
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Sherri H. Breaux.

DIGEST

Requires, notwithstanding any other law to the contrary, the Dept. of Education (department) to ensure that the amount it annually expends in the salaries continuing category as defined by the accounting system for the state does not exceed the total amount actually expended by the department for the salaries in such category in effect on January 1, 2007. Provides for the state superintendent of education to make necessary personnel actions for implementation, which will not apply to the following:

- (1) Any employee who is employed under contractual arrangements which prohibits such reductions. Provides, however, for any other employee who is employed under contractual arrangements, to the extent permitted by law and the terms of the contract, the compensation is subject to a reduced amount upon renewal or extension of the contract. Further provides that, beginning on July 1, 2010, any contract entered into by BESE or the Dept. of Education must include a fiscal funding clause which provides that the continuation of a contract for employment is contingent upon the appropriation by the legislature of funds to fulfill the requirements of the contract. Provides that if the legislature fails to appropriate sufficient monies to provide for continuation of the contract, or if such appropriation is reduced by the governor's veto or by any means provided in the General Appropriations Act to prevent the total appropriation for the fiscal year from exceeding revenues for that year, or for any other lawful purpose, and the effect of such reduction is that insufficient monies are provided for the continuation of the contract, the contract will terminate on the date of the beginning of the first fiscal year for which funds are not appropriated. Requires agreement to the fiscal funding clause shall be a condition of employment.
- (2) Any employee providing direct classroom instructional services as a condition of their employment with the department.

Provides that if, during any fiscal year in order to provide for such implementation, it is necessary that the department's appropriated funds be reallocated among its budget units and programs, the state superintendent of education must submit a proposed implementation plan to the Joint Legislative Committee on the Budget for its review and approval prior to plan implementation. Provides for the plan to ensure, at a minimum, the following:

- (1) A limitation of no more than the number of authorized FTE unclassified positions that were deployed in non-instructional activities throughout the department on January 1, 2007, not including any such positions that are filled pursuant to a contractual obligation.
- (2) A limitation of no more than 15 authorized positions each earning \$100,000/per year or more annually throughout the department.

- (3) A reallocation of appropriated funds among the department's budget units and programs to be targeted for use in providing instructional supplies and materials in public school classrooms across the state.

Effective July 1, 2010.