

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 As Engrossed: S3/7/05 S3/10/05 S3/21/05 S3/28/05 S3/31/05

2 85th General Assembly

# A Bill

3 Regular Session, 2005

SENATE BILL 457

4

5 By: Joint Budget Committee

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7

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## For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL

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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.

19

20

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

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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

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§§21-5-201 et seq.), or its successor, and all laws amendatory thereto.

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Provided, however, that any position to which a specific maximum annual

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salary is set out herein in dollars, shall be exempt from the provisions of

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said Uniform Classification and Compensation Act. All persons occupying

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positions authorized herein are hereby governed by the provisions of the

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Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),

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or its successor.

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Maximum Annual

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Maximum

Salary Rate



Item	Class		No. of	Fiscal Years	
No.	Code	Title	Employees	2005-2006	2006-2007
3	(1) 9945	COMMISSIONER OF EDUCATION	1	\$204,620	\$208,599
4	(2) 9952	DEPUTY COMMISSIONER OF EDUCATION	1	\$125,039	\$127,824
5	(3) 9502	ASST COMM. RESEARCH & TECHNOLOGY	1	\$88,497	\$90,728
6	(4) 9501	ASST COMM. FISCAL & ADMIN. SVCS.	1	\$88,497	\$90,728
7	(5)	ASST COMM. HUMAN RESOURCES	1	\$88,497	\$90,728
8	(6)	ASST COMM. LEARNING SERVICES	1	\$88,497	\$90,728
9	(7)	DIRECTOR, DIV OF PS ACCOUNTABILITY	1	\$88,497	\$90,728
10	(8) 9277	ADE LITIGATION ATTORNEY	1	\$81,617	\$83,717
11	(9) 9039	ED DIRECTOR OF COMMUNICATIONS	1	\$65,000	\$66,785
12	(10) 213Z	ED LEAD PLNR FOR DESEGREG MONITOR	1	GRADE	26
13	(11) 216Z	ED ASSOC DIR FOR SPECIAL EDUCATION	1	GRADE	26
14	(12) 217Z	ASSOC DIR STUDENT SUPPORT SERVICES	1	GRADE	26
15	(13) 221Z	ED ASSOC DIR FINANCE	1	GRADE	26
16	(14) 031Z	ED LEGAL ASST TO DIRECTOR	1	GRADE	26
17	(15) R005	ED ASSISTANT TO DIRECTOR	1	GRADE	26
18	(16) R170	ATTORNEY SPECIALIST	2	GRADE	25
19	(17) A046	AGENCY CONTROLLER	1	GRADE	25
20	(18) 066Z	EDUCATION COMMUNICATION MGR	1	GRADE	24
21	(19) R036	ATTORNEY	1	GRADE	24
22	(20) R069	ED STATISTICAL ANALYST & RESEARCHER	1	GRADE	24
23	(21) R135	ED COORD RESEARCH & STATISTICS	1	GRADE	24
24	(22) R063	EDUCATION CURRICULUM SUPERVISOR	3	GRADE	23
25	(23) R067	EDUCATION RESEARCH SPECIALIST	1	GRADE	23
26	(24) E032	ED ACCOUNTABILITY PROGRAM COORD	1	GRADE	23
27	(25) 055Z	DP MANAGER	1	GRADE	23
28	(26) 237Z	ED COORD SPECIAL EDUCATION	1	GRADE	23
29	(27) 238Z	ED COORD TEACHER EDUC, CERT & TEST	1	GRADE	23
30	(28) 836Z	COORDINATOR OF CHAPTER II	1	GRADE	23
31	(29) 227Z	ED COORD CHAPTER I PROGRAMS	1	GRADE	23
32	(30) 233Z	ED DIR CHILD NUTRITION PROGRAMS	1	GRADE	23
33	(31) D080	APPLICATIONS & SYSTEMS MANAGER	1	GRADE	23
34	(32) D124	LEAD PROGRAMMER/ANALYST	1	GRADE	22
35	(33) A047	GENERAL FINANCE COORDINATOR	4	GRADE	22
36	(34) 235Z	ED COORD SCHOOL PLANT SERVICES	1	GRADE	22

1	(35)	062Z	ED PERSONNEL MANAGER	1	GRADE 22
2	(36)	909Z	PROGRAM SUPPORT MANAGER	26	GRADE 22
3	(37)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22
4	(38)	R031	ED SUPERVISOR MIGRANT EDUCATION	1	GRADE 22
5	(39)	V042	GENERAL SERVICES MANAGER	1	GRADE 22
6	(40)	R288	PUBLIC SCHOOL ADMIN ADVISOR	53	GRADE 21
7	(41)	R290	PUBLIC SCHOOL PROGRAM ADVISOR	73	GRADE 21
8	(42)	R028	ED PROGRAM ANALYST	12	GRADE 21
9	(43)	A008	ACCOUNTING SUPERVISOR II	3	GRADE 21
10	(44)	E028	ED PROGRAM ADMINISTRATOR	4	GRADE 21
11	(45)	D123	APPLICATIONS & SYSTEMS ANALYST	5	GRADE 21
12	(46)	D036	SR PROGRAMMER/ANALYST	2	GRADE 21
13	(47)	A056	INTERNAL AUDITOR	1	GRADE 20
14	(48)	E035	ADE FINANCIAL ANALYST	4	GRADE 20
15	(49)	V005	ED SUPERVISOR SPECIAL SERVICES	1	GRADE 20
16	(50)	R266	MANAGEMENT PROJECT ANALYST II	7	GRADE 20
17	(51)	R133	AGENCY DIRECTOR RESEARCH & STATS	2	GRADE 20
18	(52)	R168	GRANTS COORDINATOR II	3	GRADE 19
19	(53)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19
20	(54)	R030	ASST PERSONNEL MANAGER	1	GRADE 19
21	(55)	A110	ACCOUNTANT II	5	GRADE 19
22	(56)	A111	ACCOUNTANT	2	GRADE 18
23	(57)	E072	TRAINING INSTRUCTOR	1	GRADE 18
24	(58)	G028	BLDG PLANT MAINTENANCE SUPV II	2	GRADE 18
25	(59)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
26	(60)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
27	(61)	R190	PERSONNEL OFFICER II	1	GRADE 17
28	(62)	R010	ADMINISTRATIVE ASSISTANT II	28	GRADE 17
29	(63)	Y085	PRINTER II	1	GRADE 16
30	(64)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
31	(65)	K105	REPROD EQUIPMENT OPERATOR SUPV	1	GRADE 15
32	(66)	R009	ADMINISTRATIVE ASSISTANT I	7	GRADE 15
33	(67)	A108	ACCOUNTING TECHNICIAN II	5	GRADE 15
34	(68)	A063	PAYROLL OFFICER	1	GRADE 15
35	(69)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
36	(70)	K153	SECRETARY II	41	GRADE 13

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

11

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

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

25

26	ITEM	FISCAL YEARS	
27	<u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
28	(01) REGULAR SALARIES	\$ 11,507,684	\$ 11,840,689
29	(02) EXTRA HELP	14,998	14,998
30	(03) PERSONAL SERVICES MATCHING	3,508,991	3,581,257
31	(04) MAINT. & GEN. OPERATION		
32	(A) OPER. EXPENSE	2,925,404	2,925,404
33	(B) CONF. & TRAVEL	203,030	203,030
34	(C) PROF. FEES	724,800	724,800
35	(D) CAP. OUTLAY	100,000	100,000
36	(E) DATA PROC.	1,764,000	1,764,000

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

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6 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby

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

8 funds as designated by the Chief Fiscal Officer of the State, for personal

9 services and operating expenses of the Department of Education - Federal

10 Grants Administration 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	\$ 380,590	\$ 391,494
16	(02) PERSONAL SERVICES MATCHING	115,265	117,632
17	(03) MAINT. & GEN. OPERATION		
18	(A) OPER. EXPENSE	49,970	49,970
19	(B) CONF. & TRAVEL	19,672	19,672
20	(C) PROF. FEES	60,000	60,000
21	(D) CAP. OUTLAY	0	0
22	(E) DATA PROC.	<u>0</u>	<u>0</u>
23	TOTAL AMOUNT APPROPRIATED	<u>\$ 625,497</u>	<u>\$ 638,768</u>

24

25 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby

26 appropriated, to the Department of Education, to be payable from the

27 Educational Building Revenue Bond Fund, for operating expenses of the

28 Department of Education - Building Maintenance for the biennial period ending

29 June 30, 2007, the following:

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

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

4  
 5 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There is  
 6 hereby appropriated, to the Department of Education, to be payable from the  
 7 Education Revolving Loan Certificates Fund, for personal services and  
 8 operating expenses of the Department of Education - Revolving Loan  
 9 Certificates Program for the biennial period ending June 30, 2007, the  
 10 following:

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

24  
 25 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby  
 26 appropriated, to the Department of Education, to be payable from the federal  
 27 funds as designated by the Chief Fiscal Officer of the State, for personal  
 28 services and operating expenses of the Department of Education - Child  
 29 Nutrition Program for the biennial period ending June 30, 2007, the  
 30 following:

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

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

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

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

19

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

28

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

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36	ITEM	FISCAL YEARS	
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NO.		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 Officer of the State, for operating expenses and grants of the Department of



1 Education - Multiple Grant Award Program for the biennial period ending June  
 2 30, 2007, the following:

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

15 SECTION 13. APPROPRIATION - MEDICAID REIMBURSEMENT. There is hereby  
 16 appropriated, to the Department of Education, to be payable from the cash  
 17 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 biennial  
 20 period ending June 30, 2007, the following:

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

28 SECTION 14. 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 of the Department of Education -  
 32 Alternative Certification Program for the biennial period ending June 30,  
 33 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007

1	(01) MAINT. & GEN. OPERATION		
2	(A) OPER. EXPENSE	\$ 716,100	\$ 716,100
3	(B) CONF. & TRAVEL	0	0
4	(C) PROF. FEES	32,000	32,000
5	(D) CAP. OUTLAY	0	0
6	(E) DATA PROC.	<u>0</u>	<u>0</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$ 748,100</u>	<u>\$ 748,100</u>

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9 SECTION 15. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is  
 10 hereby appropriated, to the Department of Education, to be payable from the  
 11 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 12 Officer of the State, for grants for school education programs for fish and  
 13 wildlife conservation of the Department of Education - Fish and Wildlife  
 14 Conservation for the biennial period ending June 30, 2007, the following:

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

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20 SECTION 16. APPROPRIATION - CASH FUNDS - CONFERENCES. There is hereby  
 21 appropriated, to the Department of Education, to be payable from the cash  
 22 fund deposited in the State Treasury as determined by the Chief Fiscal  
 23 Officer of the State, for operating expenses of conferences sponsored by the  
 24 Department of Education for the biennial period ending June 30, 2007, the  
 25 following:

26

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

36

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

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

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

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

SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK  
 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,

1 Federal Flood Control Funds, or any similar turnback funds in the State  
2 Treasury for which the eligible county and/or school district cannot be  
3 identified may be transferred to the Department of Education Public School  
4 Fund Account and used for any lawful school purpose.

5 The provisions of this section shall be in effect only from July 1, 2003  
6 2005 through June 30, ~~2005~~ 2007.

7  
8 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YEAR-END  
10 FUND BALANCE. Notwithstanding any law pertaining to the transfer of year-end  
11 fund balances or any law to the contrary, any funds which remain in the  
12 Department of Education Fund Account at the end of a fiscal year shall remain  
13 in the Department of Education Fund Account and made available to fund  
14 appropriation authorized by law and made payable from the Department of  
15 Education Fund Account for the following fiscal year.

16 The provisions of this section shall be in effect only from July 1, 2003  
17 2005 through June 30, ~~2005~~ 2007.

18  
19 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF  
21 THE DIRECTOR OF THE DEPARTMENT OF EDUCATION. It is the intent of the  
22 General Assembly that the appropriation for the salary of the Director of the  
23 Department of Education shall be the sole and exclusive authority for his or  
24 her salary. It is further the intent of the General Assembly that the  
25 Director be required to devote all of his or her working time exclusively to  
26 the performance of his or her duties as Director of the Department of  
27 Education. Therefore, the Director of the Department of Education is hereby  
28 prohibited from accepting any additional salary from any other source  
29 (including state, federal, or private entities or persons) for the  
30 performance of his or her duties as Director, and is prohibited from  
31 accepting any salary, fees or compensation from any other source (including  
32 state, federal or private entities or persons) for any other employment of  
33 any kind outside the scope of his or her duties as Director, including but  
34 not limited to consulting work for any other public or private entity. This  
35 section shall not be construed to prohibit the Director from accepting or  
36 receiving expense reimbursements and employee benefits as provided by State

1 law.

2  
3 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

17  
18 (b) To address needs emerging from statewide education issues and the  
19 necessity of recruiting and retaining qualified personnel, the Arkansas  
20 Department of Education or its successor agency is authorized for the 2005-  
21 2007 biennium a pool of twenty five (25) classified positions at up to a  
22 grade twenty six (26). These positions are to be used by the Department of  
23 Education in the event that the personal services needs of the Department  
24 during the 2005-2007 biennium require additional positions, either by  
25 classification or in number, that are not authorized by the General Assembly  
26 in Section 1 of this Act. These positions may also be used to properly  
27 classify positions when the Department does not have a vacant position  
28 available with the appropriate title and grade level.

29  
30 (c) Any salary determinations or adjustments administered under the  
31 provisions of Subsections (a) and (b) of this Section shall be made by  
32 comparing the qualifications and salary levels of similar employees in school  
33 districts or in other state education agencies.

34  
35 (d) The Department of Education is authorized to access the pool positions  
36 authorized in this Section at any time during the biennium when it is

1 determined by the Director that the need exists. The Director shall provide  
2 a quarterly report of the justification for the need to allocate titles from  
3 this growth pool to the Chief Fiscal Officer of the State and to the Arkansas  
4 Legislative Council for review. The report shall also include an accounting  
5 of the names, titles, and salaries of personnel whose salaries have been  
6 adjusted under provisions of Subsections (a) and (b) of this Section.

7  
8 (e) If the Department of Education requests continuation of any "Position  
9 Pool" position(s) as established herein during the next biennium, the  
10 position(s) must be requested as a new position(s) in the agency's biennial  
11 budget request.

12  
13 (f) Determining the number of personnel to be employed by a state agency is  
14 the prerogative of the General Assembly and is usually accomplished by  
15 delineating the maximum number of personnel by identifying job titles and the  
16 maximum grade or salary attached to those titles. The General Assembly has  
17 determined that the Arkansas Department of Education could be operated more  
18 efficiently if some flexibility is given to that agency. That flexibility is  
19 being accomplished by providing a position pool in Subsections (a) and (b) of  
20 this Section and since the General Assembly has granted the agency broad  
21 powers under the growth pool concept, it is both necessary and appropriate  
22 that the General Assembly maintain oversight of the utilization of the  
23 position pool by requiring review of the Legislative Council in the  
24 utilization of the position pool. Therefore, the requirement of review by the  
25 Legislative Council is not a severable part of this section. If the  
26 requirement of review by the Legislative Council is ruled unconstitutional by  
27 a court of competent jurisdiction, this entire section is void.

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

30  
31 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXCEPTIONS  
33 TO MAXIMUM SALARY LEVELS. In order that qualified education personnel may be  
34 recruited and retained, the Department of Education may exceed the maximum  
35 salary levels set out in dollars in Section 1 of this Act by no more than  
36 twenty-five percent (25%) for the following positions authorized in Section 1

1 of this Act:

2 9952 DEPUTY COMMISSIONER OF EDUCATION

3 9502 ASST COMMISSIONER, RESEARCH AND TECHNOLOGY

4 9501 ASST COMMISSIONER, FISCAL & ADMINISTRATIVE SERVICES

5 ASST COMMISSIONER, HUMAN RESOURCES

6 ASST COMMISSIONER, LEARNING SERVICES

7 DIRECTOR, DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY

8 9277 ADE LITIGATION ATTORNEY

9 9039 EDUCATION DIRECTOR OF COMMUNICATIONS

10  
11 Any salary adjustments administered under the provisions of this Section  
12 shall be determined by comparing the qualifications and salary levels of  
13 similar employees in school districts or in other state education agencies.  
14 The provisions of this section shall be in effect only from July 1, 2005  
15 through June 30, 2007.

16  
17 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 FEASIBILITY STUDY. The Department of Education shall authorize and fund a  
20 feasibility study costing up to two hundred fifty thousand dollars  
21 (\$250,000). The purpose of the study shall be to evaluate and determine  
22 whether the Pulaski County Special School District should continue in  
23 existence by specifically addressing and evaluating the following: 1) the  
24 elimination of the Pulaski County Special School District and redrawing of  
25 school district boundaries in Pulaski County to form one school district  
26 north of the Arkansas River and one district south of the Arkansas River; 2)  
27 the elimination of the Pulaski County Special School District and redrawing  
28 of school district boundaries in Pulaski County to form three districts  
29 including a Little Rock District south of the Arkansas River, a North Little  
30 Rock District north of the Arkansas River and a Jacksonville School District  
31 north of the Arkansas River; 3) whether the elimination of the Pulaski County  
32 Special School District under either option would further desegregation  
33 efforts of the districts and help all districts in gaining unitary status and  
34 in ending the desegregation case; and, 4) to study and propose a plan to  
35 pursue the end of desegregation litigation in Pulaski County.

36 A contract shall be signed no later than October 31, 2005 and the

1 feasibility study completed no later than June 30, 2006.

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

4  
5 SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
6 authorized by this act shall be limited to the appropriation for such agency  
7 and funds made available by law for the support of such appropriations; and  
8 the restrictions of the State Procurement Law, the General Accounting and  
9 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
10 Procedures and Restrictions Act, or their successors, and other fiscal  
11 control laws of this State, where applicable, and regulations promulgated by  
12 the Department of Finance and Administration, as authorized by law, shall be  
13 strictly complied with in disbursement of said funds.

14  
15 SECTION 26. LEGISLATIVE INTENT. It is the intent of the General Assembly  
16 that any funds disbursed under the authority of the appropriations contained  
17 in this act shall be in compliance with the stated reasons for which this act  
18 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
19 and Legislative Recommendations contained in the budget manuals prepared by  
20 the Department of Finance and Administration, letters, or summarized oral  
21 testimony in the official minutes of the Arkansas Legislative Council or  
22 Joint Budget Committee which relate to its passage and adoption.

23  
24 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General  
25 Assembly, that the Constitution of the State of Arkansas prohibits the  
26 appropriation of funds for more than a two (2) year period; that the  
27 effectiveness of this Act on July 1, 2005 is essential to the operation of  
28 the agency for which the appropriations in this Act are provided, and that in  
29 the event of an extension of the Regular Session, the delay in the effective  
30 date of this Act beyond July 1, 2005 could work irreparable harm upon the  
31 proper administration and provision of essential governmental programs.  
32 Therefore, an emergency is hereby declared to exist and this Act being  
33 necessary for the immediate preservation of the public peace, health and  
34 safety shall be in full force and effect from and after July 1, 2005.

35  
36 /s/ Joint Budget Committee