

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

9

SERVICES AND OPERATING EXPENSES FOR THE

10

DEPARTMENT OF EDUCATION FOR THE FISCAL YEAR

11

ENDING JUNE 30, 2013; 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.

18

19

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

21

22 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.

25

26

Maximum Annual

27

Maximum

Salary Rate

28

Item Class

No. of

Fiscal Year

29

No. Code Title

Employees

2012-2013

30

(1) U033U COMMISSIONER OF EDUCATION

1

\$243,103

31

(2) U027U DEPUTY COMMISSIONER OF EDUCATION

1

\$148,965

32

(3) N005N ADE ASST COMMISSIONER LEARNING SVS.

1

GRADE N912

33

(4) N006N ADE ASST COMMR PUBLIC SCHOOL ACCT

1

GRADE N912

34

(5) G001N ADE LITIGATION ATTORNEY

1

GRADE N912

35

(6) N009N ASST COMMR FISCAL & ADMIN SVS.

1

GRADE N912

36

(7) N010N ASST COMMISSIONER HUMAN RESOURCES

1

GRADE N912



| | | | | | |
|----|------|-------|-------------------------------------|-----|------------|
| 1 | (8) | N008N | ASST COMMR 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.

27

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:

33

| 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> |

12

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 |
|------------------------------|------------------|
| NO. | 2012-2013 |
| (01) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | \$500,000 |
| (B) CONF. & TRAVEL | 0 |
| (C) PROF. FEES | 0 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | 0 |
| TOTAL AMOUNT APPROPRIATED | <u>\$500,000</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 |
|---------------------------------|---------------------|
| NO. | 2012-2013 |
| (01) REGULAR SALARIES | \$67,936 |
| (02) PERSONAL SERVICES MATCHING | 24,274 |
| (03) MAINT. & GEN. OPERATION | |
| (A) OPER. EXPENSE | 27,500 |
| (B) CONF. & TRAVEL | 2,500 |
| (C) PROF. FEES | 10,000 |
| (D) CAP. OUTLAY | 0 |
| (E) DATA PROC. | 0 |
| (04) LOANS TO SCHOOL DISTRICTS | <u>13,000,000</u> |
| TOTAL AMOUNT APPROPRIATED | <u>\$13,132,210</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><u>\$838,735,814</u></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><u>\$2,626,375</u></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

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

SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expense and grants by the Department of Education - Alternative Certification Program for the fiscal year ending June 30, 2013, the following:

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

SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for grants for school education programs for fish and wildlife conservation by the Department of Education - Fish and Wildlife Conservation for the fiscal year ending June 30, 2013, the following:

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

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

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 |
|---------|-------------|
|---------|-------------|

| | | | |
|---|--------------------------------------|--|------------------|
| 1 | <u>NO.</u> | | <u>2012-2013</u> |
| 2 | (01) PULASKI COUNTY DESEG CASE COSTS | | <u>\$916,621</u> |

3
 4 SECTION 17. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 5 appropriated, to the Department of Education, to be payable from the School-
 6 Age Children Eye and Vision Care Fund, for operating expenses and costs
 7 incurred in studying, evaluating vision needs, screening vision programs, the
 8 development of a strategic statewide plan, and associated expenses for eye
 9 and vision care of school-age children in Arkansas for the fiscal year ending
 10 June 30, 2013, the following:

| | | | |
|----|--|--|--------------------|
| 11 | ITEM | | FISCAL YEAR |
| 12 | <u>NO.</u> | | <u>2012-2013</u> |
| 13 | (01) VARIOUS OPERATING EXPENSES FOR VISION | | |
| 14 | SCREENING AND CARE | | <u>\$1,000,000</u> |

15
 16
 17 SECTION 18. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
 18 There is hereby established for the Department of Education - Professional
 19 Licensure Standards Board for the 2012-2013 fiscal year, the following
 20 maximum number of regular employees.

| 21 | Item | Class | | Maximum | Maximum Annual |
|----|------|-------|-------------------------------|-----------|----------------|
| 22 | 23 | 24 | 25 | No. of | Salary Rate |
| | No. | Code | Title | Employees | Fiscal Year |
| | | | | | 2012-2013 |
| 26 | (1) | X012C | EDUCATION CHIEF INVESTIGATOR | 1 | GRADE C125 |
| 27 | (2) | G073C | ATTORNEY | 1 | GRADE C124 |
| 28 | (3) | X037C | EDUCATION INVESTIGATOR | 4 | GRADE C121 |
| 29 | (4) | G179C | LEGAL SERVICES SPECIALIST | 1 | GRADE C117 |
| 30 | (5) | C037C | ADMINISTRATIVE ANALYST | 1 | GRADE C115 |
| 31 | (6) | C056C | ADMINISTRATIVE SPECIALIST III | 1 | GRADE C112 |
| 32 | (7) | C073C | ADMINISTRATIVE SPECIALIST II | <u>1</u> | GRADE C109 |
| 33 | | | MAX. NO. OF EMPLOYEES | 10 | |

34
 35 SECTION 19. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.
 36 There is hereby appropriated, to the Department of Education, to be payable

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.

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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.

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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.

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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.

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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.

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7 */s/Joint Budget Committee*
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