

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 83rd General Assembly
3 Regular Session, 2001
4

As Engrossed: H2/2/01

A Bill

Act 190 of 2001
HOUSE BILL 1461

5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL SERVICES
10 AND OPERATING EXPENSES FOR THE DEPARTMENT OF EDUCATION
11 - ARKANSAS SCHOOL FOR THE BLIND FOR THE BIENNIAL
12 PERIOD ENDING JUNE 30, 2003; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT FOR THE DEPARTMENT OF EDUCATION -
15 ARKANSAS SCHOOL FOR THE BLIND
16 APPROPRIATION FOR THE 2001-2003
17 BIENNIAL.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. REGULAR SALARIES. There is hereby established for the
25 Department of Education - Arkansas School for the Blind for the 2001-2003
26 biennium, the following maximum number of regular employees whose salaries
27 shall be governed by the provisions of the Uniform Classification and
28 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and all
29 laws amendatory thereto. Provided, however, that any position to which a
30 specific maximum annual salary is set out herein in dollars, shall be exempt
31 from the provisions of said Uniform Classification and Compensation Act. All
32 persons occupying positions authorized herein are hereby governed by the
33 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
34 Code §21-5-101), or its successor.
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Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2001-2002	Salary Rate Fiscal Years 2002-2003
1	(1)	9948 ED SUPT BLIND SCHOOL	1	\$72,072	\$73,945
2	(2)	E015 ED SCHOOL PRINCIPAL	2	GRADE 23	
3	(3)	909Z PROGRAM SUPPORT MANAGER	2	GRADE 22	
4	(4)	A008 ACCOUNTING SUPERVISOR II	1	GRADE 21	
5	(5)	L030 DIETARY SERVICES DIRECTOR	1	GRADE 21	
6	(6)	L122 PSYCHOLOGICAL EXAMINER II	1	GRADE 21	
7	(7)	L070 NURSE II	1	GRADE 20	
8	(8)	E077 TEACHER F/T SENSORY IMPAIRED IV	23	GRADE 20	
9	(9)	R030 ASST PERSONNEL MANAGER	1	GRADE 19	
10	(10)	E039 LIBRARIAN III	2	GRADE 19	
11	(11)	E063 TEACHER F/T SENSORY IMPAIRED III	29	GRADE 19	
12	(12)	A111 ACCOUNTANT	1	GRADE 18	
13	(13)	R264 MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
14	(14)	M039 HOUSEPARENT SUPERVISOR	2	GRADE 17	
15	(15)	R190 PERSONNEL OFFICER II	1	GRADE 17	
16	(16)	M034 HOUSEPARENT II	17	GRADE 15	
17	(17)	L115 LPN II/LPTN II	2	GRADE 15	
18	(18)	M048 RECREATIONAL ACTIVITY LEADER II	2	GRADE 15	
19	(19)	E027 INSTITUTIONAL TEACHER ASSISTANT	4	GRADE 13	
20	(20)	G115 NURSERY ASST & GROUNDSKEEPER SUPV	1	GRADE 13	
21	(21)	K153 SECRETARY II	3	GRADE 13	
22	(22)	L081 NURSING ASST II	1	GRADE 11	
23	(23)	K155 SECRETARY I	1	GRADE 11	
24	(24)	H005 BAKER II	1	GRADE 10	
25	(25)	H027 COOK II	3	GRADE 10	
26	(26)	H053 FOOD SERVICE WORKER III	1	GRADE 08	
27	(27)	H043 FOOD SERVICE WORKER II	5	GRADE 05	
28	(28)	G035 CUSTODIAL WRKR II	4	GRADE 04	
29	(29)	G075 HOUSEKEEPER	1	GRADE 04	
30		MAX. NO. OF EMPLOYEES	115		

SECTION 2. EXTRA HELP - STATE OPERATIONS. There is hereby authorized, for the Department of Education - Arkansas School for the Blind - State Operations

1 for the 2001-2003 biennium, the following maximum number of part-time or
 2 temporary employees, to be known as "Extra Help", payable from funds
 3 appropriated herein for such purposes: twelve (12) temporary or part-time
 4 employees, when needed, at rates of pay not to exceed those provided in the
 5 Uniform Classification and Compensation Act, or its successor, or this act for
 6 the appropriate classification.

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8 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 9 to the Department of Education - Arkansas School for the Blind, to be payable
 10 from the School for the Blind Fund Account, for personal services and
 11 operating expenses of the Department of Education - Arkansas School for the
 12 Blind - State Operations for the biennial period ending June 30, 2003, the
 13 following:

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ITEM	FISCAL YEARS	
NO.	2001-2002	2002-2003
(01) REGULAR SALARIES	\$ 2,997,600	\$ 3,075,536
(02) EXTRA HELP	15,000	15,000
(03) PERSONAL SERV MATCHING	906,712	922,445
(04) OVERTIME	20,000	20,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	515,000	522,500
(B) CONF. & TRAVEL	17,015	17,015
(C) PROF. FEES	65,000	65,000
(D) CAP. OUTLAY	150,000	150,000
(E) DATA PROC.	0	0
(06) DEFERRED MAINTENANCE	250,000	250,000
(07) STUDENT VOCATIONAL EDUCATION	10,000	10,000
(08) SUMMER PROJECTS	20,000	20,000
TOTAL AMOUNT APPROPRIATED	<u>\$ 4,966,327</u>	<u>\$ 5,067,496</u>

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32 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 33 appropriated, to the Department of Education - Arkansas School for the Blind,
 34 to be payable from the federal funds as designated by the Chief Fiscal Officer
 35 of the State, for personal services and operating expenses of the Department
 36 of Education - Arkansas School for the Blind - Federal Operations for the

1 biennial period ending June 30, 2003, the following:

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3	ITEM	FISCAL YEARS	
4	<u>NO.</u>	2001-2002	2002-2003
5	(01) REGULAR SALARIES	\$ 576,061	\$ 591,038
6	(02) PERSONAL SERV MATCHING	160,651	163,672
7	(03) MAINT. & GEN. OPERATION		
8	(A) OPER. EXPENSE	110,350	110,350
9	(B) CONF. & TRAVEL	20,882	20,882
10	(C) PROF. FEES	4,632	4,632
11	(D) CAP. OUTLAY	50,000	50,000
12	(E) DATA PROC.	<u>0</u>	<u>0</u>
13	TOTAL AMOUNT APPROPRIATED	<u>\$ 922,576</u>	<u>\$ 940,574</u>

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15 SECTION 5. APPROPRIATIONS - CASH OPERATIONS. There is hereby appropriated,
 16 to the Department of Education - Arkansas School for the Blind, to be payable
 17 from cash funds as defined by Arkansas Code 19-4-801 of the Department of
 18 Education - Arkansas School for the Blind, for operating expenses of the
 19 Department of Education - Arkansas School for the Blind - Cash Operations for
 20 the biennial period ending June 30, 2003, the following:

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22	ITEM	FISCAL YEARS	
23	<u>NO.</u>	2001-2002	2002-2003
24	(01) MAINT. & GEN. OPERATION		
25	(A) OPER. EXPENSE	186,508	186,508
26	(B) CONF. & TRAVEL	13,000	13,000
27	(C) PROF. FEES	100,000	100,000
28	(D) CAP. OUTLAY	50,000	50,000
29	(E) DATA PROC.	0	0
30	(02) SPECIAL MAINTENANCE	<u>75,000</u>	<u>75,000</u>
31	TOTAL AMOUNT APPROPRIATED	<u>\$ 424,508</u>	<u>\$ 424,508</u>

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33 SECTION 6. APPROPRIATION - BRAILLE TEXTBOOKS. There is hereby appropriated,
 34 to the Department of Education - Arkansas School for the Blind, to be payable
 35 from the School for the Blind Fund Account, for the purchase of braille and
 36 large print text books for the blind and visually impaired students attending

1 the public schools in Arkansas of the Department of Education - Arkansas
 2 School for the Blind - Braille Textbooks for the biennial period ending June
 3 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) PURCHASE BRAILLE TEXTBOOK	\$ 125,000	\$ 125,000

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9 SECTION 7. APPROPRIATION - MEDICAID PROVIDER-FEDERAL. There is hereby
 10 appropriated, to the Department of Education - Arkansas School for the Blind,
 11 to be payable from the federal funds as designated by the Chief Fiscal Officer
 12 of the State, for operating expenses of the Department of Education - Arkansas
 13 School for the Blind - Medicaid Provider Program for the biennial period
 14 ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	20,000	20,000
(B) CONF. & TRAVEL	5,000	5,000
(C) PROF. FEES	85,000	85,000
(D) CAP. OUTLAY	50,000	50,000
(E) DATA PROC.	<u>0</u>	<u>0</u>
TOTAL AMOUNT APPROPRIATED	\$ <u>160,000</u>	\$ <u>160,000</u>

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26 SECTION 8. APPROPRIATION - DIRECT INSTRUCTION-FEDERAL. There is hereby
 27 appropriated, to the Department of Education - Arkansas School for the Blind,
 28 to be payable from the federal funds as designated by the Chief Fiscal Officer
 29 of the State, for operating expenses of the Department of Education - Arkansas
 30 School for the Blind - Direct Instruction Program for the biennial period
 31 ending June 30, 2003, the following:

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ITEM NO.	FISCAL YEARS	
	2001-2002	2002-2003
(01) MAINT. & GEN. OPERATION		

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1	(A) OPER. EXPENSE	25,700	25,700
2	(B) CONF. & TRAVEL	12,500	12,500
3	(C) PROF. FEES	11,800	11,800
4	(D) CAP. OUTLAY	0	0
5	(E) DATA PROC.	<u>0</u>	<u>0</u>
6	TOTAL AMOUNT APPROPRIATED	<u>\$ 50,000</u>	<u>\$ 50,000</u>

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8 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
 9 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 10 PROVISION. Upon approval from the Chief Fiscal Officer of the State, the
 11 Arkansas School for the Blind shall transfer appropriation from Item No. (08)
 12 Summer Projects, in Section 3 of this Act, to Item No. (01) through Item No.
 13 (05) in Section 3 of this Act, to compensate Teachers, Houseparents, Food
 14 Service, Nursing staff, ~~and any other necessary staff~~ who work during the
 15 summer months on summer projects, and to cover other expenses of summer
 16 project activities and to compensate coaches and organization sponsors as
 17 referenced in Section 10 of this Act.

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19 The provisions of this section shall be in effect only from July 1, 2001
 20 through June 30, 2003.

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22 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
 24 ALLOWANCE. The Arkansas Schools for the Deaf and Blind may make special
 25 allowances available to any employee who performs one of the following duties
 26 in addition to their normal duties:

- 27 1) Teaching adult education classes on weekends or evenings
 28 2) Coaching one or more sports
 29 3) Sponsoring a club or organization that involves additional hours
 30 outside of the normal working day.
 31 4) Interpretive Services

32 Compensation for additional duties may not exceed \$3,000 per school term
 33 for any one employee during each fiscal year.

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35 The provisions of this section shall be in effect only from July 1, 2001
 36 through June 30, 2003.

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SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or other form of compensation from the Arkansas Schools for the Deaf or Blind shall be paid an additional salary or receive additional compensation, other than reimbursement for actual expenses, from that agency, nor from any other agency or institution of higher education, except from the Superintendent's written certification to and approval by the Chief Fiscal Officer of the State that the work performed by the employee for the other position does not interfere with the proper and required performance of the employee's primary duties, and that the combined salary payments from both positions will not exceed the maximum annual salary for whichever of the two positions has the higher authorized maximum annual salary.

Any employee knowingly violating the provisions of this section shall be subject to immediate termination and shall be barred from employment by any agency or institution of the State of Arkansas for a period of not less than three (3) years or until such employee shall repay to the State of Arkansas any sums received by such employee in violation of this section, together with interest at a rate of ten percent (10%) per annum.

The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. DUAL POSITION OCCUPANCY. The Board of Trustees for the School for the Blind and the School for the Deaf shall employ and maintain a separate Superintendent and Secondary Principal as authorized by law for each school. In no event shall any one person employed as a Superintendent or Principal for either school occupy more than one position at one time.

The provisions of this section shall be in effect only from July 1, 2001 through June 30, 2003.

SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS

1 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED
2 SERVICES. The Chief Fiscal Officer of the State and the State Treasurer are
3 authorized to establish a joint paying account in the State Treasury, upon
4 direction of the Board of Trustees for the Arkansas School for the Blind and
5 the Arkansas School for the Deaf. The Board may transfer positions, funds and
6 appropriations to the paying account from either school to serve both schools
7 in the areas of Accounting, Personnel, Inventory, Safety and Health Services.

8 Funding and appropriations for this account will be from transfers from the
9 fund accounts and appropriations of each agency and shall be divided
10 proportionately from each agency based on student population. Said funds
11 shall be payable from the joint account as if the positions and other
12 budgetary line items of appropriation had originally been established in the
13 joint account. Supervision of this account and supervision of the positions
14 within may come from either school as determined by the Board of Trustees.

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16 The provisions of this section shall be in effect only from July 1, 2001
17 through June 30, 2003.

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19 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
20 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BRAILLE
21 AND LARGEPRINT TEXTBOOKS. The State Board of Education shall make reasonable
22 rules and regulations to implement the Braille and Large Print Textbooks
23 appropriation and is hereby authorized to negotiate directly with publishers
24 of Braille and Large Print Textbooks for the purchase of such textbooks.

25
26 The provisions of this section shall be in effect only from July 1, 2001
27 through June 30, 2003.

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29 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
30 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUMMER
31 SCHOOL EMPLOYEES. Employees who, in addition to working during the regular
32 school term, also work during summer months shall be authorized as additional
33 compensation an amount not to exceed 1/12 of their annual salary for each
34 month or part thereof worked. Such additional compensation shall not be
35 construed as exceeding the maximum salary authorized for said employees.
36 Payment of additional compensation shall be limited to employees in the

1 following classifications:

2	SUMMER SCHOOL POSITIONS	GRADE
3	Teacher for the Sens Imp I	16
4	Teacher for the Sens Imp II	18
5	Teacher for the Sens Imp III	19
6	Teacher for the Sens Imp IV	20
7	<u>Teacher for the Sens Imp Supv</u>	<u>22</u>

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9 The provisions of this section shall be in effect only from July 1, 2001
10 through June 30, 2003.

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12 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
13 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TEACHERS
14 FOR SENSORY IMPAIRED ENTERING STATE SERVICE. Upon the superintendent's
15 certification to the State Personnel Administrator of prior service at an
16 educational institution and most recent contractual salary, the salary of
17 teachers holding certification in teaching the visually impaired and entering
18 state service as teachers for the sensory impaired may be adjusted to a rate
19 of pay closest to but not less than their most recent annual salary.

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21 The provisions of this section shall be in effect only from July 1, 2001
22 through June 30, 2003.

23

24 SECTION 17. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE
25 NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TEACHER SALARY
26 INCREASE. In the event that an act is enacted in which the public schools
27 receive funds from the General Assembly to raise the salaries of teachers
28 employed in the public school districts, the Arkansas School for the Deaf and
29 the Arkansas School for the Blind shall be included.

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31 SECTION 18. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED
32 SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. FUND BALANCES. (A) For all
33 appropriations as provided in this Act, the agency disbursing officer shall
34 monitor the level of fund balances in relation to expenditures on a monthly
35 basis. If any proposed expenditures would cause a fund balance to decline to
36 less than fifty percent (50%) of the balance available on July 1, 2001, the

1 disbursing officer shall immediately notify the executive head of the agency.
 2 Prior to any obligations being made under these circumstances, the agency
 3 head shall file written documentation with the Chief Fiscal Officer of the
 4 State requesting approval of the expenditures. Such documentation shall
 5 provide sufficient financial data to justify the expenditures and shall
 6 include the following:

7 1) a plan that clearly indicates the specific fiscal impact of such
 8 expenditures on the fund balance.

9 2) information clearly indicating and explaining what programs would be cut or
 10 any other measures to be taken by the agency to restore the fund balance.

11 3) the extent to which any of the planned expenditures are for one-time costs
 12 or one-time purchase of capitalized items.

13 4) a statement certifying that the expenditure of fund balances will not
 14 jeopardize the financial health of the agency, nor result in a permanent
 15 depletion of the fund balance.

16 (B) The Chief Fiscal Officer of the State shall review the request and
 17 approve or disapprove all or any part of the request , after having sought
 18 prior review by the Legislative Council.

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

29
 30 SECTION 20. LEGISLATIVE INTENT. It is the intent of the General Assembly
 31 that any funds disbursed under the authority of the appropriations contained
 32 in this act shall be in compliance with the stated reasons for which this act
 33 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 34 and Legislative Recommendations contained in the budget manuals prepared by
 35 the Department of Finance and Administration, letters, or summarized oral
 36 testimony in the official minutes of the Arkansas Legislative Council or Joint

1 Budget Committee which relate to its passage and adoption.

2
3 SECTION 27. EMERGENCY CLAUSE. It is found and determined by the General
4 Assembly, that the Constitution of the State of Arkansas prohibits the
5 appropriation of funds for more than a two (2) year period; that the
6 effectiveness of this Act on July 1, 2001 is essential to the operation of the
7 agency for which the appropriations in this Act are provided, and that in the
8 event of an extension of the Regular Session, the delay in the effective date
9 of this Act beyond July 1, 2001 could work irreparable harm upon the proper
10 administration and provision of essential governmental programs. Therefore, an
11 emergency is hereby declared to exist and this Act being necessary for the
12 immediate preservation of the public peace, health and safety shall be in full
13 force and effect from and after July 1, 2001.

14 */s/ Joint Budget Committee*

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17 APPROVED: 2/9/2001
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