

Stricken language will be deleted and underlined language will be added.  
Act 244 of the Fiscal Session

1 State of Arkansas  
2 91st General Assembly  
3 Fiscal Session, 2018  
4

As Engrossed: S2/28/18

**A Bill**

SENATE BILL 37

5 By: Joint Budget Committee  
6

**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, 2019;  
11 AND FOR OTHER PURPOSES.  
12  
13

**Subtitle**

14 AN ACT FOR THE DEPARTMENT OF EDUCATION  
15 APPROPRIATION FOR THE 2018-2019 FISCAL  
16 YEAR.  
17  
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 2018-2019 fiscal year, the following maximum  
24 number of regular employees.  
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2018-2019
30	(1)	U033U COMMISSIONER OF EDUCATION	1	GRADE SE05
31	(2)	U027U DEPUTY COMMISSIONER OF EDUCATION	1	GRADE SE03
32	(3)	N005N ADE ASST COMM LEARNING SERVICES	1	GRADE SE01
33	(4)	N006N ADE ASST COMM PUB SCH ACCOUNTING	1	GRADE SE01
34	(5)	D011N ADE DIRECTOR OF INFORMATION SYSTEMS	1	GRADE SE01
35	(6)	N009N ASST COMMISSIONER FISCAL & ADMIN SVC	1	GRADE SE01
36	(7)	N008N ASST COMM RESEARCH & TECHNOLOGY	1	GRADE SE01



1	(8)	N010N ASST COMMR EDUC EFFECTIVENESS	1	GRADE SE01
2	(9)	E007N ADE DIRECTOR OF COMPUTER SCIENCE	1	GRADE IT09
3	(10)	D104C ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE IT08
4	(11)	D030C INFORMATION SYSTEMS COORDINATOR	2	GRADE IT07
5	(12)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
6	(13)	D054C COMPUTER SUPPORT COORDINATOR	1	GRADE IT05
7	(14)	D047C INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE IT05
8	(15)	D052C SOFTWARE SUPPORT ANALYST	1	GRADE IT05
9	(16)	D044C SYSTEMS ANALYST	1	GRADE IT05
10	(17)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE IT02
11	(18)	G001N ADE LITIGATION ATTORNEY	1	GRADE GS15
12	(19)	G281C ADE POLICY & SPECIAL PROJ DIRECTOR	1	GRADE GS15
13	(20)	A009N ADE CHIEF FISCAL OFFICER	1	GRADE GS14
14	(21)	N069N ADE SPECIAL ADVISOR	6	GRADE GS14
15	(22)	E003N ADE COORD SCH IMP/STAND ASSURANCE	1	GRADE GS13
16	(23)	E001N ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE GS13
17	(24)	A010C AGENCY CONTROLLER II	1	GRADE GS13
18	(25)	G012C ADE ASSISTANT TO DIRECTOR	7	GRADE GS12
19	(26)	P001N ADE DIR OF COMMUNICATIONS	1	GRADE GS12
20	(27)	G006C ADE SPEC EDUCATION DIVISION MANAGER	1	GRADE GS12
21	(28)	G025C ATTORNEY SUPERVISOR	1	GRADE GS12
22	(29)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
23	(30)	E006N ADE COORD COMPUTER SCIENCE	1	GRADE GS11
24	(31)	N149N ADE COORD FISCAL DISTRESS	1	GRADE GS11
25	(32)	G047C ATTORNEY SPECIALIST	3	GRADE GS11
26	(33)	E006C PUBLIC SCHOOL PROGRAM MANAGER	15	GRADE GS11
27	(34)	G050C ADE APSCN DIVISION MANAGER	1	GRADE GS10
28	(35)	E007C ADE OERZ DIRECTOR	1	GRADE GS10
29	(36)	G075C ADE PROGRAM ADMINISTRATOR	2	GRADE GS10
30	(37)	E016C PUBLIC SCHOOL PROGRAM COORDINATOR	21	GRADE GS10
31	(38)	A052C ACCOUNTING COORDINATOR	6	GRADE GS09
32	(39)	R009C ADE BUDGET MANAGER	1	GRADE GS09
33	(40)	G074C ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE GS09
34	(41)	A032C ADE FINANCE PROGRAM COORDINATOR	2	GRADE GS09
35	(42)	A050C AGENCY FISCAL MANAGER	1	GRADE GS09
36	(43)	A038C FISCAL SUPPORT MANAGER	5	GRADE GS09

1	(44)	G109C GRANTS MANAGER	1	GRADE GS09
2	(45)	P004C PUBLIC INFORMATION MANAGER	2	GRADE GS09
3	(46)	E019C PUBLIC SCHOOL PROGRAM ADVISOR	117	GRADE GS09
4	(47)	L035C NUTRITIONIST CONSULTANT	9	GRADE GS08
5	(48)	R014C PERSONNEL MANAGER	1	GRADE GS08
6	(49)	A041C PROGRAM FISCAL MANAGER	4	GRADE GS08
7	(50)	A060C SENIOR AUDITOR	1	GRADE GS08
8	(51)	A089C ACCOUNTANT I	1	GRADE GS07
9	(52)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE GS07
10	(53)	G147C GRANTS COORDINATOR	1	GRADE GS07
11	(54)	P020C PRODUCTION ARTIST	1	GRADE GS07
12	(55)	P013C PUBLIC INFORMATION COORDINATOR	1	GRADE GS07
13	(56)	C037C ADMINISTRATIVE ANALYST	15	GRADE GS06
14	(57)	A074C FISCAL SUPPORT SUPERVISOR	4	GRADE GS06
15	(58)	G180C GRANTS ANALYST	2	GRADE GS06
16	(59)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
17	(60)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
18	(61)	G178C POLICY DEVELOPMENT COORDINATOR	3	GRADE GS06
19	(62)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
20	(63)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
21	(64)	V014C BUYER	1	GRADE GS05
22	(65)	A091C FISCAL SUPPORT ANALYST	2	GRADE GS05
23	(66)	D077C HELP DESK SPECIALIST	1	GRADE GS05
24	(67)	S033C MAINTENANCE SUPERVISOR	1	GRADE GS05
25	(68)	C056C ADMINISTRATIVE SPECIALIST III	37	GRADE GS04
26	(69)	A098C FISCAL SUPPORT SPECIALIST	1	GRADE GS04
27	(70)	R036C HUMAN RESOURCES SPECIALIST	2	GRADE GS04
28	(71)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
29	(72)	C046C LEGAL SUPPORT SPECIALIST	1	GRADE GS04
30	(73)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
31	(74)	C073C ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE GS03
32		MAX. NO. OF EMPLOYEES	344	

33

34 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,  
 35 for the Department of Education - State Operations for the 2018-2019 fiscal  
 36 year, the following maximum number of part-time or temporary employees, to be

1 known as "Extra Help", payable from funds appropriated herein for such  
 2 purposes: eight (8) temporary or part-time employees, when needed, at rates  
 3 of pay not to exceed those provided in the Uniform Classification and  
 4 Compensation Act, or its successor, or this act for the appropriate  
 5 classification.

6

7 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby  
 8 appropriated, to the Department of Education, to be payable from the  
 9 Department of Education Fund Account, for personal services and operating  
 10 expenses of the Department of Education - State Operations for the fiscal  
 11 year ending June 30, 2019, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2018-2019</u>
15 (01) REGULAR SALARIES	\$14,204,135
16 (02) EXTRA HELP	160,000
17 (03) PERSONAL SERVICES MATCHING	4,417,670
18 (04) MAINT. & GEN. OPERATION	
19 (A) OPER. EXPENSE	3,479,443
20 (B) CONF. & TRAVEL	100,000
21 (C) PROF. FEES	100,000
22 (D) CAP. OUTLAY	100,000
23 (E) DATA PROC.	0
24 (05) ADVANCED PLACEMENT AND INCENTIVE	
25 PROGRAM GRANTS	450,000
26 (06) READING RECOVERY	100,000
27 (07) AR LEADERSHIP ACADEMY	<u>900,000</u>
28 TOTAL AMOUNT APPROPRIATED	<u><u>\$24,011,248</u></u>

29

30 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is  
 31 hereby appropriated, to the Department of Education, to be payable from the  
 32 federal funds as designated by the Chief Fiscal Officer of the State, for  
 33 personal services and operating expenses of the Department of Education -  
 34 Federal Grants Administration for the fiscal year ending June 30, 2019, the  
 35 following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2018-2019</u>
3	(01) REGULAR SALARIES	\$513,614
4	(02) PERSONAL SERVICES MATCHING	153,160
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	49,970
7	(B) CONF. & TRAVEL	19,672
8	(C) PROF. FEES	260,000
9	(D) CAP. OUTLAY	0
10	(E) DATA PROC.	<u>0</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$996,416</u></u>

12

13 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby  
 14 appropriated, to the Department of Education, to be payable from the  
 15 Educational Buildings Maintenance Fund, for operating expenses of the  
 16 Department of Education - Building Maintenance for the fiscal year ending  
 17 June 30, 2019, the following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2018-2019</u>
21	(01) MAINT. & GEN. OPERATION	
22	(A) OPER. EXPENSE	\$500,000
23	(B) CONF. & TRAVEL	0
24	(C) PROF. FEES	0
25	(D) CAP. OUTLAY	0
26	(E) DATA PROC.	<u>0</u>
27	TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

28

29 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There  
 30 is hereby appropriated, to the Department of Education, to be payable from  
 31 the Education Revolving Loan Certificates Fund, for personal services and  
 32 operating expenses of the Department of Education - Revolving Loan  
 33 Certificates Program for the fiscal year ending June 30, 2019, the following:

34

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2018-2019</u>

1	(01) REGULAR SALARIES	\$43,303
2	(02) PERSONAL SERVICES MATCHING	14,554
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	27,500
5	(B) CONF. & TRAVEL	2,500
6	(C) PROF. FEES	10,000
7	(D) CAP. OUTLAY	0
8	(E) DATA PROC.	0
9	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$13,097,857</u></u>

11

12 SECTION 7. APPROPRIATION - CHILD NUTRITION 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 personal  
 15 services and operating expenses of the Department of Education - Child  
 16 Nutrition Program for the fiscal year ending June 30, 2019, the following:

17

18	ITEM	FISCAL YEAR
19	<u>NO.</u>	<u>2018-2019</u>
20	(01) REGULAR SALARIES	\$1,017,346
21	(02) PERSONAL SERVICES MATCHING	339,431
22	(03) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	1,172,100
24	(B) CONF. & TRAVEL	52,600
25	(C) PROF. FEES	156,400
26	(D) CAP. OUTLAY	50,000
27	(E) DATA PROC.	0
28	(04) SCHOOL FOOD SERVICE/NUTRITION ED	255,168,000
29	(05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
30	TOTAL AMOUNT APPROPRIATED	<u><u>\$258,405,877</u></u>

31

32 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.  
 33 There is hereby authorized, for the Department of Education - Federal  
 34 Elementary and Secondary Education for the 2018-2019 fiscal year, the  
 35 following maximum number of part-time or temporary employees, to be known as  
 36 "Extra Help", payable from funds appropriated herein for such purposes: four

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

SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Federal Elementary and Secondary Education for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) REGULAR SALARIES	\$2,695,809
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	850,104
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,475,900
(B) CONF. & TRAVEL	710,500
(C) PROF. FEES	18,351,105
(D) CAP. OUTLAY	200,000
(E) DATA PROC.	0
(05) ENTITLEMENT GRANT PROGRAMS	496,095,368
(06) REFUNDS/REIMBURSEMENTS	<u>1,110,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$523,498,786</u>

SECTION 10. 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 by the Department of Education - Multiple Grant Award Program for the fiscal year ending June 30, 2019, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2018-2019</u>
(01) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	\$122,000
2	(B) CONF. & TRAVEL	16,500
3	(C) PROF. FEES	40,000
4	(D) CAP. OUTLAY	100,000
5	(E) DATA PROC.	0
6	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
7	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,726,375</u></u>

8

9 SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is  
 10 hereby appropriated, to the Department of Education, to be payable from the  
 11 cash fund deposited in the State Treasury as determined by the Chief Fiscal  
 12 Officer of the State, for Medicaid reimbursement and administration of the  
 13 Department of Education - Medicaid Reimbursement Program for the fiscal year  
 14 ending June 30, 2019, the following:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2018-2019</u>
18	(01) REFUNDS/REIMBURSEMENTS	\$7,000,000
19	(02) MEDICAID ADMIN	<u>10,500</u>
20	TOTAL AMOUNT APPROPRIATED	<u><u>\$7,010,500</u></u>

21

22 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There  
 23 is hereby appropriated, to the Department of Education, to be payable from  
 24 the cash fund deposited in the State Treasury as determined by the Chief  
 25 Fiscal Officer of the State, for operating expenses and grants by the  
 26 Department of Education - Alternative Certification Program for the fiscal  
 27 year ending June 30, 2019, the following:

28

29	ITEM	FISCAL YEAR
30	<u>NO.</u>	<u>2018-2019</u>
31	(01) MAINT. & GEN. OPERATION	
32	(A) OPER. EXPENSE	\$515,292
33	(B) CONF. & TRAVEL	8,500
34	(C) PROF. FEES	125,420
35	(D) CAP. OUTLAY	0
36	(E) DATA PROC.	0

1	(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

3  
 4 SECTION 13. APPROPRIATION - CONFERENCES. There is hereby appropriated,  
 5 to the Department of Education, to be payable from the cash fund deposited in  
 6 the State Treasury as determined by the Chief Fiscal Officer of the State,  
 7 for operating expenses of conferences sponsored by the Department of  
 8 Education for the fiscal year ending June 30, 2019, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2018-2019</u>
12	(01) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	\$400,000
14	(B) CONF. & TRAVEL	25,000
15	(C) PROF. FEES	50,000
16	(D) CAP. OUTLAY	0
17	(E) DATA PROC.	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u><u>\$475,000</u></u>

19  
 20 SECTION 14. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.  
 21 There is hereby appropriated, to the Department of Education, to be payable  
 22 from the cash fund deposited in the State Treasury as determined by the Chief  
 23 Fiscal Officer of the State, for reimbursement of school districts for  
 24 administrative activities that support the Arkansas Medicaid Program by the  
 25 Department of Education - Medicaid Administration Claiming Program for the  
 26 fiscal year ending June 30, 2019, the following:

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2018-2019</u>
30	(01) AR MEDICAID ADMIN CLAIMS	<u><u>\$18,000,000</u></u>

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

1 and vision care of school-age children in Arkansas for the fiscal year ending  
2 June 30, 2019, the following:

3	4	ITEM	FISCAL YEAR
5	NO.		2018-2019
6	(01)	VARIOUS OPERATING EXPENSES FOR VISION	
7		SCREENING AND CARE	<u>\$5,508</u>

8  
9 SECTION 16. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

10 There is hereby established for the Department of Education - Professional  
11 Licensure Standards Board for the 2018-2019 fiscal year, the following  
12 maximum number of regular employees.

13	14	15	16	17	18	19	20	21	22	23	24	25	26
Item	Class		Maximum	Maximum									
No.	Code	Title	No. of	Salary Rate									
			Employees	Fiscal Year									
				2018-2019									
18	(1)	G012C ADE ASSISTANT TO DIRECTOR	1	GRADE GS12									
19	(2)	G073C ATTORNEY	1	GRADE GS10									
20	(3)	X012C ADE PLSB CHIEF INVESTIGATOR	1	GRADE GS09									
21	(4)	X202C ADE PLSB SENIOR INVESTIGATOR	2	GRADE GS08									
22	(5)	X037C EDUCATION INVESTIGATOR	4	GRADE GS08									
23	(6)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06									
24	(7)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06									
25	(8)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04									
26		MAX. NO. OF EMPLOYEES	13										

27  
28 SECTION 17. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

29 There is hereby appropriated, to the Department of Education, to be payable  
30 from the cash fund deposited in the State Treasury as determined by the Chief  
31 Fiscal Officer of the State, for personal services and operating expenses of  
32 the Department of Education - Professional Licensure Standards Board for the  
33 fiscal year ending June 30, 2019, the following:

34	35	ITEM	FISCAL YEAR
36	NO.		2018-2019

1	(01) REGULAR SALARIES	\$570,685
2	(02) PERSONAL SERVICES MATCHING	190,900
3	(03) MAINT. & GEN. OPERATION	
4	(A) OPER. EXPENSE	376,325
5	(B) CONF. & TRAVEL	10,000
6	(C) PROF. FEES	9,505
7	(D) CAP. OUTLAY	50,000
8	(E) DATA PROC.	0
9	(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
10	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,307,415</u></u>

11

12 SECTION 18. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL  
 13 CLOSURE. There is hereby appropriated, to the Department of Education, to be  
 14 payable from the cash fund deposited in the State Treasury as determined by  
 15 the Chief Fiscal Officer of the State, for outstanding obligations incurred  
 16 by closed charter schools for the fiscal year ending June 30, 2019, the  
 17 following:

18

19	ITEM	FISCAL YEAR
20	<u>NO.</u>	<u>2018-2019</u>
21	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

22

23 SECTION 19. APPROPRIATION - SUCCEED SCHOLARSHIP PROGRAM - CASH. There  
 24 is hereby appropriated, to the Department of Education, to be payable from  
 25 the cash fund deposited in the State Treasury as determined by the Chief  
 26 Fiscal Officer of the State, for expenses of the Succeed Scholarship Program  
 27 of the Department of Education for the fiscal year ending June 30, 2019, the  
 28 following:

29

30	ITEM	FISCAL YEAR
31	<u>NO.</u>	<u>2018-2019</u>
32	(01) SUCCEED SCHOLARSHIP PROGRAM EXPENSES	<u><u>\$1,542,677</u></u>

33

34 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
 35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY  
 36 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund

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

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

8 (1) Prior to June 30, ~~2018~~ 2019 the Agency shall by written statement  
9 set forth its reason(s) for the need to carry forward said funding to the  
10 Department of Finance and Administration Office of Budget;

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

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

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

30 The provisions of this section shall be in effect only from July 1, ~~2017~~  
31 2018 through June 30, ~~2018~~ 2019.

32

33 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF  
35 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the  
36 General Assembly that the appropriation for the salary of the Commissioner of

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

16 The provisions of this section shall be in effect only from July 1, ~~2017~~  
17 2018 through June 30, ~~2018~~ 2019.

18

19 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

21 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from  
22 statewide education issues and the necessity of recruiting and retaining  
23 qualified personnel, the Arkansas Department of Education or its successor  
24 agency is authorized for the ~~2017-2018~~ 2018-2019 fiscal year a pool of no  
25 more than five (5) Professional/Executive positions at a salary not to exceed  
26 the maximum salary for a grade N912. These positions are to be used by the  
27 Department of Education in the event that the personal services needs of the  
28 Department during the ~~2017-2018~~ 2018-2019 fiscal year require additional  
29 positions, either by title or in number, that are not authorized by the  
30 General Assembly in the Regular Salaries section of this Act. These positions  
31 may also be used to properly classify positions when the Department does not  
32 have a vacant position available with the appropriate title and salary level.

33 (b) To address needs emerging from statewide education issues and the  
34 necessity of recruiting and retaining qualified personnel, the Arkansas  
35 Department of Education or its successor agency is authorized for the ~~2017-~~  
36 2018 2018-2019 fiscal year a pool of ten (10) classified positions at up to a

1 grade C130. These positions are to be used by the Department of Education in  
2 the event that the personal services needs of the Department during the ~~2017-~~  
3 ~~2018~~ 2018-2019 fiscal year require additional positions, either by  
4 classification or in number, that are not authorized by the General Assembly  
5 in the Regular Salaries section of this Act. These positions may also be used  
6 to properly classify positions when the Department does not have a vacant  
7 position available with the appropriate title and grade level.

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

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

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

5 The provisions of this section shall be in effect only from July 1, ~~2017~~  
6 2018 through June 30, ~~2018~~ 2019.

7

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

17 The provisions of this section shall be in effect only from July 1, ~~2017~~  
18 2018 through June 30, ~~2018~~ 2019.

19

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

28 The provisions of this section shall be in effect only from July 1, ~~2017~~  
29 2018 through June 30, ~~2018~~ 2019.

30

31 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE  
33 FUND RESTRICTIONS. No state funds shall be used for abortion referral in  
34 public schools, or for abortion services. Funds shall be expended in  
35 accordance with Arkansas Code Annotated § 6-18-703.

36 The provisions of this section shall be in effect only from July 1, ~~2017~~

1 2018 through June 30, ~~2018~~ 2019.

2

3 SECTION 26. COMPLIANCE WITH OTHER LAWS. Disbursement of funds  
4 authorized by this act shall be limited to the appropriation for such agency  
5 and funds made available by law for the support of such appropriations; and  
6 the restrictions of the State Procurement Law, the General Accounting and  
7 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary  
8 Procedures and Restrictions Act, or their successors, and other fiscal  
9 control laws of this State, where applicable, and regulations promulgated by  
10 the Department of Finance and Administration, as authorized by law, shall be  
11 strictly complied with in disbursement of said funds.

12

13 SECTION 27. LEGISLATIVE INTENT. It is the intent of the General  
14 Assembly that any funds disbursed under the authority of the appropriations  
15 contained in this act shall be in compliance with the stated reasons for  
16 which this act was adopted, as evidenced by the Agency Requests, Executive  
17 Recommendations and Legislative Recommendations contained in the budget  
18 manuals prepared by the Department of Finance and Administration, letters, or  
19 summarized oral testimony in the official minutes of the Arkansas Legislative  
20 Council or Joint Budget Committee which relate to its passage and adoption.

21

22 SECTION 28. EFFECTIVE DATE. This act is effective on and after July 1,  
23 2018.

24

25 */s/ Joint Budget Committee*

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28 **APPROVED: 3/9/18**

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