

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 S4/8/05*

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:

| 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> |

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

| 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>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:

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

14

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:

21

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

27

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:

34

| 35 ITEM | FISCAL YEARS | |
|---------------|------------------|------------------|
| 36 <u>NO.</u> | <u>2005-2006</u> | <u>2006-2007</u> |

| | | | |
|---|------------------------------|-------------------|-------------------|
| 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:

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

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

| Item No. | Class Code | Title | Maximum No. of Employees | Maximum Annual Salary Rate | |
|----------|------------|-----------------------------|--------------------------|----------------------------|-----------|
| | | | | 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 | 1 | GRADE 17 | |
| | | MAX. NO. OF EMPLOYEES | 5 | | |

33 SECTION 19. APPROPRIATION - OFFICE OF ACCOUNTABILITY. There is hereby
 34 appropriated, to the Department of Education, to be payable from the
 35 Department of Education Public School Fund Account, for personal services and
 36 operating expenses of the Department of Education - Office of Accountability

1 for the biennial period ending June 30, 2007, the following:

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

14

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

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

36

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

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

10
11 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. YEAR-END
13 FUND BALANCE. Notwithstanding any law pertaining to the transfer of year-end
14 fund balances or any law to the contrary, any funds which remain in the
15 Department of Education Fund Account at the end of a fiscal year shall remain
16 in the Department of Education Fund Account and made available to fund
17 appropriation authorized by law and made payable from the Department of
18 Education Fund Account for the following fiscal year.

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

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

1 not limited to consulting work for any other public or private entity. This
2 section shall not be construed to prohibit the Director from accepting or
3 receiving expense reimbursements and employee benefits as provided by State
4 law.

5
6 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

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

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

1
2 (d) The Department of Education is authorized to access the pool positions
3 authorized in this Section at any time during the biennium when it is
4 determined by the Director that the need exists. The Director shall provide
5 a quarterly report of the justification for the need to allocate titles from
6 this growth pool to the Chief Fiscal Officer of the State and to the Arkansas
7 Legislative Council for review. The report shall also include an accounting
8 of the names, titles, and salaries of personnel whose salaries have been
9 adjusted under provisions of Subsections (a) and (b) of this Section.

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

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

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

33
34 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. EXCEPTIONS
36 TO MAXIMUM SALARY LEVELS. In order that qualified education personnel may be

1 recruited and retained, the Department of Education may exceed the maximum
2 salary levels set out in dollars in Section 1 of this Act by no more than
3 twenty-five percent (25%) for the following positions authorized in Section 1
4 of this Act:

5 9952 DEPUTY COMMISSIONER OF EDUCATION

6 9502 ASST COMMISSIONER, RESEARCH AND TECHNOLOGY

7 9501 ASST COMMISSIONER, FISCAL & ADMINISTRATIVE SERVICES

8 ASST COMMISSIONER, HUMAN RESOURCES

9 ASST COMMISSIONER, LEARNING SERVICES

10 DIRECTOR, DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY

11 9277 ADE LITIGATION ATTORNEY

12 9039 EDUCATION DIRECTOR OF COMMUNICATIONS

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

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

1 in ending the desegregation case; and, 4) to study and propose a plan to
2 pursue the end of desegregation litigation in Pulaski County.

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

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

7
8 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
10 ALTERNATIVE LEARNING ACADEMY PUBLIC CHARTER SCHOOL. The appropriation
11 authorized by Act 973 of 2005 to the Department of Education for the Pulaski
12 Alternative Learning Academy Public Charter School and any General
13 Improvement Funds that may be authorized to the Department for the same
14 purpose shall first be made available by the Department of Education to the
15 Little Rock School District for allocation to the Pulaski Alternative
16 Learning Academy Public Charter School.

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

19
20 SECTION 28. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
21 authorized by this act shall be limited to the appropriation for such agency
22 and funds made available by law for the support of such appropriations; and
23 the restrictions of the State Procurement Law, the General Accounting and
24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
25 Procedures and Restrictions Act, or their successors, and other fiscal
26 control laws of this State, where applicable, and regulations promulgated by
27 the Department of Finance and Administration, as authorized by law, shall be
28 strictly complied with in disbursement of said funds.

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

1 Joint Budget Committee which relate to its passage and adoption.

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

14
15 */s/ Joint Budget Committee*
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