

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.

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

A Bill

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 AN ACT FOR THE DEPARTMENT OF EDUCATION
16 APPROPRIATION FOR THE 2009-2010 FISCAL
17 YEAR.
18
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
36
Maximum Annual
Maximum Salary Rate



1	Item	Class		No. of	Fiscal Year
2	No.	Code	Title	Employees	2009-2010
3	(1)	U033U	COMMISSIONER OF EDUCATION	1	\$227,876
4	(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	\$139,636
5	(3)	N005N	ADE ASST COMM LEARNING SERVICES	1	GRADE N912
6	(4)	N006N	ADE ASST COMM PUBLIC SCHOOL ACCT	1	GRADE N912
7	(5)	G001N	ADE LITIGATION ATTORNEY	1	GRADE N912
8	(6)	N009N	ASST COMM FISCAL & ADMIN SERVICES	1	GRADE N912
9	(7)	N010N	ASST COMMISSIONER HUMAN RESOURCES	1	GRADE N912
10	(8)	N008N	ASST COMM RESEARCH & TECHNOLOGY	1	GRADE N912
11	(9)	N069N	ADE SPECIAL ADVISOR	1	GRADE N908
12	(10)	N068N	ADE SPECIAL ASST TO COMMISSIONER	1	GRADE N908
13	(11)	E003N	ADE COORD SCH. IMP / STANDARDS ASSU	1	GRADE N905
14	(12)	E002N	ADE COORDINATOR OF SPECIAL PROJECTS	1	GRADE N905
15	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
16	(14)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
17	(15)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
18	(16)	N160N	TEACHER HOUSING DEVELOP CMSN DIR	1	GRADE N901
19	(17)	A008C	ADE FINANCE DIVISION MANAGER	1	GRADE C129
20	(18)	G006C	ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE C129
21	(19)	G012C	ADE ASSISTANT TO DIRECTOR	1	GRADE C128
22	(20)	A010C	AGENCY CONTROLLER II	1	GRADE C128
23	(21)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
24	(22)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	12	GRADE C126
25	(23)	R009C	ADE BUDGET MANAGER	1	GRADE C125
26	(24)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
27	(25)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
28	(26)	G075C	ADE PROGRAM ADMINISTRATOR	1	GRADE C124
29	(27)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
30	(28)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
31	(29)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	27	GRADE C123
32	(30)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
33	(31)	D047C	INFORMATION SYSTEMS BUS ANALYST	2	GRADE C122
34	(32)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	131	GRADE C122
35	(33)	D044C	SYSTEMS ANALYST	3	GRADE C122
36	(34)	A052C	ACCOUNTING COORDINATOR	5	GRADE C121

1	(35)	G109C	GRANTS MANAGER	2	GRADE C121
2	(36)	L035C	NUTRITIONIST CONSULTANT	8	GRADE C121
3	(37)	R014C	PERSONNEL MANAGER	1	GRADE C121
4	(38)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
5	(39)	A060C	SENIOR AUDITOR	1	GRADE C119
6	(40)	A074C	FISCAL SUPPORT SUPERVISOR	2	GRADE C118
7	(41)	D064C	WEBSITE DEVELOPER	1	GRADE C118
8	(42)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
9	(43)	D068C	INFORMATION SYSTEMS ANALYST	1	GRADE C117
10	(44)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
11	(45)	P020C	PRODUCTION ARTIST	1	GRADE C117
12	(46)	A089C	ACCOUNTANT I	2	GRADE C116
13	(47)	V014C	BUYER	1	GRADE C116
14	(48)	C037C	ADMINISTRATIVE ANALYST	17	GRADE C115
15	(49)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
16	(50)	A091C	FISCAL SUPPORT ANALYST	6	GRADE C115
17	(51)	S033C	MAINTENANCE SUPERVISOR	2	GRADE C115
18	(52)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
19	(53)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
20	(54)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
21	(55)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
22	(56)	C056C	ADMINISTRATIVE SPECIALIST III	39	GRADE C112
23	(57)	A098C	FISCAL SUPPORT SPECIALIST	2	GRADE C112
24	(58)	C073C	ADMINISTRATIVE SPECIALIST II	39	GRADE C109
25	(59)	C087C	ADMINISTRATIVE SPECIALIST I	<u>4</u>	GRADE C106
26			MAX. NO. OF EMPLOYEES	350	

27

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

35

36 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,

1 to the Department of Education, to be payable from the Department of
 2 Education Fund Account, for personal services and operating expenses of the
 3 Department of Education - State Operations for the fiscal year ending June
 4 30, 2010, the following:

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

21
 22 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby
 23 appropriated, to the Department of Education, to be payable from the federal
 24 funds as designated by the Chief Fiscal Officer of the State, for personal
 25 services and operating expenses of the Department of Education - Federal
 26 Grants Administration for the fiscal year ending June 30, 2010, the
 27 following:

29 ITEM	FISCAL YEAR
30 <u>NO.</u>	<u>2009-2010</u>
31 (01) REGULAR SALARIES	\$ 523,207
32 (02) PERSONAL SERVICES MATCHING	159,384
33 (03) MAINT. & GEN. OPERATION	
34 (A) OPER. EXPENSE	49,970
35 (B) CONF. & TRAVEL	19,672
36 (C) PROF. FEES	60,000

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

4

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

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

19

20

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

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

1	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,173,851</u>

3
 4 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 5 appropriated, to the Department of Education, to be payable from the federal
 6 funds as designated by the Chief Fiscal Officer of the State, for personal
 7 services and operating expenses of the Department of Education - Child
 8 Nutrition Program for the fiscal year ending June 30, 2010, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2009-2010</u>
12	(01) REGULAR SALARIES	\$ 595,191
13	(02) PERSONAL SERVICES MATCHING	205,598
14	(03) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	647,600
16	(B) CONF. & TRAVEL	52,600
17	(C) PROF. FEES	156,400
18	(D) CAP. OUTLAY	40,000
19	(E) DATA PROC.	0
20	(04) SCHOOL FOOD SERVICE/NUTRITION ED	165,168,000
21	(05) REFUNDS/REIMBURSEMENTS	<u>399,600</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 167,264,989</u>

23
 24 SECTION 8. APPROPRIATION - FEDERAL TURNBACK PROGRAM. There is hereby
 25 appropriated, to the Department of Education, to be payable from the federal
 26 funds as designated by the Chief Fiscal Officer of the State, for federal
 27 turnback to school districts by the Department of Education for the fiscal
 28 year ending June 30, 2010, the following:

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2009-2010</u>
32	(01) FEDERAL TURNBACK	<u>\$ 13,000,000</u>

33
 34 SECTION 9. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There
 35 is hereby authorized, for the Department of Education - Federal Elementary
 36 and Secondary Education for the 2009-2010 fiscal year, the following maximum

1 number of part-time or temporary employees, to be known as "Extra Help",
 2 payable from funds appropriated herein for such purposes: four (4) temporary
 3 or part-time employees, when needed, at rates of pay not to exceed those
 4 provided in the Uniform Classification and Compensation Act, or its
 5 successor, or this act for the appropriate classification.

6

7 SECTION 10. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

8 There is hereby appropriated, to the Department of Education, to be payable
 9 from the federal funds as designated by the Chief Fiscal Officer of the
 10 State, for personal services and operating expenses of the Department of
 11 Education - Federal Elementary and Secondary Education for the fiscal year
 12 ending June 30, 2010, the following:

13

14 ITEM	FISCAL YEAR
15 <u>NO.</u>	<u>2009-2010</u>
16 (01) REGULAR SALARIES	\$ 2,915,368
17 (02) EXTRA HELP	10,000
18 (03) PERSONAL SERVICES MATCHING	949,314
19 (04) MAINT. & GEN. OPERATION	
20 (A) OPER. EXPENSE	3,475,900
21 (B) CONF. & TRAVEL	710,500
22 (C) PROF. FEES	18,351,105
23 (D) CAP. OUTLAY	160,000
24 (E) DATA PROC.	0
25 (05) ENTITLEMENT GRANT PROGRAMS	496,095,368
26 (06) REFUNDS/REIMBURSEMENTS	<u>1,110,000</u>
27 TOTAL AMOUNT APPROPRIATED	<u>\$ 523,777,555</u>

28

29 SECTION 11. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is hereby
 30 appropriated, to the Department of Education, to be payable from the cash
 31 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 - Multiple Grant Award Program for the fiscal year ending June 30,
 34 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	\$ 122,000
4	(B) CONF. & TRAVEL	16,500
5	(C) PROF. FEES	40,000
6	(D) CAP. OUTLAY	10,000
7	(E) DATA PROC.	0
8	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,636,375</u>

10

11 SECTION 12. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. 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 Medicaid reimbursement and administration of the
 15 Department of Education - Medicaid Reimbursement Program for the fiscal year
 16 ending June 30, 2010, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2009-2010</u>
20	(01) REFUNDS/REIMBURSEMENTS	\$ 5,000,000
21	(02) MEDICAID ADMIN	<u>10,500</u>
22	TOTAL AMOUNT APPROPRIATED	<u>\$ 5,010,500</u>

23

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

30

31	ITEM	FISCAL YEAR
32	<u>NO.</u>	<u>2009-2010</u>
33	(01) MAINT. & GEN. OPERATION	
34	(A) OPER. EXPENSE	\$ 515,292
35	(B) CONF. & TRAVEL	8,500
36	(C) PROF. FEES	125,420

1	(D) CAP. OUTLAY	0
2	(E) DATA PROC.	0
3	(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,349,212</u>

5

6 SECTION 14. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is

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

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

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

10 wildlife conservation of the Department of Education - Fish And Wildlife

11 Conservation for the fiscal year ending June 30, 2010, the following:

12		
13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2009-2010</u>
15	(01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$ 800,000</u>

16

17 SECTION 15. APPROPRIATION - CONFERENCES. There is hereby appropriated, to

18 the Department of Education, to be payable from the cash fund deposited in

19 the State Treasury as determined by the Chief Fiscal Officer of the State,

20 for operating expenses of conferences sponsored by the Department of

21 Education for the fiscal year ending June 30, 2010, the following:

22		
23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2009-2010</u>
25	(01) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	\$ 400,000
27	(B) CONF. & TRAVEL	25,000
28	(C) PROF. FEES	50,000
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	<u>0</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 475,000</u>

32

33 SECTION 16. APPROPRIATION - SCHOOL DISTRICT MILLAGE ROLLBACK COMPENSATION.

34 There is hereby appropriated, to the Department of Education, to be payable

35 from the Property Tax Relief Trust Fund, to compensate various school

36 districts for Amendment 79 millage rollback by the Department of Education

1 for the fiscal year ending June 30, 2010, the following:

2

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

7

8 SECTION 17. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.

9 There is hereby appropriated, to the Department of Education, to be payable
10 from the cash fund deposited in the State Treasury as determined by the Chief
11 Fiscal Officer of the State, for reimbursement of school districts for
12 administrative activities that support the Arkansas Medicaid Program of the
13 Department of Education - Medicaid Administration Claiming Program for the
14 fiscal year ending June 30, 2010, the following:

15

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

19

20 SECTION 18. APPROPRIATION - PULASKI COUNTY DESEGREGATION CASE COSTS. There
21 is hereby appropriated, to the Department of Education, to be payable from
22 the Department of Education Fund Account, for payment of consultants, expert
23 witnesses, attorneys' fees, or other costs related to investigating and
24 pursuing the end of the Pulaski County Desegregation Case of the Department
25 of Education for the fiscal year ending June 30, 2010, the following:

26

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

31

32 SECTION 19. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
33 appropriated, to the Department of Education, to be payable from the School-
34 Age Children Eye and Vision Care Fund, for operating expenses and costs
35 incurred in studying, evaluating vision needs, screening vision programs, the
36 development of a strategic statewide plan, and associated expenses for eye

1 and vision care of school age children in Arkansas for the fiscal year ending
 2 June 30, 2010, the following:

3

4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2009-2010</u>
6	(01) VARIOUS OPERATING EXPENSES FOR VISION	
7	SCREENING AND CARE	<u>\$ 1,000,000</u>

8

9 SECTION 20. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

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

21

22				Maximum Annual
23			Maximum	Salary Rate
24	Item	Class	No. of	Fiscal Year
25	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>Employees</u>
26	(1)	X012C	EDUCATION CHIEF INVESTIGATOR	1
27	(2)	G073C	ATTORNEY	1
28	(3)	X037C	EDUCATION INVESTIGATOR	4
29	(4)	G179C	LEGAL SERVICES SPECIALIST	2
30	(5)	A089C	ACCOUNTANT I	1
31	(6)	C037C	ADMINISTRATIVE ANALYST	1
32	(7)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u>
33			MAX. NO. OF EMPLOYEES	11

34

35 SECTION 21. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD. There
 36 is hereby appropriated, to the Department of Education, to be payable from

1 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, 2010, the following:

5

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2009-2010</u>
8 (01) REGULAR SALARIES	\$ 399,549
9 (02) PERSONAL SERVICES MATCHING	142,763
10 (03) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	508,225
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>\$ 1,070,042</u>

17

18 SECTION 22. 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, 2010, the
 24 following:

25

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2009-2010</u>
28 (01) REGULAR SALARIES	\$ 71,298
29 (02) PERSONAL SERVICES MATCHING	18,448
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 \$ 224,746

2

3 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

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

23

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

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

33

34 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
36 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund

1 balances or any law to the contrary, any funds which remain in the Department
 2 of Education Fund Account at the end of a fiscal year shall remain in the
 3 Department of Education Fund Account and made available to fund appropriation
 4 authorized by law and made payable from the Department of Education Fund
 5 Account for the following fiscal year.

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

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

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

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

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

33
 34 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
 36 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the

1 General Assembly that the appropriation for the salary of the Commissioner of
 2 the Department of Education shall be the sole and exclusive authority for his
 3 or her salary. It is further the intent of the General Assembly that the
 4 Commissioner be required to devote all of his or her working time exclusively
 5 to the performance of his or her duties as Commissioner of the Department of
 6 Education. Therefore, the Commissioner of the Department of Education is
 7 hereby prohibited from accepting any additional salary from any other source
 8 (including state, federal, or private entities or persons) for the
 9 performance of his or her duties as Commissioner, and is prohibited from
 10 accepting any salary, fees or compensation from any other source (including
 11 state, federal or private entities or persons) for any other employment of
 12 any kind outside the scope of his or her duties as Commissioner, including
 13 but not limited to consulting work for any other public or private entity.
 14 This section shall not be construed to prohibit the Commissioner from
 15 accepting or receiving expense reimbursements and employee benefits as
 16 provided by State law.

17

18 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

20 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
 21 statewide education issues and the necessity of recruiting and retaining
 22 qualified personnel, the Arkansas Department of Education or its successor
 23 agency is authorized for the ~~2007-2009 biennium~~ 2009-2010 fiscal year a pool
 24 of ~~twenty five (25)~~ no more than five (5) non-classified positions at a
 25 maximum salary level not to exceed one hundred twenty-five thousand dollars
 26 (\$125,000) per year. These positions are to be used by the Department of
 27 Education in the event that the personal services needs of the Department
 28 during the ~~2007-2009 biennium~~ 2009-2010 fiscal year require additional
 29 positions, either by title or in number, that are not authorized by the
 30 General Assembly in Section 1 of this Act. These positions may also be used
 31 to properly classify positions when the Department does not have a vacant
 32 position available with the appropriate title and salary level.

33 (b) 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 ~~2007-~~
 36 ~~2009 biennium~~ 2009-2010 fiscal year a pool of twenty-five (25) classified

1 positions at up to a grade ~~twenty-six (26)~~ C130. These positions are to be
2 used by the Department of Education in the event that the personal services
3 needs of the Department during the ~~2007-2009 biennium~~ 2009-2010 fiscal year
4 require additional positions, either by classification or in number, that are
5 not authorized by the General Assembly in Section 1 of this Act. These
6 positions may also be used to properly classify positions when the Department
7 does not have a vacant position available with the appropriate title and
8 grade level.

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

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

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

26 (f) Determining the number of personnel to be employed by a state agency is
27 the prerogative of the General Assembly and is usually accomplished by
28 delineating the maximum number of personnel by identifying job titles and the
29 maximum grade or salary attached to those titles. The General Assembly has
30 determined that the Arkansas Department of Education could be operated more
31 efficiently if some flexibility is given to that agency. That flexibility is
32 being accomplished by providing a position pool in Subsections (a) and (b) of
33 this Section and since the General Assembly has granted the agency broad
34 powers under the growth pool concept, it is both necessary and appropriate
35 that the General Assembly maintain oversight of the utilization of the
36 position pool by requiring review of the Legislative Council in the

1 utilization of the position pool. Therefore, the requirement of review by the
 2 Legislative Council is not a severable part of this section. If the
 3 requirement of review by the Legislative Council is ruled unconstitutional by
 4 a court of competent jurisdiction, this entire section is void.

5 The provisions of this section shall be in effect only from July 1, 2007
 6 2009 through June 30, ~~2009~~ 2010.

7
 8 SECTION 28. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
 10 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
 11 the Department of Education that a reduction in the amount of available
 12 appropriation within the Department of Education Fund Account is required
 13 from the amount appropriated, the reduction in the available appropriation
 14 from the full amount appropriated for the Arkansas Leadership Academy shall
 15 be limited to the average percentage reduction in the other appropriations to
 16 the Department of Education from the Department of Education Fund Account.

17 The provisions of this section shall be in effect only from July 1, 2007
 18 2009 through June 30, ~~2009~~ 2010.

19
 20 SECTION 29. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 22 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
 23 line item in Section 3 of this Act shall be used for the School Support
 24 Program which will provide support to schools or school districts designated
 25 by the Department of Education as being in school improvement status and to
 26 provide for general operations of the Leadership Academy.

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

29
 30 SECTION 30. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
 32 COUNTY DESEGREGATION CASE COSTS FUND TRANSFER - PUBLIC SCHOOL FUND.
 33 ~~Immediately upon the effective date of this Act, the Chief Fiscal Officer of~~
 34 ~~the State shall transfer on his or her books and those of the State Treasurer~~
 35 ~~and the Auditor of the State the sum of seven hundred fifty thousand dollars~~
 36 ~~(\$750,000) from the Department of Education Public School Fund Account to the~~

1 Department of Education Fund Account to provide funds for the appropriation
 2 authorized in this Act for Pulaski County Desegregation Case Costs. On July
 3 1, 2007 the Chief Fiscal Officer of the State may transfer to the Department
 4 of Education Public School Fund Account an amount not to exceed seven hundred
 5 fifty thousand dollars (\$750,000) from the Budget Stabilization Trust Fund if
 6 the Department of Education Public School Fund Account balance is less than
 7 twenty million dollars (\$20,000,000) on July 1, 2007.

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

17 No portion of ~~the seven hundred fifty thousand dollars (\$750,000)~~
 18 ~~transferred by this Section to the Department of Education Fund Account for~~
 19 ~~Pulaski County Desegregation Case Coasts~~ these retained funds shall be
 20 expended by the Department of Education without certification by the
 21 Commissioner of the Department of Education to the Chief Fiscal Officer of
 22 the State and prior approval by the Chief Fiscal Officer of the State.

23 The provisions of this section shall be in effect only from July 1,
 24 2007 2009 through June 30, 2009 2010.

25
 26 SECTION 31. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 27 by this act shall be limited to the appropriation for such agency and funds
 28 made available by law for the support of such appropriations; and the
 29 restrictions of the State Procurement Law, the General Accounting and
 30 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 31 Procedures and Restrictions Act, or their successors, and other fiscal
 32 control laws of this State, where applicable, and regulations promulgated by
 33 the Department of Finance and Administration, as authorized by law, shall be
 34 strictly complied with in disbursement of said funds.

35
 36 SECTION 32. LEGISLATIVE INTENT. It is the intent of the General Assembly

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

8
9 SECTION 33. EMERGENCY CLAUSE. It is found and determined by the General
10 Assembly, that the Constitution of the State of Arkansas prohibits the
11 appropriation of funds for more than a one (1) year period; that the
12 effectiveness of this Act on July 1, 2009 is essential to the operation of
13 the agency for which the appropriations in this Act are provided, and that in
14 the event of an extension of the Regular Session, the delay in the effective
15 date of this Act beyond July 1, 2009 could work irreparable harm upon the
16 proper administration and provision of essential governmental programs.
17 Therefore, an emergency is hereby declared to exist and this Act being
18 necessary for the immediate preservation of the public peace, health and
19 safety shall be in full force and effect from and after July 1, 2009.

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