

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  
4

*As Engrossed: S3/26/09*  
**A Bill**

SENATE BILL 290

5 By: Joint Budget Committee  
6  
7

**For An Act To Be Entitled**

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 Maximum Annual  
36 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)	<i>E060C</i>	<i>ED ASSOCIATE DIR CHILD NUTRITION</i>	<i>1</i>	<i>GRADE C129</i>
22	(20)	<i>G012C</i>	<i>ADE ASSISTANT TO COMMISSIONER</i>	<i>1</i>	<i>GRADE C129</i>
23	(21)	A010C	AGENCY CONTROLLER II	1	GRADE C128
24	(22)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
25	(23)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	13	GRADE C126
26	(24)	R009C	ADE BUDGET MANAGER	1	GRADE C125
27	(25)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
28	(26)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
29	(27)	G075C	ADE PROGRAM ADMINISTRATOR	1	GRADE C124
30	(28)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
31	(29)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
32	(30)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	28	GRADE C123
33	(31)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
34	(32)	D047C	INFORMATION SYSTEMS BUS ANALYST	2	GRADE C122
35	(33)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	131	GRADE C122
36	(34)	D044C	SYSTEMS ANALYST	3	GRADE C122

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

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

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

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

27	ITEM	FISCAL YEAR
28	<u>NO.</u>	<u>2009-2010</u>
29	(01) REGULAR SALARIES	\$ 97,421
30	(02) PERSONAL SERVICES MATCHING	36,430
31	(03) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	27,500
33	(B) CONF. & TRAVEL	2,500
34	(C) PROF. FEES	10,000
35	(D) CAP. OUTLAY	0
36	(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	\$ 706,261
13	(02) PERSONAL SERVICES MATCHING	238,656
14	(03) MAINT. & GEN. OPERATION	
15	(A) OPER. EXPENSE	672,100
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	399,600
22	(06) AMERICAN RECOVERY AND	
23	REINVESTMENT ACT OF 2009	<u>1,250,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 168,683,617</u>

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

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

35  
 36 SECTION 9. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There

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

8

## 9 SECTION 10. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

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

15

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

32

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

1 Education - Multiple Grant Award Program for the fiscal year ending June 30,  
 2 2010, the following:

3

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

14

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

21

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

27

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

34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2009-2010</u>



1	(01) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	\$	515,292
3	(B) CONF. & TRAVEL		8,500
4	(C) PROF. FEES		125,420
5	(D) CAP. OUTLAY		0
6	(E) DATA PROC.		0
7	(02) ALT. CERT. PROG. GRANTS AND AID		<u>700,000</u>
8	TOTAL AMOUNT APPROPRIATED	\$	<u>1,349,212</u>

9

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

16

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

20

21 SECTION 15. APPROPRIATION - CONFERENCES. There is hereby appropriated, to  
 22 the Department of Education, to be payable from the cash fund deposited in  
 23 the State Treasury as determined by the Chief Fiscal Officer of the State,  
 24 for operating expenses of conferences sponsored by the Department of  
 25 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) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	\$ 400,000
31	(B) CONF. & TRAVEL	25,000
32	(C) PROF. FEES	50,000
33	(D) CAP. OUTLAY	0
34	(E) DATA PROC.	<u>0</u>
35	TOTAL AMOUNT APPROPRIATED	<u>\$ 475,000</u>

36

## 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>

SECTION 19. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby

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

7		
8	ITEM	FISCAL YEAR
9	<u>NO.</u>	<u>2009-2010</u>
10	(01) VARIOUS OPERATING EXPENSES FOR VISION	
11	SCREENING AND CARE	\$ <u>1,000,000</u>
12		

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

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

25				
26				Maximum Annual
27			Maximum	Salary Rate
28	Item	Class	No. of	Fiscal Year
29	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>2009-2010</u>
30	(1)	X012C	EDUCATION CHIEF INVESTIGATOR	1 GRADE C125
31	(2)	G073C	ATTORNEY	1 GRADE C124
32	(3)	X037C	EDUCATION INVESTIGATOR	4 GRADE C121
33	(4)	G179C	LEGAL SERVICES SPECIALIST	2 GRADE C117
34	(5)	A089C	ACCOUNTANT I	1 GRADE C116
35	(6)	C037C	ADMINISTRATIVE ANALYST	1 GRADE C115
36	(7)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE C112

1 MAX. NO. OF EMPLOYEES 11

2

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

9

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

21

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

29

30 ITEM	FISCAL YEAR
31 NO.	2009-2010
32 (01) REGULAR SALARIES	\$ 71,298
33 (02) PERSONAL SERVICES MATCHING	18,448
34 (03) MAINT. & GEN. OPERATION	
35 (A) OPER. EXPENSE	25,000
36 (B) CONF. & TRAVEL	0

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

6

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

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

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

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

27

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

35 The provisions of this section shall be in effect only from July 1, ~~2007~~  
36 2009 through June 30, ~~2009~~ 2010.

1

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

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

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

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

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

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

1  
2 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF  
4 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the  
5 General Assembly that the appropriation for the salary of the Commissioner of  
6 the Department of Education shall be the sole and exclusive authority for his  
7 or her salary. It is further the intent of the General Assembly that the  
8 Commissioner be required to devote all of his or her working time exclusively  
9 to the performance of his or her duties as Commissioner of the Department of  
10 Education. Therefore, the Commissioner of the Department of Education is  
11 hereby prohibited from accepting any additional salary from any other source  
12 (including state, federal, or private entities or persons) for the  
13 performance of his or her duties as Commissioner, and is prohibited from  
14 accepting any salary, fees or compensation from any other source (including  
15 state, federal or private entities or persons) for any other employment of  
16 any kind outside the scope of his or her duties as Commissioner, including  
17 but not limited to consulting work for any other public or private entity.  
18 This section shall not be construed to prohibit the Commissioner from  
19 accepting or receiving expense reimbursements and employee benefits as  
20 provided by State law.

21  
22 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
24 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from  
25 statewide education issues and the necessity of recruiting and retaining  
26 qualified personnel, the Arkansas Department of Education or its successor  
27 agency is authorized for the ~~2007-2009 biennium~~ 2009-2010 fiscal year a pool  
28 of ~~twenty five (25)~~ no more than five (5) non-classified positions at a  
29 maximum salary level not to exceed one hundred twenty-five thousand dollars  
30 (\$125,000) per year. These positions are to be used by the Department of  
31 Education in the event that the personal services needs of the Department  
32 during the ~~2007-2009 biennium~~ 2009-2010 fiscal year require additional  
33 positions, either by title or in number, that are not authorized by the  
34 General Assembly in Section 1 of this Act. These positions may also be used  
35 to properly classify positions when the Department does not have a vacant  
36 position available with the appropriate title and salary level.

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

1 the Department of Finance and Administration, as authorized by law, shall be  
2 strictly complied with in disbursement of said funds.

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

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

24  
25 /s/ Joint Budget Committee  
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