

Stricken language will be deleted and underlined language will be added.
Act 230 of the Fiscal Session

1 State of Arkansas
2 90th General Assembly
3 Fiscal Session, 2016
4

As Engrossed: S4/28/16
A Bill

SENATE BILL 59

5 By: Joint Budget Committee
6

7 **For An Act To Be Entitled**

8 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
9 AND OPERATING EXPENSES FOR THE DEPARTMENT OF
10 EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2017;
11 AND FOR OTHER PURPOSES.
12
13

14 **Subtitle**

15 AN ACT FOR THE DEPARTMENT OF EDUCATION
16 APPROPRIATION FOR THE 2016-2017 FISCAL
17 YEAR.
18
19

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

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Education for the 2016-2017 fiscal year, the following maximum
24 number of regular employees.
25

26				Maximum Annual	
27			Maximum	Salary Rate	
28	Item	Class	No. of	Fiscal Year	
29	No.	Code	Title	Employees	2016-2017
30	(1)	U033U	COMMISSIONER OF EDUCATION	1	\$250,445
31	(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	\$153,464
32	(3)	N005N	ADE ASST COMMISSIONER LEARNING SVCS	1	GRADE N912
33	(4)	N006N	ADE ASST COMM PUBLIC SCHOOL ACCT	1	GRADE N912
34	(5)	G001N	ADE LITIGATION ATTORNEY	1	GRADE N912
35	(6)	N009N	ASST COMMISSIONER FISCAL & ADMIN SVC	1	GRADE N912
36	(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)	E006N	ADE COORD COMPUTER SCIENCE	1	GRADE N902
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)	G025C	ATTORNEY SUPERVISOR	1	GRADE C127
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	348	

24

25 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 26 for the Department of Education - State Operations for the 2016-2017 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, 2017, the following:

3

4 ITEM	FISCAL YEAR
5 <u>NO.</u>	<u>2016-2017</u>
6 (01) REGULAR SALARIES	\$14,513,343
7 (02) EXTRA HELP	160,000
8 (03) PERSONAL SERVICES MATCHING	4,487,314
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>\$24,702,199</u>

20

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, 2017, the
 26 following:

27

28 ITEM	FISCAL YEAR
29 <u>NO.</u>	<u>2016-2017</u>
30 (01) REGULAR SALARIES	\$478,041
31 (02) PERSONAL SERVICES MATCHING	139,111
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>\$946,794</u></u>

3

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, 2017, the following:

9

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2016-2017</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, 2017, the following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2016-2017</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

2

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, 2017, the following:

8

9	ITEM	FISCAL YEAR
10	<u>NO.</u>	<u>2016-2017</u>
11	(01) REGULAR SALARIES	\$888,412
12	(02) PERSONAL SERVICES MATCHING	294,384
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>\$188,231,896</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 2016-2017 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, 2017, the following:

2		
3	ITEM	FISCAL YEAR
4	<u>NO.</u>	<u>2016-2017</u>
5	(01) REGULAR SALARIES	\$2,895,973
6	(02) EXTRA HELP	10,000
7	(03) PERSONAL SERVICES MATCHING	897,736
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>\$524,146,582</u>

18

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 2017, the following:

25

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2016-2017</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>\$2,726,375</u>

36

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, 2017, the following:

8	ITEM	FISCAL YEAR
9	<u>NO.</u>	<u>2016-2017</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, 2017, the following:

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2016-2017</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, 2017, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2016-2017</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, 2017, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2016-2017</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, 2017, the following:

30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2016-2017</u>
33 (01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

34

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

1 Age Children Eye and Vision Care Fund, for operating expenses and costs
 2 incurred in studying, evaluating vision needs, screening vision programs, the
 3 development of a strategic statewide plan, and associated expenses for eye
 4 and vision care of school-age children in Arkansas for the fiscal year ending
 5 June 30, 2017, the following:

6		
7	ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2016-2017</u>
9	(01) VARIOUS OPERATING EXPENSES FOR VISION	
10	SCREENING AND CARE	<u>\$5,508</u>
11		

12 SECTION 17. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
 13 There is hereby established for the Department of Education - Professional
 14 Licensure Standards Board for the 2016-2017 fiscal year, the following
 15 maximum number of regular employees.

16				
17				Maximum Annual
18			Maximum	Salary Rate
19	Item	Class	No. of	Fiscal Year
20	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>2016-2017</u>
21	(1)	G012C	ADE ASSISTANT TO COMMISSIONER	1 GRADE C129
22	(2)	X012C	ADE PLSB CHIEF INVESTIGATOR	1 GRADE C126
23	(3)	G073C	ATTORNEY	1 GRADE C124
24	(4)	X202C	ADE PLSB SENIOR INVESTIGATOR	2 GRADE C123
25	(5)	X037C	EDUCATION INVESTIGATOR	4 GRADE C121
26	(6)	G179C	LEGAL SERVICES SPECIALIST	1 GRADE C117
27	(7)	C037C	ADMINISTRATIVE ANALYST	2 GRADE C115
28	(8)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE C112
29			MAX. NO. OF EMPLOYEES	13
30				

31 SECTION 18. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.
 32 There is hereby appropriated, to the Department of Education, to be payable
 33 from the cash fund deposited in the State Treasury as determined by the Chief
 34 Fiscal Officer of the State, for personal services and operating expenses of
 35 the Department of Education - Professional Licensure Standards Board for the
 36 fiscal year ending June 30, 2017, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2016-2017</u>
4	(01) REGULAR SALARIES	\$562,977
5	(02) PERSONAL SERVICES MATCHING	187,800
6	(03) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	376,325
8	(B) CONF. & TRAVEL	10,000
9	(C) PROF. FEES	9,505
10	(D) CAP. OUTLAY	275,000
11	(E) DATA PROC.	0
12	(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
13	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,521,607</u></u>

14

15 SECTION 19. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
 16 CLOSURE. There is hereby appropriated, to the Department of Education, to be
 17 payable from the cash fund deposited in the State Treasury as determined by
 18 the Chief Fiscal Officer of the State, for outstanding obligations incurred
 19 by closed charter schools for the fiscal year ending June 30, 2017, the
 20 following:

21

22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2016-2017</u>
24	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

25

26 SECTION 20. APPROPRIATION - SUCCEED SCHOLARSHIP PROGRAM - CASH. There
 27 is hereby appropriated, to the Department of Education, to be payable from
 28 the cash fund deposited in the State Treasury as determined by the Chief
 29 Fiscal Officer of the State, for the fiscal year ending June 30, 2017, the
 30 following:

31	ITEM	FISCAL YEAR
32	<u>NO</u>	<u>2016-2017</u>
33	(01) SUCCEED SCHOLARSHIP PROGRAM EXPENSES	<u><u>\$800,000</u></u>

34

35 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 36 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY

1 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
2 balances or any law to the contrary, any funds which remain in the Department
3 of Education Fund Account at the end of a fiscal year shall remain in the
4 Department of Education Fund Account and made available to fund appropriation
5 authorized by law and made payable from the Department of Education Fund
6 Account for the following fiscal year.

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

9 (1) Prior to June 30, ~~2016~~ 2017 the Agency shall by written statement
10 set forth its reason(s) for the need to carry forward said funding to the
11 Department of Finance and Administration Office of Budget;

12 (2) The Department of Finance and Administration Office of Budget shall
13 report to the Arkansas Legislative Council all amounts carried forward by the
14 September Arkansas Legislative Council or Joint Budget Committee meeting
15 which report shall include the name of the Agency, Board, Commission or
16 Institution and the amount of the funding carried forward, the program name
17 or line item, the funding source of that appropriation and a copy of the
18 written request set forth in (1) above;

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2015~~
32 2016 through June 30, ~~2016~~ 2017.

33
34 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
36 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the

1 General Assembly that the appropriation for the salary of the Commissioner of
2 the Department of Education shall be the sole and exclusive authority for his
3 or her salary. It is further the intent of the General Assembly that the
4 Commissioner be required to devote all of his or her working time exclusively
5 to the performance of his or her duties as Commissioner of the Department of
6 Education. Therefore, the Commissioner of the Department of Education is
7 hereby prohibited from accepting any additional salary from any other source
8 (including state, federal, or private entities or persons) for the
9 performance of his or her duties as Commissioner, and is prohibited from
10 accepting any salary, fees or compensation from any other source (including
11 state, federal or private entities or persons) for any other employment of
12 any kind outside the scope of his or her duties as Commissioner, including
13 but not limited to consulting work for any other public or private entity.
14 This section shall not be construed to prohibit the Commissioner from
15 accepting or receiving expense reimbursements and employee benefits as
16 provided by State law.

17 The provisions of this section shall be in effect only from July 1, ~~2015~~
18 2016 through June 30, ~~2016~~ 2017.

19

20 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
22 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
23 statewide education issues and the necessity of recruiting and retaining
24 qualified personnel, the Arkansas Department of Education or its successor
25 agency is authorized for the ~~2015-2016~~ 2016-2017 fiscal year a pool of no
26 more than five (5) Professional/Executive positions at a salary not to exceed
27 the maximum salary for a grade N912. These positions are to be used by the
28 Department of Education in the event that the personal services needs of the
29 Department during the ~~2015-2016~~ 2016-2017 fiscal year require additional
30 positions, either by title or in number, that are not authorized by the
31 General Assembly in Section 1 of this Act. These positions may also be used
32 to properly classify positions when the Department does not have a vacant
33 position available with the appropriate title and salary level.

34 (b) To address needs emerging from statewide education issues and the
35 necessity of recruiting and retaining qualified personnel, the Arkansas
36 Department of Education or its successor agency is authorized for the ~~2015-~~

1 ~~2016~~ 2016-2017 fiscal year a pool of ten (10) classified positions at up to a
2 grade C130. These positions are to be used by the Department of Education in
3 the event that the personal services needs of the Department during the ~~2015-~~
4 ~~2016~~ 2016-2017 fiscal year require additional positions, either by
5 classification or in number, that are not authorized by the General Assembly
6 in Section 1 of this Act. These positions may also be used to properly
7 classify positions when the Department does not have a vacant position
8 available with the appropriate title and grade level.

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

13 (d) The Department of Education is authorized to access the pool
14 positions authorized in this Section at any time when it is determined by the
15 Commissioner that the need exists. The Commissioner shall provide a monthly
16 report of the justification for the need to allocate titles from this growth
17 pool to the Chief Fiscal Officer of the State and to the Arkansas Legislative
18 Council for review. The report shall also include an accounting of the
19 names, titles, and salaries of personnel whose salaries have been adjusted
20 under provisions of Subsections (a) and (b) of this Section.

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

25 (f) Determining the number of personnel to be employed by a state agency
26 is the prerogative of the General Assembly and is usually accomplished by
27 delineating the maximum number of personnel by identifying job titles and the
28 maximum grade or salary attached to those titles. The General Assembly has
29 determined that the Arkansas Department of Education could be operated more
30 efficiently if some flexibility is given to that agency. That flexibility is
31 being accomplished by providing a position pool in Subsections (a) and (b) of
32 this Section and since the General Assembly has granted the agency broad
33 powers under the growth pool concept, it is both necessary and appropriate
34 that the General Assembly maintain oversight of the utilization of the
35 position pool by requiring review of the Legislative Council in the
36 utilization of the position pool. Therefore, the requirement of review by the

1 Legislative Council is not a severable part of this section. If the
2 requirement of review by the Legislative Council is ruled unconstitutional by
3 a court of competent jurisdiction, this entire section is void.

4 The provisions of this section shall be in effect only from July 1, ~~2015~~
5 2016 through June 30, ~~2016~~ 2017.

6
7 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
9 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
10 the Department of Education that a reduction in the amount of available
11 appropriation within the Department of Education Fund Account is required
12 from the amount appropriated, the reduction in the available appropriation
13 from the full amount appropriated for the Arkansas Leadership Academy shall
14 be limited to the average percentage reduction in the other appropriations to
15 the Department of Education from the Department of Education Fund Account.

16 The provisions of this section shall be in effect only from July 1, ~~2015~~
17 2016 through June 30, ~~2016~~ 2017.

18
19 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
21 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
22 line item in Section 3 of this Act shall be used for the School Support
23 Program which will provide support to schools or school districts designated
24 by the Department of Education as being in school improvement status and to
25 provide for general operations of the Leadership Academy.

26 The provisions of this section shall be in effect only from July 1, ~~2015~~
27 2016 through June 30, ~~2016~~ 2017.

28
29 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
31 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
32 public schools, or for abortion services. Funds shall be expended in
33 accordance with Arkansas Code Annotated § 6-18-703.

34 The provisions of this section shall be in effect only from July 1, ~~2015~~
35 2016 through June 30, ~~2016~~ 2017.

36

1 SECTION 27. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
2 authorized by this act shall be limited to the appropriation for such agency
3 and funds made available by law for the support of such appropriations; and
4 the restrictions of the State Procurement Law, the General Accounting and
5 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
6 Procedures and Restrictions Act, or their successors, and other fiscal
7 control laws of this State, where applicable, and regulations promulgated by
8 the Department of Finance and Administration, as authorized by law, shall be
9 strictly complied with in disbursement of said funds.

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

19
20 SECTION 29. EMERGENCY CLAUSE. It is found and determined by the
21 General Assembly, that the Constitution of the State of Arkansas prohibits
22 the appropriation of funds for more than a one (1) year period; that the
23 effectiveness of this Act on July 1, 2016 is essential to the operation of
24 the agency for which the appropriations in this Act are provided, and that in
25 the event of an extension of the legislative session, the delay in the
26 effective date of this Act beyond July 1, 2016 could work irreparable harm
27 upon the proper administration and provision of essential governmental
28 programs. Therefore, an emergency is hereby declared to exist and this Act
29 being necessary for the immediate preservation of the public peace, health
30 and safety shall be in full force and effect from and after July 1, 2016.

31
32 */s/ Joint Budget Committee*

33
34
35 **APPROVED: 05/09/2016**