

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
4

As Engrossed: S3/5/07
A Bill

SENATE BILL 262

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION FOR THE BIENNIAL PERIOD
12 ENDING JUNE 30, 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
19
20

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
22

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



Item	Class		No. of Employees	Fiscal Years	
	No.	Code Title		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	

13

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.

21

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:

27

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>

26
 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>

6
 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>

26
 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>

11

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:

17

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>

21

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.

30

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:

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>

16

SECTION 11. APPROPRIATION - MULTIPLE GRANT AWARD 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 operating expenses and grants of the Department of Education - Multiple Grant Award Program for the biennial period ending June 30, 2009, the following:

23

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>

34

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

36

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:

5

6 ITEM	7 FISCAL YEARS	
	2007-2008	2008-2009
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>

11

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:

18

19 ITEM	20 FISCAL YEARS	
	2007-2008	2008-2009
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>

29

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:

36

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	<u>\$ 15,000,000</u>	<u>\$ 15,000,000</u>

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	<u>\$ 500,000</u>	<u>\$ 0</u>

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.

6
 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.

16
 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. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE

1 ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
2 LIMITATIONS AND REPORTING. Disbursement of funds authorized by Section 17 of
3 this Act shall be subject to the following limitations:

4 (1) No part of these funds shall be used to coerce, influence, or
5 provide incentive to local school districts to select or deselect a
6 Medicaid provider;

7 (2) The Department of Education shall report annually to the House and
8 Senate Public Health, Welfare and Labor Committees that the funds
9 are not being used in a manner prohibited by this Act and how they
10 are being expended;

11 (3) If any part of this section requires the state plan for the Arkansas
12 Medicaid Administration Claiming Program to be renegotiated with the
13 federal Centers for Medicare and Medicaid Services or would cause in
14 any way the loss of federal funds, this section shall be declared
15 void and be severed from this Act.

16
17 SECTION 28. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
18 by this act shall be limited to the appropriation for such agency and funds
19 made available by law for the support of such appropriations; and the
20 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 29. 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 30. 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, 2007 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, 2007 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, 2007.

11
12 */s/ Joint Budget Committee*
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