

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.

Act 2126 of the Regular Session

1 State of Arkansas *As Engrossed: S3/7/05 S3/10/05 S3/21/05 S3/28/05 S3/31/05 S4/6/05 S4/8/05*

2 85th General Assembly

A Bill

3 Regular Session, 2005

SENATE BILL 457

4
5 By: Joint Budget Committee

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7
8 **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 BIENNIAL PERIOD
12 ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

13
14
15 **Subtitle**

16 AN ACT FOR THE DEPARTMENT OF EDUCATION
17 APPROPRIATION FOR THE 2005-2007
18 BIENNIUM.

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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 2005-2007 biennium, 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



1				Maximum	Salary Rate	
2	Item	Class		No. of	Fiscal Years	
3	No.	Code	Title	Employees	2005-2006	2006-2007
4	(1)	9945	COMMISSIONER OF EDUCATION	1	\$204,620	\$208,599
5	(2)	9952	DEPUTY COMMISSIONER OF EDUCATION	1	\$125,039	\$127,824
6	(3)	9502	ASST COMM. RESEARCH & TECHNOLOGY	1	\$88,497	\$90,728
7	(4)	9501	ASST COMM. FISCAL & ADMIN. SVCS.	1	\$88,497	\$90,728
8	(5)		ASST COMM. HUMAN RESOURCES	1	\$88,497	\$90,728
9	(6)		ASST COMM. LEARNING SERVICES	1	\$88,497	\$90,728
10	(7)		DIRECTOR, DIV OF PS ACCOUNTABILITY	1	\$88,497	\$90,728
11	(8)	9277	ADE LITIGATION ATTORNEY	1	\$81,617	\$83,717
12	(9)	9039	ED DIRECTOR OF COMMUNICATIONS	1	\$65,000	\$66,785
13	(10)	213Z	ED LEAD PLNR FOR DESEGREG MONITOR	1		GRADE 26
14	(11)	216Z	ED ASSOC DIR FOR SPECIAL EDUCATION	1		GRADE 26
15	(12)	217Z	ASSOC DIR STUDENT SUPPORT SERVICES	1		GRADE 26
16	(13)	221Z	ED ASSOC DIR FINANCE	1		GRADE 26
17	(14)	031Z	ED LEGAL ASST TO DIRECTOR	1		GRADE 26
18	(15)	R005	ED ASSISTANT TO DIRECTOR	1		GRADE 26
19	(16)	R170	ATTORNEY SPECIALIST	2		GRADE 25
20	(17)	A046	AGENCY CONTROLLER	1		GRADE 25
21	(18)	066Z	EDUCATION COMMUNICATION MGR	1		GRADE 24
22	(19)	R036	ATTORNEY	1		GRADE 24
23	(20)	R069	ED STATISTICAL ANALYST & RESEARCHER	1		GRADE 24
24	(21)	R135	ED COORD RESEARCH & STATISTICS	1		GRADE 24
25	(22)	R063	EDUCATION CURRICULUM SUPERVISOR	3		GRADE 23
26	(23)	R067	EDUCATION RESEARCH SPECIALIST	1		GRADE 23
27	(24)	E032	ED ACCOUNTABILITY PROGRAM COORD	1		GRADE 23
28	(25)	055Z	DP MANAGER	1		GRADE 23
29	(26)	237Z	ED COORD SPECIAL EDUCATION	1		GRADE 23
30	(27)	238Z	ED COORD TEACHER EDUC, CERT & TEST	1		GRADE 23
31	(28)	836Z	COORDINATOR OF CHAPTER II	1		GRADE 23
32	(29)	227Z	ED COORD CHAPTER I PROGRAMS	1		GRADE 23
33	(30)	233Z	ED DIR CHILD NUTRITION PROGRAMS	1		GRADE 23
34	(31)	D080	APPLICATIONS & SYSTEMS MANAGER	1		GRADE 23
35	(32)	D124	LEAD PROGRAMMER/ANALYST	1		GRADE 22
36	(33)	A047	GENERAL FINANCE COORDINATOR	4		GRADE 22

1	(34)	235Z	ED COORD SCHOOL PLANT SERVICES	1	GRADE 22
2	(35)	062Z	ED PERSONNEL MANAGER	1	GRADE 22
3	(36)	909Z	PROGRAM SUPPORT MANAGER	26	GRADE 22
4	(37)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22
5	(38)	R031	ED SUPERVISOR MIGRANT EDUCATION	1	GRADE 22
6	(39)	V042	GENERAL SERVICES MANAGER	1	GRADE 22
7	(40)	R288	PUBLIC SCHOOL ADMIN ADVISOR	53	GRADE 21
8	(41)	R290	PUBLIC SCHOOL PROGRAM ADVISOR	73	GRADE 21
9	(42)	R028	ED PROGRAM ANALYST	12	GRADE 21
10	(43)	A008	ACCOUNTING SUPERVISOR II	3	GRADE 21
11	(44)	E028	ED PROGRAM ADMINISTRATOR	4	GRADE 21
12	(45)	D123	APPLICATIONS & SYSTEMS ANALYST	5	GRADE 21
13	(46)	D036	SR PROGRAMMER/ANALYST	2	GRADE 21
14	(47)	A056	INTERNAL AUDITOR	1	GRADE 20
15	(48)	E035	ADE FINANCIAL ANALYST	4	GRADE 20
16	(49)	V005	ED SUPERVISOR SPECIAL SERVICES	1	GRADE 20
17	(50)	R266	MANAGEMENT PROJECT ANALYST II	7	GRADE 20
18	(51)	R133	AGENCY DIRECTOR RESEARCH & STATS	2	GRADE 20
19	(52)	R168	GRANTS COORDINATOR II	3	GRADE 19
20	(53)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19
21	(54)	R030	ASST PERSONNEL MANAGER	1	GRADE 19
22	(55)	A110	ACCOUNTANT II	5	GRADE 19
23	(56)	A111	ACCOUNTANT	2	GRADE 18
24	(57)	E072	TRAINING INSTRUCTOR	1	GRADE 18
25	(58)	G028	BLDG PLANT MAINTENANCE SUPV II	2	GRADE 18
26	(59)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
27	(60)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
28	(61)	R190	PERSONNEL OFFICER II	1	GRADE 17
29	(62)	R010	ADMINISTRATIVE ASSISTANT II	28	GRADE 17
30	(63)	Y085	PRINTER II	1	GRADE 16
31	(64)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
32	(65)	K105	REPROD EQUIPMENT OPERATOR SUPV	1	GRADE 15
33	(66)	R009	ADMINISTRATIVE ASSISTANT I	7	GRADE 15
34	(67)	A108	ACCOUNTING TECHNICIAN II	5	GRADE 15
35	(68)	A063	PAYROLL OFFICER	1	GRADE 15
36	(69)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14

1	(70)	K153	SECRETARY II	41	GRADE 13
2	(71)	D003	COMPUTER OPERATOR I	1	GRADE 13
3	(72)	Y083	PRINTER I	1	GRADE 13
4	(73)	A106	ACCOUNTING TECHNICIAN I	1	GRADE 12
5	(74)	K181	MAILROOM SUPERVISOR	1	GRADE 12
6	(75)	K115	STATISTICIAN ASST II/STATISTICIAN I	2	GRADE 12
7	(76)	K039	DOCUMENT EXAMINER II	2	GRADE 12
8	(77)	K155	SECRETARY I	4	GRADE 11
9	(78)	T043	SECURITY OFFICER I	1	GRADE 11
10	(79)	K103	REPROD EQUIPMENT OPERATOR	<u>1</u>	GRADE 10
11			MAX. NO. OF EMPLOYEES	355	

12

13 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for
 14 the Department of Education - State Operations for the 2005-2007 biennium,
 15 the following maximum number of part-time or temporary employees, to be known
 16 as "Extra Help", payable from funds appropriated herein for such purposes:
 17 eight (8) temporary or part-time employees, when needed, at rates of pay not
 18 to exceed those provided in the Uniform Classification and Compensation Act,
 19 or its successor, or this act for the appropriate classification.

20

21 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 22 to the Department of Education, to be payable from the Department of
 23 Education Fund Account, for personal services and operating expenses of the
 24 Department of Education - State Operations for the biennial period ending
 25 June 30, 2007, the following:

26

27	ITEM	FISCAL YEARS	
28	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
29	(01) REGULAR SALARIES	\$ 11,507,684	\$ 11,840,689
30	(02) EXTRA HELP	14,998	14,998
31	(03) PERSONAL SERVICES MATCHING	3,508,991	3,581,257
32	(04) MAINT. & GEN. OPERATION		
33	(A) OPER. EXPENSE	2,925,404	2,925,404
34	(B) CONF. & TRAVEL	203,030	203,030
35	(C) PROF. FEES	724,800	724,800
36	(D) CAP. OUTLAY	100,000	100,000

1	(E) DATA PROC.	1,764,000	1,764,000
2	(05) READING RECOVERY	100,000	100,000
3	(06) AR LEADERSHIP ACADEMY	300,000	300,000
4	(07) COMPACT EDUC. RESEARCH & DEV.	<u>15,000</u>	<u>15,000</u>
5	TOTAL AMOUNT APPROPRIATED	<u>\$ 21,163,907</u>	<u>\$ 21,569,178</u>

6

7 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby
 8 appropriated, to the Department of Education, to be payable from the federal
 9 funds as designated by the Chief Fiscal Officer of the State, for personal
 10 services and operating expenses of the Department of Education - Federal
 11 Grants Administration for the biennial period ending June 30, 2007, the
 12 following:

13

14	ITEM	FISCAL YEARS	
15	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
16	(01) REGULAR SALARIES	\$ 380,590	\$ 391,494
17	(02) PERSONAL SERVICES MATCHING	115,265	117,632
18	(03) MAINT. & GEN. OPERATION		
19	(A) OPER. EXPENSE	49,970	49,970
20	(B) CONF. & TRAVEL	19,672	19,672
21	(C) PROF. FEES	60,000	60,000
22	(D) CAP. OUTLAY	0	0
23	(E) DATA PROC.	<u>0</u>	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 625,497</u>	<u>\$ 638,768</u>

25

26 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 27 appropriated, to the Department of Education, to be payable from the
 28 Educational Building Revenue Bond Fund, for operating expenses of the
 29 Department of Education - Building Maintenance for the biennial period ending
 30 June 30, 2007, the following:

31

32	ITEM	FISCAL YEARS	
33	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
34	(01) MAINT. & GEN. OPERATION		
35	(A) OPER. EXPENSE	\$ 500,000	\$ 500,000
36	(B) CONF. & TRAVEL	0	0

1	(C) PROF. FEES	0	0
2	(D) CAP. OUTLAY	0	0
3	(E) DATA PROC.	<u>0</u>	<u>0</u>
4	TOTAL AMOUNT APPROPRIATED	<u>\$ 500,000</u>	<u>\$ 500,000</u>

5
 6 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There is
 7 hereby appropriated, to the Department of Education, to be payable from the
 8 Education Revolving Loan Certificates Fund, for personal services and
 9 operating expenses of the Department of Education - Revolving Loan
 10 Certificates Program for the biennial period ending June 30, 2007, the
 11 following:

13	ITEM	FISCAL YEARS	
14	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
15	(01) REGULAR SALARIES	\$ 107,722	\$ 110,951
16	(02) PERSONAL SERVICES MATCHING	38,747	39,447
17	(03) MAINT. & GEN. OPERATION		
18	(A) OPER. EXPENSE	27,500	27,500
19	(B) CONF. & TRAVEL	2,500	2,500
20	(C) PROF. FEES	10,000	10,000
21	(D) CAP. OUTLAY	0	0
22	(E) DATA PROC.	0	0
23	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>	<u>13,000,000</u>
24	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,186,469</u>	<u>\$ 13,190,398</u>

25
 26 SECTION 7. APPROPRIATION - CHILD NUTRITION 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 personal
 29 services and operating expenses of the Department of Education - Child
 30 Nutrition Program for the biennial period ending June 30, 2007, the
 31 following:

33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
35	(01) REGULAR SALARIES	\$ 568,547	\$ 585,345
36	(02) PERSONAL SERVICES MATCHING	181,030	184,679

1	(03) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	393,100	393,100
3	(B) CONF. & TRAVEL	52,600	52,600
4	(C) PROF. FEES	156,400	156,400
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	0	0
7	(04) SCHOOL FOOD SERVICE/NUTRITION ED	136,400,000	148,800,000
8	(05) REFUND/REIMBURSEMENTS	<u>330,000</u>	<u>360,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$ 138,081,677</u>	<u>\$ 150,532,124</u>

10

11 SECTION 8. APPROPRIATION - FEDERAL TURNBACK PROGRAM. There is hereby
 12 appropriated, to the Department of Education, to be payable from the federal
 13 funds as designated by the Chief Fiscal Officer of the State, for federal
 14 turnback to school districts of the Department of Education - Federal
 15 Turnback Program for the biennial period ending June 30, 2007, the following:

16

17	ITEM	FISCAL YEARS	
18	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
19	(01) FEDERAL TURNBACK	<u>\$ 11,000,000</u>	<u>\$ 11,000,000</u>

20

21 SECTION 9. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There
 22 is hereby authorized, for the Department of Education - Federal Elementary
 23 and Secondary Education for the 2005-2007 biennium, the following maximum
 24 number of part-time or temporary employees, to be known as "Extra Help",
 25 payable from funds appropriated herein for such purposes: four (4) temporary
 26 or part-time employees, when needed, at rates of pay not to exceed those
 27 provided in the Uniform Classification and Compensation Act, or its
 28 successor, or this act for the appropriate classification.

29

30 SECTION 10. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.
 31 There is hereby appropriated, to the Department of Education, to be payable
 32 from the federal funds as designated by the Chief Fiscal Officer of the
 33 State, for personal services and operating expenses of the Department of
 34 Education - Federal Elementary and Secondary Education for the biennial
 35 period ending June 30, 2007, the following:

36

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 2,647,991	\$ 2,725,897
(02) EXTRA HELP	10,000	10,000
(03) PERSONAL SERVICES MATCHING	829,098	846,004
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	3,455,900	3,455,900
(B) CONF. & TRAVEL	710,500	710,500
(C) PROF. FEES	7,200,830	7,200,830
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	86,000	86,000
(05) ENTITLEMENT GRANT PROGRAMS	409,688,367	446,932,764
(06) REFUND/REIMBURSEMENTS	<u>300,000</u>	<u>300,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 424,928,686</u>	<u>\$ 462,267,895</u>

SECTION 11. APPROPRIATION - GATES FOUNDATION GRANT. 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 expenses of the Department of Education - Gates Foundation Grant for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 154,000	\$ 169,400
(B) CONF. & TRAVEL	38,500	42,350
(C) PROF. FEES	110,000	121,000
(D) CAP. OUTLAY	25,000	25,000
(E) DATA PROC.	0	0
(02) GATES FOUNDATION GRANTS	<u>412,500</u>	<u>453,750</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 740,000</u>	<u>\$ 811,500</u>

SECTION 12. APPROPRIATION - MULTIPLE GRANT AWARD. 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

1 Officer of the State, for operating expenses and grants of the Department of
 2 Education - Multiple Grant Award Program for the biennial period ending June
 3 30, 2007, the following:

4		FISCAL YEARS	
5	ITEM		
6	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
7	(01) MAINT. & GEN. OPERATION		
8	(A) OPER. EXPENSE	\$ 122,000	\$ 122,000
9	(B) CONF. & TRAVEL	16,500	16,500
10	(C) PROF. FEES	40,000	40,000
11	(D) CAP. OUTLAY	10,000	10,000
12	(E) DATA PROC.	0	0
13	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>	<u>2,447,875</u>
14	TOTAL AMOUNT APPROPRIATED	<u>\$ 2,636,375</u>	<u>\$ 2,636,375</u>

15

16 SECTION 13. APPROPRIATION - MEDICAID REIMBURSEMENT. There is hereby
 17 appropriated, to the Department of Education, to be payable from the cash
 18 fund deposited in the State Treasury as determined by the Chief Fiscal
 19 Officer of the State, for Medicaid Reimbursement and administration of the
 20 Department of Education - Medicaid Reimbursement Program for the biennial
 21 period ending June 30, 2007, the following:

22		FISCAL YEARS	
23	ITEM		
24	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
25	(01) REFUND/REIMBURSEMENTS	\$ 5,000,000	\$ 5,000,000
26	(02) MEDICAID ADMIN	<u>10,500</u>	<u>10,500</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$ 5,010,500</u>	<u>\$ 5,010,500</u>

28

29 SECTION 14. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There is
 30 hereby appropriated, to the Department of Education, to be payable from the
 31 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 32 Officer of the State, for operating expenses of the Department of Education -
 33 Alternative Certification Program for the biennial period ending June 30,
 34 2007, the following:

35		FISCAL YEARS	
36	ITEM		

NO.	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 716,100	\$ 716,100
(B) CONF. & TRAVEL	0	0
(C) PROF. FEES	32,000	32,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 748,100</u>	<u>\$ 748,100</u>

SECTION 15. 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 of the Department of Education - Fish and Wildlife Conservation for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$ 600,000</u>	<u>\$ 600,000</u>

SECTION 16. APPROPRIATION - CASH FUNDS - CONFERENCES. 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 expenses of conferences sponsored by the Department of Education for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
NO.	2005-2006	2006-2007
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 400,000	\$ 400,000
(B) CONF. & TRAVEL	25,000	25,000
(C) PROF. FEES	50,000	50,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 475,000</u>	<u>\$ 475,000</u>

SECTION 17. 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 for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) AMENDMENT 79 MILLAGE ROLLBACK COMPENSATION TO SCHOOL DISTRICTS	\$ 950,000	\$ 950,000

SECTION 18. REGULAR SALARIES - OFFICE OF ACCOUNTABILITY. There is hereby established for the Department of Education - Office of Accountability for the 2005-2007 biennium, the following maximum number of regular employees whose salaries shall be governed by the provisions of the Uniform Classification and Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all laws amendatory thereto. Provided, however, that any position to which a specific maximum annual salary is set out herein in dollars, shall be exempt from the provisions of said Uniform Classification and Compensation Act. All persons occupying positions authorized herein are hereby governed by the provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101), or its successor.

Item	Class	No. of Employees	Maximum Annual Salary Rate Fiscal Years	
			2005-2006	2006-2007
(1)	909Z PROGRAM SUPPORT MANAGER	1	GRADE 22	
(2)	R028 ED PROGRAM ANALYST	3	GRADE 21	
(3)	R010 ADMINISTRATIVE ASSISTANT II	<u>1</u>	GRADE 17	
MAX. NO. OF EMPLOYEES		5		

SECTION 19. APPROPRIATION - OFFICE OF ACCOUNTABILITY. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Public School Fund Account, for personal services and

1 operating expenses of the Department of Education - Office of Accountability
2 for the biennial period ending June 30, 2007, the following:

3		FISCAL YEARS	
4	ITEM		
5	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
6	(01) REGULAR SALARIES	\$ 199,447	\$ 205,430
7	(02) PERSONAL SERVICES MATCHING	55,845	57,520
8	(03) MAINT. & GEN. OPERATION		
9	(A) OPER. EXPENSE	23,750	23,750
10	(B) CONF. & TRAVEL	2,268	2,268
11	(C) PROF. FEES	0	0
12	(D) CAP. OUTLAY	0	0
13	(E) DATA PROC.	<u>0</u>	<u>0</u>
14	TOTAL AMOUNT APPROPRIATED	<u>\$ 281,310</u>	<u>\$ 288,968</u>

15

16 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
17 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
18 EQUALIZATION OF PERSONAL PROPERTY MILLAGE. (A) Amendment 79 of the
19 Constitution of the State of Arkansas provides that school district millage
20 must be equal for all classes of property and several school districts now
21 have unequalized millage on real and personal property. The Arkansas
22 Department of Education and the Assessment Coordination Department are hereby
23 authorized to identify those school districts which are affected by the
24 Amendment 79 provision to equalize millage and calculate the loss in revenues
25 due to the equalization of the millage. Loss in revenue shall be defined as
26 the difference between the collectable taxes calculated by multiplying the
27 current assessment times the pre-equalized mills and the current assessment
28 times post-equalized mills.

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

32 (C) Funding received by school districts pursuant to this act shall be
33 considered unrestricted revenues to those districts and shall be included in
34 the calculation of total state and local revenues of each district.

35 The provisions of this section shall be in effect only from July 1, ~~2003~~
36 2005 through June 30, ~~2005~~ 2007.

1
2 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
4 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,
5 Federal Flood Control Funds, or any similar turnback funds in the State
6 Treasury for which the eligible county and/or school district cannot be
7 identified may be transferred to the Department of Education Public School
8 Fund Account and used for any lawful school purpose.

9 The provisions of this section shall be in effect only from July 1, 2003
10 2005 through June 30, ~~2005~~ 2007.

11
12 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YEAR-END
14 FUND BALANCE. Notwithstanding any law pertaining to the transfer of year-end
15 fund balances or any law to the contrary, any funds which remain in the
16 Department of Education Fund Account at the end of a fiscal year shall remain
17 in the Department of Education Fund Account and made available to fund
18 appropriation authorized by law and made payable from the Department of
19 Education Fund Account for the following fiscal year.

20 The provisions of this section shall be in effect only from July 1, 2003
21 2005 through June 30, ~~2005~~ 2007.

22
23 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
25 THE DIRECTOR OF THE DEPARTMENT OF EDUCATION. It is the intent of the
26 General Assembly that the appropriation for the salary of the Director of the
27 Department of Education shall be the sole and exclusive authority for his or
28 her salary. It is further the intent of the General Assembly that the
29 Director be required to devote all of his or her working time exclusively to
30 the performance of his or her duties as Director of the Department of
31 Education. Therefore, the Director of the Department of Education is hereby
32 prohibited from accepting any additional salary from any other source
33 (including state, federal, or private entities or persons) for the
34 performance of his or her duties as Director, and is prohibited from
35 accepting any salary, fees or compensation from any other source (including
36 state, federal or private entities or persons) for any other employment of

1 any kind outside the scope of his or her duties as Director, including but
2 not limited to consulting work for any other public or private entity. This
3 section shall not be construed to prohibit the Director from accepting or
4 receiving expense reimbursements and employee benefits as provided by State
5 law.

6
7 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

9 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
10 statewide education issues and the necessity of recruiting and retaining
11 qualified personnel, the Arkansas Department of Education or its successor
12 agency is authorized for the 2005-2007 biennium a pool of twenty five (25)
13 non-classified positions at a maximum salary level not to exceed one hundred
14 twenty five thousand dollars (\$125,000) per year. These positions are to be
15 used by the Department of Education in the event that the personal services
16 needs of the Department during the 2005-2007 biennium require additional
17 positions, either by title or in number, that are not authorized by the
18 General Assembly in Section 1 of this Act. These positions may also be used
19 to properly classify positions when the Department does not have a vacant
20 position available with the appropriate title and salary level.

21
22 (b) To address needs emerging from statewide education issues and the
23 necessity of recruiting and retaining qualified personnel, the Arkansas
24 Department of Education or its successor agency is authorized for the 2005-
25 2007 biennium a pool of twenty five (25) classified positions at up to a
26 grade twenty six (26). 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 2005-2007 biennium require additional positions, either by
29 classification or in number, that are not authorized by the General Assembly
30 in Section 1 of this Act. These positions may also be used to properly
31 classify positions when the Department does not have a vacant position
32 available with the appropriate title and grade level.

33
34 (c) Any salary determinations or adjustments administered under the
35 provisions of Subsections (a) and (b) of this Section shall be made by
36 comparing the qualifications and salary levels of similar employees in school

1 districts or in other state education agencies.

2
3 (d) The Department of Education is authorized to access the pool positions
4 authorized in this Section at any time during the biennium when it is
5 determined by the Director that the need exists. The Director shall provide
6 a quarterly report of the justification for the need to allocate titles from
7 this growth pool to the Chief Fiscal Officer of the State and to the Arkansas
8 Legislative Council for review. The report shall also include an accounting
9 of the names, titles, and salaries of personnel whose salaries have been
10 adjusted under provisions of Subsections (a) and (b) of this Section.

11
12 (e) If the Department of Education requests continuation of any "Position
13 Pool" position(s) as established herein during the next biennium, the
14 position(s) must be requested as a new position(s) in the agency's biennial
15 budget request.

16
17 (f) Determining the number of personnel to be employed by a state agency is
18 the prerogative of the General Assembly and is usually accomplished by
19 delineating the maximum number of personnel by identifying job titles and the
20 maximum grade or salary attached to those titles. The General Assembly has
21 determined that the Arkansas Department of Education could be operated more
22 efficiently if some flexibility is given to that agency. That flexibility is
23 being accomplished by providing a position pool in Subsections (a) and (b) of
24 this Section and since the General Assembly has granted the agency broad
25 powers under the growth pool concept, it is both necessary and appropriate
26 that the General Assembly maintain oversight of the utilization of the
27 position pool by requiring review of the Legislative Council in the
28 utilization of the position pool. Therefore, the requirement of review by the
29 Legislative Council is not a severable part of this section. If the
30 requirement of review by the Legislative Council is ruled unconstitutional by
31 a court of competent jurisdiction, this entire section is void.

32 The provisions of this section shall be in effect only from July 1, 2005
33 through June 30, 2007.

34
35 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXCEPTIONS

1 TO MAXIMUM SALARY LEVELS. In order that qualified education personnel may be
 2 recruited and retained, the Department of Education may exceed the maximum
 3 salary levels set out in dollars in Section 1 of this Act by no more than
 4 twenty-five percent (25%) for the following positions authorized in Section 1
 5 of this Act:

6 9952 DEPUTY COMMISSIONER OF EDUCATION

7 9502 ASST COMMISSIONER, RESEARCH AND TECHNOLOGY

8 9501 ASST COMMISSIONER, FISCAL & ADMINISTRATIVE SERVICES

9 ASST COMMISSIONER, HUMAN RESOURCES

10 ASST COMMISSIONER, LEARNING SERVICES

11 DIRECTOR, DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY

12 9277 ADE LITIGATION ATTORNEY

13 9039 EDUCATION DIRECTOR OF COMMUNICATIONS

14
 15 Any salary adjustments administered under the provisions of this Section
 16 shall be determined by comparing the qualifications and salary levels of
 17 similar employees in school districts or in other state education agencies.
 18 The provisions of this section shall be in effect only from July 1, 2005
 19 through June 30, 2007.

20
 21 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 22 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

23 FEASIBILITY STUDY. The Department of Education shall authorize and fund a
 24 feasibility study costing up to two hundred fifty thousand dollars
 25 (\$250,000). The purpose of the study shall be to evaluate and determine
 26 whether the Pulaski County Special School District should continue in
 27 existence by specifically addressing and evaluating the following: 1) the
 28 elimination of the Pulaski County Special School District and redrawing of
 29 school district boundaries in Pulaski County to form one school district
 30 north of the Arkansas River and one district south of the Arkansas River; 2)
 31 the elimination of the Pulaski County Special School District and redrawing
 32 of school district boundaries in Pulaski County to form three districts
 33 including a Little Rock District south of the Arkansas River, a North Little
 34 Rock District north of the Arkansas River and a Jacksonville School District
 35 north of the Arkansas River; 3) whether the elimination of the Pulaski County
 36 Special School District under either option would further desegregation

1 efforts of the districts and help all districts in gaining unitary status and
2 in ending the desegregation case; and, 4) to study and propose a plan to
3 pursue the end of desegregation litigation in Pulaski County.

4 A contract shall be signed no later than October 31, 2005 and the
5 feasibility study completed no later than June 30, 2006.

6 The provisions of this section shall be in effect only from July 1, 2005
7 through June 30, 2007.

8
9 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
11 ALTERNATIVE LEARNING ACADEMY PUBLIC CHARTER SCHOOL. The appropriation
12 authorized by Act 973 of 2005 to the Department of Education for the Pulaski
13 Alternative Learning Academy Public Charter School and any General
14 Improvement Funds that may be authorized to the Department for the same
15 purpose shall first be made available by the Department of Education to the
16 Little Rock School District for allocation to the Pulaski Alternative
17 Learning Academy Public Charter School.

18 The provisions of this section shall be in effect only from July 1, 2005
19 through June 30, 2007.

20
21 SECTION 28. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
22 authorized by this act shall be limited to the appropriation for such agency
23 and funds made available by law for the support of such appropriations; and
24 the restrictions of the State Procurement Law, the General Accounting and
25 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
26 Procedures and Restrictions Act, or their successors, and other fiscal
27 control laws of this State, where applicable, and regulations promulgated by
28 the Department of Finance and Administration, as authorized by law, shall be
29 strictly complied with in disbursement of said funds.

30
31 SECTION 29. LEGISLATIVE INTENT. It is the intent of the General Assembly
32 that any funds disbursed under the authority of the appropriations contained
33 in this act shall be in compliance with the stated reasons for which this act
34 was adopted, as evidenced by the Agency Requests, Executive Recommendations
35 and Legislative Recommendations contained in the budget manuals prepared by
36 the Department of Finance and Administration, letters, or summarized oral

1 testimony in the official minutes of the Arkansas Legislative Council or
2 Joint Budget Committee which relate to its passage and adoption.

3
4 SECTION 30. EMERGENCY CLAUSE. It is found and determined by the General
5 Assembly, that the Constitution of the State of Arkansas prohibits the
6 appropriation of funds for more than a two (2) year period; that the
7 effectiveness of this Act on July 1, 2005 is essential to the operation of
8 the agency for which the appropriations in this Act are provided, and that in
9 the event of an extension of the Regular Session, the delay in the effective
10 date of this Act beyond July 1, 2005 could work irreparable harm upon the
11 proper administration and provision of essential governmental programs.
12 Therefore, an emergency is hereby declared to exist and this Act being
13 necessary for the immediate preservation of the public peace, health and
14 safety shall be in full force and effect from and after July 1, 2005.

15
16 */s/ Joint Budget Committee*

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19 *APPROVED: 4/13/2005*
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