

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  
2 86th General Assembly  
3 Regular Session, 2007

# A Bill

SENATE BILL 262

4  
5 By: Joint Budget Committee  
6  
7

## For An Act To Be Entitled

8  
9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL  
10 SERVICES AND OPERATING EXPENSES FOR THE  
11 DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD  
12 ENDING JUNE 30, 2009; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 AN ACT FOR THE DEPARTMENT OF EDUCATION  
16 APPROPRIATION FOR THE 2007-2009  
17 BIENNIUM.  
18  
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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 2007-2009 biennium, the following maximum  
25 number of regular employees whose salaries shall be governed by the  
26 provisions of the Uniform Classification and Compensation Act (Arkansas Code  
27 §§21-5-201 et seq.), or its successor, and all laws amendatory thereto.  
28 Provided, however, that any position to which a specific maximum annual  
29 salary is set out herein in dollars, shall be exempt from the provisions of  
30 said Uniform Classification and Compensation Act. All persons occupying  
31 positions authorized herein are hereby governed by the provisions of the  
32 Regular Salaries Procedures and Restrictions Act (Arkansas Code §21-5-101),  
33 or its successor.  
34

35 Maximum Annual  
36 Maximum Salary Rate



1	Item	Class		No. of	Fiscal Years	
2	No.	Code	Title	Employees	2007-2008	2008-2009
3	(1)	9945	COMMISSIONER OF EDUCATION	1	\$212,770	\$217,025
4	(2)	9952	DEPUTY COMMISSIONER OF EDUCATION	1	\$130,380	\$132,987
5	(3)	9508	ADE SPECIAL ASSISTANT	1	\$92,542	\$94,392
6	(4)	9502	ASST COMM, RESEARCH & TECH	1	\$92,542	\$94,392
7	(5)	9501	ASST COMM, FISCAL & ADMIN SVCS	1	\$92,542	\$94,392
8	(6)	9484	DIR, DIV OF PUB SCHL ACCOUNTABILITY	1	\$92,542	\$94,392
9	(7)	9483	ASST. COMM. LEARNING SERVICES	1	\$92,542	\$94,392
10	(8)	9482	ASST. COMM. HUMAN RESOURCES	1	\$92,542	\$94,392
11	(9)	9039	ED DIR OF COMMUNICATIONS	1	\$92,542	\$94,392
12	(10)	9513	PSYCHOMETRICIAN	1	\$88,908	\$90,686
13	(11)	9509	ADE SPECIAL ADVISOR	1	\$85,391	\$87,098
14	(12)	9277	ADE LITIGATION ATTORNEY	1	\$85,391	\$87,098
15	(13)	9511	ADE COORD SCH. IMP / STANDARDS ASSU	1	\$78,514	\$80,084
16	(14)	9510	ADE COORDINATOR SPECIAL PROGRAMS	1	\$78,514	\$80,084
17	(15)	9512	ADE COORDINATOR OF SPECIAL PROJECTS	1	\$68,120	\$69,482
18	(16)	938Z	ED ASSOC DIR PROF DEVELOPMENT	1		GRADE 26
19	(17)	031Z	ED LEGAL ASST TO DIRECTOR	1		GRADE 26
20	(18)	213Z	ED LEAD PLNR FOR DESEGREG MONITOR	1		GRADE 26
21	(19)	216Z	ED ASSOC DIR FOR SPECIAL EDUCATION	1		GRADE 26
22	(20)	217Z	ASSOC DIR STUDENT SUPPORT SERVICES	1		GRADE 26
23	(21)	221Z	ED ASSOC DIR FINANCE	1		GRADE 26
24	(22)	R005	ED ASSISTANT TO DIRECTOR	1		GRADE 26
25	(23)	R170	ATTORNEY SPECIALIST	3		GRADE 25
26	(24)	A046	AGENCY CONTROLLER - LARGE/COMPLEX A	1		GRADE 25
27	(25)	066Z	EDUCATION COMMUNICATION MGR	1		GRADE 24
28	(26)	R069	ED STATISTICAL ANALYST & RESEARCHER	1		GRADE 24
29	(27)	R135	ED COORD RESEARCH & STATISTICS	1		GRADE 24
30	(28)	R036	ATTORNEY	1		GRADE 24
31	(29)	R063	EDUCATION CURRICULUM SUPERVISOR	3		GRADE 23
32	(30)	R067	EDUCATION RESEARCH SPECIALIST	1		GRADE 23
33	(31)	D080	APPLICATIONS & SYSTEMS MANAGER	1		GRADE 23
34	(32)	E032	ED ACCOUNTABILITY PROGRAM COORD	1		GRADE 23
35	(33)	055Z	DP MANAGER	1		GRADE 23
36	(34)	227Z	ED COORD CHAPTER I PROGRAMS	1		GRADE 23

1	(35)	233Z	ED DIR CHILD NUTRITION PROGRAMS	1	GRADE 23
2	(36)	237Z	ED COORD SPECIAL EDUCATION	1	GRADE 23
3	(37)	238Z	ED COORD TEACHER EDUC, CERT & TEST	1	GRADE 23
4	(38)	836Z	COORDINATOR OF CHAPTER II	1	GRADE 23
5	(39)	062Z	ED PERSONNEL MANAGER	1	GRADE 22
6	(40)	909Z	PROGRAM SUPPORT MANAGER	26	GRADE 22
7	(41)	A047	GENERAL FINANCE COORDINATOR	4	GRADE 22
8	(42)	D124	LEAD PROGRAMMER/ANALYST	1	GRADE 22
9	(43)	D066	SYSTEMS COORDINATION ANALYST II	1	GRADE 22
10	(44)	R031	ED SUPERVISOR MIGRANT EDUCATION	1	GRADE 22
11	(45)	V042	GENERAL SERVICES MANAGER	1	GRADE 22
12	(46)	R288	PUBLIC SCHOOL ADMIN ADVISOR	53	GRADE 21
13	(47)	R290	PUBLIC SCHOOL PROGRAM ADVISOR	73	GRADE 21
14	(48)	R028	ED PROGRAM ANALYST	12	GRADE 21
15	(49)	D036	SR PROGRAMMER/ANALYST	2	GRADE 21
16	(50)	E028	ED PROGRAM ADMINISTRATOR	4	GRADE 21
17	(51)	D123	APPLICATIONS & SYSTEMS ANALYST	5	GRADE 21
18	(52)	A008	ACCOUNTING SUPERVISOR II	3	GRADE 21
19	(53)	A056	INTERNAL AUDITOR	1	GRADE 20
20	(54)	E035	ADE FINANCIAL ANALYST	4	GRADE 20
21	(55)	R133	AGENCY DIRECTOR RESEARCH & STATS	2	GRADE 20
22	(56)	V005	ED SUPERVISOR SPECIAL SERVICES	1	GRADE 20
23	(57)	R266	MANAGEMENT PROJECT ANALYST II	7	GRADE 20
24	(58)	R168	GRANTS COORDINATOR II	3	GRADE 19
25	(59)	R204	PARALEGAL/LEGAL ASSISTANT	1	GRADE 19
26	(60)	R030	ASST PERSONNEL MANAGER	1	GRADE 19
27	(61)	A110	ACCOUNTANT II	5	GRADE 19
28	(62)	A111	ACCOUNTANT	2	GRADE 18
29	(63)	E072	TRAINING INSTRUCTOR	1	GRADE 18
30	(64)	G028	BLDG PLANT MAINTENANCE SUPV II	2	GRADE 18
31	(65)	V040	PURCHASE AGENT II/PURCHASE AGENT	1	GRADE 18
32	(66)	G161	GENERAL MAINTENANCE REPAIRMAN	1	GRADE 17
33	(67)	R010	ADMINISTRATIVE ASSISTANT II	26	GRADE 17
34	(68)	R190	PERSONNEL OFFICER II	1	GRADE 17
35	(69)	R009	ADMINISTRATIVE ASSISTANT I	7	GRADE 15
36	(70)	K105	REPROD EQUIPMENT OPERATOR SUPV	1	GRADE 15

1	(71)	A063	PAYROLL OFFICER	1	GRADE 15
2	(72)	A108	ACCOUNTING TECHNICIAN II	5	GRADE 15
3	(73)	V039	PURCHASE AGENT I/ASST PURCHASE AGEN	1	GRADE 15
4	(74)	K041	EXECUTIVE SECY/ADMINISTRATIVE SECY	1	GRADE 14
5	(75)	K153	SECRETARY II	40	GRADE 13
6	(76)	D003	COMPUTER OPERATOR I	1	GRADE 13
7	(77)	K115	STATISTICIAN ASST II/STATISTICIAN I	2	GRADE 12
8	(78)	K039	DOCUMENT EXAMINER II	2	GRADE 12
9	(79)	A106	ACCOUNTING TECHNICIAN I	1	GRADE 12
10	(80)	K155	SECRETARY I	4	GRADE 11
11	(81)	T043	SECURITY OFFICER I	<u>1</u>	GRADE 11
12			MAX. NO. OF EMPLOYEES	355	

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 14 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for  
 15 the Department of Education - State Operations for the 2007-2009 biennium,  
 16 the following maximum number of part-time or temporary employees, to be known  
 17 as "Extra Help", payable from funds appropriated herein for such purposes:  
 18 eight (8) temporary or part-time employees, when needed, at rates of pay not  
 19 to exceed those provided in the Uniform Classification and Compensation Act,  
 20 or its successor, or this act for the appropriate classification.

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 22 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
 23 to the Department of Education, to be payable from the Department of  
 24 Education Fund Account, for personal services and operating expenses of the  
 25 Department of Education - State Operations for the biennial period ending  
 26 June 30, 2009, the following:

28	ITEM	FISCAL YEARS	
29	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
30	(01) REGULAR SALARIES	\$ 11,509,686	\$ 11,738,530
31	(02) EXTRA HELP	64,998	64,998
32	(03) PERSONAL SERVICES MATCHING	3,588,090	3,637,921
33	(04) MAINT. & GEN. OPERATION		
34	(A) OPER. EXPENSE	4,055,430	4,055,430
35	(B) CONF. & TRAVEL	203,030	203,030
36	(C) PROF. FEES	1,061,263	1,061,263

1	(D) CAP. OUTLAY	100,000	100,000
2	(E) DATA PROC.	718,732	718,732
3	(05) READING RECOVERY	100,000	100,000
4	(06) AR LEADERSHIP ACADEMY	900,000	900,000
5	(07) COMPACT EDUC RESEARCH & DEV	<u>15,000</u>	<u>15,000</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 22,316,229</u>	<u>\$ 22,594,904</u>

7  
 8 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby  
 9 appropriated, to the Department of Education, to be payable from the federal  
 10 funds as designated by the Chief Fiscal Officer of the State, for personal  
 11 services and operating expenses of the Department of Education - Federal  
 12 Grants Administration for the biennial period ending June 30, 2009, the  
 13 following:

15	ITEM	FISCAL YEARS	
16	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
17	(01) REGULAR SALARIES	\$ 388,890	\$ 396,664
18	(02) PERSONAL SERVICES MATCHING	118,029	119,716
19	(03) MAINT. & GEN. OPERATION		
20	(A) OPER. EXPENSE	49,970	49,970
21	(B) CONF. & TRAVEL	19,672	19,672
22	(C) PROF. FEES	60,000	60,000
23	(D) CAP. OUTLAY	0	0
24	(E) DATA PROC.	<u>0</u>	<u>0</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 636,561</u>	<u>\$ 646,022</u>

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 27 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby  
 28 appropriated, to the Department of Education, to be payable from the  
 29 Educational Building Revenue Bond Fund, for operating expenses of the  
 30 Department of Education - Building Maintenance for the biennial period ending  
 31 June 30, 2009, the following:

33	ITEM	FISCAL YEARS	
34	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
35	(01) MAINT. & GEN. OPERATION		
36	(A) OPER. EXPENSE	\$ 500,000	\$ 500,000

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

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 7 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There is  
 8 hereby appropriated, to the Department of Education, to be payable from the  
 9 Education Revolving Loan Certificates Fund, for personal services and  
 10 operating expenses of the Department of Education - Revolving Loan  
 11 Certificates Program for the biennial period ending June 30, 2009, the  
 12 following:

14	ITEM	FISCAL YEARS	
15	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
16	(01) REGULAR SALARIES	\$ 88,560	\$ 90,330
17	(02) PERSONAL SERVICES MATCHING	31,825	32,210
18	(03) MAINT. & GEN. OPERATION		
19	(A) OPER. EXPENSE	27,500	27,500
20	(B) CONF. & TRAVEL	2,500	2,500
21	(C) PROF. FEES	10,000	10,000
22	(D) CAP. OUTLAY	0	0
23	(E) DATA PROC.	0	0
24	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>	<u>13,000,000</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$ 13,160,385</u>	<u>\$ 13,162,540</u>

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 27 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby  
 28 appropriated, to the Department of Education, to be payable from the federal  
 29 funds as designated by the Chief Fiscal Officer of the State, for personal  
 30 services and operating expenses of the Department of Education - Child  
 31 Nutrition Program for the biennial period ending June 30, 2009, the  
 32 following:

34	ITEM	FISCAL YEARS	
35	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
36	(01) REGULAR SALARIES	\$ 567,144	\$ 578,480

1	(02) PERSONAL SERVICES MATCHING	186,126	188,589
2	(03) MAINT. & GEN. OPERATION		
3	(A) OPER. EXPENSE	393,100	393,100
4	(B) CONF. & TRAVEL	52,600	52,600
5	(C) PROF. FEES	156,400	156,400
6	(D) CAP. OUTLAY	40,000	40,000
7	(E) DATA PROC.	28,000	28,000
8	(04) SCHOOL FOOD SERVICE/NUTRITION ED	163,680,000	165,168,000
9	(05) REFUNDS/REIMBURSEMENTS	<u>396,000</u>	<u>399,600</u>
10	TOTAL AMOUNT APPROPRIATED	<u>\$ 165,499,370</u>	<u>\$ 167,004,769</u>

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12 SECTION 8. APPROPRIATION - FEDERAL TURNBACK PROGRAM. There is hereby  
 13 appropriated, to the Department of Education, to be payable from the federal  
 14 funds as designated by the Chief Fiscal Officer of the State, for federal  
 15 turnback to school districts of the Department of Education - Federal  
 16 Turnback Program for the biennial period ending June 30, 2009, the following:

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18	ITEM	FISCAL YEARS	
19	<u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
20	(01) FEDERAL TURNBACK	<u>\$ 11,000,000</u>	<u>\$ 11,000,000</u>

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22 SECTION 9. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There  
 23 is hereby authorized, for the Department of Education - Federal Elementary  
 24 and Secondary Education for the 2007-2009 biennium, the following maximum  
 25 number of part-time or temporary employees, to be known as "Extra Help",  
 26 payable from funds appropriated herein for such purposes: four (4) temporary  
 27 or part-time employees, when needed, at rates of pay not to exceed those  
 28 provided in the Uniform Classification and Compensation Act, or its  
 29 successor, or this act for the appropriate classification.

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31 SECTION 10. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.  
 32 There is hereby appropriated, to the Department of Education, to be payable  
 33 from the federal funds as designated by the Chief Fiscal Officer of the  
 34 State, for personal services and operating expenses of the Department of  
 35 Education - Federal Elementary and Secondary Education for the biennial  
 36 period ending June 30, 2009, the following:

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ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) REGULAR SALARIES	\$ 2,802,890	\$ 2,858,916
(02) EXTRA HELP	10,000	10,000
(03) PERSONAL SERVICES MATCHING	894,875	907,043
(04) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	3,455,900	3,455,900
(B) CONF. & TRAVEL	710,500	710,500
(C) PROF. FEES	18,351,105	18,351,105
(D) CAP. OUTLAY	160,000	160,000
(E) DATA PROC.	86,000	86,000
(05) ENTITLEMENT GRANT PROGRAMS	491,626,040	496,095,368
(06) REFUNDS/REIMBURSEMENTS	<u>1,100,000</u>	<u>1,110,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 519,197,310</u>	<u>\$ 523,744,832</u>

17 SECTION 11. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is hereby  
18 appropriated, to the Department of Education, to be payable from the cash  
19 fund deposited in the State Treasury as determined by the Chief Fiscal  
20 Officer of the State, for operating expenses and grants of the Department of  
21 Education - Multiple Grant Award Program for the biennial period ending June  
22 30, 2009, the following:

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ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(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	0	0
(E) DATA PROC.	0	0
(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>	<u>2,447,875</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 2,626,375</u>	<u>\$ 2,626,375</u>

35 SECTION 12. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is  
36 hereby appropriated, to the Department of Education, to be payable from the



1 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 2 Officer of the State, for Medicaid reimbursement and administration of the  
 3 Department of Education - Medicaid Reimbursement Program for the biennial  
 4 period ending June 30, 2009, the following:

6 ITEM	FISCAL YEARS	
7 <u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
8 (01) REFUNDS/REIMBURSEMENTS	\$ 5,000,000	\$ 5,000,000
9 (02) MEDICAID ADMIN	<u>10,500</u>	<u>10,500</u>
10 TOTAL AMOUNT APPROPRIATED	<u>\$ 5,010,500</u>	<u>\$ 5,010,500</u>

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 12 SECTION 13. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There is  
 13 hereby appropriated, to the Department of Education, to be payable from the  
 14 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 15 Officer of the State, for operating expenses and grants of the Department of  
 16 Education - Alternative Certification Program for the biennial period ending  
 17 June 30, 2009, the following:

19 ITEM	FISCAL YEARS	
20 <u>NO.</u>	<u>2007-2008</u>	<u>2008-2009</u>
21 (01) MAINT. & GEN. OPERATION		
22 (A) OPER. EXPENSE	\$ 794,866	\$ 802,092
23 (B) CONF. & TRAVEL	0	0
24 (C) PROF. FEES	45,200	45,620
25 (D) CAP. OUTLAY	0	0
26 (E) DATA PROC.	0	0
27 (02) ALT. CERT. PROG. GRANTS AND AID	<u>200,000</u>	<u>200,000</u>
28 TOTAL AMOUNT APPROPRIATED	<u>\$ 1,040,066</u>	<u>\$ 1,047,712</u>

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 30 SECTION 14. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is  
 31 hereby appropriated, to the Department of Education, to be payable from the  
 32 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 33 Officer of the State, for grants for school education programs for fish and  
 34 wildlife conservation of the Department of Education - Fish and Wildlife  
 35 Conservation for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) FISH/WILDLIFE CONSERVATION GRANTS	\$ 700,000	\$ 700,000

SECTION 15. APPROPRIATION - CASH FUNDS - CONFERENCES. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of conferences sponsored by the Department of Education for the biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	\$ 400,000	\$ 400,000
(B) CONF. & TRAVEL	25,000	25,000
(C) PROF. FEES	50,000	50,000
(D) CAP. OUTLAY	0	0
(E) DATA PROC.	0	0
TOTAL AMOUNT APPROPRIATED	\$ 475,000	\$ 475,000

SECTION 16. 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, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) AMENDMENT 79 MILLAGE ROLLBACK COMPENSATION TO SCHOOL DISTRICTS	\$ 950,000	\$ 950,000

SECTION 17. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM. 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 reimbursement of school districts for

1 administrative activities that support the Arkansas Medicaid Program of the  
 2 Department of Education - Medicaid Administration Claiming Program for the  
 3 biennial period ending June 30, 2009, the following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) AR MEDICAID ADMIN CLAIMS	\$ 15,000,000	\$ 15,000,000

9 SECTION 18. APPROPRIATION - NATIONAL GOVERNORS ASSOCIATION HONOR STATES  
 10 GRANT PROGRAM. There is hereby appropriated, to the Department of Education,  
 11 to be payable from the cash fund deposited in the State Treasury as  
 12 determined by the Chief Fiscal Officer of the State, for operating expenses  
 13 and grants of the Department of Education - National Governors Association  
 14 Honor States Grant Program for the biennial period ending June 30, 2009, the  
 15 following:

ITEM NO.	FISCAL YEARS	
	2007-2008	2008-2009
(01) NGA HONOR STATES GRANT	\$ 500,000	\$ 0

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

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

4 The provisions of this section shall be in effect only from July 1, 2005  
 5 2007 through June 30, ~~2007~~ 2009.

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 7 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK  
 9 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,  
 10 Federal Flood Control Funds, or any similar turnback funds in the State  
 11 Treasury for which the eligible county and/or school district cannot be  
 12 identified may be transferred to the Department of Education Public School  
 13 Fund Account and used for any lawful school purpose.

14 The provisions of this section shall be in effect only from July 1, 2005  
 15 2007 through June 30, ~~2007~~ 2009.

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 17 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~YEAR-END~~  
 19 ~~FUND BALANCE.~~ CARRY FORWARD. Notwithstanding any law pertaining to the  
 20 transfer of year-end fund balances or any law to the contrary, any funds  
 21 which remain in the Department of Education Fund Account at the end of a  
 22 fiscal year shall remain in the Department of Education Fund Account and made  
 23 available to fund appropriation authorized by law and made payable from the  
 24 Department of Education Fund Account for the following fiscal year.

25 Any carry forward of unexpended balance of appropriation and/or funding as  
 26 authorized herein, may be carried forward under the following conditions:

27 (1) Prior to June 30, 2008 the Agency shall by written statement set  
 28 forth its reason(s) for the need to carry forward said appropriation and/or  
 29 funding to the Department of Finance and Administration Office of Budget;

30 (2) The Department of Finance and Administration Office of Budget shall  
 31 report to the Arkansas Legislative Council all amounts carried forward from  
 32 the first fiscal year of the biennium to the second fiscal year of the  
 33 biennium by the September Arkansas Legislative Council or Joint Budget  
 34 Committee meeting in the second fiscal year of the biennial period which  
 35 report shall include the name of the Agency, Board, Commission or Institution  
 36 and the amount of the appropriation and/or funding carried forward from the

1 first fiscal year to the second fiscal year, the program name or line item,  
 2 the funding source of that appropriation and a copy of the written request  
 3 set forth in (1) above;

4 (3) Each Agency, Board, Commission or Institution shall provide a written  
 5 report to the Arkansas Legislative Council or Joint Budget Committee  
 6 containing all information set forth in item (2) above, along with a written  
 7 statement as to the current status of the project, contract, purpose etc. for  
 8 which the carry forward was originally requested no later than thirty (30)  
 9 days prior to the time the Agency, Board, Commission or Institution presents  
 10 its budget request to the Arkansas Legislative Council/Joint Budget  
 11 Committee; and

12 (4) Thereupon, the Department of Finance and Administration shall include  
 13 all information obtained in item (3) above in the biennial budget manuals  
 14 and/or a statement of non-compliance by the Agency, Board, Commission or  
 15 Institution.

16 The provisions of this section shall be in effect only from July 1, 2005  
 17 2007 through June 30, 2007 2009.

18  
 19 SECTION 22. 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~~ COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of  
 22 the General Assembly that the appropriation for the salary of the ~~Director~~  
 23 Commissioner of the Department of Education shall be the sole and exclusive  
 24 authority for his or her salary. It is further the intent of the General  
 25 Assembly that the ~~Director~~ Commissioner be required to devote all of his or  
 26 her working time exclusively to the performance of his or her duties as  
 27 ~~Director~~ Commissioner of the Department of Education. Therefore, the  
 28 ~~Director~~ Commissioner of the Department of Education is hereby prohibited  
 29 from accepting any additional salary from any other source (including state,  
 30 federal, or private entities or persons) for the performance of his or her  
 31 duties as ~~Director~~ Commissioner, and is prohibited from accepting any salary,  
 32 fees or compensation from any other source (including state, federal or  
 33 private entities or persons) for any other employment of any kind outside the  
 34 scope of his or her duties as ~~Director~~ Commissioner, including but not  
 35 limited to consulting work for any other public or private entity. This  
 36 section shall not be construed to prohibit the ~~Director~~ Commissioner from

1 accepting or receiving expense reimbursements and employee benefits as  
2 provided by State law.

3  
4 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
6 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from  
7 statewide education issues and the necessity of recruiting and retaining  
8 qualified personnel, the Arkansas Department of Education or its successor  
9 agency is authorized for the ~~2005-2007~~ 2007-2009 biennium a pool of twenty  
10 five (25) non-classified positions at a maximum salary level not to exceed  
11 one hundred twenty five thousand dollars (\$125,000) per year. These positions  
12 are to be used by the Department of Education in the event that the personal  
13 services needs of the Department during the ~~2005-2007~~ 2007-2009 biennium  
14 require additional positions, either by title or in number, that are not  
15 authorized by the General Assembly in Section 1 of this Act. These positions  
16 may also be used to properly classify positions when the Department does not  
17 have a vacant position available with the appropriate title and salary level.  
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~~ 2007-2009 biennium a pool of twenty five (25) classified positions at up  
22 to a grade twenty six (26). These positions are to be used by the Department  
23 of Education in the event that the personal services needs of the Department  
24 during the ~~2005-2007~~ 2007-2009 biennium require additional positions, either  
25 by classification or in number, that are not authorized by the General  
26 Assembly in Section 1 of this Act. These positions may also be used to  
27 properly classify positions when the Department does not have a vacant  
28 position available with the appropriate title and grade level.  
29 (c) Any salary determinations or adjustments administered under the  
30 provisions of Subsections (a) and (b) of this Section shall be made by  
31 comparing the qualifications and salary levels of similar employees in school  
32 districts or in other state education agencies.  
33 (d) The Department of Education is authorized to access the pool positions  
34 authorized in this Section at any time during the biennium when it is  
35 determined by the ~~Director~~ Commissioner that the need exists. The ~~Director~~  
36 Commissioner shall provide a quarterly report of the justification for the

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

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

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

25 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 26 2007 through June 30, ~~2007~~ 2009.

27  
 28 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

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

- 35 9952 DEPUTY COMMISSIONER OF EDUCATION
- 36 9502 ASST COMMISSIONER, RESEARCH AND TECHNOLOGY

1 9501 ASST COMMISSIONER, FISCAL & ADMINISTRATIVE SERVICES  
 2 9482 ASST COMMISSIONER, HUMAN RESOURCES  
 3 9483 ASST COMMISSIONER, LEARNING SERVICES  
 4 9484 DIRECTOR, DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY  
 5 9277 ADE LITIGATION ATTORNEY  
 6 9039 EDUCATION DIRECTOR OF COMMUNICATIONS  
 7 Any salary adjustments administered under the provisions of this Section  
 8 shall be determined by comparing the qualifications and salary levels of  
 9 similar employees in school districts or in other state education agencies.  
 10 The provisions of this section shall be in effect only from July 1, ~~2005~~ 2007  
 11 through June 30, ~~2007~~ 2009.

12  
 13 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
 15 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by  
 16 the Department of Education that a reduction in the amount of available  
 17 appropriation within the Department of Education Fund Account is required  
 18 from the amount appropriated, the reduction in the available appropriation  
 19 from the full amount appropriated for the Arkansas Leadership Academy shall  
 20 be limited to the average percentage reduction in the other appropriations to  
 21 the Department of Education from the Department of Education Fund Account.

22 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 23 2007 through June 30, ~~2007~~ 2009.

24  
 25 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
 27 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"  
 28 line item in Section ~~4~~ 3 of this Act shall be used ~~to implement~~ for the  
 29 School Support Program which will provide support to schools or school  
 30 districts designated by the Department of Education as being in school  
 31 improvement status and to provide for general operations of the Leadership  
 32 Academy.

33 The provisions of this section shall be in effect only from July 1, ~~2005~~  
 34 2007 through June 30, ~~2007~~ 2009.

35  
 36 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized



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

9  
10 SECTION 28. LEGISLATIVE INTENT. It is the intent of the General Assembly  
11 that any funds disbursed under the authority of the appropriations contained  
12 in this act shall be in compliance with the stated reasons for which this act  
13 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
14 and Legislative Recommendations contained in the budget manuals prepared by  
15 the Department of Finance and Administration, letters, or summarized oral  
16 testimony in the official minutes of the Arkansas Legislative Council or  
17 Joint Budget Committee which relate to its passage and adoption.

18  
19 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the General  
20 Assembly, that the Constitution of the State of Arkansas prohibits the  
21 appropriation of funds for more than a two (2) year period; that the  
22 effectiveness of this Act on July 1, 2007 is essential to the operation of  
23 the agency for which the appropriations in this Act are provided, and that in  
24 the event of an extension of the Regular Session, the delay in the effective  
25 date of this Act beyond July 1, 2007 could work irreparable harm upon the  
26 proper administration and provision of essential governmental programs.  
27 Therefore, an emergency is hereby declared to exist and this Act being  
28 necessary for the immediate preservation of the public peace, health and  
29 safety shall be in full force and effect from and after July 1, 2007.