

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

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.
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 2015-2016 fiscal year, the following maximum
24 number of regular employees.
25

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2015-2016
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 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	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)	G050C	ADE APSCN DIVISION MANAGER	1	GRADE C126
13	(20)	D104C	ADE STATE SYSTEMS ADMINISTRATOR	3	GRADE C126
14	(21)	G047C	ATTORNEY SPECIALIST	3	GRADE C126
15	(22)	E006C	PUBLIC SCHOOL PROGRAM MANAGER	14	GRADE C126
16	(23)	R009C	ADE BUDGET MANAGER	1	GRADE C125
17	(24)	G074C	ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE C124
18	(25)	A032C	ADE FINANCE PROGRAM COORDINATOR	2	GRADE C124
19	(26)	G075C	ADE PROGRAM ADMINISTRATOR	2	GRADE C124
20	(27)	D030C	INFORMATION SYSTEMS COORDINATOR	2	GRADE C124
21	(28)	A038C	FISCAL SUPPORT MANAGER	4	GRADE C123
22	(29)	P004C	PUBLIC INFORMATION MANAGER	1	GRADE C123
23	(30)	E016C	PUBLIC SCHOOL PROGRAM COORDINATOR	24	GRADE C123
24	(31)	D038C	SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE C123
25	(32)	D047C	INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE C122
26	(33)	A041C	PROGRAM FISCAL MANAGER	3	GRADE C122
27	(34)	E019C	PUBLIC SCHOOL PROGRAM ADVISOR	126	GRADE C122
28	(35)	D044C	SYSTEMS ANALYST	1	GRADE C122
29	(36)	A052C	ACCOUNTING COORDINATOR	6	GRADE C121
30	(37)	D054C	COMPUTER SUPPORT COORDINATOR	1	GRADE C121
31	(38)	G109C	GRANTS MANAGER	2	GRADE C121
32	(39)	L035C	NUTRITIONIST CONSULTANT	8	GRADE C121
33	(40)	R014C	PERSONNEL MANAGER	1	GRADE C121
34	(41)	D052C	SOFTWARE SUPPORT ANALYST	1	GRADE C121
35	(42)	A060C	SENIOR AUDITOR	1	GRADE C119
36	(43)	C010C	EXECUTIVE ASSISTANT TO THE DIRECTOR	1	GRADE C118

1	(44)	A074C	FISCAL SUPPORT SUPERVISOR	4	GRADE C118
2	(45)	G180C	GRANTS ANALYST	1	GRADE C117
3	(46)	R025C	HUMAN RESOURCES ANALYST	2	GRADE C117
4	(47)	G179C	LEGAL SERVICES SPECIALIST	1	GRADE C117
5	(48)	P020C	PRODUCTION ARTIST	1	GRADE C117
6	(49)	A089C	ACCOUNTANT I	1	GRADE C116
7	(50)	C022C	BUSINESS OPERATIONS SPECIALIST	1	GRADE C116
8	(51)	V014C	BUYER	1	GRADE C116
9	(52)	C037C	ADMINISTRATIVE ANALYST	14	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	2	GRADE C113
15	(58)	V020C	INVENTORY CONTROL MANAGER	1	GRADE C113
16	(59)	C046C	LEGAL SUPPORT SPECIALIST	1	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>28</u>	GRADE C109
21			MAX. NO. OF EMPLOYEES	346	

22

23 SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized,
 24 for the Department of Education - State Operations for the 2015-2016 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.

31

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, 2016, the following:

1		
2	ITEM	FISCAL YEAR
3	<u>NO.</u>	<u>2015-2016</u>
4	(01) REGULAR SALARIES	\$14,506,243
5	(02) EXTRA HELP	160,000
6	(03) PERSONAL SERVICES MATCHING	4,485,203
7	(04) MAINT. & GEN. OPERATION	
8	(A) OPER. EXPENSE	3,479,443
9	(B) CONF. & TRAVEL	206,530
10	(C) PROF. FEES	305,569
11	(D) CAP. OUTLAY	100,000
12	(E) DATA PROC.	0
13	(05) ADVANCED PLACEMENT AND INCENTIVE	
14	PROGRAM GRANTS	450,000
15	(06) READING RECOVERY	100,000
16	(07) AR LEADERSHIP ACADEMY	<u>900,000</u>
17	TOTAL AMOUNT APPROPRIATED	<u><u>\$24,692,988</u></u>

18

19 SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is

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

21 federal funds as designated by the Chief Fiscal Officer of the State, for

22 personal services and operating expenses of the Department of Education -

23 Federal Grants Administration for the fiscal year ending June 30, 2016, the

24 following:

25		
26	ITEM	FISCAL YEAR
27	<u>NO.</u>	<u>2015-2016</u>
28	(01) REGULAR SALARIES	\$477,341
29	(02) PERSONAL SERVICES MATCHING	138,959
30	(03) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	49,970
32	(B) CONF. & TRAVEL	19,672
33	(C) PROF. FEES	260,000
34	(D) CAP. OUTLAY	0
35	(E) DATA PROC.	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u><u>\$945,942</u></u>

SECTION 5. APPROPRIATION - BUILDING MAINTENANCE. There is hereby appropriated, to the Department of Education, to be payable from the Educational Buildings Maintenance Fund, for operating expenses of the Department of Education - Building Maintenance 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	\$500,000
(B) CONF. & TRAVEL	0
(C) PROF. FEES	0
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$500,000</u></u>

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

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

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

16

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

23

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

34

35 SECTION 11. APPROPRIATION - MEDICAID REIMBURSEMENT PROGRAM. There is
 36 hereby appropriated, to the Department of Education, to be payable from the

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

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

11
 12 SECTION 12. APPROPRIATION - ALTERNATIVE CERTIFICATION PROGRAM. There
 13 is hereby appropriated, to the Department of Education, to be payable from
 14 the cash fund deposited in the State Treasury as determined by the Chief
 15 Fiscal Officer of the State, for operating expenses and grants by the
 16 Department of Education - Alternative Certification Program for the fiscal
 17 year ending June 30, 2016, the following:

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

29
 30 SECTION 13. APPROPRIATION - FISH AND WILDLIFE CONSERVATION. There is
 31 hereby appropriated, to the Department of Education, to be payable from the
 32 cash fund deposited in the State Treasury as determined by the Chief Fiscal
 33 Officer of the State, for grants for school education programs for fish and
 34 wildlife conservation by the Department of Education - Fish and Wildlife
 35 Conservation for the fiscal year ending June 30, 2016, the following:

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

4

5 SECTION 14. APPROPRIATION - CONFERENCES. There is hereby appropriated,
 6 to the Department of Education, to be payable from the cash fund deposited in
 7 the State Treasury as determined by the Chief Fiscal Officer of the State,
 8 for operating expenses of conferences sponsored by the Department of
 9 Education for the fiscal year ending June 30, 2016, the following:

10

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>

20

21 SECTION 15. APPROPRIATION - MEDICAID ADMINISTRATION CLAIMING PROGRAM.
 22 There is hereby appropriated, to the Department of Education, to be payable
 23 from the cash fund deposited in the State Treasury as determined by the Chief
 24 Fiscal Officer of the State, for reimbursement of school districts for
 25 administrative activities that support the Arkansas Medicaid Program by the
 26 Department of Education - Medicaid Administration Claiming Program for the
 27 fiscal year ending June 30, 2016, the following:

28

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

32

33 SECTION 16. APPROPRIATION - VISION SCREENING PROGRAM. There is hereby
 34 appropriated, to the Department of Education, to be payable from the School-
 35 Age Children Eye and Vision Care Fund, for operating expenses and costs
 36 incurred in studying, evaluating vision needs, screening vision programs, the

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

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

9
 10 SECTION 17. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.

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

15				Maximum Annual
16				Salary Rate
17	Item	Class	Maximum	Fiscal Year
18	<u>No.</u>	<u>Code</u>	<u>No. of</u>	<u>2015-2016</u>
	<u>No.</u>	<u>Code</u>	<u>Employees</u>	
19	(1)	G012C	1	GRADE C129
20	(2)	X012C	1	GRADE C126
21	(3)	G073C	1	GRADE C124
22	(4)	X202C	2	GRADE C123
23	(5)	X037C	4	GRADE C121
24	(6)	G179C	1	GRADE C117
25	(7)	C037C	2	GRADE C115
26	(8)	C056C	<u>1</u>	GRADE C112
27		MAX. NO. OF EMPLOYEES	13	

28
 29 SECTION 18. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.

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

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

12

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

19

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

23

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

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

34 (1) Prior to June 30, ~~2015~~ 2016 the Agency shall by written statement
 35 set forth its reason(s) for the need to carry forward said funding to the
 36 Department of Finance and Administration Office of Budget;

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

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

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

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

22
23 SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF
25 THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the
26 General Assembly that the appropriation for the salary of the Commissioner of
27 the Department of Education shall be the sole and exclusive authority for his
28 or her salary. It is further the intent of the General Assembly that the
29 Commissioner be required to devote all of his or her working time exclusively
30 to the performance of his or her duties as Commissioner of the Department of
31 Education. Therefore, the Commissioner of the Department of Education is
32 hereby prohibited from accepting any additional salary from any other source
33 (including state, federal, or private entities or persons) for the
34 performance of his or her duties as Commissioner, and is prohibited from
35 accepting any salary, fees or compensation from any other source (including
36 state, federal or private entities or persons) for any other employment of

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

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

8
 9 SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 11 ESTABLISHMENT OF A "POSITION POOL".

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

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

35 (c) Any salary determinations or adjustments administered under the
 36 provisions of Subsections (a) and (b) of this Section shall be made by

1 comparing the qualifications and salary levels of similar employees in school
2 districts or in other state education agencies.

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

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

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

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

32
33 SECTION 23. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
34 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ARKANSAS
35 LEADERSHIP ACADEMY - REDUCTION OF FUNDS RESTRICTION. Upon determination by
36 the Department of Education that a reduction in the amount of available

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

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

8
9 SECTION 24. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
11 LEADERSHIP ACADEMY. The funds appropriated in the "AR LEADERSHIP ACADEMY"
12 line item in Section 3 of this Act shall be used for the School Support
13 Program which will provide support to schools or school districts designated
14 by the Department of Education as being in school improvement status and to
15 provide for general operations of the Leadership Academy.

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

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

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

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

36

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

9
10 SECTION 28. EMERGENCY CLAUSE. It is found and determined by the
11 General Assembly, that the Constitution of the State of Arkansas prohibits
12 the appropriation of funds for more than a one (1) year period; that the
13 effectiveness of this Act on July 1, 2015 is essential to the operation of
14 the agency for which the appropriations in this Act are provided, and that in
15 the event of an extension of the legislative session, the delay in the
16 effective date of this Act beyond July 1, 2015 could work irreparable harm
17 upon the proper administration and provision of essential governmental
18 programs. Therefore, an emergency is hereby declared to exist and this Act
19 being necessary for the immediate preservation of the public peace, health
20 and safety shall be in full force and effect from and after July 1, 2015.