

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

A Bill

SENATE BILL 138

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, 2020;
11 AND FOR OTHER PURPOSES.
12
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION
15 APPROPRIATION FOR THE 2019-2020 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 2019-2020 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	Employees	2019-2020
30	(1)	U033U	1	GRADE SE05
31	(2)	U027U	1	GRADE SE03
32	(3)	N005N	1	GRADE SE01
33	(4)	N006N	1	GRADE SE01
34	(5)	D011N	1	GRADE SE01
35	(6)	N009N	1	GRADE SE01
36	(7)	N008N	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:

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>

26
 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:

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>

9

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:

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>

25

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:

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>

28

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		
13	ITEM	FISCAL YEAR
14	<u>NO.</u>	<u>2019-2020</u>
15	(01) REFUNDS/REIMBURSEMENTS	\$12,194,426
16	(02) MEDICAID ADMIN	<u>10,500</u>
17	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		
26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2019-2020</u>
28	(01) MAINT. & GEN. OPERATION	
29	(A) OPER. EXPENSE	\$227,367
30	(B) CONF. & TRAVEL	8,500
31	(C) PROF. FEES	35,420
32	(D) CAP. OUTLAY	0
33	(E) DATA PROC.	0
34	(02) ALT. CERT. PROG. GRANTS AND AID	<u>1,077,925</u>
35	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 NO. 2019-2020

3 (01) VARIOUS OPERATING EXPENSES FOR VISION
 4 SCREENING AND CARE \$5,508

5
 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.

10

11				Maximum Annual
12				Salary Rate
13	Item	Class	Maximum	Fiscal Year
14	No.	Code Title	No. of	2019-2020
			Employees	
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:

32

33 ITEM FISCAL YEAR
 34 NO. 2019-2020
 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>\$1,542,677</u></u>

31

32 SECTION 20. 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 be made available to fund
2 appropriation(s) authorized by law and made payable from the Department of
3 Education Fund 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, ~~2019~~ 2020 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 or Joint Budget Committee all
11 amounts carried forward by the September Arkansas Legislative Council or
12 Joint Budget Committee meeting which report shall include the name of the
13 Agency, Board, Commission or Institution and the amount of the funding
14 carried forward, the program name or line item, the funding source of that
15 appropriation and a copy of the 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 The provisions of this section shall be in effect only from July 1, ~~2018~~
29 2019 through June 30, ~~2019~~ 2020.

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31 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
33 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
34 General Assembly that the appropriation for the salary of the Commissioner of
35 the Department of Education shall be the sole and exclusive authority for his
36 or her salary. It is further the intent of the General Assembly that the

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

14 The provisions of this section shall be in effect only from July 1, ~~2018~~
 15 2019 through June 30, ~~2019~~ 2020.

16
 17 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 18 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 19 ESTABLISHMENT OF A "POSITION POOL". (a) To address needs emerging from
 20 statewide education issues and the necessity of recruiting and retaining
 21 qualified personnel, the Arkansas Department of Education or its successor
 22 agency is authorized for the ~~2018-2019~~ 2019-2020 fiscal year a pool of no
 23 more than five (5) ~~Professional/Executive~~ Information Technology positions at
 24 a salary not to exceed the maximum salary for a grade ~~N912~~ IT12. These
 25 positions are to be used by the Department of Education in the event that the
 26 personal services needs of the Department during the ~~2018-2019~~ 2019-2020
 27 fiscal year require additional positions, either by title or in number, that
 28 are not authorized by the General Assembly in the Regular Salaries section of
 29 this Act. These positions may also be used to properly classify positions
 30 when the Department does not have a vacant position available with the
 31 appropriate title and salary level.

32 (b) To address needs emerging from statewide education issues and the
 33 necessity of recruiting and retaining qualified personnel, the Arkansas
 34 Department of Education or its successor agency is authorized for the ~~2018-~~
 35 ~~2019~~ 2019-2020 fiscal year a pool of ten (10) ~~classified~~ General Salaries
 36 positions at up to a grade ~~G130~~ GS15. These positions are to be used by the

1 Department of Education in the event that the personal services needs of the
2 Department during the ~~2018-2019~~ 2019-2020 fiscal year require additional
3 positions, either by classification or in number, that are not authorized by
4 the General Assembly in the Regular Salaries section of this Act. These
5 positions may also be used to properly classify positions when the Department
6 does not have a vacant position available with the appropriate title and
7 grade level.

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

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

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

25 (f) Determining the number of personnel to be employed by a state agency
26 is the prerogative of the General Assembly and is usually accomplished by
27 delineating the maximum number of personnel by identifying job titles and the
28 maximum grade or salary attached to those titles. The General Assembly has
29 determined that the Arkansas Department of Education could be operated more
30 efficiently if some flexibility is given to that agency. That flexibility is
31 being accomplished by providing a position pool in Subsections (a) and (b) of
32 this Section and since the General Assembly has granted the agency broad
33 powers under the growth pool concept, it is both necessary and appropriate
34 that the General Assembly maintain oversight of the utilization of the
35 position pool by requiring review of the Legislative Council or Joint Budget
36 Committee in the utilization of the position pool. Therefore, the requirement

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

5 The provisions of this section shall be in effect only from July 1, ~~2018~~
6 2019 through June 30, ~~2019~~ 2020.

7
8 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
9 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. STATE FUND
10 RESTRICTIONS. No state funds shall be used for abortion referral in public
11 schools, or for abortion services. Funds shall be expended in accordance with
12 Arkansas Code Annotated § 6-18-703.

13 The provisions of this section shall be in effect only from July 1, ~~2018~~
14 2019 through June 30, ~~2019~~ 2020.

15
16 SECTION 24. COMPLIANCE WITH OTHER LAWS. Disbursement of funds
17 authorized by this act shall be limited to the appropriation for such agency
18 and funds made available by law for the support of such appropriations; and
19 the restrictions of the State Procurement Law, the General Accounting and
20 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
21 Procedures and Restrictions Act, or their successors, and other fiscal
22 control laws of this State, where applicable, and regulations promulgated by
23 the Department of Finance and Administration, as authorized by law, shall be
24 strictly complied with in disbursement of said funds.

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

34
35 SECTION 26. EMERGENCY CLAUSE. It is found and determined by the
36 General Assembly, that the Constitution of the State of Arkansas prohibits

1 the appropriation of funds for more than a one (1) year period; that the
2 effectiveness of this Act on July 1, 2019 is essential to the operation of
3 the agency for which the appropriations in this Act are provided, and that in
4 the event of an extension of the legislative session, the delay in the
5 effective date of this Act beyond July 1, 2019 could work irreparable harm
6 upon the proper administration and provision of essential governmental
7 programs. Therefore, an emergency is hereby declared to exist and this Act
8 being necessary for the immediate preservation of the public peace, health
9 and safety shall be in full force and effect from and after July 1, 2019.

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