL FUND.

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

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

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

SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE FUND RESTRICTIONS. No state funds shall be used for abortion referral in public schools, or for abortion services. Funds shall be expended in accordance with Arkansas Code Annotated § 6-18-703.

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

*SECTION 29. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. On July 1, 2012 or as soon thereafter as is practical, the Chief Fiscal Officer shall transfer on his or her books and those of the State Treasurer and Auditor of State the sum of three hundred fifty thousand dollars (\$350,000) from the Property Tax Relief Trust Fund to the Department of Education Public School*

Fund Account to be used exclusively for the STEM Initiative for Curriculum and Instruction.

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

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

SECTION 31. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

DISTRIBUTION OF FUNDS. The funds attributable to sales and use taxes levied prior to July 1, 2012 shall not be transferred from the Property Tax Relief Trust Fund to the Department of Education Public School Fund Account.

SECTION 33. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2012 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the

effective date of this Act beyond July 1, 2012 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2012.

*/s/Joint Budget Committee*