

1 State of Arkansas
2 90th General Assembly
3 Fiscal Session, 2016
4

A Bill

SENATE BILL 59

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, 2017;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION
15 APPROPRIATION FOR THE 2016-2017 FISCAL
16 YEAR.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. REGULAR SALARIES. There is hereby established for the
23 Department of Education for the 2016-2017 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	2016-2017
			Employees	
30	(1)	U033U	COMMISSIONER OF EDUCATION	1 \$250,445
31	(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1 \$153,464
32	(3)	N005N	ADE ASST COMMISSIONER LEARNING SVCS	1 GRADE N912
33	(4)	N006N	ADE ASST COMM PUBLIC SCHOOL ACCT	1 GRADE N912
34	(5)	G001N	ADE LITIGATION ATTORNEY	1 GRADE N912
35	(6)	N009N	ASST COMMISSIONER FISCAL & ADMIN SVC	1 GRADE N912
36	(7)	N010N	ASST 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	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)	E006N	ADE COORD COMPUTER SCIENCE	1	GRADE N902
10	(17)	G012C	ADE ASSISTANT TO COMMISSIONER	7	GRADE C129
11	(18)	G006C	ADE SPECIAL EDUCATION DIV MANAGER	1	GRADE C129
12	(19)	A010C	AGENCY CONTROLLER II	1	GRADE C128
13	(20)	G025C	ATTORNEY SUPERVISOR	1	GRADE C127
14	(21)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
15	(22)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE C126
16	(23)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
17	(24)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	14	GRADE C126
18	(25)	R009C	ADE BUDGET MANAGER	1	GRADE C125
19	(26)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
20	(27)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
21	(28)	G075C	ADE PROGRAM ADMINISTRATOR	2	GRADE C124
22	(29)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
23	(30)	A038C	FISCAL SUPPORT MANAGER	4	GRADE C123
24	(31)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
25	(32)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	24	GRADE C123
26	(33)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
27	(34)	D047C	INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE C122
28	(35)	A041C	PROGRAM FISCAL MANAGER	3	GRADE C122
29	(36)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	126	GRADE C122
30	(37)	D044C	SYSTEMS ANALYST	1	GRADE C122
31	(38)	A052C	ACCOUNTING COORDINATOR	6	GRADE C121
32	(39)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
33	(40)	G109C	GRANTS MANAGER	2	GRADE C121
34	(41)	L035C	NUTRITIONIST CONSULTANT	8	GRADE C121
35	(42)	R014C	PERSONNEL MANAGER	1	GRADE C121
36	(43)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121

1	(44)	A060C	SENIOR AUDITOR	1	GRADE C119
2	(45)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118
3	(46)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
4	(47)	G180C	GRANTS ANALYST	1	GRADE C117
5	(48)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117
6	(49)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
7	(50)	P020C	PRODUCTION ARTIST	1	GRADE C117
8	(51)	A089C	ACCOUNTANT I	1	GRADE C116
9	(52)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
10	(53)	V014C	BUYER	1	GRADE C116
11	(54)	C037C	ADMINISTRATIVE ANALYST	14	GRADE C115
12	(55)	D079C	COMPUTER SUPPORT TECHNICIAN	1	GRADE C115
13	(56)	A091C	FISCAL SUPPORT ANALYST	3	GRADE C115
14	(57)	D077C	HELP DESK SPECIALIST	1	GRADE C115
15	(58)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
16	(59)	R036C	HUMAN RESOURCES SPECIALIST	2	GRADE C113
17	(60)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
18	(61)	C046C	LEGAL SUPPORT SPECIALIST	1	GRADE C113
19	(62)	S046C	MAINTENANCE TECHNICIAN	1	GRADE C113
20	(63)	C056C	ADMINISTRATIVE SPECIALIST III	37	GRADE C112
21	(64)	A098C	FISCAL SUPPORT SPECIALIST	1	GRADE C112
22	(65)	C073C	ADMINISTRATIVE SPECIALIST II	<u>28</u>	GRADE C109
23			MAX. NO. OF EMPLOYEES	348	

24

25 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 26 for the Department of Education - State Operations for the 2016-2017 fiscal
 27 year, the following maximum number of part-time or temporary employees, to be
 28 known as "Extra Help", payable from funds appropriated herein for such
 29 purposes: eight (8) temporary or part-time employees, when needed, at rates
 30 of pay not to exceed those provided in the Uniform Classification and
 31 Compensation Act, or its successor, or this act for the appropriate
 32 classification.

33

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

1 expenses of the Department of Education - State Operations for the fiscal
 2 year ending June 30, 2017, the following:

3

4 ITEM	FISCAL YEAR
5 NO.	2016-2017
6 (01) REGULAR SALARIES	\$14,513,343
7 (02) EXTRA HELP	160,000
8 (03) PERSONAL SERVICES MATCHING	4,487,314
9 (04) MAINT. & GEN. OPERATION	
10 (A) OPER. EXPENSE	3,479,443
11 (B) CONF. & TRAVEL	206,530
12 (C) PROF. FEES	305,569
13 (D) CAP. OUTLAY	100,000
14 (E) DATA PROC.	0
15 (05) ADVANCED PLACEMENT AND INCENTIVE	
16 PROGRAM GRANTS	450,000
17 (06) READING RECOVERY	100,000
18 (07) AR LEADERSHIP ACADEMY	<u>900,000</u>
19 TOTAL AMOUNT APPROPRIATED	<u>\$24,702,199</u>

20

21 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is
 22 hereby appropriated, to the Department of Education, to be payable from the
 23 federal funds as designated by the Chief Fiscal Officer of the State, for
 24 personal services and operating expenses of the Department of Education -
 25 Federal Grants Administration for the fiscal year ending June 30, 2017, the
 26 following:

27

28 ITEM	FISCAL YEAR
29 NO.	2016-2017
30 (01) REGULAR SALARIES	\$478,041
31 (02) PERSONAL SERVICES MATCHING	139,111
32 (03) MAINT. & GEN. OPERATION	
33 (A) OPER. EXPENSE	49,970
34 (B) CONF. & TRAVEL	19,672
35 (C) PROF. FEES	260,000
36 (D) CAP. OUTLAY	0

1	(E) DATA PROC.	<u>0</u>
2	TOTAL AMOUNT APPROPRIATED	<u><u>\$946,794</u></u>

3
 4 SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby
 5 appropriated, to the Department of Education, to be payable from the
 6 Educational Buildings Maintenance Fund, for operating expenses of the
 7 Department of Education - Building Maintenance for the fiscal year ending
 8 June 30, 2017, the following:

10	ITEM	FISCAL YEAR
11	<u>NO.</u>	<u>2016-2017</u>
12	(01) MAINT. & GEN. OPERATION	
13	(A) OPER. EXPENSE	\$500,000
14	(B) CONF. & TRAVEL	0
15	(C) PROF. FEES	0
16	(D) CAP. OUTLAY	0
17	(E) DATA PROC.	<u>0</u>
18	TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

19
 20 SECTION 6. APPROPRIATION - REVOLVING LOAN CERTIFICATES PROGRAM. There
 21 is hereby appropriated, to the Department of Education, to be payable from
 22 the Education Revolving Loan Certificates Fund, for personal services and
 23 operating expenses of the Department of Education - Revolving Loan
 24 Certificates Program for the fiscal year ending June 30, 2017, the following:

26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2016-2017</u>
28	(01) REGULAR SALARIES	\$42,881
29	(02) PERSONAL SERVICES MATCHING	14,353
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	27,500
32	(B) CONF. & TRAVEL	2,500
33	(C) PROF. FEES	10,000
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	0
36	(04) LOANS TO SCHOOL DISTRICTS	<u>13,000,000</u>

1 TOTAL AMOUNT APPROPRIATED \$13,097,234

2

3 SECTION 7. APPROPRIATION - CHILD NUTRITION PROGRAM. There is hereby
 4 appropriated, to the Department of Education, to be payable from the federal
 5 funds as designated by the Chief Fiscal Officer of the State, for personal
 6 services and operating expenses of the Department of Education - Child
 7 Nutrition Program for the fiscal year ending June 30, 2017, the following:

8

9 ITEM	FISCAL YEAR
10 <u>NO.</u>	<u>2016-2017</u>
11 (01) REGULAR SALARIES	\$888,412
12 (02) PERSONAL SERVICES MATCHING	294,384
13 (03) MAINT. & GEN. OPERATION	
14 (A) OPER. EXPENSE	1,172,100
15 (B) CONF. & TRAVEL	52,600
16 (C) PROF. FEES	156,400
17 (D) CAP. OUTLAY	50,000
18 (E) DATA PROC.	0
19 (04) SCHOOL FOOD SERVICE/NUTRITION ED	185,168,000
20 (05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$188,231,896</u>

22

23 SECTION 8. EXTRA HELP - FEDERAL ELEMENTARY AND SECONDARY EDUCATION.

24 There is hereby authorized, for the Department of Education - Federal
 25 Elementary and Secondary Education for the 2016-2017 fiscal year, the
 26 following maximum number of part-time or temporary employees, to be known as
 27 "Extra Help", payable from funds appropriated herein for such purposes: four
 28 (4) temporary or part-time employees, when needed, at rates of pay not to
 29 exceed those provided in the Uniform Classification and Compensation Act, or
 30 its successor, or this act for the appropriate classification.

31

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

33 There is hereby appropriated, to the Department of Education, to be payable
 34 from the federal funds as designated by the Chief Fiscal Officer of the
 35 State, for personal services and operating expenses of the Department of
 36 Education - Federal Elementary and Secondary Education for the fiscal year

1 ending June 30, 2017, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2016-2017</u>
5 (01) REGULAR SALARIES	\$2,895,973
6 (02) EXTRA HELP	10,000
7 (03) PERSONAL SERVICES MATCHING	897,736
8 (04) MAINT. & GEN. OPERATION	
9 (A) OPER. EXPENSE	3,475,900
10 (B) CONF. & TRAVEL	710,500
11 (C) PROF. FEES	18,351,105
12 (D) CAP. OUTLAY	200,000
13 (E) DATA PROC.	0
14 (05) ENTITLEMENT GRANT PROGRAMS	496,095,368
15 (06) REFUNDS/REIMBURSEMENTS	1,110,000
16 (07) ARRA OF 2009	<u>400,000</u>
17 TOTAL AMOUNT APPROPRIATED	<u><u>\$524,146,582</u></u>

18

19 SECTION 10. APPROPRIATION - MULTIPLE GRANT AWARD PROGRAM. There is
 20 hereby appropriated, to the Department of Education, to be payable from the
 21 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 22 Officer of the State, for operating expenses and grants by the Department of
 23 Education - Multiple Grant Award Program for the fiscal year ending June 30,
 24 2017, the following:

25

26 ITEM	FISCAL YEAR
27 <u>NO.</u>	<u>2016-2017</u>
28 (01) MAINT. & GEN. OPERATION	
29 (A) OPER. EXPENSE	\$122,000
30 (B) CONF. & TRAVEL	16,500
31 (C) PROF. FEES	40,000
32 (D) CAP. OUTLAY	100,000
33 (E) DATA PROC.	0
34 (02) MULTIPLE GRANT AWARDS	<u>2,447,875</u>
35 TOTAL AMOUNT APPROPRIATED	<u><u>\$2,726,375</u></u>

36

SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT 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 Medicaid reimbursement and administration of the Department of Education - Medicaid Reimbursement Program for the fiscal year ending June 30, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</u>
(01) REFUNDS/REIMBURSEMENTS	\$5,000,000
(02) MEDICAID ADMIN	<u>10,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$5,010,500</u></u>

SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION 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 - Alternative Certification Program for the fiscal year ending June 30, 2017, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2016-2017</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>

SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. 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 grants for school education programs for fish and wildlife conservation by the Department of Education - Fish and Wildlife

1 Conservation for the fiscal year ending June 30, 2017, the following:

2

3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2016-2017</u>
5 (01) FISH/WILDLIFE CONSERVATION GRANTS	<u>\$800,000</u>

6

7 SECTION 14. APPROPRIATION - CONFERENCES. There is hereby appropriated,
 8 to the Department of Education, to be payable from the cash fund deposited in
 9 the State Treasury as determined by the Chief Fiscal Officer of the State,
 10 for operating expenses of conferences sponsored by the Department of
 11 Education for the fiscal year ending June 30, 2017, the following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2016-2017</u>
15 (01) MAINT. & GEN. OPERATION	
16 (A) OPER. EXPENSE	\$400,000
17 (B) CONF. & TRAVEL	25,000
18 (C) PROF. FEES	50,000
19 (D) CAP. OUTLAY	0
20 (E) DATA PROC.	<u>0</u>
21 TOTAL AMOUNT APPROPRIATED	<u>\$475,000</u>

22

23 SECTION 15. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.
 24 There is hereby appropriated, to the Department of Education, to be payable
 25 from the cash fund deposited in the State Treasury as determined by the Chief
 26 Fiscal Officer of the State, for reimbursement of school districts for
 27 administrative activities that support the Arkansas Medicaid Program by the
 28 Department of Education - Medicaid Administration Claiming Program for the
 29 fiscal year ending June 30, 2017, the following:

30

31 ITEM	FISCAL YEAR
32 <u>NO.</u>	<u>2016-2017</u>
33 (01) AR MEDICAID ADMIN CLAIMS	<u>\$15,000,000</u>

34

35 SECTION 16. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 36 appropriated, to the Department of Education, to be payable from the School-

1 Age Children Eye and Vision Care Fund, for operating expenses and costs
 2 incurred in studying, evaluating vision needs, screening vision programs, the
 3 development of a strategic statewide plan, and associated expenses for eye
 4 and vision care of school-age children in Arkansas for the fiscal year ending
 5 June 30, 2017, the following:

6		
7	ITEM	FISCAL YEAR
8	<u>NO.</u>	<u>2016-2017</u>
9	(01) VARIOUS OPERATING EXPENSES FOR VISION	
10	SCREENING AND CARE	<u>\$5,508</u>

11

12 SECTION 17. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
 13 There is hereby established for the Department of Education - Professional
 14 Licensure Standards Board for the 2016-2017 fiscal year, the following
 15 maximum number of regular employees.

16				
17				Maximum Annual
18			Maximum	Salary Rate
19	Item	Class	No. of	Fiscal Year
20	<u>No.</u>	<u>Code</u>	<u>Title</u>	<u>2016-2017</u>
21	(1)	G012C	ADE ASSISTANT TO COMMISSIONER	1 GRADE C129
22	(2)	X012C	ADE PLSB CHIEF INVESTIGATOR	1 GRADE C126
23	(3)	G073C	ATTORNEY	1 GRADE C124
24	(4)	X202C	ADE PLSB SENIOR INVESTIGATOR	2 GRADE C123
25	(5)	X037C	EDUCATION INVESTIGATOR	4 GRADE C121
26	(6)	G179C	LEGAL SERVICES SPECIALIST	1 GRADE C117
27	(7)	C037C	ADMINISTRATIVE ANALYST	2 GRADE C115
28	(8)	C056C	ADMINISTRATIVE SPECIALIST III	<u>1</u> GRADE C112
29			MAX. NO. OF EMPLOYEES	13

30

31 SECTION 18. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.
 32 There is hereby appropriated, to the Department of Education, to be payable
 33 from the cash fund deposited in the State Treasury as determined by the Chief
 34 Fiscal Officer of the State, for personal services and operating expenses of
 35 the Department of Education - Professional Licensure Standards Board for the
 36 fiscal year ending June 30, 2017, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2016-2017</u>
4	(01) REGULAR SALARIES	\$562,977
5	(02) PERSONAL SERVICES MATCHING	187,800
6	(03) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	376,325
8	(B) CONF. & TRAVEL	10,000
9	(C) PROF. FEES	9,505
10	(D) CAP. OUTLAY	275,000
11	(E) DATA PROC.	0
12	(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
13	TOTAL AMOUNT APPROPRIATED	<u><u>\$1,521,607</u></u>
14		

15 SECTION 19. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL
 16 CLOSURE. There is hereby appropriated, to the Department of Education, to be
 17 payable from the cash fund deposited in the State Treasury as determined by
 18 the Chief Fiscal Officer of the State, for outstanding obligations incurred
 19 by closed charter schools for the fiscal year ending June 30, 2017, the
 20 following:

21		
22	ITEM	FISCAL YEAR
23	<u>NO.</u>	<u>2016-2017</u>
24	(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>
25		

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

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

- 36 (1) Prior to June 30, ~~2016~~ 2017 the Agency shall by written statement

1 set forth its reason(s) for the need to carry forward said funding to the
2 Department of Finance and Administration Office of Budget;

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

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

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

22 The provisions of this section shall be in effect only from July 1, ~~2015~~
23 2016 through June 30, ~~2016~~ 2017.

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

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

8 The provisions of this section shall be in effect only from July 1, ~~2015~~
9 2016 through June 30, ~~2016~~ 2017.

10
11 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
12 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
13 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
14 statewide education issues and the necessity of recruiting and retaining
15 qualified personnel, the Arkansas Department of Education or its successor
16 agency is authorized for the ~~2015-2016~~ 2016-2017 fiscal year a pool of no
17 more than five (5) Professional/Executive positions at a salary not to exceed
18 the maximum salary for a grade N912. These positions are to be used by the
19 Department of Education in the event that the personal services needs of the
20 Department during the ~~2015-2016~~ 2016-2017 fiscal year require additional
21 positions, either by title or in number, that are not authorized by the
22 General Assembly in Section 1 of this Act. These positions may also be used
23 to properly classify positions when the Department does not have a vacant
24 position 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 ~~2015-~~
28 ~~2016~~ 2016-2017 fiscal year a pool of ten (10) classified positions at up to a
29 grade C130. These positions are to be used by the Department of Education in
30 the event that the personal services needs of the Department during the ~~2015-~~
31 ~~2016~~ 2016-2017 fiscal year require additional positions, either by
32 classification or in number, that are not authorized by the General Assembly
33 in Section 1 of this Act. These positions may also be used to properly
34 classify positions when the Department does not have a vacant position
35 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 monthly
7 report of the justification for the need to allocate titles from this growth
8 pool to the Chief Fiscal Officer of the State and to the Arkansas Legislative
9 Council for review. The report shall also include an accounting of the
10 names, titles, and salaries of personnel whose salaries have been adjusted
11 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, ~~2015~~
32 2016 through June 30, ~~2016~~ 2017.

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, ~~2015~~
8 2016 through June 30, ~~2016~~ 2017.

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, ~~2015~~
18 2016 through June 30, ~~2016~~ 2017.

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, ~~2015~~
26 2016 through June 30, ~~2016~~ 2017.

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, 2016 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, 2016 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, 2016.
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