

Stricken language will be deleted and underlined language will be added.  
Act 834 of the Regular Session

1 State of Arkansas *As Engrossed: S3/16/17 S3/23/17*

2 91st General Assembly

# A Bill

3 Regular Session, 2017

SENATE BILL 156

4

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, 2018;

11

AND FOR OTHER PURPOSES.

12

13

14

## Subtitle

15

AN ACT FOR THE DEPARTMENT OF EDUCATION

16

APPROPRIATION FOR THE 2017-2018 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 2017-2018 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

2017-2018

30

(1) U033U COMMISSIONER OF EDUCATION

1

\$252,949

31

(2) U027U DEPUTY COMMISSIONER OF EDUCATION

1

\$154,998

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 COMM EDUC EFFECTIVENESS*

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 ASSURANCE	1	GRADE N905
6	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
7	(14)	<i>E007N</i>	<i>DIRECTOR OF COMPUTER SCIENCE</i>	<i>1</i>	<i>GRADE N905</i>
8	(15)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
9	(16)	E006N	ADE COORD COMPUTER SCIENCE	1	GRADE N902
10	(17)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
11	(18)	G012C	ADE ASSISTANT TO COMMISSIONER	7	GRADE C129
12	(19)	G006C	ADE SPECIAL EDUCATION DIV MANAGER	1	GRADE C129
13	(20)	A010C	AGENCY CONTROLLER II	1	GRADE C128
14	(21)	G025C	ATTORNEY SUPERVISOR	1	GRADE C127
15	(22)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
16	(23)	E007C	ADE OERZ DIRECTOR	1	GRADE C126
17	(24)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE C126
18	(25)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
19	(26)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	15	GRADE C126
20	(27)	A027C	ACCOUNTING OPERATIONS MANAGER	1	GRADE C125
21	(28)	R009C	ADE BUDGET MANAGER	1	GRADE C125
22	(29)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
23	(30)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
24	(31)	G075C	ADE PROGRAM ADMINISTRATOR	2	GRADE C124
25	(32)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
26	(33)	A038C	FISCAL SUPPORT MANAGER	5	GRADE C123
27	(34)	P004C	PUBLIC INFORMATION MANAGER	2	GRADE C123
28	(35)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	21	GRADE C123
29	(36)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
30	(37)	D047C	INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE C122
31	(38)	A041C	PROGRAM FISCAL MANAGER	4	GRADE C122
32	(39)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	117	GRADE C122
33	(40)	D044C	SYSTEMS ANALYST	1	GRADE C122
34	(41)	A052C	ACCOUNTING COORDINATOR	6	GRADE C121
35	(42)	A050C	AGENCY FISCAL MANAGER	1	GRADE C121
36	(43)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121

1	(44)	G109C	GRANTS MANAGER	1	GRADE C121
2	(45)	L035C	NUTRITIONIST CONSULTANT	9	GRADE C121
3	(46)	R014C	PERSONNEL MANAGER	1	GRADE C121
4	(47)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
5	(48)	P013C	PUBLIC INFORMATION COORDINATOR	1	GRADE C120
6	(49)	G147C	GRANTS COORDINATOR	1	GRADE C119
7	(50)	A060C	SENIOR AUDITOR	1	GRADE C119
8	(51)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
9	(52)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
10	(53)	G180C	GRANTS ANALYST	2	GRADE C117
11	(54)	R025C	HUMAN RESOURCES ANALYST	1	GRADE C117
12	(55)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
13	(56)	G178C	POLICY DEVELOPMENT COORDINATOR	3	GRADE C117
14	(57)	P020C	PRODUCTION ARTIST	1	GRADE C117
15	(58)	B076C	RESEARCH PROJECT ANALYST	1	GRADE C117
16	(59)	A089C	ACCOUNTANT I	1	GRADE C116
17	(60)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
18	(61)	V014C	BUYER	1	GRADE C116
19	(62)	C037C	ADMINISTRATIVE ANALYST	15	GRADE C115
20	(63)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
21	(64)	A091C	FISCAL SUPPORT ANALYST	2	GRADE C115
22	(65)	D077C	HELP DESK SPECIALIST	1	GRADE C115
23	(66)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
24	(67)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
25	(68)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
26	(69)	C046C	LEGAL SUPPORT SPECIALIST	1	GRADE C113
27	(70)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
28	(71)	C056C	ADMINISTRATIVE SPECIALIST III	37	GRADE C112
29	(72)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
30	(73)	C073C	ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE C109
31			MAX. NO. OF EMPLOYEES	344	

32

33 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,  
 34 for the Department of Education - State Operations for the 2017-2018 fiscal  
 35 year, the following maximum number of part-time or temporary employees, to be  
 36 known as "Extra Help", payable from funds appropriated herein for such

1 purposes: eight (8) temporary or part-time employees, when needed, at rates  
 2 of pay not to exceed those provided in the Uniform Classification and  
 3 Compensation Act, or its successor, or this act for the appropriate  
 4 classification.

5

6 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby  
 7 appropriated, to the Department of Education, to be payable from the  
 8 Department of Education Fund Account, for personal services and operating  
 9 expenses of the Department of Education - State Operations for the fiscal  
 10 year ending June 30, 2018, the following:

11

12 ITEM	FISCAL YEAR
13 NO.	2017-2018
14 (01) REGULAR SALARIES	\$14,193,335
15 (02) EXTRA HELP	160,000
16 (03) PERSONAL SERVICES MATCHING	4,414,433
17 (04) MAINT. & GEN. OPERATION	
18 (A) OPER. EXPENSE	3,479,443
19 (B) CONF. & TRAVEL	100,000
20 (C) PROF. FEES	100,000
21 (D) CAP. OUTLAY	100,000
22 (E) DATA PROC.	0
23 (05) ADVANCED PLACEMENT AND INCENTIVE	
24 PROGRAM GRANTS	450,000
25 (06) READING RECOVERY	100,000
26 (07) AR LEADERSHIP ACADEMY	<u>900,000</u>
27 TOTAL AMOUNT APPROPRIATED	<u><u>\$23,997,211</u></u>

28

29 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is  
 30 hereby appropriated, to the Department of Education, to be payable from the  
 31 federal funds as designated by the Chief Fiscal Officer of the State, for  
 32 personal services and operating expenses of the Department of Education -  
 33 Federal Grants Administration for the fiscal year ending June 30, 2018, the  
 34 following:

35

36 ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2017-2018</u>
2	(01) REGULAR SALARIES	\$513,614
3	(02) PERSONAL SERVICES MATCHING	153,160
4	(03) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	49,970
6	(B) CONF. & TRAVEL	19,672
7	(C) PROF. FEES	260,000
8	(D) CAP. OUTLAY	0
9	(E) DATA PROC.	<u>0</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$996,416</u></u>

11

12 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby  
 13 appropriated, to the Department of Education, to be payable from the  
 14 Educational Buildings Maintenance Fund, for operating expenses of the  
 15 Department of Education - Building Maintenance for the fiscal year ending  
 16 June 30, 2018, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2017-2018</u>
20	(01) MAINT. & GEN. OPERATION	
21	(A) OPER. EXPENSE	\$500,000
22	(B) CONF. & TRAVEL	0
23	(C) PROF. FEES	0
24	(D) CAP. OUTLAY	0
25	(E) DATA PROC.	<u>0</u>
26	TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

27

28 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There  
 29 is hereby appropriated, to the Department of Education, to be payable from  
 30 the Education Revolving Loan Certificates Fund, for personal services and  
 31 operating expenses of the Department of Education - Revolving Loan  
 32 Certificates Program for the fiscal year ending June 30, 2018, the following:

33

34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2017-2018</u>
36	(01) REGULAR SALARIES	\$43,303

1	(02) PERSONAL SERVICES MATCHING	14,554
2	(03) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	27,500
4	(B) CONF. & TRAVEL	2,500
5	(C) PROF. FEES	10,000
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	0
8	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
9	TOTAL AMOUNT APPROPRIATED	<u>\$13,097,857</u>

10

11 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby  
 12 appropriated, to the Department of Education, to be payable from the federal  
 13 funds as designated by the Chief Fiscal Officer of the State, for personal  
 14 services and operating expenses of the Department of Education - Child  
 15 Nutrition Program for the fiscal year ending June 30, 2018, the following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2017-2018</u>
19	(01) REGULAR SALARIES	\$1,016,646
20	(02) PERSONAL SERVICES MATCHING	339,278
21	(03) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	1,172,100
23	(B) CONF. & TRAVEL	52,600
24	(C) PROF. FEES	156,400
25	(D) CAP. OUTLAY	50,000
26	(E) DATA PROC.	0
27	(04) SCHOOL FOOD SERVICE/NUTRITION ED	255,168,000
28	(05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u>\$258,405,024</u>

30

31 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.  
 32 There is hereby authorized, for the Department of Education - Federal  
 33 Elementary and Secondary Education for the 2017-2018 fiscal year, the  
 34 following maximum number of part-time or temporary employees, to be known as  
 35 "Extra Help", payable from funds appropriated herein for such purposes: four  
 36 (4) temporary or part-time employees, when needed, at rates of pay not to

1 exceed those provided in the Uniform Classification and Compensation Act, or  
 2 its successor, or this act for the appropriate classification.

3  
 4 SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

5 There is hereby appropriated, to the Department of Education, to be payable  
 6 from the federal funds as designated by the Chief Fiscal Officer of the  
 7 State, for personal services and operating expenses of the Department of  
 8 Education - Federal Elementary and Secondary Education for the fiscal year  
 9 ending June 30, 2018, the following:

10

11 ITEM	FISCAL YEAR
12 <u>NO.</u>	<u>2017-2018</u>
13 (01) REGULAR SALARIES	\$2,693,809
14 (02) EXTRA HELP	10,000
15 (03) PERSONAL SERVICES MATCHING	849,666
16 (04) MAINT. & GEN. OPERATION	
17 (A) OPER. EXPENSE	3,475,900
18 (B) CONF. & TRAVEL	710,500
19 (C) PROF. FEES	18,351,105
20 (D) CAP. OUTLAY	200,000
21 (E) DATA PROC.	0
22 (05) ENTITLEMENT GRANT PROGRAMS	496,095,368
23 (06) REFUNDS/REIMBURSEMENTS	<u>1,110,000</u>
24 TOTAL AMOUNT APPROPRIATED	<u><u>\$523,496,348</u></u>

25  
 26 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is  
 27 hereby appropriated, to the Department of Education, to be payable from the  
 28 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 29 Officer of the State, for operating expenses and grants by the Department of  
 30 Education - Multiple Grant Award Program for the fiscal year ending June 30,  
 31 2018, the following:

32

33 ITEM	FISCAL YEAR
34 <u>NO.</u>	<u>2017-2018</u>
35 (01) MAINT. & GEN. OPERATION	
36 (A) OPER. EXPENSE	\$122,000

1	(B) CONF. & TRAVEL	16,500
2	(C) PROF. FEES	40,000
3	(D) CAP. OUTLAY	100,000
4	(E) DATA PROC.	0
5	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
6	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,726,375</u></u>

7

8 SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is

9 hereby appropriated, to the Department of Education, to be payable from the

10 cash fund deposited in the State Treasury as determined by the Chief Fiscal

11 Officer of the State, for Medicaid reimbursement and administration of the

12 Department of Education - Medicaid Reimbursement Program for the fiscal year

13 ending June 30, 2018, the following:

14	ITEM	FISCAL YEAR
15	NO.	2017-2018
16	(01) REFUNDS/REIMBURSEMENTS	\$7,000,000
17	(02) MEDICAID ADMIN	<u>10,500</u>
18	TOTAL AMOUNT APPROPRIATED	<u><u>\$7,010,500</u></u>

19

20

21 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There

22 is hereby appropriated, to the Department of Education, to be payable from

23 the cash fund deposited in the State Treasury as determined by the Chief

24 Fiscal Officer of the State, for operating expenses and grants by the

25 Department of Education - Alternative Certification Program for the fiscal

26 year ending June 30, 2018, the following:

27	ITEM	FISCAL YEAR
28	NO.	2017-2018
29	(01) MAINT. & GEN. OPERATION	
30	(A) OPER. EXPENSE	\$515,292
31	(B) CONF. & TRAVEL	8,500
32	(C) PROF. FEES	125,420
33	(D) CAP. OUTLAY	0
34	(E) DATA PROC.	0
35	(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>

1 TOTAL AMOUNT APPROPRIATED \$1,349,212

2 SECTION 13. APPROPRIATION - CONFERENCES. There is hereby appropriated,  
 3 to the Department of Education, to be payable from the cash fund deposited in  
 4 the State Treasury as determined by the Chief Fiscal Officer of the State,  
 5 for operating expenses of conferences sponsored by the Department of  
 6 Education for the fiscal year ending June 30, 2018, the following:

7

8 ITEM	FISCAL YEAR
9 <u>NO.</u>	<u>2017-2018</u>
10 (01) MAINT. & GEN. OPERATION	
11 (A) OPER. EXPENSE	\$400,000
12 (B) CONF. & TRAVEL	25,000
13 (C) PROF. FEES	50,000
14 (D) CAP. OUTLAY	0
15 (E) DATA PROC.	<u>0</u>
16 TOTAL AMOUNT APPROPRIATED	<u>\$475,000</u>

17

18 SECTION 14. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.  
 19 There is hereby appropriated, to the Department of Education, to be payable  
 20 from the cash fund deposited in the State Treasury as determined by the Chief  
 21 Fiscal Officer of the State, for reimbursement of school districts for  
 22 administrative activities that support the Arkansas Medicaid Program by the  
 23 Department of Education - Medicaid Administration Claiming Program for the  
 24 fiscal year ending June 30, 2018, the following:

25

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2017-2018</u>
28 (01) AR MEDICAID ADMIN CLAIMS	<u>\$18,000,000</u>

29

30 SECTION 15. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby  
 31 appropriated, to the Department of Education, to be payable from the School-  
 32 Age Children Eye and Vision Care Fund, for operating expenses and costs  
 33 incurred in studying, evaluating vision needs, screening vision programs, the  
 34 development of a strategic statewide plan, and associated expenses for eye  
 35 and vision care of school-age children in Arkansas for the fiscal year ending  
 36 June 30, 2018, the following:



1	(03) MAINT. & GEN. OPERATION	
2	(A) OPER. EXPENSE	376,325
3	(B) CONF. & TRAVEL	10,000
4	(C) PROF. FEES	9,505
5	(D) CAP. OUTLAY	50,000
6	(E) DATA PROC.	0
7	(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,307,415</u></u>

9

10 SECTION 18. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL

11 CLOSURE. There is hereby appropriated, to the Department of Education, to be  
 12 payable from the cash fund deposited in the State Treasury as determined by  
 13 the Chief Fiscal Officer of the State, for outstanding obligations incurred  
 14 by closed charter schools for the fiscal year ending June 30, 2018, the  
 15 following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2017-2018</u>
19	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

20

21 SECTION 19. APPROPRIATION - SUCCEED SCHOLARSHIP PROGRAM - CASH. There  
 22 is hereby appropriated, to the Department of Education, to be payable from  
 23 the cash fund deposited in the State Treasury as determined by the Chief  
 24 Fiscal Officer of the State, for expenses of the Succeed Scholarship Program  
 25 of the Department of Education for the fiscal year ending June 30, 2018, the  
 26 following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2017-2018</u>
30	(01) SUCCEED SCHOLARSHIP PROGRAM EXPENSES	<u><u>\$1,300,000</u></u>

31

32 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 33 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 34 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund  
 35 balances or any law to the contrary, any funds which remain in the Department  
 36 of Education Fund Account at the end of a fiscal year shall remain in the

1 Department of Education Fund Account and be made available to fund  
2 appropriation(s) authorized by law and made payable from the Department of  
3 Education Fund Account for the following fiscal year.

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

6 (1) Prior to June 30, ~~2017~~ 2018 the Agency shall by written statement  
7 set forth its reason(s) for the need to carry forward said funding to the  
8 Department of Finance and Administration Office of Budget;

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

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2016~~  
29 2017 through June 30, ~~2017~~ 2018.

30

31 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF  
33 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the  
34 General Assembly that the appropriation for the salary of the Commissioner of  
35 the Department of Education shall be the sole and exclusive authority for his  
36 or her salary. It is further the intent of the General Assembly that the

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

14 The provisions of this section shall be in effect only from July 1, ~~2016~~  
15 2017 through June 30, ~~2017~~ 2018.

16

17 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
19 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from  
20 statewide education issues and the necessity of recruiting and retaining  
21 qualified personnel, the Arkansas Department of Education or its successor  
22 agency is authorized for the ~~2016-2017~~ 2017-2018 fiscal year a pool of no  
23 more than five (5) Professional/Executive positions at a salary not to exceed  
24 the maximum salary for a grade N912. These positions are to be used by the  
25 Department of Education in the event that the personal services needs of the  
26 Department during the ~~2016-2017~~ 2017-2018 fiscal year require additional  
27 positions, either by title or in number, that are not authorized by the  
28 General Assembly in the Regular Salaries section of this Act. These positions  
29 may also be used to properly classify positions when the Department does not  
30 have a vacant position available with the appropriate title and salary level.

31 (b) To address needs emerging from statewide education issues and the  
32 necessity of recruiting and retaining qualified personnel, the Arkansas  
33 Department of Education or its successor agency is authorized for the ~~2016-~~  
34 ~~2017~~ 2017-2018 fiscal year a pool of ten (10) classified positions at up to a  
35 grade C130. These positions are to be used by the Department of Education in  
36 the event that the personal services needs of the Department during the ~~2016-~~

1 ~~2017~~ 2017-2018 fiscal year require additional positions, either by  
2 classification or in number, that are not authorized by the General Assembly  
3 in the Regular Salaries section of this Act. These positions may also be used  
4 to properly classify positions when the Department does not have a vacant  
5 position available with the appropriate title and grade level.

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

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

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

23 (f) Determining the number of personnel to be employed by a state agency  
24 is the prerogative of the General Assembly and is usually accomplished by  
25 delineating the maximum number of personnel by identifying job titles and the  
26 maximum grade or salary attached to those titles. The General Assembly has  
27 determined that the Arkansas Department of Education could be operated more  
28 efficiently if some flexibility is given to that agency. That flexibility is  
29 being accomplished by providing a position pool in Subsections (a) and (b) of  
30 this Section and since the General Assembly has granted the agency broad  
31 powers under the growth pool concept, it is both necessary and appropriate  
32 that the General Assembly maintain oversight of the utilization of the  
33 position pool by requiring review of the Legislative Council or Joint Budget  
34 Committee in the utilization of the position pool. Therefore, the requirement  
35 of review by the Legislative Council or Joint Budget Committee is not a  
36 severable part of this section. If the requirement of review by the

1 Legislative Council or Joint Budget Committee is ruled unconstitutional by a  
2 court of competent jurisdiction, this entire section is void.

3 The provisions of this section shall be in effect only from July 1, ~~2016~~  
4 2017 through June 30, ~~2017~~ 2018.

5  
6 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS  
8 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by  
9 the Department of Education that a reduction in the amount of available  
10 appropriation within the Department of Education Fund Account is required  
11 from the amount appropriated, the reduction in the available appropriation  
12 from the full amount appropriated for the Arkansas Leadership Academy shall  
13 be limited to the average percentage reduction in the other appropriations to  
14 the Department of Education from the Department of Education Fund Account.

15 The provisions of this section shall be in effect only from July 1, ~~2016~~  
16 2017 through June 30, ~~2017~~ 2018.

17  
18 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
19 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.  
20 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"  
21 line item in the State Operations Appropriation Section of this Act shall be  
22 used for the School Support Program which will provide support to schools or  
23 school districts designated by the Department of Education as being in school  
24 improvement status and to provide for general operations of the Leadership  
25 Academy.

26 The provisions of this section shall be in effect only from July 1, ~~2016~~  
27 2017 through June 30, ~~2017~~ 2018.

28  
29 SECTION 25. 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, ~~2016~~  
35 2017 through June 30, ~~2017~~ 2018.

36

1 SECTION 26. 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 27. 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 28. 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, 2017 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, 2017 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, 2017.

31  
32 */s/ Joint Budget Committee*

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34  
35 **APPROVED: 04/03/2017**