

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

As Engrossed: S2/12/15

A Bill

SENATE BILL 32

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, 2016;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION
15 APPROPRIATION FOR THE 2015-2016 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 2015-2016 fiscal year, the following maximum
24 number of regular employees.
25

26				Maximum Annual
27				Salary Rate
28	Item	Class	No. of	Fiscal Year
29	No.	Code	Employees	2015-2016
30	(1)	U033U	1	\$250,445
31	(2)	U027U	1	\$153,464
32	(3)	N005N	1	GRADE N912
33	(4)	N006N	1	GRADE N912
34	(5)	G001N	1	GRADE N912
35	(6)	N009N	1	GRADE N912
36	(7)	N010N	1	GRADE N912



1	(8)	N008N	ASST COMMR RESEARCH & TECHNOLOGY	1	GRADE N912
2	(9)	D011N	ADE DIRECTOR OF INFORMATION SYSTEMS	1	GRADE N909
3	(10)	N069N	ADE SPECIAL ADVISOR	7	GRADE N908
4	(11)	A009N	ADE CHIEF FISCAL OFFICER	1	GRADE N905
5	(12)	E003N	ADE COORD SCH. IMP / STANDARDS ASSUR	1	GRADE N905
6	(13)	E001N	ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE N905
7	(14)	P001N	ADE DIR OF COMMUNICATIONS	1	GRADE N904
8	(15)	N149N	ADE COORD FISCAL DISTRESS	1	GRADE N902
9	(16)	G012C	ADE ASSISTANT TO COMMISSIONER	7	GRADE C129
10	(17)	G006C	ADE SPECIAL EDUCATION DIV MANAGER	1	GRADE C129
11	(18)	A010C	AGENCY CONTROLLER II	1	GRADE C128
12	(19)	G025C	ATTORNEY SUPERVISOR	1	GRADE C127
13	(20)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
14	(21)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE C126
15	(22)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
16	(23)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	14	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	2	GRADE C124
21	(28)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
22	(29)	A038C	FISCAL SUPPORT MANAGER	4	GRADE C123
23	(30)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
24	(31)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	24	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	3	GRADE C122
28	(35)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	126	GRADE C122
29	(36)	D044C	SYSTEMS ANALYST	1	GRADE C122
30	(37)	A052C	ACCOUNTING COORDINATOR	6	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	1	GRADE C121
36	(43)	A060C	SENIOR AUDITOR	1	GRADE C119

1	(44)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
2	(45)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
3	(46)	G180C	GRANTS ANALYST	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	1	GRADE C116
8	(51)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
9	(52)	V014C	BUYER	1	GRADE C116
10	(53)	C037C	ADMINISTRATIVE ANALYST	14	GRADE C115
11	(54)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
12	(55)	A091C	FISCAL SUPPORT ANALYST	3	GRADE C115
13	(56)	D077C	HELP DESK SPECIALIST	1	GRADE C115
14	(57)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
15	(58)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
16	(59)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
17	(60)	C046C	LEGAL SUPPORT SPECIALIST	1	GRADE C113
18	(61)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
19	(62)	C056C	ADMINISTRATIVE SPECIALIST III	37	GRADE C112
20	(63)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
21	(64)	C073C	ADMINISTRATIVE SPECIALIST II	<u>28</u>	GRADE C109
22			MAX. NO. OF EMPLOYEES	347	

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24 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 25 for the Department of Education - State Operations for the 2015-2016 fiscal
 26 year, the following maximum number of part-time or temporary employees, to be
 27 known as "Extra Help", payable from funds appropriated herein for such
 28 purposes: eight (8) temporary or part-time employees, when needed, at rates
 29 of pay not to exceed those provided in the Uniform Classification and
 30 Compensation Act, or its successor, or this act for the appropriate
 31 classification.

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

1 year ending June 30, 2016, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2015-2016</u>
5 (01) REGULAR SALARIES	\$14,506,243
6 (02) EXTRA HELP	160,000
7 (03) PERSONAL SERVICES MATCHING	4,485,203
8 (04) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	3,479,443
10 (B) CONF. & TRAVEL	206,530
11 (C) PROF. FEES	305,569
12 (D) CAP. OUTLAY	100,000
13 (E) DATA PROC.	0
14 (05) ADVANCED PLACEMENT AND INCENTIVE	
15 PROGRAM GRANTS	450,000
16 (06) READING RECOVERY	100,000
17 (07) AR LEADERSHIP ACADEMY	<u>900,000</u>
18 TOTAL AMOUNT APPROPRIATED	<u><u>\$24,692,988</u></u>

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20 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is
 21 hereby appropriated, to the Department of Education, to be payable from the
 22 federal funds as designated by the Chief Fiscal Officer of the State, for
 23 personal services and operating expenses of the Department of Education -
 24 Federal Grants Administration for the fiscal year ending June 30, 2016, the
 25 following:

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27 ITEM	FISCAL YEAR
28 <u>NO.</u>	<u>2015-2016</u>
29 (01) REGULAR SALARIES	\$477,341
30 (02) PERSONAL SERVICES MATCHING	138,959
31 (03) MAINT. & GEN. OPERATION	
32 (A) OPER. EXPENSE	49,970
33 (B) CONF. & TRAVEL	19,672
34 (C) PROF. FEES	260,000
35 (D) CAP. OUTLAY	0
36 (E) DATA PROC.	<u>0</u>

1 TOTAL AMOUNT APPROPRIATED \$945,942

2

3 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
4 appropriated, to the Department of Education, to be payable from the
5 Educational Buildings Maintenance Fund, for operating expenses of the
6 Department of Education - Building Maintenance for the fiscal year ending
7 June 30, 2016, the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2015-2016</u>
11 (01) MAINT. & GEN. OPERATION	
12 (A) OPER. EXPENSE	\$500,000
13 (B) CONF. & TRAVEL	0
14 (C) PROF. FEES	0
15 (D) CAP. OUTLAY	0
16 (E) DATA PROC.	<u>0</u>
17 TOTAL AMOUNT APPROPRIATED	<u>\$500,000</u>

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19 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There
20 is hereby appropriated, to the Department of Education, to be payable from
21 the Education Revolving Loan Certificates Fund, for personal services and
22 operating expenses of the Department of Education - Revolving Loan
23 Certificates Program for the fiscal year ending June 30, 2016, the following:

24

25 ITEM	FISCAL YEAR
26 <u>NO.</u>	<u>2015-2016</u>
27 (01) REGULAR SALARIES	\$42,881
28 (02) PERSONAL SERVICES MATCHING	14,353
29 (03) MAINT. & GEN. OPERATION	
30 (A) OPER. EXPENSE	27,500
31 (B) CONF. & TRAVEL	2,500
32 (C) PROF. FEES	10,000
33 (D) CAP. OUTLAY	0
34 (E) DATA PROC.	0
35 (04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>
36 TOTAL AMOUNT APPROPRIATED	<u>\$13,097,234</u>

SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. 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 - Child Nutrition Program for the fiscal year ending June 30, 2016, the following:

ITEM NO.	FISCAL YEAR 2015-2016
(01) REGULAR SALARIES	\$887,812
(02) PERSONAL SERVICES MATCHING	294,124
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	1,172,100
(B) CONF. & TRAVEL	52,600
(C) PROF. FEES	156,400
(D) CAP. OUTLAY	50,000
(E) DATA PROC.	0
(04) SCHOOL FOOD SERVICE/NUTRITION ED	185,168,000
(05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$188,231,036</u>

SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION. There is hereby authorized, for the Department of Education - Federal Elementary and Secondary Education for the 2015-2016 fiscal year, the following maximum number of part-time or temporary employees, to be known as "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, 2016, the following:

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2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2015-2016</u>
4	(01) REGULAR SALARIES	\$2,895,173
5	(02) EXTRA HELP	10,000
6	(03) PERSONAL SERVICES MATCHING	897,433
7	(04) MAINT. & GEN. OPERATION	
8	(A) OPER. EXPENSE	3,475,900
9	(B) CONF. & TRAVEL	710,500
10	(C) PROF. FEES	18,351,105
11	(D) CAP. OUTLAY	200,000
12	(E) DATA PROC.	0
13	(05) ENTITLEMENT GRANT PROGRAMS	496,095,368
14	(06) REFUNDS/REIMBURSEMENTS	1,110,000
15	(07) ARRA OF 2009	<u>400,000</u>
16	TOTAL AMOUNT APPROPRIATED	<u><u>\$524,145,479</u></u>

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18 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is
 19 hereby appropriated, to the Department of Education, to be payable from the
 20 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 21 Officer of the State, for operating expenses and grants by the Department of
 22 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 23 2016, the following:

24

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2015-2016</u>
27	(01) MAINT. & GEN. OPERATION	
28	(A) OPER. EXPENSE	\$122,000
29	(B) CONF. & TRAVEL	16,500
30	(C) PROF. FEES	40,000
31	(D) CAP. OUTLAY	100,000
32	(E) DATA PROC.	0
33	(02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
34	TOTAL AMOUNT APPROPRIATED	<u><u>\$2,726,375</u></u>

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

1 hereby appropriated, to the Department of Education, to be payable from the
 2 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 3 Officer of the State, for Medicaid reimbursement and administration of the
 4 Department of Education - Medicaid Reimbursement Program for the fiscal year
 5 ending June 30, 2016, the following:

6	7 ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2015-2016</u>
9	(01) REFUNDS/REIMBURSEMENTS	\$5,000,000
10	(02) MEDICAID ADMIN	<u>10,500</u>
11	TOTAL AMOUNT APPROPRIATED	<u><u>\$5,010,500</u></u>

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13 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There
 14 is hereby appropriated, to the Department of Education, to be payable from
 15 the cash fund deposited in the State Treasury as determined by the Chief
 16 Fiscal Officer of the State, for operating expenses and grants by the
 17 Department of Education - Alternative Certification Program for the fiscal
 18 year ending June 30, 2016, the following:

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20	ITEM	FISCAL YEAR
21	<u>NO.</u>	<u>2015-2016</u>
22	(01) MAINT. & GEN. OPERATION	
23	(A) OPER. EXPENSE	\$515,292
24	(B) CONF. & TRAVEL	8,500
25	(C) PROF. FEES	125,420
26	(D) CAP. OUTLAY	0
27	(E) DATA PROC.	0
28	(02) ALT. CERT. PROG. GRANTS AND AID	<u>700,000</u>
29	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

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31 SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is
 32 hereby appropriated, to the Department of Education, to be payable from the
 33 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 34 Officer of the State, for grants for school education programs for fish and
 35 wildlife conservation by the Department of Education - Fish and Wildlife
 36 Conservation for the fiscal year ending June 30, 2016, the following:

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ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$800,000</u>

SECTION 14. 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, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</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>\$475,000</u>

SECTION 15. 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 by the Department of Education - Medicaid Administration Claiming Program for the fiscal year ending June 30, 2016, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2015-2016</u>
(01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

SECTION 16. 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

1 incurred in studying, evaluating vision needs, screening vision programs, the
 2 development of a strategic statewide plan, and associated expenses for eye
 3 and vision care of school-age children in Arkansas for the fiscal year ending
 4 June 30, 2016, the following:

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6	ITEM	FISCAL YEAR
7	<u>NO.</u>	<u>2015-2016</u>
8	(01) VARIOUS OPERATING EXPENSES FOR VISION	
9	SCREENING AND CARE	<u>\$5,508</u>

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11 SECTION 17. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

12 There is hereby established for the Department of Education - Professional
 13 Licensure Standards Board for the 2015-2016 fiscal year, the following
 14 maximum number of regular employees.

15

16			Maximum Annual
17			Salary Rate
18	Item Class		Fiscal Year
19	<u>No. Code Title</u>	<u>No. of</u>	<u>2015-2016</u>
		<u>Employees</u>	
20	(1) G012C ADE ASSISTANT TO COMMISSIONER	1	GRADE C129
21	(2) X012C ADE PLSB CHIEF INVESTIGATOR	1	GRADE C126
22	(3) G073C ATTORNEY	1	GRADE C124
23	(4) X202C ADE PLSB SENIOR INVESTIGATOR	2	GRADE C123
24	(5) X037C EDUCATION INVESTIGATOR	4	GRADE C121
25	(6) G179C LEGAL SERVICES SPECIALIST	1	GRADE C117
26	(7) C037C ADMINISTRATIVE ANALYST	2	GRADE C115
27	(8) C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE C112
28	MAX. NO. OF EMPLOYEES	13	

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30 SECTION 18. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

31 There is hereby appropriated, to the Department of Education, to be payable
 32 from the cash fund deposited in the State Treasury as determined by the Chief
 33 Fiscal Officer of the State, for personal services and operating expenses of
 34 the Department of Education - Professional Licensure Standards Board for the
 35 fiscal year ending June 30, 2016, the following:

36

1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2015-2016</u>
3	(01) REGULAR SALARIES	\$562,277
4	(02) PERSONAL SERVICES MATCHING	187,648
5	(03) MAINT. & GEN. OPERATION	
6	(A) OPER. EXPENSE	376,325
7	(B) CONF. & TRAVEL	10,000
8	(C) PROF. FEES	9,505
9	(D) CAP. OUTLAY	275,000
10	(E) DATA PROC.	0
11	(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
12	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,520,755</u></u>

13

14 SECTION 19. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
 15 CLOSURE. There is hereby appropriated, to the Department of Education, to be
 16 payable from the cash fund deposited in the State Treasury as determined by
 17 the Chief Fiscal Officer of the State, for outstanding obligations incurred
 18 by closed charter schools for the fiscal year ending June 30, 2016, the
 19 following:

20

21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2015-2016</u>
23	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

24

25 SECTION 20. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY
 27 FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund
 28 balances or any law to the contrary, any funds which remain in the Department
 29 of Education Fund Account at the end of a fiscal year shall remain in the
 30 Department of Education Fund Account and made available to fund appropriation
 31 authorized by law and made payable from the Department of Education Fund
 32 Account for the following fiscal year.

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

35 (1) Prior to June 30, ~~2015~~ 2016 the Agency shall by written statement
 36 set forth its reason(s) for the need to carry forward said funding to the

1 Department of Finance and Administration Office of Budget;

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

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

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

21 The provisions of this section shall be in effect only from July 1,
22 2015 through June 30, 2016.

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24 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
25 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
26 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
27 General Assembly that the appropriation for the salary of the Commissioner of
28 the Department of Education shall be the sole and exclusive authority for his
29 or her salary. It is further the intent of the General Assembly that the
30 Commissioner be required to devote all of his or her working time exclusively
31 to the performance of his or her duties as Commissioner of the Department of
32 Education. Therefore, the Commissioner of the Department of Education is
33 hereby prohibited from accepting any additional salary from any other source
34 (including state, federal, or private entities or persons) for the
35 performance of his or her duties as Commissioner, and is prohibited from
36 accepting any salary, fees or compensation from any other source (including

1 state, federal or private entities or persons) for any other employment of
2 any kind outside the scope of his or her duties as Commissioner, including
3 but not limited to consulting work for any other public or private entity.
4 This section shall not be construed to prohibit the Commissioner from
5 accepting or receiving expense reimbursements and employee benefits as
6 provided by State law.

7 The provisions of this section shall be in effect only from July 1,
8 2015 through June 30, 2016.

9

10 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 ESTABLISHMENT OF A "POSITION POOL".

13 (a) To address needs emerging from statewide education issues and the
14 necessity of recruiting and retaining qualified personnel, the Arkansas
15 Department of Education or its successor agency is authorized for the ~~2014-~~
16 ~~2015~~ 2015-2016 fiscal year a pool of no more than five (5)
17 Professional/Executive positions at a salary not to exceed the maximum salary
18 for a grade N912. These positions are to be used by the Department of
19 Education in the event that the personal services needs of the Department
20 during the ~~2014-2015~~ 2015-2016 fiscal year require additional positions,
21 either by title or in number, that are not authorized by the General Assembly
22 in Section 1 of this Act. These positions may also be used to properly
23 classify positions when the Department does not have a vacant position
24 available with the appropriate title and salary level.

25 (b) To address needs emerging from statewide education issues and the
26 necessity of recruiting and retaining qualified personnel, the Arkansas
27 Department of Education or its successor agency is authorized for the ~~2014-~~
28 ~~2015~~ 2015-2016 fiscal year a pool of twenty-five (25) classified positions at
29 up to a grade C130. These positions are to be used by the Department of
30 Education in the event that the personal services needs of the Department
31 during the ~~2014-2015~~ 2015-2016 fiscal year require additional positions,
32 either by classification or in number, that are not authorized by the General
33 Assembly in Section 1 of this Act. These positions may also be used to
34 properly classify positions when the Department does not have a vacant
35 position available with the appropriate title and grade level.

36 (c) Any salary determinations or adjustments administered under the

1 provisions of Subsections (a) and (b) of this Section shall be made by
2 comparing the qualifications and salary levels of similar employees in school
3 districts or in other state education agencies.

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

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

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

31 The provisions of this section shall be in effect only from July 1, ~~2014~~
32 2015 through June 30, ~~2015~~ 2016.

33
34 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
36 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by

1 the Department of Education that a reduction in the amount of available
2 appropriation within the Department of Education Fund Account is required
3 from the amount appropriated, the reduction in the available appropriation
4 from the full amount appropriated for the Arkansas Leadership Academy shall
5 be limited to the average percentage reduction in the other appropriations to
6 the Department of Education from the Department of Education Fund Account.

7 The provisions of this section shall be in effect only from July 1, ~~2014~~
8 2015 through June 30, ~~2015~~ 2016.

9
10 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
11 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
12 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
13 line item in Section 3 of this Act shall be used for the School Support
14 Program which will provide support to schools or school districts designated
15 by the Department of Education as being in school improvement status and to
16 provide for general operations of the Leadership Academy.

17 The provisions of this section shall be in effect only from July 1, ~~2014~~
18 2015 through June 30, ~~2015~~ 2016.

19
20 SECTION 25. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
21 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE
22 FUND RESTRICTIONS. No state funds shall be used for abortion referral in
23 public schools, or for abortion services. Funds shall be expended in
24 accordance with Arkansas Code Annotated § 6-18-703.

25 The provisions of this section shall be in effect only from July 1, ~~2014~~
26 2015 through June 30, ~~2015~~ 2016.

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

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

10
11 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the
12 General Assembly, that the Constitution of the State of Arkansas prohibits
13 the appropriation of funds for more than a one (1) year period; that the
14 effectiveness of this Act on July 1, 2015 is essential to the operation of
15 the agency for which the appropriations in this Act are provided, and that in
16 the event of an extension of the legislative session, the delay in the
17 effective date of this Act beyond July 1, 2015 could work irreparable harm
18 upon the proper administration and provision of essential governmental
19 programs. Therefore, an emergency is hereby declared to exist and this Act
20 being necessary for the immediate preservation of the public peace, health
21 and safety shall be in full force and effect from and after July 1, 2015.

22
23 */s/ Joint Budget Committee*
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