

1 State of Arkansas
2 89th General Assembly
3 Regular Session, 2013
4

A Bill

SENATE BILL 234

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, 2014;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION
15 APPROPRIATION FOR THE 2013-2014 FISCAL
16 YEAR.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Education for the 2013-2014 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
				2013-2014
30	(1)	U033U	COMMISSIONER OF EDUCATION	1 \$247,965
31	(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1 \$151,944
32	(3)	N005N	ADE ASST COMMISSIONER LEARNING SVCS	1 GRADE N912
33	(4)	N006N	ADE ASST COMM R 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	3	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)	G012C	ADE ASSISTANT TO COMMISSIONER	4	GRADE C129
10	(17)	A008C	ADE FINANCE DIVISION MANAGER	1	GRADE C129
11	(18)	G006C	ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE C129
12	(19)	E060C	ED ASSOCIATE DIR CHILD NUTRITION	1	GRADE C129
13	(20)	A010C	AGENCY CONTROLLER II	1	GRADE C128
14	(21)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
15	(22)	G047C	ATTORNEY SPECIALIST	4	GRADE C126
16	(23)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	13	GRADE C126
17	(24)	R009C	ADE BUDGET MANAGER	1	GRADE C125
18	(25)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
19	(26)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
20	(27)	G075C	ADE PROGRAM ADMINISTRATOR	3	GRADE C124
21	(28)	D030C	INFORMATION SYSTEMS COORDINATOR	1	GRADE C124
22	(29)	A038C	FISCAL SUPPORT MANAGER	2	GRADE C123
23	(30)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
24	(31)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	26	GRADE C123
25	(32)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
26	(33)	D047C	INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE C122
27	(34)	A041C	PROGRAM FISCAL MANAGER	1	GRADE C122
28	(35)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	128	GRADE C122
29	(36)	D044C	SYSTEMS ANALYST	4	GRADE C122
30	(37)	A052C	ACCOUNTING COORDINATOR	5	GRADE C121
31	(38)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
32	(39)	G109C	GRANTS MANAGER	2	GRADE C121
33	(40)	L035C	NUTRITIONIST CONSULTANT	8	GRADE C121
34	(41)	R014C	PERSONNEL MANAGER	1	GRADE C121
35	(42)	D052C	SOFTWARE SUPPORT ANALYST	2	GRADE C121
36	(43)	A060C	SENIOR AUDITOR	1	GRADE C119

1	(44)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
2	(45)	D064C	WEBSITE DEVELOPER	1	GRADE C118
3	(46)	A082C	ACCOUNTANT II	1	GRADE C117
4	(47)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117
5	(48)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
6	(49)	P020C	PRODUCTION ARTIST	1	GRADE C117
7	(50)	A089C	ACCOUNTANT I	2	GRADE C116
8	(51)	V014C	BUYER	1	GRADE C116
9	(52)	C037C	ADMINISTRATIVE ANALYST	15	GRADE C115
10	(53)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
11	(54)	A091C	FISCAL SUPPORT ANALYST	3	GRADE C115
12	(55)	D077C	HELP DESK SPECIALIST	1	GRADE C115
13	(56)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
14	(57)	R036C	HUMAN RESOURCES SPECIALIST	1	GRADE C113
15	(58)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
16	(59)	C046C	LEGAL SUPPORT SPECIALIST	2	GRADE C113
17	(60)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
18	(61)	C056C	ADMINISTRATIVE SPECIALIST III	37	GRADE C112
19	(62)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
20	(63)	C073C	ADMINISTRATIVE SPECIALIST II	<u>32</u>	GRADE C109
21			MAX. NO. OF EMPLOYEES	346	

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23 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 24 for the Department of Education - State Operations for the 2013-2014 fiscal
 25 year, the following maximum number of part-time or temporary employees, to be
 26 known as "Extra Help", payable from funds appropriated herein for such
 27 purposes: eight (8) temporary or part-time employees, when needed, at rates
 28 of pay not to exceed those provided in the Uniform Classification and
 29 Compensation Act, or its successor, or this act for the appropriate
 30 classification.

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32 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby
 33 appropriated, to the Department of Education, to be payable from the
 34 Department of Education Fund Account, for personal services and operating
 35 expenses of the Department of Education - State Operations for the fiscal
 36 year ending June 30, 2014, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REGULAR SALARIES	\$14,228,550
(02) EXTRA HELP	14,998
(03) PERSONAL SERVICES MATCHING	4,649,832
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,479,443
(B) CONF. & TRAVEL	206,530
(C) PROF. FEES	205,569
(D) CAP. OUTLAY	100,000
(E) DATA PROC.	0
(05) READING RECOVERY	100,000
(06) AR LEADERSHIP ACADEMY	<u>900,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$23,884,922</u></u>

SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. 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 Grants Administration for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REGULAR SALARIES	\$443,936
(02) PERSONAL SERVICES MATCHING	140,319
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	49,970
(B) CONF. & TRAVEL	19,672
(C) PROF. FEES	60,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$713,897</u></u>

SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby

1 appropriated, to the Department of Education, to be payable from the
 2 Educational Buildings Maintenance Fund, for operating expenses of the
 3 Department of Education - Building Maintenance for the fiscal year ending
 4 June 30, 2014, the following:

6 ITEM	FISCAL YEAR
7 <u>NO.</u>	<u>2013-2014</u>
8 (01) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	\$500,000
10 (B) CONF. & TRAVEL	0
11 (C) PROF. FEES	0
12 (D) CAP. OUTLAY	0
13 (E) DATA PROC.	<u>0</u>
14 TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

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 16 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There
 17 is hereby appropriated, to the Department of Education, to be payable from
 18 the Education Revolving Loan Certificates Fund, for personal services and
 19 operating expenses of the Department of Education - Revolving Loan
 20 Certificates Program for the fiscal year ending June 30, 2014, the following:

22 ITEM	FISCAL YEAR
23 <u>NO.</u>	<u>2013-2014</u>
24 (01) REGULAR SALARIES	\$42,364
25 (02) PERSONAL SERVICES MATCHING	15,024
26 (03) MAINT. & GEN. OPERATION	
27 (A) OPER. EXPENSE	27,500
28 (B) CONF. & TRAVEL	2,500
29 (C) PROF. FEES	10,000
30 (D) CAP. OUTLAY	0
31 (E) DATA PROC.	0
32 (04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
33 TOTAL AMOUNT APPROPRIATED	<u><u>\$13,097,388</u></u>

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 35 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 36 appropriated, to the Department of Education, to be payable from the federal

1 funds as designated by the Chief Fiscal Officer of the State, for personal
 2 services and operating expenses of the Department of Education - Child
 3 Nutrition Program for the fiscal year ending June 30, 2014, the following:
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5 ITEM	FISCAL YEAR
6 <u>NO.</u>	<u>2013-2014</u>
7 (01) REGULAR SALARIES	\$875,851
8 (02) PERSONAL SERVICES MATCHING	303,248
9 (03) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	672,100
11 (B) CONF. & TRAVEL	52,600
12 (C) PROF. FEES	156,400
13 (D) CAP. OUTLAY	50,000
14 (E) DATA PROC.	0
15 (04) SCHOOL FOOD SERVICE/NUTRITION ED	165,168,000
16 (05) REFUNDS/REIMBURSEMENTS	<u>399,600</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$167,677,799</u>

18
 19 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

20 There is hereby authorized, for the Department of Education - Federal
 21 Elementary and Secondary Education for the 2013-2014 fiscal year, the
 22 following maximum number of part-time or temporary employees, to be known as
 23 "Extra Help", payable from funds appropriated herein for such purposes: four
 24 (4) temporary or part-time employees, when needed, at rates of pay not to
 25 exceed those provided in the Uniform Classification and Compensation Act, or
 26 its successor, or this act for the appropriate classification.
 27

28 SECTION 9. APPROPRIATION - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

29 There is hereby appropriated, to the Department of Education, to be payable
 30 from the federal funds as designated by the Chief Fiscal Officer of the
 31 State, for personal services and operating expenses of the Department of
 32 Education - Federal Elementary and Secondary Education for the fiscal year
 33 ending June 30, 2014, the following:
 34

35 ITEM	FISCAL YEAR
36 <u>NO.</u>	<u>2013-2014</u>

1	(01) REGULAR SALARIES	\$3,187,049
2	(02) EXTRA HELP	10,000
3	(03) PERSONAL SERVICES MATCHING	1,061,391
4	(04) MAINT. & GEN. OPERATION	
5	(A) OPER. EXPENSE	3,475,900
6	(B) CONF. & TRAVEL	710,500
7	(C) PROF. FEES	18,351,105
8	(D) CAP. OUTLAY	200,000
9	(E) DATA PROC.	0
10	(05) ENTITLEMENT GRANT PROGRAMS	496,095,368
11	(06) REFUNDS/REIMBURSEMENTS	1,110,000
12	(07) AMERICAN RECOVERY AND	
13	REINVESTMENT ACT OF 2009	<u>35,000,000</u>
14	TOTAL AMOUNT APPROPRIATED	<u><u>\$559,201,313</u></u>

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16 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is
 17 hereby appropriated, to the Department of Education, to be payable from the
 18 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 19 Officer of the State, for operating expenses and grants by the Department of
 20 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 21 2014, the following:

22

23	ITEM	FISCAL YEAR
24	<u>NO.</u>	<u>2013-2014</u>
25	(01) MAINT. & GEN. OPERATION	
26	(A) OPER. EXPENSE	\$122,000
27	(B) CONF. & TRAVEL	16,500
28	(C) PROF. FEES	40,000
29	(D) CAP. OUTLAY	0
30	(E) DATA PROC.	0
31	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
32	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,626,375</u></u>

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34 SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is
 35 hereby appropriated, to the Department of Education, to be payable from the
 36 cash fund deposited in the State Treasury as determined by the Chief Fiscal

1 Officer of the State, for Medicaid reimbursement and administration of the
 2 Department of Education - Medicaid Reimbursement Program for the fiscal year
 3 ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) REFUNDS/REIMBURSEMENTS	\$5,000,000
(02) MEDICAID ADMIN	<u>10,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$5,010,500</u></u>

11 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There
 12 is hereby appropriated, to the Department of Education, to be payable from
 13 the cash fund deposited in the State Treasury as determined by the Chief
 14 Fiscal Officer of the State, for operating expenses and grants by the
 15 Department of Education - Alternative Certification Program for the fiscal
 16 year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2013-2014</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$515,292
(B) CONF. & TRAVEL	8,500
(C) PROF. FEES	125,420
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

29 SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is
 30 hereby appropriated, to the Department of Education, to be payable from the
 31 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 32 Officer of the State, for grants for school education programs for fish and
 33 wildlife conservation by the Department of Education - Fish and Wildlife
 34 Conservation for the fiscal year ending June 30, 2014, the following:

ITEM	FISCAL YEAR
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1	<u>NO.</u>	<u>2013-2014</u>
2	(01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$800,000</u>

3
4 SECTION 14. 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, 2014, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2013-2014</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>\$475,000</u>

19
20 SECTION 15. 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, 2014, the following:

28	ITEM	FISCAL YEAR
29	<u>NO.</u>	<u>2013-2014</u>
30	(01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

31
32 SECTION 16. APPROPRIATION - PULASKI COUNTY DESEGREGATION CASE COSTS.
33 There is hereby appropriated, to the Department of Education, to be payable
34 from the Department of Education Fund Account, for payment of consultants,
35 expert witnesses, attorneys' fees, or other costs related to investigating
36 and pursuing the end of the Pulaski County Desegregation Case by the

1 Department of Education for the fiscal year ending June 30, 2014, the
 2 following:

4	ITEM	FISCAL YEAR
5	<u>NO.</u>	<u>2013-2014</u>
6	(01) PULASKI COUNTY DESEG CASE COSTS	<u>\$894,671</u>

7
 8 SECTION 17. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 9 appropriated, to the Department of Education, to be payable from the School-
 10 Age Children Eye and Vision Care Fund, for operating expenses and costs
 11 incurred in studying, evaluating vision needs, screening vision programs, the
 12 development of a strategic statewide plan, and associated expenses for eye
 13 and vision care of school-age children in Arkansas for the fiscal year ending
 14 June 30, 2014, the following:

16	ITEM	FISCAL YEAR
17	<u>NO.</u>	<u>2013-2014</u>
18	(01) VARIOUS OPERATING EXPENSES FOR VISION	
19	SCREENING AND CARE	<u>\$1,000,000</u>

21 SECTION 18. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
 22 There is hereby established for the Department of Education - Professional
 23 Licensure Standards Board for the 2013-2014 fiscal year, the following
 24 maximum number of regular employees.

26									Maximum Annual
27									Salary Rate
28	Item	Class							Fiscal Year
29	<u>No.</u>	<u>Code</u>	<u>Title</u>						<u>2013-2014</u>
30	(1)	X012C	EDUCATION CHIEF INVESTIGATOR			1			GRADE C125
31	(2)	G073C	ATTORNEY			1			GRADE C124
32	(3)	X037C	EDUCATION INVESTIGATOR			4			GRADE C121
33	(4)	G179C	LEGAL SERVICES SPECIALIST			1			GRADE C117
34	(5)	C037C	ADMINISTRATIVE ANALYST			1			GRADE C115
35	(6)	C056C	ADMINISTRATIVE SPECIALIST III			1			GRADE C112
36	(7)	C073C	ADMINISTRATIVE SPECIALIST II			<u>1</u>			GRADE C109

1 MAX. NO. OF EMPLOYEES 10

2

3 SECTION 19. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

4 There is hereby appropriated, to the Department of Education, to be payable
 5 from the cash fund deposited in the State Treasury as determined by the Chief
 6 Fiscal Officer of the State, for personal services and operating expenses of
 7 the Department of Education - Professional Licensure Standards Board for the
 8 fiscal year ending June 30, 2014, the following:

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10 ITEM	FISCAL YEAR
11 <u>NO.</u>	<u>2013-2014</u>
12 (01) REGULAR SALARIES	\$405,244
13 (02) PERSONAL SERVICES MATCHING	145,850
14 (03) MAINT. & GEN. OPERATION	
15 (A) OPER. EXPENSE	326,325
16 (B) CONF. & TRAVEL	10,000
17 (C) PROF. FEES	9,505
18 (D) CAP. OUTLAY	0
19 (E) DATA PROC.	<u>0</u>
20 TOTAL AMOUNT APPROPRIATED	<u><u>\$896,924</u></u>

21

22 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TURNBACK
 24 FUNDS. Any Federal Mineral Leasing Funds, Federal Forest Reserve Funds,
 25 Federal Flood Control Funds, or any similar turnback funds in the State
 26 Treasury for which the eligible county and/or school district cannot be
 27 identified may be transferred to the Department of Education Public School
 28 Fund Account and used for any lawful school purpose.

29 The provisions of this section shall be in effect only from July 1, ~~2012~~
 30 2013 through June 30, ~~2013~~ 2014.

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32 SECTION 21. 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 made available to fund appropriation
 2 authorized by law and made payable from the Department of Education Fund
 3 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, ~~2013~~ 2014 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 all amounts carried forward by the
 11 September Arkansas Legislative Council or Joint Budget Committee meeting
 12 which report shall include the name of the Agency, Board, Commission or
 13 Institution and the amount of the funding carried forward, the program name
 14 or line item, the funding source of that appropriation and a copy of the
 15 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
 29 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
 31 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
 32 General Assembly that the appropriation for the salary of the Commissioner of
 33 the Department of Education shall be the sole and exclusive authority for his
 34 or her salary. It is further the intent of the General Assembly that the
 35 Commissioner be required to devote all of his or her working time exclusively
 36 to the performance of his or her duties as Commissioner of the Department of

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

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13 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 14 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 15 ESTABLISHMENT OF A "POSITION POOL".

16 (a) To address needs emerging from statewide education issues and the
 17 necessity of recruiting and retaining qualified personnel, the Arkansas
 18 Department of Education or its successor agency is authorized for the ~~2012-~~
 19 ~~2013~~ 2013-2014 fiscal year a pool of no more than five (5) ~~non-classified~~
 20 ~~positions at a maximum salary level not to exceed one hundred twenty-five~~
 21 ~~thousand dollars (\$125,000) per year. Professional/Executive positions at a~~
 22 salary not to exceed the maximum salary for a grade N912. These positions are
 23 to be used by the Department of Education in the event that the personal
 24 services needs of the Department during the ~~2012-2013~~ 2013-2014 fiscal year
 25 require additional positions, either by title or in number, that are not
 26 authorized by the General Assembly in Section 1 of this Act. These positions
 27 may also be used to properly classify positions when the Department does not
 28 have a vacant position available with the appropriate title and salary level.

29 (b) To address needs emerging from statewide education issues and the
 30 necessity of recruiting and retaining qualified personnel, the Arkansas
 31 Department of Education or its successor agency is authorized for the ~~2012-~~
 32 ~~2013~~ 2013-2014 fiscal year a pool of twenty-five (25) classified positions at
 33 up to a grade C130. These positions are to be used by the Department of
 34 Education in the event that the personal services needs of the Department
 35 during the ~~2012-2013~~ 2013-2014 fiscal year require additional positions,
 36 either by classification or in number, that are not authorized by the General

1 Assembly in Section 1 of this Act. These positions may also be used to
2 properly classify positions when the Department does not have a vacant
3 position available with the appropriate title and grade level.

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

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

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

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

35 The provisions of this section shall be in effect only from July 1, ~~2012~~
36 2013 through June 30, ~~2013~~ 2014.

1
2 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
3 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
4 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
5 the Department of Education that a reduction in the amount of available
6 appropriation within the Department of Education Fund Account is required
7 from the amount appropriated, the reduction in the available appropriation
8 from the full amount appropriated for the Arkansas Leadership Academy shall
9 be limited to the average percentage reduction in the other appropriations to
10 the Department of Education from the Department of Education Fund Account.

11 The provisions of this section shall be in effect only from July 1, ~~2012~~
12 2013 through June 30, ~~2013~~ 2014.

13
14 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
15 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
16 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
17 line item in Section 3 of this Act shall be used for the School Support
18 Program which will provide support to schools or school districts designated
19 by the Department of Education as being in school improvement status and to
20 provide for general operations of the Leadership Academy.

21 The provisions of this section shall be in effect only from July 1, ~~2012~~
22 2013 through June 30, ~~2013~~ 2014.

23
24 SECTION 26. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. PULASKI
26 COUNTY DESEGREGATION CASE COSTS FUND TRANSFER. The Department of Education
27 shall retain and use any unexpended balance of funds transferred to the
28 Department of Education Fund Account during the 2007-09 biennium for the
29 purpose of providing funds for Pulaski County Desegregation Case Costs
30 incurred by the Department of Education and the three (3) Pulaski County
31 School Districts to comply with the provisions of Arkansas Code §6-20-415 and
32 §6-20-416. These retained funds shall be used exclusively to provide funds
33 for Pulaski County Desegregation Case Costs incurred by the Department of
34 Education and the three (3) Pulaski County School Districts under Arkansas
35 Code §6-20-415 and §6-20-416.

36 No portion of these retained funds shall be expended by the Department of

1 Education without certification by the Commissioner of the Department of
 2 Education to the Chief Fiscal Officer of the State and prior approval by the
 3 Chief Fiscal Officer of the State.

4 The provisions of this section shall be in effect only from July 1, ~~2012~~
 5 2013 through June 30, ~~2013~~ 2014.

6
 7 SECTION 27. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 8 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE FUND
 9 RESTRICTIONS. No state funds shall be used for abortion referral in public
 10 schools, or for abortion services. Funds shall be expended in accordance with
 11 Arkansas Code Annotated § 6-18-703.

12 The provisions of this section shall be in effect only from July 1, ~~2012~~
 13 2013 through June 30, ~~2013~~ 2014.

14
 15 SECTION 28. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
 16 authorized by this act shall be limited to the appropriation for such agency
 17 and funds made available by law for the support of such appropriations; and
 18 the restrictions of the State Procurement Law, the General Accounting and
 19 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 20 Procedures and Restrictions Act, or their successors, and other fiscal
 21 control laws of this State, where applicable, and regulations promulgated by
 22 the Department of Finance and Administration, as authorized by law, shall be
 23 strictly complied with in disbursement of said funds.

24
 25 SECTION 29. LEGISLATIVE INTENT. It is the intent of the General
 26 Assembly that any funds disbursed under the authority of the appropriations
 27 contained in this act shall be in compliance with the stated reasons for
 28 which this act was adopted, as evidenced by the Agency Requests, Executive
 29 Recommendations and Legislative Recommendations contained in the budget
 30 manuals prepared by the Department of Finance and Administration, letters, or
 31 summarized oral testimony in the official minutes of the Arkansas Legislative
 32 Council or Joint Budget Committee which relate to its passage and adoption.

33
 34 SECTION 30. EMERGENCY CLAUSE. It is found and determined by the
 35 General Assembly, that the Constitution of the State of Arkansas prohibits
 36 the appropriation of funds for more than a one (1) year period; that the

effectiveness of this Act on July 1, 2013 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2013 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2013.

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