

State of Arkansas *As Engrossed: S2/12/15 S2/25/15 S3/26/15 S3/27/15*

90th General Assembly

A Bill

Regular Session, 2015

SENATE BILL 32

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 FISCAL YEAR ENDING JUNE 30, 2016;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION
APPROPRIATION FOR THE 2015-2016 FISCAL
YEAR.

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 2015-2016 fiscal year, the following maximum
number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2015-2016
(1)	U033U	COMMISSIONER OF EDUCATION	1	\$250,445
(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	\$153,464
(3)	N005N	ADE ASST COMMISSIONER LEARNING SVCS	1	GRADE N912
(4)	N006N	ADE ASST COMM R PUBLIC SCHOOL ACCT	1	GRADE N912
(5)	G001N	ADE LITIGATION ATTORNEY	1	GRADE N912
(6)	N009N	ASST COMMISSIONER FISCAL & ADMIN SVC	1	GRADE N912
(7)	N010N	ASST COMMISSIONER HUMAN RESOURCES	1	GRADE N912



1	(8)	N008N	ASST COMMR RESEARCH & TECHNOLOGY	1	GRADE N912
2	(9)	D011N	ADE DIRECTOR OF INFORMATION SYSTEMS	1	GRADE N909
3	(10)	N069N	ADE SPECIAL ADVISOR	7	GRADE N908
4	(11)	A009N	ADE CHIEF FISCAL OFFICER	1	GRADE N905
5	(12)	E003N	ADE COORD SCH. IMP / STANDARDS ASSUR	1	GRADE N905
6	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
7	(14)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
8	(15)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
9	(16)		<i>ADE COORD COMPUTER SCIENCE</i>	<i>1</i>	<i>GRADE N902</i>
10	(17)	G012C	ADE ASSISTANT TO COMMISSIONER	7	GRADE C129
11	(18)	G006C	ADE SPECIAL EDUCATION DIV MANAGER	1	GRADE C129
12	(19)	A010C	AGENCY CONTROLLER II	1	GRADE C128
13	(20)	<i>G025C</i>	<i>ATTORNEY SUPERVISOR</i>	<i>1</i>	<i>GRADE C127</i>
14	(21)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
15	(22)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE C126
16	(23)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
17	(24)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	14	GRADE C126
18	(25)	R009C	ADE BUDGET MANAGER	1	GRADE C125
19	(26)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
20	(27)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
21	(28)	G075C	ADE PROGRAM ADMINISTRATOR	2	GRADE C124
22	(29)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
23	(30)	A038C	FISCAL SUPPORT MANAGER	4	GRADE C123
24	(31)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
25	(32)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	24	GRADE C123
26	(33)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
27	(34)	D047C	INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE C122
28	(35)	A041C	PROGRAM FISCAL MANAGER	3	GRADE C122
29	(36)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	126	GRADE C122
30	(37)	D044C	SYSTEMS ANALYST	1	GRADE C122
31	(38)	A052C	ACCOUNTING COORDINATOR	6	GRADE C121
32	(39)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
33	(40)	G109C	GRANTS MANAGER	2	GRADE C121
34	(41)	L035C	NUTRITIONIST CONSULTANT	8	GRADE C121
35	(42)	R014C	PERSONNEL MANAGER	1	GRADE C121
36	(43)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121

1	(44)	A060C	SENIOR AUDITOR	1	GRADE C119
2	(45)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
3	(46)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
4	(47)	G180C	GRANTS ANALYST	1	GRADE C117
5	(48)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117
6	(49)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
7	(50)	P020C	PRODUCTION ARTIST	1	GRADE C117
8	(51)	A089C	ACCOUNTANT I	1	GRADE C116
9	(52)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
10	(53)	V014C	BUYER	1	GRADE C116
11	(54)	C037C	ADMINISTRATIVE ANALYST	14	GRADE C115
12	(55)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
13	(56)	A091C	FISCAL SUPPORT ANALYST	3	GRADE C115
14	(57)	D077C	HELP DESK SPECIALIST	1	GRADE C115
15	(58)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
16	(59)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
17	(60)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
18	(61)	C046C	LEGAL SUPPORT SPECIALIST	1	GRADE C113
19	(62)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
20	(63)	C056C	ADMINISTRATIVE SPECIALIST III	37	GRADE C112
21	(64)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
22	(65)	C073C	ADMINISTRATIVE SPECIALIST II	<u>28</u>	GRADE C109
23			MAX. NO. OF EMPLOYEES	<u>348</u>	

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25 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 26 for the Department of Education - State Operations for the 2015-2016 fiscal
 27 year, the following maximum number of part-time or temporary employees, to be
 28 known as "Extra Help", payable from funds appropriated herein for such
 29 purposes: eight (8) temporary or part-time employees, when needed, at rates
 30 of pay not to exceed those provided in the Uniform Classification and
 31 Compensation Act, or its successor, or this act for the appropriate
 32 classification.

33

34 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 35 appropriated, to the Department of Education, to be payable from the
 36 Department of Education Fund Account, for personal services and operating

1 expenses of the Department of Education - State Operations for the fiscal
2 year ending June 30, 2016, the following:

3		
4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2015-2016</u>
6	(01) REGULAR SALARIES	\$14,506,243
7	(02) EXTRA HELP	160,000
8	(03) PERSONAL SERVICES MATCHING	4,485,203
9	(04) MAINT. & GEN. OPERATION	
10	(A) OPER. EXPENSE	3,479,443
11	(B) CONF. & TRAVEL	206,530
12	(C) PROF. FEES	305,569
13	(D) CAP. OUTLAY	100,000
14	(E) DATA PROC.	0
15	(05) ADVANCED PLACEMENT AND INCENTIVE	
16	PROGRAM GRANTS	450,000
17	(06) READING RECOVERY	100,000
18	(07) AR LEADERSHIP ACADEMY	<u>900,000</u>
19	TOTAL AMOUNT APPROPRIATED	<u>\$24,692,988</u>

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21 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is
22 hereby appropriated, to the Department of Education, to be payable from the
23 federal funds as designated by the Chief Fiscal Officer of the State, for
24 personal services and operating expenses of the Department of Education -
25 Federal Grants Administration for the fiscal year ending June 30, 2016, the
26 following:

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28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2015-2016</u>
30	(01) REGULAR SALARIES	\$477,341
31	(02) PERSONAL SERVICES MATCHING	138,959
32	(03) MAINT. & GEN. OPERATION	
33	(A) OPER. EXPENSE	49,970
34	(B) CONF. & TRAVEL	19,672
35	(C) PROF. FEES	260,000
36	(D) CAP. OUTLAY	0

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$945,942</u></u>

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4 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 5 appropriated, to the Department of Education, to be payable from the
 6 Educational Buildings Maintenance Fund, for operating expenses of the
 7 Department of Education - Building Maintenance for the fiscal year ending
 8 June 30, 2016, the following:

9

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2015-2016</u>
12	(01) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	\$500,000
14	(B) CONF. & TRAVEL	0
15	(C) PROF. FEES	0
16	(D) CAP. OUTLAY	0
17	(E) DATA PROC.	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

19

20 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There
 21 is hereby appropriated, to the Department of Education, to be payable from
 22 the Education Revolving Loan Certificates Fund, for personal services and
 23 operating expenses of the Department of Education - Revolving Loan
 24 Certificates Program for the fiscal year ending June 30, 2016, the following:

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26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2015-2016</u>
28	(01) REGULAR SALARIES	\$42,881
29	(02) PERSONAL SERVICES MATCHING	14,353
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	27,500
32	(B) CONF. & TRAVEL	2,500
33	(C) PROF. FEES	10,000
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>

1 TOTAL AMOUNT APPROPRIATED \$13,097,234

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3 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 4 appropriated, to the Department of Education, to be payable from the federal
 5 funds as designated by the Chief Fiscal Officer of the State, for personal
 6 services and operating expenses of the Department of Education - Child
 7 Nutrition Program for the fiscal year ending June 30, 2016, the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2015-2016</u>
11 (01) REGULAR SALARIES	\$887,812
12 (02) PERSONAL SERVICES MATCHING	294,124
13 (03) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	1,172,100
15 (B) CONF. & TRAVEL	52,600
16 (C) PROF. FEES	156,400
17 (D) CAP. OUTLAY	50,000
18 (E) DATA PROC.	0
19 (04) SCHOOL FOOD SERVICE/NUTRITION ED	185,168,000
20 (05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$188,231,036</u>

22

23 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.
 24 There is hereby authorized, for the Department of Education - Federal
 25 Elementary and Secondary Education for the 2015-2016 fiscal year, the
 26 following maximum number of part-time or temporary employees, to be known as
 27 "Extra Help", payable from funds appropriated herein for such purposes: four
 28 (4) temporary or part-time employees, when needed, at rates of pay not to
 29 exceed those provided in the Uniform Classification and Compensation Act, or
 30 its successor, or this act for the appropriate classification.

31

32 SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.
 33 There is hereby appropriated, to the Department of Education, to be payable
 34 from the federal funds as designated by the Chief Fiscal Officer of the
 35 State, for personal services and operating expenses of the Department of
 36 Education - Federal Elementary and Secondary Education for the fiscal year

1 ending June 30, 2016, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2015-2016</u>
5 (01) REGULAR SALARIES	\$2,895,173
6 (02) EXTRA HELP	10,000
7 (03) PERSONAL SERVICES MATCHING	897,433
8 (04) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	3,475,900
10 (B) CONF. & TRAVEL	710,500
11 (C) PROF. FEES	18,351,105
12 (D) CAP. OUTLAY	200,000
13 (E) DATA PROC.	0
14 (05) ENTITLEMENT GRANT PROGRAMS	496,095,368
15 (06) REFUNDS/REIMBURSEMENTS	1,110,000
16 (07) ARRA OF 2009	<u>400,000</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$524,145,479</u></u>

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19 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is
 20 hereby appropriated, to the Department of Education, to be payable from the
 21 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 22 Officer of the State, for operating expenses and grants by the Department of
 23 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 24 2016, the following:

25

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2015-2016</u>
28 (01) MAINT. & GEN. OPERATION	
29 (A) OPER. EXPENSE	\$122,000
30 (B) CONF. & TRAVEL	16,500
31 (C) PROF. FEES	40,000
32 (D) CAP. OUTLAY	100,000
33 (E) DATA PROC.	0
34 (02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
35 TOTAL AMOUNT APPROPRIATED	<u><u>\$2,726,375</u></u>

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1 SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is
 2 hereby appropriated, to the Department of Education, to be payable from the
 3 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 4 Officer of the State, for Medicaid reimbursement and administration of the
 5 Department of Education - Medicaid Reimbursement Program for the fiscal year
 6 ending June 30, 2016, the following:

7

8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2015-2016</u>
10 (01) REFUNDS/REIMBURSEMENTS	\$5,000,000
11 (02) MEDICAID ADMIN	<u>10,500</u>
12 TOTAL AMOUNT APPROPRIATED	<u><u>\$5,010,500</u></u>

13

14 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There
 15 is hereby appropriated, to the Department of Education, to be payable from
 16 the cash fund deposited in the State Treasury as determined by the Chief
 17 Fiscal Officer of the State, for operating expenses and grants by the
 18 Department of Education - Alternative Certification Program for the fiscal
 19 year ending June 30, 2016, the following:

20

21 ITEM	FISCAL YEAR
22 <u>NO.</u>	<u>2015-2016</u>
23 (01) MAINT. & GEN. OPERATION	
24 (A) OPER. EXPENSE	\$515,292
25 (B) CONF. & TRAVEL	8,500
26 (C) PROF. FEES	125,420
27 (D) CAP. OUTLAY	0
28 (E) DATA PROC.	0
29 (02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
30 TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

31

32 SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is
 33 hereby appropriated, to the Department of Education, to be payable from the
 34 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 35 Officer of the State, for grants for school education programs for fish and
 36 wildlife conservation by the Department of Education - Fish and Wildlife

1 Conservation for the fiscal year ending June 30, 2016, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2015-2016</u>
5 (01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$800,000</u>

6

7 SECTION 14. APPROPRIATION - CONFERENCES. There is hereby appropriated,
 8 to the Department of Education, to be payable from the cash fund deposited in
 9 the State Treasury as determined by the Chief Fiscal Officer of the State,
 10 for operating expenses of conferences sponsored by the Department of
 11 Education for the fiscal year ending June 30, 2016, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2015-2016</u>
15 (01) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	\$400,000
17 (B) CONF. & TRAVEL	25,000
18 (C) PROF. FEES	50,000
19 (D) CAP. OUTLAY	0
20 (E) DATA PROC.	<u>0</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$475,000</u>

22

23 SECTION 15. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.
 24 There is hereby appropriated, to the Department of Education, to be payable
 25 from the cash fund deposited in the State Treasury as determined by the Chief
 26 Fiscal Officer of the State, for reimbursement of school districts for
 27 administrative activities that support the Arkansas Medicaid Program by the
 28 Department of Education - Medicaid Administration Claiming Program for the
 29 fiscal year ending June 30, 2016, the following:

30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2015-2016</u>
33 (01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

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35 SECTION 16. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 36 appropriated, to the Department of Education, to be payable from the School-

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) REGULAR SALARIES	\$562,277
(02) PERSONAL SERVICES MATCHING	187,648
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	376,325
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	9,505
(D) CAP. OUTLAY	275,000
(E) DATA PROC.	0
(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,520,755</u></u>

SECTION 19. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL CLOSURE. 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 outstanding obligations incurred by closed charter schools for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

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

Any carry forward of unexpended balance of funding as authorized herein, may be carried forward under the following conditions:

- (1) Prior to June 30, ~~2015~~ 2016 the Agency shall by written statement

1 set forth its reason(s) for the need to carry forward said funding to the
2 Department of Finance and Administration Office of Budget;

3 (2) The Department of Finance and Administration Office of Budget shall
4 report to the Arkansas Legislative Council all amounts carried forward by the
5 September Arkansas Legislative Council or Joint Budget Committee meeting
6 which report shall include the name of the Agency, Board, Commission or
7 Institution and the amount of the funding carried forward, the program name
8 or line item, the funding source of that appropriation and a copy of the
9 written request set forth in (1) above;

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

18 (4) Thereupon, the Department of Finance and Administration shall
19 include all information obtained in item (3) above in the budget manuals
20 and/or a statement of non-compliance by the Agency, Board, Commission or
21 Institution.

22 The provisions of this section shall be in effect only from July 1,
23 2015 through June 30, 2016.

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

1 accepting any salary, fees or compensation from any other source (including
2 state, federal or private entities or persons) for any other employment of
3 any kind outside the scope of his or her duties as Commissioner, including
4 but not limited to consulting work for any other public or private entity.
5 This section shall not be construed to prohibit the Commissioner from
6 accepting or receiving expense reimbursements and employee benefits as
7 provided by State law.

8 The provisions of this section shall be in effect only from July 1,
9 2015 through June 30, 2016.

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11 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
13 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
14 the Department of Education that a reduction in the amount of available
15 appropriation within the Department of Education Fund Account is required
16 from the amount appropriated, the reduction in the available appropriation
17 from the full amount appropriated for the Arkansas Leadership Academy shall
18 be limited to the average percentage reduction in the other appropriations to
19 the Department of Education from the Department of Education Fund Account.

20 The provisions of this section shall be in effect only from July 1, ~~2014~~
21 2015 through June 30, ~~2015~~ 2016.

22
23 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
25 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
26 line item in Section 3 of this Act shall be used for the School Support
27 Program which will provide support to schools or school districts designated
28 by the Department of Education as being in school improvement status and to
29 provide for general operations of the Leadership Academy.

30 The provisions of this section shall be in effect only from July 1, ~~2014~~
31 2015 through June 30, ~~2015~~ 2016.

32
33 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
35 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
36 public schools, or for abortion services. Funds shall be expended in

1 accordance with Arkansas Code Annotated § 6-18-703.

2 The provisions of this section shall be in effect only from July 1, ~~2014~~
3 2015 through June 30, ~~2015~~ 2016.

4
5 *SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS*
6 *CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.*

7 *ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from*
8 *statewide education issues and the necessity of recruiting and retaining*
9 *qualified personnel, the Arkansas Department of Education or its successor*
10 *agency is authorized for the 2015-2016 fiscal year a pool of no more than*
11 *five (5) Professional/Executive positions at a salary not to exceed the*
12 *maximum salary for a grade N912. These positions are to be used by the*
13 *Department of Education in the event that the personal services needs of the*
14 *Department during the 2015-2016 fiscal year require additional positions,*
15 *either by title or in number, that are not authorized by the General Assembly*
16 *in Section 1 of this Act. These positions may also be used to properly*
17 *classify positions when the Department does not have a vacant position*
18 *available with the appropriate title and salary level.*

19 *(b) To address needs emerging from statewide education issues and the*
20 *necessity of recruiting and retaining qualified personnel, the Arkansas*
21 *Department of Education or its successor agency is authorized for the 2015-*
22 *2016 fiscal year a pool of ten (10) classified positions at up to a grade*
23 *C130. These positions are to be used by the Department of Education in the*
24 *event that the personal services needs of the Department during the 2015-2016*
25 *fiscal year require additional positions, either by classification or in*
26 *number, that are not authorized by the General Assembly in Section 1 of this*
27 *Act. These positions may also be used to properly classify positions when the*
28 *Department does not have a vacant position available with the appropriate*
29 *title and grade level.*

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

34 *(d) The Department of Education is authorized to access the pool*
35 *positions authorized in this Section at any time when it is determined by the*
36 *Commissioner that the need exists. The Commissioner shall provide a monthly*

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

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

10 (f) Determining the number of personnel to be employed by a state agency
11 is 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, 2015
26 through June 30, 2016.

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

1
2 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General
3 Assembly that any funds disbursed under the authority of the appropriations
4 contained in this act shall be in compliance with the stated reasons for
5 which this act was adopted, as evidenced by the Agency Requests, Executive
6 Recommendations and Legislative Recommendations contained in the budget
7 manuals prepared by the Department of Finance and Administration, letters, or
8 summarized oral testimony in the official minutes of the Arkansas Legislative
9 Council or Joint Budget Committee which relate to its passage and adoption.

10
11 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2015 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2015 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2015.

22
23 */s/ Joint Budget Committee*

24
25
26 **APPROVED: 04/02/2015**