

1 State of Arkansas *As Engrossed: S3/4/19 S3/11/19*

2 92nd General Assembly

A Bill

3 Regular Session, 2019

SENATE BILL 138

4

5 By: Joint Budget Committee

6

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For An Act To Be Entitled

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AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES

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AND OPERATING EXPENSES FOR THE DEPARTMENT OF

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EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2020;

11

AND FOR OTHER PURPOSES.

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Subtitle

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AN ACT FOR THE DEPARTMENT OF EDUCATION

16

APPROPRIATION FOR THE 2019-2020 FISCAL

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YEAR.

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

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SECTION 1. REGULAR SALARIES. There is hereby established for the

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Department of Education for the 2019-2020 fiscal year, the following maximum

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number of regular employees.

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Maximum Annual

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Maximum

Salary Rate

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Item Class

No. of

Fiscal Year

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No. Code Title

Employees

2019-2020

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(1) U033U COMMISSIONER OF EDUCATION

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GRADE SE05

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(2) U027U DEPUTY COMMISSIONER OF EDUCATION

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GRADE SE03

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(3) N005N ADE ASST COMMISSIONER LEARNING SERVICES

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GRADE SE01

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(4) N006N ADE ASST COMMISSIONER PUB SCH ACCOUNTING

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GRADE SE01

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(5) D011N ADE DIRECTOR OF INFORMATION SYSTEMS

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GRADE SE01

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(6) N009N ASST COMMISSIONER FISCAL & ADMIN SVC

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GRADE SE01

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(7) N008N ASST COMMISSIONER RESEARCH & TECHNOLOGY

1

GRADE SE01



1	(8)	N010N ASST COMMR EDUC EFFECTIVENESS	1	GRADE SE01
2	(9)	L027C REGISTERED NURSE SUPERVISOR	1	GRADE MP02
3	(10)	E007N ADE DIRECTOR OF COMPUTER SCIENCE	1	GRADE IT09
4	(11)	D104C ADE STATE SYSTEMS ADMINISTRATOR	4	GRADE IT08
5	(12)	D030C INFORMATION SYSTEMS COORDINATOR	2	GRADE IT07
6	(13)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
7	(14)	D054C COMPUTER SUPPORT COORDINATOR	1	GRADE IT05
8	(15)	D047C INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE IT05
9	(16)	D052C SOFTWARE SUPPORT ANALYST	1	GRADE IT05
10	(17)	D044C SYSTEMS ANALYST	1	GRADE IT05
11	(18)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE IT02
12	(19)	G001N ADE LITIGATION ATTORNEY	1	GRADE GS15
13	(20)	G281C ADE POLICY & SPECIAL PROJECTS DIRECTOR	1	GRADE GS15
14	(21)	E072C DIRECTOR OF COMPUTER SCIENCE AND STEM	1	GRADE GS15
15	(22)	N069N ADE SPECIAL ADVISOR	7	GRADE GS14
16	(23)	E003N ADE COORD SCH. IMP / STANDARDS ASSURANCE	1	GRADE GS13
17	(24)	E001N ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE GS13
18	(25)	A010C AGENCY CONTROLLER II	1	GRADE GS13
19	(26)	G012C ADE ASSISTANT TO DIRECTOR	8	GRADE GS12
20	(27)	G006C ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE GS12
21	(28)	A021C AGENCY CONTROLLER I	1	GRADE GS12
22	(29)	G025C ATTORNEY SUPERVISOR	1	GRADE GS12
23	(30)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
24	(31)	E006N ADE COORD COMPUTER SCIENCE	1	GRADE GS11
25	(32)	N149N ADE COORD FISCAL DISTRESS	1	GRADE GS11
26	(33)	E069C ADE DIRECTOR OF MEDICAID IN SCHOOLS	1	GRADE GS11
27	(34)	G047C ATTORNEY SPECIALIST	2	GRADE GS11
28	(35)	E006C PUBLIC SCHOOL PROGRAM MANAGER	15	GRADE GS11
29	(36)	E007C ADE OERZ DIRECTOR	1	GRADE GS10
30	(37)	G075C ADE PROGRAM ADMINISTRATOR	3	GRADE GS10
31	(38)	E016C PUBLIC SCHOOL PROGRAM COORDINATOR	20	GRADE GS10
32	(39)	A052C ACCOUNTING COORDINATOR	6	GRADE GS09
33	(40)	R009C ADE BUDGET MANAGER	1	GRADE GS09
34	(41)	G074C ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE GS09
35	(42)	A032C ADE FINANCE PROGRAM COORDINATOR	2	GRADE GS09
36	(43)	A050C AGENCY FISCAL MANAGER	1	GRADE GS09

1	(44)	A038C FISCAL SUPPORT MANAGER	5	GRADE GS09
2	(45)	G109C GRANTS MANAGER	2	GRADE GS09
3	(46)	P004C PUBLIC INFORMATION MANAGER	3	GRADE GS09
4	(47)	E019C PUBLIC SCHOOL PROGRAM ADVISOR	107	GRADE GS09
5	(48)	L043C HEALTH PROGRAM SPECIALIST III	1	GRADE GS08
6	(49)	L035C NUTRITIONIST CONSULTANT	9	GRADE GS08
7	(50)	G093C OPERATIONS MANAGER	5	GRADE GS08
8	(51)	R014C PERSONNEL MANAGER	1	GRADE GS08
9	(52)	A041C PROGRAM FISCAL MANAGER	6	GRADE GS08
10	(53)	A089C ACCOUNTANT I	1	GRADE GS07
11	(54)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	2	GRADE GS07
12	(55)	A075C FINANCIAL ANALYST I	1	GRADE GS07
13	(56)	G147C GRANTS COORDINATOR	1	GRADE GS07
14	(57)	P020C PRODUCTION ARTIST	1	GRADE GS07
15	(58)	C037C ADMINISTRATIVE ANALYST	15	GRADE GS06
16	(59)	A074C FISCAL SUPPORT SUPERVISOR	4	GRADE GS06
17	(60)	G180C GRANTS ANALYST	2	GRADE GS06
18	(61)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
19	(62)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
20	(63)	G178C POLICY DEVELOPMENT COORDINATOR	3	GRADE GS06
21	(64)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
22	(65)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
23	(66)	V014C BUYER	1	GRADE GS05
24	(67)	A091C FISCAL SUPPORT ANALYST	2	GRADE GS05
25	(68)	D077C HELP DESK SPECIALIST	1	GRADE GS05
26	(69)	S033C MAINTENANCE SUPERVISOR	1	GRADE GS05
27	(70)	C056C ADMINISTRATIVE SPECIALIST III	38	GRADE GS04
28	(71)	R036C HUMAN RESOURCES SPECIALIST	2	GRADE GS04
29	(72)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
30	(73)	C046C LEGAL SUPPORT SPECIALIST	1	GRADE GS04
31	(74)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
32	(75)	C073C ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE GS03
33		MAX. NO. OF EMPLOYEES	347	

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35 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 36 for the Department of Education - State Operations for the 2019-2020 fiscal

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

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8 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 9 appropriated, to the Department of Education, to be payable from the
 10 Department of Education Fund Account, for personal services and operating
 11 expenses of the Department of Education - State Operations for the fiscal
 12 year ending June 30, 2020, the following:

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14	ITEM	FISCAL YEAR
15	<u>NO.</u>	<u>2019-2020</u>
16	(01) REGULAR SALARIES	\$15,473,015
17	(02) EXTRA HELP	160,000
18	(03) PERSONAL SERVICES MATCHING	4,733,390
19	(04) MAINT. & GEN. OPERATION	
20	(A) OPER. EXPENSE	3,479,443
21	(B) CONF. & TRAVEL	100,000
22	(C) PROF. FEES	100,000
23	(D) CAP. OUTLAY	100,000
24	(E) DATA PROC.	<u>0</u>
25	TOTAL AMOUNT APPROPRIATED	<u>\$24,145,848</u>

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27 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is
 28 hereby appropriated, to the Department of Education, to be payable from the
 29 federal funds as designated by the Chief Fiscal Officer of the State, for
 30 personal services and operating expenses of the Department of Education -
 31 Federal Grants Administration of the Department of Education for the fiscal
 32 year ending June 30, 2020, the following:

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34	ITEM	FISCAL YEAR
35	<u>NO.</u>	<u>2019-2020</u>
36	(01) REGULAR SALARIES	\$517,226

1	(02) PERSONAL SERVICES MATCHING	153,903
2	(03) MAINT. & GEN. OPERATION	
3	(A) OPER. EXPENSE	49,970
4	(B) CONF. & TRAVEL	19,672
5	(C) PROF. FEES	260,000
6	(D) CAP. OUTLAY	0
7	(E) DATA PROC.	<u>0</u>
8	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,000,771</u></u>

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10 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 11 appropriated, to the Department of Education, to be payable from the
 12 Educational Buildings Maintenance Fund, for operating expenses of the
 13 Department of Education - Building Maintenance for the fiscal year ending
 14 June 30, 2020, the following:

15

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2019-2020</u>
18	(01) MAINT. & GEN. OPERATION	
19	(A) OPER. EXPENSE	\$500,000
20	(B) CONF. & TRAVEL	0
21	(C) PROF. FEES	0
22	(D) CAP. OUTLAY	0
23	(E) DATA PROC.	<u>0</u>
24	TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

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26 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There
 27 is hereby appropriated, to the Department of Education, to be payable from
 28 the Education Revolving Loan Certificates Fund, for personal services and
 29 operating expenses of the Department of Education - Revolving Loan
 30 Certificates Program for the fiscal year ending June 30, 2020, the following:

31

32	ITEM	FISCAL YEAR
33	<u>NO.</u>	<u>2019-2020</u>
34	(01) REGULAR SALARIES	\$45,029
35	(02) PERSONAL SERVICES MATCHING	14,930
36	(03) MAINT. & GEN. OPERATION	

1	(A) OPER. EXPENSE	27,500
2	(B) CONF. & TRAVEL	2,500
3	(C) PROF. FEES	10,000
4	(D) CAP. OUTLAY	0
5	(E) DATA PROC.	0
6	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
7	TOTAL AMOUNT APPROPRIATED	<u>\$13,099,959</u>

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9 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 10 appropriated, to the Department of Education, to be payable from the federal
 11 funds as designated by the Chief Fiscal Officer of the State, for personal
 12 services and operating expenses of the Department of Education - Child
 13 Nutrition Program for the fiscal year ending June 30, 2020, the following:

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15	ITEM	FISCAL YEAR
16	<u>NO.</u>	<u>2019-2020</u>
17	(01) REGULAR SALARIES	\$1,105,452
18	(02) PERSONAL SERVICES MATCHING	358,679
19	(03) MAINT. & GEN. OPERATION	
20	(A) OPER. EXPENSE	1,172,100
21	(B) CONF. & TRAVEL	52,600
22	(C) PROF. FEES	156,400
23	(D) CAP. OUTLAY	50,000
24	(E) DATA PROC.	0
25	(04) SCHOOL FOOD SERVICE/NUTRITION ED	225,000,000
26	(05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
27	TOTAL AMOUNT APPROPRIATED	<u>\$228,345,231</u>

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29 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.
 30 There is hereby authorized, for the Department of Education - Federal
 31 Elementary and Secondary Education for the 2019-2020 fiscal year, the
 32 following maximum number of part-time or temporary employees, to be known as
 33 "Extra Help", payable from funds appropriated herein for such purposes:
 34 three (3) temporary or part-time employees, when needed, at rates of pay not
 35 to exceed those provided in the Uniform Classification and Compensation Act,
 36 or its successor, or this act for the appropriate classification.

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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, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) REGULAR SALARIES	\$2,813,213
(02) EXTRA HELP	10,000
(03) PERSONAL SERVICES MATCHING	875,593
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	8,975,900
(B) CONF. & TRAVEL	710,500
(C) PROF. FEES	12,851,105
(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>\$523,641,679</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, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$122,000
(B) CONF. & TRAVEL	16,500
(C) PROF. FEES	40,000

1	(D) CAP. OUTLAY	100,000
2	(E) DATA PROC.	0
3	(02) MULTIPLE GRANT AWARDS	<u>1,000,000</u>
4	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,278,500</u></u>

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

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

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

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

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

11 ending June 30, 2020, the following:

12	ITEM	FISCAL YEAR
13	NO.	2019-2020
14	(01) REFUNDS/REIMBURSEMENTS	\$12,194,426
15	(02) MEDICAID ADMIN	<u>10,500</u>
16	TOTAL AMOUNT APPROPRIATED	<u><u>\$12,204,926</u></u>

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19 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There

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

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

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

23 Department of Education - Alternative Certification Program for the fiscal

24 year ending June 30, 2020, the following:

25	ITEM	FISCAL YEAR
26	NO.	2019-2020
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$227,367
29	(B) CONF. & TRAVEL	8,500
30	(C) PROF. FEES	35,420
31	(D) CAP. OUTLAY	0
32	(E) DATA PROC.	0
33	(02) ALT. CERT. PROG. GRANTS AND AID	<u>1,077,925</u>
34	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

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SECTION 13. APPROPRIATION - CONFERENCES. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for operating expenses of conferences sponsored by the Department of Education for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$400,000
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	50,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$475,000</u></u>

SECTION 14. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the cash fund deposited in the State Treasury as determined by the Chief Fiscal Officer of the State, for reimbursement of school districts for administrative activities that support the Arkansas Medicaid Program of the Department of Education - Medicaid Administration Claiming Program for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) AR MEDICAID ADMIN CLAIMS	<u><u>\$18,000,000</u></u>

SECTION 15. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby appropriated, to the Department of Education, to be payable from the School-Age Children Eye and Vision Care Fund, for operating expenses and costs incurred in studying, evaluating vision needs, screening vision programs, the development of a strategic statewide plan, and associated expenses for eye and vision care of school-age children in Arkansas for the fiscal year ending June 30, 2020, the following:

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2019-2020</u>
3	(01) VARIOUS OPERATING EXPENSES FOR VISION	
4	SCREENING AND CARE	<u>\$5,508</u>

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6 SECTION 16. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

7 There is hereby established for the Department of Education - Professional

8 Licensure Standards Board for the 2019-2020 fiscal year, the following

9 maximum number of regular employees.

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11			Maximum Annual
12		Maximum	Salary Rate
13	Item Class	No. of	Fiscal Year
14	<u>No. Code Title</u>	<u>Employees</u>	<u>2019-2020</u>
15	(1) G004C MANAGING ATTORNEY	1	GRADE GS13
16	(2) G012C ADE ASSISTANT TO DIRECTOR	1	GRADE GS12
17	(3) G073C ATTORNEY	1	GRADE GS10
18	(4) X012C ADE PLSB CHIEF INVESTIGATOR	1	GRADE GS09
19	(5) X202C ADE PLSB SENIOR INVESTIGATOR	2	GRADE GS08
20	(6) X037C EDUCATION INVESTIGATOR	4	GRADE GS08
21	(7) C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
22	(8) G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
23	(9) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
24	MAX. NO. OF EMPLOYEES	14	

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26 SECTION 17. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

27 There is hereby appropriated, to the Department of Education, to be payable

28 from the cash fund deposited in the State Treasury as determined by the Chief

29 Fiscal Officer of the State, for personal services and operating expenses of

30 the Department of Education - Professional Licensure Standards Board for the

31 fiscal year ending June 30, 2020, the following:

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33	ITEM	FISCAL YEAR
34	<u>NO.</u>	<u>2019-2020</u>
35	(01) REGULAR SALARIES	\$708,718
36	(02) PERSONAL SERVICES MATCHING	226,195

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>\$1,480,743</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, 2020, the
 15 following:

16

17	ITEM	FISCAL YEAR
18	<u>NO.</u>	<u>2019-2020</u>
19	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

20

21 SECTION 19. APPROPRIATION - SUCCEED SCHOLARSHIP PROGRAM. There is
 22 hereby appropriated, to the Department of Education, to be payable from the
 23 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 24 Officer of the State, for expenses of the Succeed Scholarship Program of the
 25 Department of Education for the fiscal year ending June 30, 2020, the
 26 following:

27

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2019-2020</u>
30	(01) SUCCEED SCHOLARSHIP PROGRAM EXPENSES	<u><u>\$3,000,000</u></u>

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32 SECTION 20. APPROPRIATION - SAVE THE CHILDREN. There is hereby
 33 appropriated, to the Department of Education, to be payable from the
 34 Department of Education Fund Account, for a grant for statewide after school
 35 literacy, nutrition, home visiting and early childhood programs to be
 36 administered by Save the Children for low income, at-risk children by the

1 Department of Education in a sum not to exceed.....\$2,000,000.

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3 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
5 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
6 balances or any law to the contrary, any funds which remain in the Department
7 of Education Fund Account at the end of a fiscal year shall remain in the
8 Department of Education Fund Account and be made available to fund
9 appropriation(s) authorized by law and made payable from the Department of
10 Education Fund Account for the following fiscal year.

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

13 (1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement
14 set forth its reason(s) for the need to carry forward said funding to the
15 Department of Finance and Administration Office of Budget;

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

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

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

35 The provisions of this section shall be in effect only from July 1, ~~2018~~
36 2019 through June 30, ~~2019~~ 2020.

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2 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
4 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
5 General Assembly that the appropriation for the salary of the Commissioner of
6 the Department of Education shall be the sole and exclusive authority for his
7 or her salary. It is further the intent of the General Assembly that the
8 Commissioner be required to devote all of his or her working time exclusively
9 to the performance of his or her duties as Commissioner of the Department of
10 Education. Therefore, the Commissioner of the Department of Education is
11 hereby prohibited from accepting any additional salary from any other source
12 (including state, federal, or private entities or persons) for the
13 performance of his or her duties as Commissioner, and is prohibited from
14 accepting any salary, fees or compensation from any other source (including
15 state, federal or private entities or persons) for any other employment of
16 any kind outside the scope of his or her duties as Commissioner, including
17 but not limited to consulting work for any other public or private entity.
18 This section shall not be construed to prohibit the Commissioner from
19 accepting or receiving expense reimbursements and employee benefits as
20 provided by State law.

21 The provisions of this section shall be in effect only from July 1, ~~2018~~
22 2019 through June 30, ~~2019~~ 2020.

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24 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
26 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
27 statewide education issues and the necessity of recruiting and retaining
28 qualified personnel, the Arkansas Department of Education or its successor
29 agency is authorized for the ~~2018-2019~~ 2019-2020 fiscal year a pool of no
30 more than five (5) ~~Professional/Executive~~ Information Technology positions at
31 a salary not to exceed the maximum salary for a grade ~~N912~~ IT12. These
32 positions are to be used by the Department of Education in the event that the
33 personal services needs of the Department during the ~~2018-2019~~ 2019-2020
34 fiscal year require additional positions, either by title or in number, that
35 are not authorized by the General Assembly in the Regular Salaries section of
36 this Act. These positions may also be used to properly classify positions

1 when the Department does not have a vacant position available with the
2 appropriate title and salary level.

3 (b) To address needs emerging from statewide education issues and the
4 necessity of recruiting and retaining qualified personnel, the Arkansas
5 Department of Education or its successor agency is authorized for the ~~2018-~~
6 ~~2019~~ 2019-2020 fiscal year a pool of ten (10) ~~classified~~ General Salaries
7 positions at up to a grade ~~GS13~~ GS15. These positions are to be used by the
8 Department of Education in the event that the personal services needs of the
9 Department during the ~~2018-2019~~ 2019-2020 fiscal year require additional
10 positions, either by classification or in number, that are not authorized by
11 the General Assembly in the Regular Salaries section of this Act. These
12 positions may also be used to properly classify positions when the Department
13 does not have a vacant position available with the appropriate title and
14 grade level.

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

19 (d) The Department of Education is authorized to access the pool
20 positions authorized in this Section at any time when it is determined by the
21 Commissioner that the need exists. The Commissioner shall provide a monthly
22 report of the justification for the need to allocate titles from this growth
23 pool to the Chief Fiscal Officer of the State and to the Arkansas Legislative
24 Council or Joint Budget Committee for review. The report shall also include
25 an accounting of the names, titles, and salaries of personnel whose salaries
26 have been adjusted under provisions of Subsections (a) and (b) of this
27 Section.

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

32 (f) Determining the number of personnel to be employed by a state agency
33 is the prerogative of the General Assembly and is usually accomplished by
34 delineating the maximum number of personnel by identifying job titles and the
35 maximum grade or salary attached to those titles. The General Assembly has
36 determined that the Arkansas Department of Education could be operated more

1 efficiently if some flexibility is given to that agency. That flexibility is
2 being accomplished by providing a position pool in Subsections (a) and (b) of
3 this Section and since the General Assembly has granted the agency broad
4 powers under the growth pool concept, it is both necessary and appropriate
5 that the General Assembly maintain oversight of the utilization of the
6 position pool by requiring review of the Legislative Council or Joint Budget
7 Committee in the utilization of the position pool. Therefore, the requirement
8 of review by the Legislative Council or Joint Budget Committee is not a
9 severable part of this section. If the requirement of review by the
10 Legislative Council or Joint Budget Committee is ruled unconstitutional by a
11 court of competent jurisdiction, this entire section is void.

12 The provisions of this section shall be in effect only from July 1, ~~2018~~
13 2019 through June 30, ~~2019~~ 2020.

14

15 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
17 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
18 public schools, or for abortion services. Funds shall be expended in
19 accordance with Arkansas Code Annotated § 6-18-703.

20 The provisions of this section shall be in effect only from July 1, ~~2018~~
21 2019 through June 30, ~~2019~~ 2020.

22

23 SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
24 authorized by this act shall be limited to the appropriation for such agency
25 and funds made available by law for the support of such appropriations; and
26 the restrictions of the State Procurement Law, the General Accounting and
27 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
28 Procedures and Restrictions Act, or their successors, and other fiscal
29 control laws of this State, where applicable, and regulations promulgated by
30 the Department of Finance and Administration, as authorized by law, shall be
31 strictly complied with in disbursement of said funds.

32

33 SECTION 26. LEGISLATIVE INTENT. It is the intent of the General
34 Assembly that any funds disbursed under the authority of the appropriations
35 contained in this act shall be in compliance with the stated reasons for
36 which this act was adopted, as evidenced by the Agency Requests, Executive

1 Recommendations and Legislative Recommendations contained in the budget
2 manuals prepared by the Department of Finance and Administration, letters, or
3 summarized oral testimony in the official minutes of the Arkansas Legislative
4 Council or Joint Budget Committee which relate to its passage and adoption.
5

6 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the
7 General Assembly, that the Constitution of the State of Arkansas prohibits
8 the appropriation of funds for more than a one (1) year period; that the
9 effectiveness of this Act on July 1, 2019 is essential to the operation of
10 the agency for which the appropriations in this Act are provided, and that in
11 the event of an extension of the legislative session, the delay in the
12 effective date of this Act beyond July 1, 2019 could work irreparable harm
13 upon the proper administration and provision of essential governmental
14 programs. Therefore, an emergency is hereby declared to exist and this Act
15 being necessary for the immediate preservation of the public peace, health
16 and safety shall be in full force and effect from and after July 1, 2019.
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19 */s/Joint Budget Committee*
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22 **APPROVED: 4/5/19**
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