

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 1420 of the Regular Session

As Engrossed: S3/26/09 S4/6/09

A Bill

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

SENATE BILL 290

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

8
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR
12 ENDING JUNE 30, 2010; AND FOR OTHER PURPOSES.
13

Subtitle

14
15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 APPROPRIATION FOR THE 2009-2010 FISCAL
18 YEAR.
19

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

23 SECTION 1. REGULAR SALARIES. There is hereby established for the
24 Department of Education for the 2009-2010 fiscal year, the following maximum
25 number of regular employees whose salaries shall be governed by the
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
28 Provided, however, that any position to which a specific maximum annual
29 salary is set out herein in dollars, shall be exempt from the provisions of
30 said Uniform Classification and Compensation Act. All persons occupying
31 positions authorized herein are hereby governed by the provisions of the
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
33 or its successor.
34

35
Maximum Annual



1			Maximum	Salary Rate	
2	Item	Class	No. of	Fiscal Year	
3	No.	Code	Title	Employees	2009-2010
4	(1)	U033U	COMMISSIONER OF EDUCATION	1	\$227,876
5	(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	\$139,636
6	(3)	N005N	ADE ASST COMM LEARNING SERVICES	1	GRADE N912
7	(4)	N006N	ADE ASST COMM PUBLIC SCHOOL ACCT	1	GRADE N912
8	(5)	G001N	ADE LITIGATION ATTORNEY	1	GRADE N912
9	(6)	N009N	ASST COMM FISCAL & ADMIN SERVICES	1	GRADE N912
10	(7)	N010N	ASST COMMISSIONER HUMAN RESOURCES	1	GRADE N912
11	(8)	N008N	ASST COMM RESEARCH & TECHNOLOGY	1	GRADE N912
12	(9)	N069N	ADE SPECIAL ADVISOR	1	GRADE N908
13	(10)	N068N	ADE SPECIAL ASST TO COMMISSIONER	1	GRADE N908
14	(11)	E003N	ADE COORD SCH. IMP / STANDARDS ASSU	1	GRADE N905
15	(12)	E002N	ADE COORDINATOR OF SPECIAL PROJECTS	1	GRADE N905
16	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
17	(14)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
18	(15)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
19	(16)	N160N	TEACHER HOUSING DEVELOP CMSN DIR	1	GRADE N901
20	(17)	A008C	ADE FINANCE DIVISION MANAGER	1	GRADE C129
21	(18)	G006C	ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE C129
22	(19)	<i>E060C</i>	<i>ED ASSOCIATE DIR CHILD NUTRITION</i>	<i>1</i>	<i>GRADE C129</i>
23	(20)	<i>G012C</i>	<i>ADE ASSISTANT TO COMMISSIONER</i>	<i>1</i>	<i>GRADE C129</i>
24	(21)	A010C	AGENCY CONTROLLER II	1	GRADE C128
25	(22)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
26	(23)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	13	GRADE C126
27	(24)	R009C	ADE BUDGET MANAGER	1	GRADE C125
28	(25)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
29	(26)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
30	(27)	G075C	ADE PROGRAM ADMINISTRATOR	1	GRADE C124
31	(28)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
32	(29)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
33	(30)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	28	GRADE C123
34	(31)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
35	(32)	D047C	INFORMATION SYSTEMS BUS ANALYST	2	GRADE C122
36	(33)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	131	GRADE C122

1	(34)	D044C	SYSTEMS ANALYST	3	GRADE C122
2	(35)	A052C	ACCOUNTING COORDINATOR	5	GRADE C121
3	(36)	G109C	GRANTS MANAGER	2	GRADE C121
4	(37)	L035C	NUTRITIONIST CONSULTANT	9	GRADE C121
5	(38)	R014C	PERSONNEL MANAGER	1	GRADE C121
6	(39)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
7	(40)	A060C	SENIOR AUDITOR	1	GRADE C119
8	(41)	A074C	FISCAL SUPPORT SUPERVISOR	2	GRADE C118
9	(42)	D064C	WEBSITE DEVELOPER	1	GRADE C118
10	(43)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
11	(44)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
12	(45)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
13	(46)	P020C	PRODUCTION ARTIST	1	GRADE C117
14	(47)	A089C	ACCOUNTANT I	2	GRADE C116
15	(48)	V014C	BUYER	1	GRADE C116
16	(49)	C037C	ADMINISTRATIVE ANALYST	17	GRADE C115
17	(50)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
18	(51)	A091C	FISCAL SUPPORT ANALYST	6	GRADE C115
19	(52)	S033C	MAINTENANCE SUPERVISOR	2	GRADE C115
20	(53)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
21	(54)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
22	(55)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
23	(56)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
24	(57)	C056C	ADMINISTRATIVE SPECIALIST III	39	GRADE C112
25	(58)	A098C	FISCAL SUPPORT SPECIALIST	2	GRADE C112
26	(59)	C073C	ADMINISTRATIVE SPECIALIST II	<u>43</u>	GRADE C109
27			MAX. NO. OF EMPLOYEES	354	

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29 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for
 30 the Department of Education - State Operations for the 2009-2010 fiscal year,
 31 the following maximum number of part-time or temporary employees, to be known
 32 as "Extra Help", payable from funds appropriated herein for such purposes:
 33 eight (8) temporary or part-time employees, when needed, at rates of pay not
 34 to exceed those provided in the Uniform Classification and Compensation Act,
 35 or its successor, or this act for the appropriate classification.

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1 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 2 to the Department of Education, to be payable from the Department of
 3 Education Fund Account, for personal services and operating expenses of the
 4 Department of Education - State Operations for the fiscal year ending June
 5 30, 2010, the following:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2009-2010</u>
9	(01) REGULAR SALARIES	\$ 13,155,565
10	(02) EXTRA HELP	14,998
11	(03) PERSONAL SERVICES MATCHING	4,167,365
12	(04) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	3,762,210
14	(B) CONF. & TRAVEL	206,530
15	(C) PROF. FEES	811,263
16	(D) CAP. OUTLAY	100,000
17	(E) DATA PROC.	0
18	(05) READING RECOVERY	100,000
19	(06) AR LEADERSHIP ACADEMY	900,000
20	(07) COMPACT EDUC RESEARCH & DEV	<u>15,000</u>
21	TOTAL AMOUNT APPROPRIATED	<u>\$ 23,232,931</u>

22

23 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby
 24 appropriated, to the Department of Education, to be payable from the federal
 25 funds as designated by the Chief Fiscal Officer of the State, for personal
 26 services and operating expenses of the Department of Education - Federal
 27 Grants Administration for the fiscal year ending June 30, 2010, the
 28 following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2009-2010</u>
32	(01) REGULAR SALARIES	\$ 523,207
33	(02) PERSONAL SERVICES MATCHING	159,384
34	(03) MAINT. & GEN. OPERATION	
35	(A) OPER. EXPENSE	49,970
36	(B) CONF. & TRAVEL	19,672

1	(C) PROF. FEES	60,000
2	(D) CAP. OUTLAY	0
3	(E) DATA PROC.	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 812,233</u>

5
 6 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 7 appropriated, to the Department of Education, to be payable from the
 8 Educational Building Revenue Bond Fund, for operating expenses of the
 9 Department of Education - Building Maintenance for the fiscal year ending
 10 June 30, 2010, the following:

12	ITEM	FISCAL YEAR
13	<u>NO.</u>	<u>2009-2010</u>
14	(01) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	\$ 500,000
16	(B) CONF. & TRAVEL	0
17	(C) PROF. FEES	0
18	(D) CAP. OUTLAY	0
19	(E) DATA PROC.	<u>0</u>
20	TOTAL AMOUNT APPROPRIATED	<u>\$ 500,000</u>

21
 22 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There is
 23 hereby appropriated, to the Department of Education, to be payable from the
 24 Education Revolving Loan Certificates Fund, for personal services and
 25 operating expenses of the Department of Education - Revolving Loan
 26 Certificates Program for the fiscal year ending June 30, 2010, the following:

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2009-2010</u>
30	(01) REGULAR SALARIES	\$ 97,421
31	(02) PERSONAL SERVICES MATCHING	36,430
32	(03) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	27,500
34	(B) CONF. & TRAVEL	2,500
35	(C) PROF. FEES	10,000
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	0
2	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
3	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,173,851</u>

4

5 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 6 appropriated, to the Department of Education, to be payable from the federal
 7 funds as designated by the Chief Fiscal Officer of the State, for personal
 8 services and operating expenses of the Department of Education - Child
 9 Nutrition Program for the fiscal year ending June 30, 2010, the following:

10

11	ITEM	FISCAL YEAR
12	<u>NO.</u>	<u>2009-2010</u>
13	(01) REGULAR SALARIES	\$ 706,261
14	(02) PERSONAL SERVICES MATCHING	238,656
15	(03) MAINT. & GEN. OPERATION	
16	(A) OPER. EXPENSE	672,100
17	(B) CONF. & TRAVEL	52,600
18	(C) PROF. FEES	156,400
19	(D) CAP. OUTLAY	40,000
20	(E) DATA PROC.	0
21	(04) SCHOOL FOOD SERVICE/NUTRITION ED	165,168,000
22	(05) REFUNDS/REIMBURSEMENTS	399,600
23	(06) AMERICAN RECOVERY AND	
24	REINVESTMENT ACT OF 2009	<u>1,250,000</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 168,683,617</u>

26

27 SECTION 8. APPROPRIATION - FEDERAL TURNBACK PROGRAM. There is hereby
 28 appropriated, to the Department of Education, to be payable from the federal
 29 funds as designated by the Chief Fiscal Officer of the State, for federal
 30 turnback to school districts by the Department of Education for the fiscal
 31 year ending June 30, 2010, the following:

32

33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2009-2010</u>
35	(01) FEDERAL TURNBACK	<u>\$ 20,000,000</u>

36

1 SECTION 9. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There
 2 is hereby authorized, for the Department of Education - Federal Elementary
 3 and Secondary Education for the 2009-2010 fiscal year, the following maximum
 4 number of part-time or temporary employees, to be known as "Extra Help",
 5 payable from funds appropriated herein for such purposes: four (4) temporary
 6 or part-time employees, when needed, at rates of pay not to exceed those
 7 provided in the Uniform Classification and Compensation Act, or its
 8 successor, or this act for the appropriate classification.

9
 10 SECTION 10. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.
 11 There is hereby appropriated, to the Department of Education, to be payable
 12 from the federal funds as designated by the Chief Fiscal Officer of the
 13 State, for personal services and operating expenses of the Department of
 14 Education - Federal Elementary and Secondary Education for the fiscal year
 15 ending June 30, 2010, the following:

17 ITEM	FISCAL YEAR
18 <u>NO.</u>	<u>2009-2010</u>
19 (01) REGULAR SALARIES	\$ 2,915,368
20 (02) EXTRA HELP	10,000
21 (03) PERSONAL SERVICES MATCHING	949,314
22 (04) MAINT. & GEN. OPERATION	
23 (A) OPER. EXPENSE	3,475,900
24 (B) CONF. & TRAVEL	710,500
25 (C) PROF. FEES	18,351,105
26 (D) CAP. OUTLAY	160,000
27 (E) DATA PROC.	0
28 (05) ENTITLEMENT GRANT PROGRAMS	496,095,368
29 (06) REFUNDS/REIMBURSEMENT	1,110,000
30 (07) AMERICAN RECOVERY AND	
31 REINVESTMENT ACT OF 2009	<u>314,600,000</u>
32 TOTAL AMOUNT APPROPRIATED	<u>\$ 838,377,555</u>

33
 34 SECTION 11. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is hereby
 35 appropriated, to the Department of Education, to be payable from the cash
 36 fund deposited in the State Treasury as determined by the Chief Fiscal

1 Officer of the State, for operating expenses and grants of the Department of
 2 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 3 2010, the following:

4

5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2009-2010</u>
7 (01) MAINT. & GEN. OPERATION	
8 (A) OPER. EXPENSE	\$ 122,000
9 (B) CONF. & TRAVEL	16,500
10 (C) PROF. FEES	40,000
11 (D) CAP. OUTLAY	10,000
12 (E) DATA PROC.	0
13 (02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
14 TOTAL AMOUNT APPROPRIATED	<u>\$ 2,636,375</u>

15

16 SECTION 12. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is
 17 hereby appropriated, to the Department of Education, to be payable from the
 18 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 19 Officer of the State, for Medicaid reimbursement and administration of the
 20 Department of Education - Medicaid Reimbursement Program for the fiscal year
 21 ending June 30, 2010, the following:

22

23 ITEM	FISCAL YEAR
24 <u>NO.</u>	<u>2009-2010</u>
25 (01) REFUNDS/REIMBURSEMENTS	\$ 5,000,000
26 (02) MEDICAID ADMIN	<u>10,500</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 5,010,500</u>

28

29 SECTION 13. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There is
 30 hereby appropriated, to the Department of Education, to be payable from the
 31 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 32 Officer of the State, for operating expenses and grants of the Department of
 33 Education - Alternative Certification Program for the fiscal year ending June
 34 30, 2010, the following:

35

36 ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2009-2010</u>
2	(01) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	\$ 515,292
4	(B) CONF. & TRAVEL	8,500
5	(C) PROF. FEES	125,420
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	0
8	(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,349,212</u>

10

11 SECTION 14. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is
 12 hereby appropriated, to the Department of Education, to be payable from the
 13 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 14 Officer of the State, for grants for school education programs for fish and
 15 wildlife conservation of the Department of Education - Fish And Wildlife
 16 Conservation for the fiscal year ending June 30, 2010, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2009-2010</u>
20	(01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$ 800,000</u>

21

22 SECTION 15. APPROPRIATION - CONFERENCES. There is hereby appropriated, to
 23 the Department of Education, to be payable from the cash fund deposited in
 24 the State Treasury as determined by the Chief Fiscal Officer of the State,
 25 for operating expenses of conferences sponsored by the Department of
 26 Education for the fiscal year ending June 30, 2010, the following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2009-2010</u>
30	(01) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	\$ 400,000
32	(B) CONF. & TRAVEL	25,000
33	(C) PROF. FEES	50,000
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 475,000</u>

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SECTION 16. 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, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) AMENDMENT 79 MILLAGE ROLLBACK COMPENSATION TO SCHOOL DISTRICTS	\$ <u>950,000</u>

SECTION 17. 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 of the Department of Education - Medicaid Administration Claiming Program for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) AR MEDICAID ADMIN CLAIMS	\$ <u>15,000,000</u>

SECTION 18. 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 of the Department of Education for the fiscal year ending June 30, 2010, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) PULASKI COUNTY DESEGREGATION CASE COSTS	\$ <u>960,923</u>

1 SECTION 19. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 2 appropriated, to the Department of Education, to be payable from the School-
 3 Age Children Eye and Vision Care Fund, for operating expenses and costs
 4 incurred in studying, evaluating vision needs, screening vision programs, the
 5 development of a strategic statewide plan, and associated expenses for eye
 6 and vision care of school age children in Arkansas for the fiscal year ending
 7 June 30, 2010, the following:

8

9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2009-2010</u>
11	(01) VARIOUS OPERATING EXPENSES FOR VISION	
12	SCREENING AND CARE	\$ <u>1,000,000</u>

13

14 SECTION 20. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
 15 There is hereby established for the Department of Education - Professional
 16 Licensure Standards Board for the 2009-2010 fiscal year, the following
 17 maximum number of regular employees whose salaries shall be governed by the
 18 provisions of the Uniform Classification and Compensation Act (Arkansas Code
 19 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.
 20 Provided, however, that any position to which a specific maximum annual
 21 salary is set out herein in dollars, shall be exempt from the provisions of
 22 said Uniform Classification and Compensation Act. All persons occupying
 23 positions authorized herein are hereby governed by the provisions of the
 24 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),
 25 or its successor.

26

			Maximum	Annual
			Maximum	Salary Rate
Item	Class		No. of	Fiscal Year
No.	Code	Title	Employees	2009-2010
31	(1) X012C	EDUCATION CHIEF INVESTIGATOR	1	GRADE C125
32	(2) G073C	ATTORNEY	1	GRADE C124
33	(3) X037C	EDUCATION INVESTIGATOR	4	GRADE C121
34	(4) G179C	LEGAL SERVICES SPECIALIST	2	GRADE C117
35	(5) A089C	ACCOUNTANT I	1	GRADE C116
36	(6) C037C	ADMINISTRATIVE ANALYST	1	GRADE C115

1 (7) C056C ADMINISTRATIVE SPECIALIST III 1 GRADE C112
 2 MAX. NO. OF EMPLOYEES 11
 3

4 SECTION 21. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD. There
 5 is hereby appropriated, to the Department of Education, to be payable from
 6 the cash fund deposited in the State Treasury as determined by the Chief
 7 Fiscal Officer of the State, for personal services and operating expenses of
 8 the Department of Education - Professional Licensure Standards Board for the
 9 fiscal year ending June 30, 2010, the following:

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2009-2010</u>
13 (01) REGULAR SALARIES	\$ 399,549
14 (02) PERSONAL SERVICES MATCHING	142,763
15 (03) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	508,225
17 (B) CONF. & TRAVEL	10,000
18 (C) PROF. FEES	9,505
19 (D) CAP. OUTLAY	0
20 (E) DATA PROC.	<u>0</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,070,042</u>

22
 23 SECTION 22. APPROPRIATION - TEACHER HOUSING DEVELOPMENT FOUNDATION -
 24 OPERATIONS. There is hereby appropriated, to the Department of Education, to
 25 be payable from the cash fund deposited in the State Treasury as determined
 26 by the Chief Fiscal Officer of the State, for personal services and operating
 27 expenses of the Department of Education - Teacher Housing Development
 28 Foundation - Operations for the fiscal year ending June 30, 2010, the
 29 following:

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2009-2010</u>
33 (01) REGULAR SALARIES	\$ 71,298
34 (02) PERSONAL SERVICES MATCHING	18,448
35 (03) MAINT. & GEN. OPERATION	
36 (A) OPER. EXPENSE	25,000

1	(B) CONF. & TRAVEL	0
2	(C) PROF. FEES	10,000
3	(D) CAP. OUTLAY	0
4	(E) DATA PROC.	0
5	(04) TEACHER GRANTS AND AID	<u>100,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 224,746</u>

7

8 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 10 EQUALIZATION OF PERSONAL PROPERTY MILLAGE. (A) Amendment 79 of the
 11 Constitution of the State of Arkansas provides that school district millage
 12 must be equal for all classes of property and several school districts now
 13 have unequalized millage on real and personal property. The Arkansas
 14 Department of Education and the Assessment Coordination Department are hereby
 15 authorized to identify those school districts which are affected by the
 16 Amendment 79 provision to equalize millage and calculate the loss in revenues
 17 due to the equalization of the millage. Loss in revenue shall be defined as
 18 the difference between the collectable taxes calculated by multiplying the
 19 current assessment times the pre-equalized mills and the current assessment
 20 times post-equalized mills.

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

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

26 The provisions of this section shall be in effect only from July 1,
 27 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

28

29 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
 31 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,
 32 Federal Flood Control Funds, or any similar turnback funds in the State
 33 Treasury for which the eligible county and/or school district cannot be
 34 identified may be transferred to the Department of Education Public School
 35 Fund Account and used for any lawful school purpose.

36 The provisions of this section shall be in effect only from July 1, ~~2007~~

1 2009 through June 30, ~~2009~~ 2010.

2

3 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
5 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
6 balances or any law to the contrary, any funds which remain in the Department
7 of Education Fund Account at the end of a fiscal year shall remain in the
8 Department of Education Fund Account and made available to fund appropriation
9 authorized by law and made payable from the Department of Education Fund
10 Account for the following fiscal year.

11 Any carry forward of unexpended balance of ~~appropriation and/or~~ funding as
12 authorized herein, may be carried forward under the following conditions:

13 (1) Prior to June 30, ~~2008~~ 2010 the Agency shall by written statement set
14 forth its reason(s) for the need to carry forward said ~~appropriation and/or~~
15 funding to the Department of Finance and Administration Office of Budget;

16 (2) The Department of Finance and Administration Office of Budget shall
17 report to the Arkansas Legislative Council all amounts carried forward ~~from~~
18 ~~the first fiscal year of the biennium to the second fiscal year of the~~
19 ~~biennium~~ by the September Arkansas Legislative Council or Joint Budget
20 Committee meeting ~~in the second fiscal year of the biennial period~~ which
21 report shall include the name of the Agency, Board, Commission or Institution
22 and the amount of the ~~appropriation and/or~~ funding carried forward ~~from the~~
23 ~~first fiscal year to the second fiscal year~~, the program name or line item,
24 the funding source of that appropriation and a copy of the written request
25 set forth in (1) above;

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

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

1 Institution.

2

3 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
5 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
6 General Assembly that the appropriation for the salary of the Commissioner of
7 the Department of Education shall be the sole and exclusive authority for his
8 or her salary. It is further the intent of the General Assembly that the
9 Commissioner be required to devote all of his or her working time exclusively
10 to the performance of his or her duties as Commissioner of the Department of
11 Education. Therefore, the Commissioner of the Department of Education is
12 hereby prohibited from accepting any additional salary from any other source
13 (including state, federal, or private entities or persons) for the
14 performance of his or her duties as Commissioner, and is prohibited from
15 accepting any salary, fees or compensation from any other source (including
16 state, federal or private entities or persons) for any other employment of
17 any kind outside the scope of his or her duties as Commissioner, including
18 but not limited to consulting work for any other public or private entity.
19 This section shall not be construed to prohibit the Commissioner from
20 accepting or receiving expense reimbursements and employee benefits as
21 provided by State law.

22

23 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
26 statewide education issues and the necessity of recruiting and retaining
27 qualified personnel, the Arkansas Department of Education or its successor
28 agency is authorized for the ~~2007-2009 biennium~~ 2009-2010 fiscal year a pool
29 of ~~twenty five (25)~~ no more than five (5) non-classified positions at a
30 maximum salary level not to exceed one hundred twenty-five thousand dollars
31 (\$125,000) per year. These positions are to be used by the Department of
32 Education in the event that the personal services needs of the Department
33 during the ~~2007-2009 biennium~~ 2009-2010 fiscal year require additional
34 positions, either by title or in number, that are not authorized by the
35 General Assembly in Section 1 of this Act. These positions may also be used
36 to properly classify positions when the Department does not have a vacant

1 position available with the appropriate title and salary level.

2 (b) To address needs emerging from statewide education issues and the
3 necessity of recruiting and retaining qualified personnel, the Arkansas
4 Department of Education or its successor agency is authorized for the ~~2007-~~
5 ~~2009 biennium~~ 2009-2010 fiscal year a pool of twenty-five (25) classified
6 positions at up to a grade ~~twenty-six (26)~~ C130. These positions are to be
7 used by the Department of Education in the event that the personal services
8 needs of the Department during the ~~2007-2009 biennium~~ 2009-2010 fiscal year
9 require additional positions, either by classification or in number, that are
10 not authorized by the General Assembly in Section 1 of this Act. These
11 positions may also be used to properly classify positions when the Department
12 does not have a vacant position available with the appropriate title and
13 grade level.

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

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

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

31 (f) Determining the number of personnel to be employed by a state agency is
32 the prerogative of the General Assembly and is usually accomplished by
33 delineating the maximum number of personnel by identifying job titles and the
34 maximum grade or salary attached to those titles. The General Assembly has
35 determined that the Arkansas Department of Education could be operated more
36 efficiently if some flexibility is given to that agency. That flexibility is

1 being accomplished by providing a position pool in Subsections (a) and (b) of
2 this Section and since the General Assembly has granted the agency broad
3 powers under the growth pool concept, it is both necessary and appropriate
4 that the General Assembly maintain oversight of the utilization of the
5 position pool by requiring review of the Legislative Council in the
6 utilization of the position pool. Therefore, the requirement of review by the
7 Legislative Council is not a severable part of this section. If the
8 requirement of review by the Legislative Council is ruled unconstitutional by
9 a court of competent jurisdiction, this entire section is void.

10 The provisions of this section shall be in effect only from July 1, ~~2007~~
11 2009 through June 30, ~~2009~~ 2010.

12
13 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
15 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
16 the Department of Education that a reduction in the amount of available
17 appropriation within the Department of Education Fund Account is required
18 from the amount appropriated, the reduction in the available appropriation
19 from the full amount appropriated for the Arkansas Leadership Academy shall
20 be limited to the average percentage reduction in the other appropriations to
21 the Department of Education from the Department of Education Fund Account.

22 The provisions of this section shall be in effect only from July 1, ~~2007~~
23 2009 through June 30, ~~2009~~ 2010.

24
25 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
27 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
28 line item in Section 3 of this Act shall be used for the School Support
29 Program which will provide support to schools or school districts designated
30 by the Department of Education as being in school improvement status and to
31 provide for general operations of the Leadership Academy.

32 The provisions of this section shall be in effect only from July 1, ~~2007~~
33 2009 through June 30, ~~2009~~ 2010.

34
35 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI

1 COUNTY DESEGREGATION CASE COSTS FUND TRANSFER - PUBLIC SCHOOL FUND.
2 Immediately upon the effective date of this Act, the Chief Fiscal Officer of
3 the State shall transfer on his or her books and those of the State Treasurer
4 and the Auditor of the State the sum of seven hundred fifty thousand dollars
5 (\$750,000) from the Department of Education Public School Fund Account to the
6 Department of Education Fund Account to provide funds for the appropriation
7 authorized in this Act for Pulaski County Desegregation Case Costs. On July
8 1, 2007 the Chief Fiscal Officer of the State may transfer to the Department
9 of Education Public School Fund Account an amount not to exceed seven hundred
10 fifty thousand dollars (\$750,000) from the Budget Stabilization Trust Fund if
11 the Department of Education Public School Fund Account balance is less than
12 twenty million dollars (\$20,000,000) on July 1, 2007.

13 The Department of Education shall retain and use any unexpended balance of
14 funds transferred to the Department of Education Fund Account during the
15 2007-09 biennium for the purpose of providing funds for Pulaski County
16 Desegregation Case Coasts incurred by the Department of Education and the
17 three (3) Pulaski County School Districts to comply with the provisions of
18 Arkansas Code §6-20-415 and §6-20-416. These retained funds shall be used
19 exclusively to provide funds for Pulaski County Desegregation Case Costs
20 incurred by the Department of Education and the three (3) Pulaski County
21 School Districts under Arkansas Code §6-20-415 and §6-20-416.

22 No portion of the seven hundred fifty thousand dollars (\$750,000)
23 transferred by this Section to the Department of Education Fund Account for
24 Pulaski County Desegregation Case Costs these retained funds shall be
25 expended by the Department of Education without certification by the
26 Commissioner of the Department of Education to the Chief Fiscal Officer of
27 the State and prior approval by the Chief Fiscal Officer of the State.

28 The provisions of this section shall be in effect only from July 1,
29 ~~2007~~ 2009 through June 30, ~~2009~~ 2010.

30
31 *SECTION 31. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
32 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE*
33 *FUND RESTRICTIONS. No state funds shall be used for abortion referral in*
34 *public schools, or for abortion services. Funds shall be expended in*
35 *accordance with Arkansas Code Annotated § 6-18-703.*

36 The provisions of this section shall be in effect only from July 1, 2009

1 through June 30, 2010.

2
3 SECTION 32. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
4 by this act shall be limited to the appropriation for such agency and funds
5 made available by law for the support of such appropriations; and the
6 restrictions of the State Procurement Law, the General Accounting and
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
8 Procedures and Restrictions Act, or their successors, and other fiscal
9 control laws of this State, where applicable, and regulations promulgated by
10 the Department of Finance and Administration, as authorized by law, shall be
11 strictly complied with in disbursement of said funds.

12
13 SECTION 33. LEGISLATIVE INTENT. It is the intent of the General Assembly
14 that any funds disbursed under the authority of the appropriations contained
15 in this act shall be in compliance with the stated reasons for which this act
16 was adopted, as evidenced by the Agency Requests, Executive Recommendations
17 and Legislative Recommendations contained in the budget manuals prepared by
18 the Department of Finance and Administration, letters, or summarized oral
19 testimony in the official minutes of the Arkansas Legislative Council or
20 Joint Budget Committee which relate to its passage and adoption.

21
22 SECTION 34. EMERGENCY CLAUSE. It is found and determined by the General
23 Assembly, that the Constitution of the State of Arkansas prohibits the
24 appropriation of funds for more than a one (1) year period; that the
25 effectiveness of this Act on July 1, 2009 is essential to the operation of
26 the agency for which the appropriations in this Act are provided, and that in
27 the event of an extension of the Regular Session, the delay in the effective
28 date of this Act beyond July 1, 2009 could work irreparable harm upon the
29 proper administration and provision of essential governmental programs.
30 Therefore, an emergency is hereby declared to exist and this Act being
31 necessary for the immediate preservation of the public peace, health and
32 safety shall be in full force and effect from and after July 1, 2009.

33
34 /s/ Joint Budget Committee

35
36 **APPROVED: 4/9/2009**