

Stricken language will be deleted and underlined language will be added.
Act 246 of the Fiscal Session

1 State of Arkansas *As Engrossed: S2/22/12 S2/27/12*

2 88th General Assembly

A Bill

3 Fiscal Session, 2012

SENATE BILL 52

4

5 By: Joint Budget Committee

6

7

For An Act To Be Entitled

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

12

13

14

Subtitle

15

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

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

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

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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	

18

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.

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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:

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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>\$24,007,159</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>\$765,142</u>

31

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
<u>NO.</u>	<u>2012-2013</u>
(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>

11

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:

17

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2012-2013</u>
(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>

30

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:

36

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

14

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

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

23

24 SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

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

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2012-2013</u>
33	(01) REGULAR SALARIES	\$3,188,231
34	(02) EXTRA HELP	10,000
35	(03) PERSONAL SERVICES MATCHING	994,710
36	(04) MAINT. & GEN. OPERATION	

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

11

12 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is
 13 hereby appropriated, to the Department of Education, to be payable from the
 14 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 15 Officer of the State, for operating expenses and grants by the Department of
 16 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 17 2013, the following:

18

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

29

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

36

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

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7 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There

8 is hereby appropriated, to the Department of Education, to be payable from

9 the cash fund deposited in the State Treasury as determined by the Chief

10 Fiscal Officer of the State, for operating expense and grants by the

11 Department of Education - Alternative Certification Program for the fiscal

12 year ending June 30, 2013, the following:

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

24

25 SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is

26 hereby appropriated, to the Department of Education, to be payable from the

27 cash fund deposited in the State Treasury as determined by the Chief Fiscal

28 Officer of the State, for grants for school education programs for fish and

29 wildlife conservation by the Department of Education - Fish and Wildlife

30 Conservation for the fiscal year ending June 30, 2013, the following:

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

35

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

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

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

15
 16 SECTION 15. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.
 17 There is hereby appropriated, to the Department of Education, to be payable
 18 from the cash fund deposited in the State Treasury as determined by the Chief
 19 Fiscal Officer of the State, for reimbursement of school districts for
 20 administrative activities that support the Arkansas Medicaid Program by the
 21 Department of Education - Medicaid Administration Claiming Program for the
 22 fiscal year ending June 30, 2013, the following:

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

27
 28 SECTION 16. APPROPRIATION - PULASKI COUNTY DESEGREGATION CASE COSTS.
 29 There is hereby appropriated, to the Department of Education, to be payable
 30 from the Department of Education Fund Account, for payment of consultants,
 31 expert witnesses, attorneys' fees, or other costs related to investigating
 32 and pursuing the end of the Pulaski County Desegregation Case by the
 33 Department of Education for the fiscal year ending June 30, 2013, the
 34 following:

36 ITEM	FISCAL YEAR
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1 from the cash fund deposited in the State Treasury as determined by the Chief
 2 Fiscal Officer of the State, for personal services and operating expenses of
 3 the Department of Education - Professional Licensure Standards Board for the
 4 fiscal year ending June 30, 2013, the following:

5	6 ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2012-2013</u>
8	(01) REGULAR SALARIES	\$440,038
9	(02) PERSONAL SERVICES MATCHING	148,814
10	(03) MAINT. & GEN. OPERATION	
11	(A) OPER. EXPENSE	326,325
12	(B) CONF. & TRAVEL	10,000
13	(C) PROF. FEES	9,505
14	(D) CAP. OUTLAY	0
15	(E) DATA PROC.	<u>0</u>
16	TOTAL AMOUNT APPROPRIATED	<u><u>\$934,682</u></u>

17

18 SECTION 20. APPROPRIATION - TEACHER HOUSING DEVELOPMENT FOUNDATION -
 19 OPERATIONS. There is hereby appropriated, to the Department of Education, to
 20 be payable from the cash fund deposited in the State Treasury as determined
 21 by the Chief Fiscal Officer of the State, for personal services and operating
 22 expenses of the Department of Education - Teacher Housing Development
 23 Foundation - Operations for the fiscal year ending June 30, 2013, the
 24 following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2012-2013</u>
28	(01) REGULAR SALARIES	\$65,000
29	(02) PERSONAL SERVICES MATCHING	19,098
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	25,000
32	(B) CONF. & TRAVEL	0
33	(C) PROF. FEES	10,000
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(04) TEACHER GRANTS AND AID	<u>100,000</u>

1 TOTAL AMOUNT APPROPRIATED \$219,098

2
3 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
5 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,
6 Federal Flood Control Funds, or any similar turnback funds in the State
7 Treasury for which the eligible county and/or school district cannot be
8 identified may be transferred to the Department of Education Public School
9 Fund Account and used for any lawful school purpose.

10 The provisions of this section shall be in effect only from July 1,
11 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

12
13 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
15 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
16 balances or any law to the contrary, any funds which remain in the Department
17 of Education Fund Account at the end of a fiscal year shall remain in the
18 Department of Education Fund Account and made available to fund appropriation
19 authorized by law and made payable from the Department of Education Fund
20 Account for the following fiscal year.

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

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

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

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

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

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

9

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

29

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

33 (a) To address needs emerging from statewide education issues and the
34 necessity of recruiting and retaining qualified personnel, the Arkansas
35 Department of Education or its successor agency is authorized for the ~~2010-~~
36 ~~2011~~ 2012-2013 fiscal year a pool of no more than five (5) non-classified

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

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

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

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

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

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

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

15 The provisions of this section shall be in effect only from July 1,
16 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

17
18 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
20 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
21 the Department of Education that a reduction in the amount of available
22 appropriation within the Department of Education Fund Account is required
23 from the amount appropriated, the reduction in the available appropriation
24 from the full amount appropriated for the Arkansas Leadership Academy shall
25 be limited to the average percentage reduction in the other appropriations to
26 the Department of Education from the Department of Education Fund Account.

27 The provisions of this section shall be in effect only from July 1,
28 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

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

1 The provisions of this section shall be in effect only from July 1,
2 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

3
4 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
6 COUNTY DESEGREGATION CASE COSTS FUND TRANSFER - PUBLIC SCHOOL FUND.

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

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

20 The provisions of this section shall be in effect only from July 1,
21 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

22
23 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
25 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
26 public schools, or for abortion services. Funds shall be expended in
27 accordance with Arkansas Code Annotated § 6-18-703.

28 The provisions of this section shall be in effect only from July 1,
29 ~~2010~~ 2012 through June 30, ~~2011~~ 2013.

30
31 *SECTION 29. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED*
32 *SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND TRANSFER. On July 1,*
33 *2012 or as soon thereafter as is practical, the Chief Fiscal Officer shall*
34 *transfer on his or her books and those of the State Treasurer and Auditor of*
35 *State the sum of three hundred fifty thousand dollars (\$350,000) from the*
36 *Property Tax Relief Trust Fund to the Department of Education Public School*

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

3 The provisions of this section shall be in effect only from July 1,
4 2012 through June 30, 2013.

5
6 SECTION 30. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
7 authorized by this act shall be limited to the appropriation for such agency
8 and funds made available by law for the support of such appropriations; and
9 the restrictions of the State Procurement Law, the General Accounting and
10 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
11 Procedures and Restrictions Act, or their successors, and other fiscal
12 control laws of this State, where applicable, and regulations promulgated by
13 the Department of Finance and Administration, as authorized by law, shall be
14 strictly complied with in disbursement of said funds.

15
16 SECTION 31. LEGISLATIVE INTENT. It is the intent of the General
17 Assembly that any funds disbursed under the authority of the appropriations
18 contained in this act shall be in compliance with the stated reasons for
19 which this act was adopted, as evidenced by the Agency Requests, Executive
20 Recommendations and Legislative Recommendations contained in the budget
21 manuals prepared by the Department of Finance and Administration, letters, or
22 summarized oral testimony in the official minutes of the Arkansas Legislative
23 Council or Joint Budget Committee which relate to its passage and adoption.

24
25 SECTION 32. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

30
31 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the
32 General Assembly, that the Constitution of the State of Arkansas prohibits
33 the appropriation of funds for more than a one (1) year period; that the
34 effectiveness of this Act on July 1, 2012 is essential to the operation of
35 the agency for which the appropriations in this Act are provided, and that in
36 the event of an extension of the legislative session, the delay in the

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

6
7 */s/Joint Budget Committee*

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10 **APPROVED: 03/02/2012**
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