

Stricken language will be deleted and underlined language will be added.
Act 727 of the Regular Session

State of Arkansas
92nd General Assembly
Regular Session, 2019

As Engrossed: S3/4/19 S3/11/19

A Bill

SENATE BILL 138

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
AND OPERATING EXPENSES FOR THE DEPARTMENT OF
EDUCATION FOR THE FISCAL YEAR ENDING JUNE 30, 2020;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION
APPROPRIATION FOR THE 2019-2020 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the Department of Education for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item No.	Class Code	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2019-2020
(1)	U033U	COMMISSIONER OF EDUCATION	1	GRADE SE05
(2)	U027U	DEPUTY COMMISSIONER OF EDUCATION	1	GRADE SE03
(3)	N005N	ADE ASST COMMISSIONER LEARNING SERVICES	1	GRADE SE01
(4)	N006N	ADE ASST COMMISSIONER PUB SCH ACCOUNTING	1	GRADE SE01
(5)	D011N	ADE DIRECTOR OF INFORMATION SYSTEMS	1	GRADE SE01
(6)	N009N	ASST COMMISSIONER FISCAL & ADMIN SVC	1	GRADE SE01
(7)	N008N	ASST COMMISSIONER RESEARCH & TECHNOLOGY	1	GRADE SE01



(8)	N010N ASST COMMR EDUC EFFECTIVENESS	1	GRADE SE01
(9)	L027C REGISTERED NURSE SUPERVISOR	1	GRADE MP02
(10)	E007N ADE DIRECTOR OF COMPUTER SCIENCE	1	GRADE IT09
(11)	D104C ADE STATE SYSTEMS ADMINISTRATOR	4	GRADE IT08
(12)	D030C INFORMATION SYSTEMS COORDINATOR	2	GRADE IT07
(13)	D038C SENIOR SOFTWARE SUPPORT ANALYST	1	GRADE IT06
(14)	D054C COMPUTER SUPPORT COORDINATOR	1	GRADE IT05
(15)	D047C INFORMATION SYSTEMS BUSINESS ANALYST	3	GRADE IT05
(16)	D052C SOFTWARE SUPPORT ANALYST	1	GRADE IT05
(17)	D044C SYSTEMS ANALYST	1	GRADE IT05
(18)	D079C COMPUTER SUPPORT TECHNICIAN	1	GRADE IT02
(19)	G001N ADE LITIGATION ATTORNEY	1	GRADE GS15
(20)	G281C ADE POLICY & SPECIAL PROJECTS DIRECTOR	1	GRADE GS15
(21)	E072C DIRECTOR OF COMPUTER SCIENCE AND STEM	1	GRADE GS15
(22)	N069N ADE SPECIAL ADVISOR	7	GRADE GS14
(23)	E003N ADE COORD SCH. IMP / STANDARDS ASSURANCE	1	GRADE GS13
(24)	E001N ADE COORDINATOR SPECIAL PROGRAMS	1	GRADE GS13
(25)	A010C AGENCY CONTROLLER II	1	GRADE GS13
(26)	G012C ADE ASSISTANT TO DIRECTOR	8	GRADE GS12
(27)	G006C ADE SPECIAL EDUCATION DIVISION MGR	1	GRADE GS12
(28)	A021C AGENCY CONTROLLER I	1	GRADE GS12
(29)	G025C ATTORNEY SUPERVISOR	1	GRADE GS12
(30)	A027C ACCOUNTING OPERATIONS MANAGER	1	GRADE GS11
(31)	E006N ADE COORD COMPUTER SCIENCE	1	GRADE GS11
(32)	N149N ADE COORD FISCAL DISTRESS	1	GRADE GS11
(33)	E069C ADE DIRECTOR OF MEDICAID IN SCHOOLS	1	GRADE GS11
(34)	G047C ATTORNEY SPECIALIST	2	GRADE GS11
(35)	E006C PUBLIC SCHOOL PROGRAM MANAGER	15	GRADE GS11
(36)	E007C ADE OERZ DIRECTOR	1	GRADE GS10
(37)	G075C ADE PROGRAM ADMINISTRATOR	3	GRADE GS10
(38)	E016C PUBLIC SCHOOL PROGRAM COORDINATOR	20	GRADE GS10
(39)	A052C ACCOUNTING COORDINATOR	6	GRADE GS09
(40)	R009C ADE BUDGET MANAGER	1	GRADE GS09
(41)	G074C ADE COORD OF GOVERNMENTAL AFFAIRS	1	GRADE GS09
(42)	A032C ADE FINANCE PROGRAM COORDINATOR	2	GRADE GS09
(43)	A050C AGENCY FISCAL MANAGER	1	GRADE GS09

(44)	A038C FISCAL SUPPORT MANAGER	5	GRADE GS09
(45)	G109C GRANTS MANAGER	2	GRADE GS09
(46)	P004C PUBLIC INFORMATION MANAGER	3	GRADE GS09
(47)	E019C PUBLIC SCHOOL PROGRAM ADVISOR	107	GRADE GS09
(48)	L043C HEALTH PROGRAM SPECIALIST III	1	GRADE GS08
(49)	L035C NUTRITIONIST CONSULTANT	9	GRADE GS08
(50)	G093C OPERATIONS MANAGER	5	GRADE GS08
(51)	R014C PERSONNEL MANAGER	1	GRADE GS08
(52)	A041C PROGRAM FISCAL MANAGER	6	GRADE GS08
(53)	A089C ACCOUNTANT I	1	GRADE GS07
(54)	C010C EXECUTIVE ASSISTANT TO THE DIRECTOR	2	GRADE GS07
(55)	A075C FINANCIAL ANALYST I	1	GRADE GS07
(56)	G147C GRANTS COORDINATOR	1	GRADE GS07
(57)	P020C PRODUCTION ARTIST	1	GRADE GS07
(58)	C037C ADMINISTRATIVE ANALYST	15	GRADE GS06
(59)	A074C FISCAL SUPPORT SUPERVISOR	4	GRADE GS06
(60)	G180C GRANTS ANALYST	2	GRADE GS06
(61)	R025C HUMAN RESOURCES ANALYST	1	GRADE GS06
(62)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
(63)	G178C POLICY DEVELOPMENT COORDINATOR	3	GRADE GS06
(64)	B076C RESEARCH PROJECT ANALYST	1	GRADE GS06
(65)	C022C BUSINESS OPERATIONS SPECIALIST	1	GRADE GS05
(66)	V014C BUYER	1	GRADE GS05
(67)	A091C FISCAL SUPPORT ANALYST	2	GRADE GS05
(68)	D077C HELP DESK SPECIALIST	1	GRADE GS05
(69)	S033C MAINTENANCE SUPERVISOR	1	GRADE GS05
(70)	C056C ADMINISTRATIVE SPECIALIST III	38	GRADE GS04
(71)	R036C HUMAN RESOURCES SPECIALIST	2	GRADE GS04
(72)	V020C INVENTORY CONTROL MANAGER	1	GRADE GS04
(73)	C046C LEGAL SUPPORT SPECIALIST	1	GRADE GS04
(74)	S046C MAINTENANCE TECHNICIAN	1	GRADE GS04
(75)	C073C ADMINISTRATIVE SPECIALIST II	<u>22</u>	GRADE GS03
	MAX. NO. OF EMPLOYEES	347	

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Education - State Operations for the 2019-2020 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: eight (8) 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 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Fund Account, for personal services and operating expenses of the Department of Education - State Operations for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$15,473,015
(02) EXTRA HELP	160,000
(03) PERSONAL SERVICES MATCHING	4,733,390
(04) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	3,479,443
(B) CONF. & TRAVEL	100,000
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	100,000
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u>\$24,145,848</u>

SECTION 4. APPROPRIATION - FEDERAL GRANTS ADMINISTRATION. There is hereby appropriated, to the Department of Education, to be payable from the federal funds as designated by the Chief Fiscal Officer of the State, for personal services and operating expenses of the Department of Education - Federal Grants Administration of the Department of Education for the fiscal year ending June 30, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$517,226

(02) PERSONAL SERVICES MATCHING	153,903
(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	49,970
(B) CONF. & TRAVEL	19,672
(C) PROF. FEES	260,000
(D) CAP. OUTLAY	0
(E) DATA PROC.	<u>0</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,000,771</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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REGULAR SALARIES	\$45,029
(02) PERSONAL SERVICES MATCHING	14,930
(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>\$13,099,959</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, 2020, the following:

ITEM NO.	FISCAL YEAR
	2019-2020
(01) REGULAR SALARIES	\$1,105,452
(02) PERSONAL SERVICES MATCHING	358,679
(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	225,000,000
(05) REFUNDS/REIMBURSEMENTS	<u>450,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$228,345,231</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 2019-2020 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: three (3) 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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(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 NO.	FISCAL YEAR 2019-2020
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$122,000
(B) CONF. & TRAVEL	16,500
(C) PROF. FEES	40,000

(D) CAP. OUTLAY	100,000
(E) DATA PROC.	0
(02) MULTIPLE GRANT AWARDS	<u>1,000,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,278,500</u></u>

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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) REFUNDS/REIMBURSEMENTS	\$12,194,426
(02) MEDICAID ADMIN	<u>10,500</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$12,204,926</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, 2020, the following:

ITEM NO.	FISCAL YEAR 2019-2020
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$227,367
(B) CONF. & TRAVEL	8,500
(C) PROF. FEES	35,420
(D) CAP. OUTLAY	0
(E) DATA PROC.	0
(02) ALT. CERT. PROG. GRANTS AND AID	<u>1,077,925</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,349,212</u></u>

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 NO.	FISCAL YEAR 2019-2020
(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 NO.	FISCAL YEAR 2019-2020
(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:

ITEM	FISCAL YEAR
NO.	2019-2020
(01) VARIOUS OPERATING EXPENSES FOR VISION SCREENING AND CARE	<u>\$5,508</u>

SECTION 16. REGULAR SALARIES - PROFESSIONAL LICENSURE STANDARDS BOARD.
There is hereby established for the Department of Education - Professional Licensure Standards Board for the 2019-2020 fiscal year, the following maximum number of regular employees.

Item	Class	Maximum	Maximum Annual
No.	Code Title	No. of	Salary Rate
		Employees	Fiscal Year
			2019-2020
(1)	G004C MANAGING ATTORNEY	1	GRADE GS13
(2)	G012C ADE ASSISTANT TO DIRECTOR	1	GRADE GS12
(3)	G073C ATTORNEY	1	GRADE GS10
(4)	X012C ADE PLSB CHIEF INVESTIGATOR	1	GRADE GS09
(5)	X202C ADE PLSB SENIOR INVESTIGATOR	2	GRADE GS08
(6)	X037C EDUCATION INVESTIGATOR	4	GRADE GS08
(7)	C037C ADMINISTRATIVE ANALYST	2	GRADE GS06
(8)	G179C LEGAL SERVICES SPECIALIST	1	GRADE GS06
(9)	C056C ADMINISTRATIVE SPECIALIST III	<u>1</u>	GRADE GS04
MAX. NO. OF EMPLOYEES		14	

SECTION 17. APPROPRIATION - PROFESSIONAL LICENSURE STANDARDS BOARD.
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 personal services and operating expenses of the Department of Education - Professional Licensure Standards Board for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
NO.	2019-2020
(01) REGULAR SALARIES	\$708,718
(02) PERSONAL SERVICES MATCHING	226,195

(03) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	376,325
(B) CONF. & TRAVEL	10,000
(C) PROF. FEES	9,505
(D) CAP. OUTLAY	50,000
(E) DATA PROC.	0
(04) EDTPA PROGRAM GRANTS	<u>100,000</u>
TOTAL AMOUNT APPROPRIATED	<u><u>\$1,480,743</u></u>

SECTION 18. APPROPRIATION - OPEN ENROLLMENT PUBLIC CHARTER SCHOOL CLOSURE. 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 outstanding obligations incurred by closed charter schools for the fiscal year ending June 30, 2020, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2019-2020</u>
(01) CHARTER SCHOOL CLOSURE	<u><u>\$300,000</u></u>

SECTION 19. APPROPRIATION - SUCCEED SCHOLARSHIP 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 expenses of the Succeed Scholarship Program of 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) SUCCEED SCHOLARSHIP PROGRAM EXPENSES	<u><u>\$3,000,000</u></u>

SECTION 20. APPROPRIATION - SAVE THE CHILDREN. There is hereby appropriated, to the Department of Education, to be payable from the Department of Education Fund Account, for a grant for statewide after school literacy, nutrition, home visiting and early childhood programs to be administered by Save the Children for low income, at-risk children by the

Department of Education in a sum not to exceed.....\$2,000,000.

SECTION 21. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CARRY FORWARD. Notwithstanding any law pertaining to the transfer of year-end fund balances or any law to the contrary, any funds which remain in the Department of Education Fund Account at the end of a fiscal year shall remain in the Department of Education Fund Account and be made available to fund appropriation(s) authorized by law and made payable from the Department of Education Fund Account for the following fiscal year.

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

(1) Prior to June 30, ~~2019~~ 2020 the Agency shall by written statement set forth its reason(s) for the need to carry forward said funding to the Department of Finance and Administration Office of Budget;

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

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

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

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

SECTION 22. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SALARY OF THE COMMISSIONER OF THE DEPARTMENT OF EDUCATION. It is the intent of the General Assembly that the appropriation for the salary of the Commissioner of the Department of Education shall be the sole and exclusive authority for his or her salary. It is further the intent of the General Assembly that the Commissioner be required to devote all of his or her working time exclusively to the performance of his or her duties as Commissioner of the Department of Education. Therefore, the Commissioner of the Department of Education is hereby prohibited from accepting any additional salary from any other source (including state, federal, or private entities or persons) for the performance of his or her duties as Commissioner, and is prohibited from accepting any salary, fees or compensation from any other source (including state, federal or private entities or persons) for any other employment of any kind outside the scope of his or her duties as Commissioner, including but not limited to consulting work for any other public or private entity. This section shall not be construed to prohibit the Commissioner from accepting or receiving expense reimbursements and employee benefits as provided by State law.

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

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

when the Department does not have a vacant position available with the appropriate title and salary level.

(b) To address needs emerging from statewide education issues and the necessity of recruiting and retaining qualified personnel, the Arkansas Department of Education or its successor agency is authorized for the ~~2018-2019~~ 2019-2020 fiscal year a pool of ten (10) ~~classified~~ General Salaries positions at up to a grade ~~GS13~~ GS15. These positions are to be used by the Department of Education in the event that the personal services needs of the Department during the ~~2018-2019~~ 2019-2020 fiscal year require additional positions, either by classification or in number, that are not authorized by the General Assembly in the Regular Salaries section of this Act. These positions may also be used to properly classify positions when the Department does not have a vacant position available with the appropriate title and grade level.

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

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

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

(f) Determining the number of personnel to be employed by a state agency is the prerogative of the General Assembly and is usually accomplished by delineating the maximum number of personnel by identifying job titles and the maximum grade or salary attached to those titles. The General Assembly has determined that the Arkansas Department of Education could be operated more

efficiently if some flexibility is given to that agency. That flexibility is being accomplished by providing a position pool in Subsections (a) and (b) of this Section and since the General Assembly has granted the agency broad powers under the growth pool concept, it is both necessary and appropriate that the General Assembly maintain oversight of the utilization of the position pool by requiring review of the Legislative Council or Joint Budget Committee in the utilization of the position pool. Therefore, the requirement of review by the Legislative Council or Joint Budget Committee is not a severable part of this section. If the requirement of review by the Legislative Council or Joint Budget Committee is ruled unconstitutional by a court of competent jurisdiction, this entire section is void.

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

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

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

SECTION 25. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized by this act shall be limited to the appropriation for such agency and funds made available by law for the support of such appropriations; and the restrictions of the State Procurement Law, the General Accounting and Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary Procedures and Restrictions Act, or their successors, and other fiscal control laws of this State, where applicable, and regulations promulgated by the Department of Finance and Administration, as authorized by law, shall be strictly complied with in disbursement of said funds.

SECTION 26. LEGISLATIVE INTENT. It is the intent of the General Assembly that any funds disbursed under the authority of the appropriations contained in this act shall be in compliance with the stated reasons for which this act was adopted, as evidenced by the Agency Requests, Executive

Recommendations and Legislative Recommendations contained in the budget manuals prepared by the Department of Finance and Administration, letters, or summarized oral testimony in the official minutes of the Arkansas Legislative Council or Joint Budget Committee which relate to its passage and adoption.

SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General Assembly, that the Constitution of the State of Arkansas prohibits the appropriation of funds for more than a one (1) year period; that the effectiveness of this Act on July 1, 2019 is essential to the operation of the agency for which the appropriations in this Act are provided, and that in the event of an extension of the legislative session, the delay in the effective date of this Act beyond July 1, 2019 could work irreparable harm upon the proper administration and provision of essential governmental programs. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after July 1, 2019.

/s/ Joint Budget Committee

APPROVED: 4/5/19