

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.

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

85th General Assembly

A Bill

Regular Session, 2005

SENATE BILL 457

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD ENDING JUNE 30, 2007; AND FOR OTHER PURPOSES.

Subtitle

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

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Education 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.

	Maximum Annual
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.

19

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>

5

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:

12

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:

30

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>

9

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:

15

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:

35

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

14

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

21

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

32

33 SECTION 12. APPROPRIATION - MULTIPLE GRANT AWARD. There is hereby
 34 appropriated, to the Department of Education, to be payable from the cash
 35 fund deposited in the State Treasury as determined by the Chief Fiscal
 36 Officer of the State, for operating expenses and grants of the Department of

1 Education - Multiple Grant Award Program for the 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>

8

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:

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>

19

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:

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

1 SECTION 17. APPROPRIATION - SCHOOL DISTRICT MILLAGE ROLLBACK COMPENSATION.
 2 There is hereby appropriated, to the Department of Education, to be payable
 3 from the Property Tax Relief Trust Fund, to compensate various school
 4 districts for Amendment 79 millage rollback for the biennial period ending
 5 June 30, 2007, the following:

7 ITEM	FISCAL YEARS	
8 <u>NO.</u>	<u>2005-2006</u>	<u>2006-2007</u>
9 (01) AMENDMENT 79 MILLAGE ROLLBACK		
10 COMPENSATION TO SCHOOL DISTRICTS	\$ <u>950,000</u>	\$ <u>950,000</u>

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

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2003~~
 32 2005 through June 30, ~~2005~~ 2007.

33
 34 SECTION 19. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
 36 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. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
6 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
7 ALTERNATIVE LEARNING ACADEMY PUBLIC CHARTER SCHOOL. The appropriation
8 authorized by Act 973 of 2005 to the Department of Education for the Pulaski
9 Alternative Learning Academy Public Charter School and any General
10 Improvement Funds that may be authorized to the Department for the same
11 purpose shall first be made available by the Department of Education to the
12 Little Rock School District for allocation to the Pulaski Alternative
13 Learning Academy Public Charter School.

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

16
17 SECTION 26. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
18 authorized by this act shall be limited to the appropriation for such agency
19 and funds made available by law for the support of such appropriations; and
20 the restrictions of the State Procurement Law, the General Accounting and
21 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
22 Procedures and Restrictions Act, or their successors, and other fiscal
23 control laws of this State, where applicable, and regulations promulgated by
24 the Department of Finance and Administration, as authorized by law, shall be
25 strictly complied with in disbursement of said funds.

26
27 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General Assembly
28 that any funds disbursed under the authority of the appropriations contained
29 in this act shall be in compliance with the stated reasons for which this act
30 was adopted, as evidenced by the Agency Requests, Executive Recommendations
31 and Legislative Recommendations contained in the budget manuals prepared by
32 the Department of Finance and Administration, letters, or summarized oral
33 testimony in the official minutes of the Arkansas Legislative Council or
34 Joint Budget Committee which relate to its passage and adoption.

35
36 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the General

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

11
12 */s/ Joint Budget Committee*
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