

1 State of Arkansas
2 87th General Assembly
3 Fiscal Session, 2010

A Bill

HOUSE BILL 1045

4
5 By: Joint Budget Committee
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
10 SERVICES AND OPERATING EXPENSES FOR THE
11 DEPARTMENT OF EDUCATION - ARKANSAS SCHOOL FOR THE
12 DEAF FOR THE FISCAL YEAR ENDING JUNE 30, 2011;
13 AND FOR OTHER PURPOSES.
14

Subtitle

15
16 AN ACT FOR THE DEPARTMENT OF EDUCATION -
17 ARKANSAS SCHOOL FOR THE DEAF
18 APPROPRIATION FOR THE 2010-2011 FISCAL
19 YEAR.
20
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. REGULAR SALARIES. There is hereby established for the
26 Department of Education - Arkansas School for the Deaf for the 2010-2011
27 fiscal year, the following maximum number of regular employees whose salaries
28 shall be governed by the provisions of the Uniform Classification and
29 Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
30 all laws amendatory thereto. Provided, however, that any position to which a
31 specific maximum annual salary is set out herein in dollars, shall be exempt
32 from the provisions of said Uniform Classification and Compensation Act. All
33 persons occupying positions authorized herein are hereby governed by the
34 provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
35 Code §21-5-101), or its successor.
36

1	(33)	L069C	LI CENSED PRACTI CAL NURSE	3	GRADE C113
2	(34)	S046C	MAI NTENANCE TECHNI CI AN	4	GRADE C113
3	(35)	C056C	ADM I NI STRATI VE SPECI ALI ST I I I	2	GRADE C112
4	(36)	A098C	FI SCAL SUPP ORT SPECI ALI ST	3	GRADE C112
5	(37)	C058C	EDUCATI ON PARAPROFESSI ONAL	6	GRADE C111
6	(38)	M074C	RESI DENTI AL ADVI SOR	29	GRADE C111
7	(39)	R038C	HUMAN RESOURC ES ASSI STANT	1	GRADE C110
8	(40)	T084C	PUBLI C SAFETY SECURI TY OFFI CER	2	GRADE C110
9	(41)	C073C	ADM I NI STRATI VE SPECI ALI ST I I	8	GRADE C109
10	(42)	S062C	I NSTI TUTI ONAL BUS DRI VER	1	GRADE C109
11	(43)	C069C	LI BRARY TECHNI CI AN	1	GRADE C109
12	(44)	S068C	FOOD PREPARATI ON COORDI NATOR	4	GRADE C108
13	(45)	V027C	I NVENTORY CONTROL TECHNI CI AN	1	GRADE C108
14	(46)	S065C	MAI NTENANCE ASSI STANT	6	GRADE C108
15	(47)	S086C	COOK	13	GRADE C104
16	(48)	S087C	I NSTI TUTI ONAL SERVI CES ASSI STANT	<u>1</u>	GRADE C103
17			MAX. NO. OF EMPLOYEES	176	

18

19 SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of
 20 Education - Arkansas School for the Deaf for the 2010-2011 fiscal year, the
 21 following maximum number of part-time or temporary employees, to be known as
 22 "Extra Help", payable from funds appropriated herein for such purposes:
 23 fifty-five (55) temporary or part-time employees, when needed, at rates of
 24 pay not to exceed those provided in the Uniform Classification and
 25 Compensation Act, or its successor, or this act for the appropriate
 26 classification.

27

28 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,
 29 to the Department of Education - Arkansas School for the Deaf, to be payable
 30 from the School for the Deaf Fund Account, for personal services and
 31 operating expenses of the Department of Education - Arkansas School for the
 32 Deaf - State Operations for the fiscal year ending June 30, 2011, the
 33 following:

34

35	ITEM	FISCAL YEAR
36	<u>NO.</u>	<u>2010-2011</u>

1	(01)	REGULAR SALARIES	\$ 6,028,822
2	(02)	EXTRA HELP	100,000
3	(03)	PERSONAL SERVICES MATCHING	2,182,099
4	(04)	OVERTIME	25,000
5	(05)	MAINT. & GEN. OPERATION	
6	(A)	OPER. EXPENSE	1,801,305
7	(B)	CONF. & TRAVEL	25,000
8	(C)	PROF. FEES	100,000
9	(D)	CAP. OUTLAY	65,000
10	(E)	DATA PROC.	0
11	(06)	SPECIAL MAINTENANCE	450,000
12	(07)	VOCATIONAL WORKSTUDY	7,500
13	(08)	SIGN LANG. COMMUNICATION PROFICIENCY	
14		INTERVIEW/AMERICAN SIGN LANGUAGE	265,000
15	(09)	MISCELLANEOUS ACTIVITIES	<u>200,000</u>
16		TOTAL AMOUNT APPROPRIATED	<u>\$ 11,249,726</u>

17
 18 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby
 19 appropriated, to the Department of Education - Arkansas School for the Deaf,
 20 to be payable from the federal funds as designated by the Chief Fiscal
 21 Officer of the State, for personal services and operating expenses of the
 22 Department of Education - Arkansas School for the Deaf - Federal Operations
 23 for the fiscal year ending June 30, 2011, the following:

25	ITEM	FISCAL YEAR
26	<u>NO.</u>	<u>2010-2011</u>
27	(01) REGULAR SALARIES	\$ 442,613
28	(02) EXTRA HELP	40,000
29	(03) PERSONAL SERVICES MATCHING	155,777
30	(04) MAINT. & GEN. OPERATION	
31	(A) OPER. EXPENSE	240,909
32	(B) CONF. & TRAVEL	62,111
33	(C) PROF. FEES	286,200
34	(D) CAP. OUTLAY	129,500
35	(E) DATA PROC.	<u>0</u>
36	TOTAL AMOUNT APPROPRIATED	<u>\$ 1,357,110</u>

SECTION 5. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated, to the Department of Education - Arkansas School for the Deaf, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Education - Arkansas School for the Deaf, for operating expenses of the Department of Education - Arkansas School for the Deaf - Cash Operations for the fiscal year ending June 30, 2011, the following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2010-2011</u>
(01) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	\$ 147,136
(B) CONF. & TRAVEL	25,000
(C) PROF. FEES	50,000
(D) CAP. OUTLAY	75,000
(E) DATA PROC.	0
(02) SPECIAL MAINTENANCE	<u>145,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 442,136</u>

SECTION 6. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUMMER SCHOOL EMPLOYEES. Employees who, in addition to working during the regular school term, also work during summer months shall be authorized as additional compensation an amount not to exceed 1/12 of their annual salary for each month or part thereof worked. Such additional compensation shall not be construed as exceeding the maximum salary authorized for said employees.

Payment of additional compensation shall be limited to employees in the following classifications:

SUMMER SCHOOL POSITIONS	GRADE
Certified Bachelor's Teacher	C117
Certified Masters Teacher	C119
School Speech Pathologist	C119
School Principal	C126
Assistant Principal	C123
Teacher Supervisor	C120
Educational Specialist	C120

1 The provisions of this section shall be in effect only from July 1, ~~2007~~
2 2010 through June 30, ~~2009~~ 2011.

3
4 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
5 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
6 ALLOWANCE. The Arkansas Schools for the Deaf and Blind may make special
7 allowances available to any employee who performs one of the following duties
8 in addition to their normal duties:

- 9 1) Teaching adult education classes, parent training, student tutorial
10 services on weekends or evenings
- 11 2) Coaching one or more sports
- 12 3) Sponsoring a club or organization that involves additional hours
13 outside of the normal working day
- 14 4) Interpretive Services

15 Compensation for additional duties may not exceed \$3,500 per school term
16 for any one employee during each fiscal year. Such additional compensation
17 shall not be construed as exceeding the maximum salary authorized for said
18 employee.

19 The provisions of this section shall be in effect only from July 1, ~~2007~~
20 2010 through June 30, ~~2009~~ 2011.

21
22 SECTION 8. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
23 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
24 ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or
25 other form of compensation from the Arkansas Schools for the Deaf or Blind
26 shall be paid an additional salary or receive additional compensation, other
27 than reimbursement for actual expenses, from that agency, nor from any other
28 agency or institution of higher education, except from the Superintendent's
29 written certification to and approval by the Chief Fiscal Officer of the
30 State that the work performed by the employee for the other position does not
31 interfere with the proper and required performance of the employee's primary
32 duties, and that the combined salary payments from both positions will not
33 exceed the maximum annual salary for whichever of the two positions has the
34 higher authorized maximum annual salary.

35 Any employee knowingly violating the provisions of this section shall be
36 subject to immediate termination and shall be barred from employment by any

1 agency or institution of the State of Arkansas for a period of not less than
 2 three (3) years or until such employee shall repay to the State of Arkansas
 3 any sums received by such employee in violation of this section, together
 4 with interest at a rate of ten percent (10%) per annum.

5 The provisions of this section shall be in effect only from July 1, ~~2007~~
 6 2010 through June 30, ~~2009~~ 2011.

7
 8 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHIFT
 10 DIFFERENTIAL. For Arkansas School for the Deaf, shift work must begin not
 11 earlier than 2:00 p.m. and end no later than 8:00 a.m. the following day.

12 The provisions of this section shall be in effect only from July 1, ~~2007~~
 13 2010 through June 30, ~~2009~~ 2011.

14
 15 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CERTIFIED
 17 MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the
 18 superintendent's certification to the State Personnel Administrator of prior
 19 service at an educational institution, the salary of teachers entering state
 20 service as teachers may be adjusted to a rate of pay closest to but not less
 21 than the annual salary they would have received from their previous employer,
 22 effective upon employment at ASD.

23 The provisions of this section shall be in effect only from July 1, ~~2007~~
 24 2010 through June 30, ~~2009~~ 2011.

25
 26 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 27 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER
 28 PROVISION. Upon approval from the Chief Fiscal Officer of the State, the
 29 Arkansas School for the Deaf shall transfer appropriation from the
 30 Miscellaneous Activities line item in this Act, to Item No. (01) through Item
 31 No. (05) in Section 3 of this Act, to compensate staff who work during the
 32 summer months on summer projects and to cover other expenses of summer
 33 project activities. The Miscellaneous Activities line item may also be used
 34 for the annual cost related to the payment of contracted interpreter
 35 services, compensation of eligible staff for shift differential pay, and
 36 compensation of employees for performance of duties assigned as referenced in

1 Section 7 of this Act. Such additional compensation shall not be construed
2 as exceeding the maximum salary authorized for said employees.

3 The provisions of this section shall be in effect only from July 1, ~~2007~~
4 2010 through June 30, ~~2009~~ 2011.

5
6 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

8 MAINTENANCE/TRANSPORTATION/SECURITY. The Arkansas School for the Deaf shall
9 be responsible for providing maintenance, transportation, and security for
10 the Arkansas School for the Blind. The Arkansas School for the Deaf is
11 authorized to spend general revenue funds to provide for these services.

12 The provisions of this section shall be in effect only from July 1, ~~2007~~
13 2010 through June 30, ~~2009~~ 2011.

14
15 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
16 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED

17 SERVICES. The Chief Fiscal Officer of the State and the State Treasurer are
18 authorized to establish a joint paying account in the State Treasury, upon
19 direction of the Board of Trustees for the Arkansas School for the Blind and
20 the Arkansas School for the Deaf. The Board may transfer positions, funds
21 and appropriations to the paying account from either school to serve both
22 schools in the areas of Accounting, Personnel, Inventory, Safety and Health
23 Services.

24 Funding and appropriations for this account will be from transfers from
25 the fund accounts and appropriations of each agency and shall be divided
26 proportionately from each agency based on student population. Said funds
27 shall be payable from the joint account as if the positions and other
28 budgetary line items of appropriation had originally been established in the
29 joint account. Supervision of this account and supervision of the positions
30 within may come from either school as determined by the Board of Trustees.

31 The provisions of this section shall be in effect only from July 1, ~~2007~~
32 2010 through June 30, ~~2009~~ 2011.

33
34 SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
35 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TEACHER

36 SALARY INCREASE. In the event that an act is enacted in which the public

1 schools receive funds from the General Assembly to raise the salaries of
2 teachers employed in the public school districts, the Arkansas School for the
3 Deaf and the Arkansas School for the Blind shall be included.

4 The provisions of this section shall be in effect only from July 1, ~~2007~~
5 2010 through June 30, ~~2009~~ 2011.

6
7 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
9 RATES OF PAY. Due to the need to meet the minimum compensation schedule as
10 established by Act 74 of the 2nd Extraordinary Session of the 84th General
11 Assembly, or its successor, for public school teachers, counselors, and
12 librarians and other education professionals as listed in subsection (a)
13 below, the Arkansas School for the Deaf is authorized to adjust current or
14 new employees to at least the minimum level of compensation for public school
15 employees.

16 For current or new employees in the positions listed in subsection (a)
17 below, the Arkansas School for the Deaf may implement salary adjustments to
18 maintain equity between their teacher salaries and those of Central Arkansas
19 Public School Systems only after a plan for determining and implementing
20 those adjustments has been reviewed by the Office of Personnel Management and
21 by the Personnel Committee of the Arkansas Legislative Council and approved
22 by the Chief Fiscal Officer of the State.

23 For purposes of implementing the plan, the Arkansas School for the Deaf is
24 authorized special rates of pay up to the maximum of the assigned grade for
25 classifications listed in subsection (a) below.

(a) TITLE	GRADE
Certified Bachelors Teacher	C117
Certified Masters Teacher	C119
Certified Masters Degree Librarian	C119
Education Counselor	C119
School Speech Pathologist	C119
School Principal	C126
Assistant Principal	C123
Teacher Supervisor	C120
Educational Specialist	C120

36 Funding for the minimum compensation provided for in this section that is

1 supported in whole or in part from general revenues, shall, if required, be
 2 provided by a transfer from the Merit Adjustment Fund to the proper fund or
 3 fund account and in such amounts as determined by the Chief Fiscal Officer of
 4 the State. The Arkansas School for the Deaf shall, in addition to the funds
 5 provided in this Act for Annual Career Service Recognition Payments from the
 6 Merit Adjustment Fund, make available any funding generated from agency
 7 salary savings for such purposes from the funds or fund accounts as provided
 8 by law.

9 The provisions of this section shall be in effect only from July 1,
 10 ~~2007~~ 2010 through June 30, ~~2009~~ 2011.

11
 12 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized
 13 by this act shall be limited to the appropriation for such agency and funds
 14 made available by law for the support of such appropriations; and the
 15 restrictions of the State Procurement Law, the General Accounting and
 16 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 17 Procedures and Restrictions Act, or their successors, and other fiscal
 18 control laws of this State, where applicable, and regulations promulgated by
 19 the Department of Finance and Administration, as authorized by law, shall be
 20 strictly complied with in disbursement of said funds.

21
 22 SECTION 17. LEGISLATIVE INTENT. It is the intent of the General Assembly
 23 that any funds disbursed under the authority of the appropriations contained
 24 in this act shall be in compliance with the stated reasons for which this act
 25 was adopted, as evidenced by the Agency Requests, Executive Recommendations
 26 and Legislative Recommendations contained in the budget manuals prepared by
 27 the Department of Finance and Administration, letters, or summarized oral
 28 testimony in the official minutes of the Arkansas Legislative Council or
 29 Joint Budget Committee which relate to its passage and adoption.

30
 31 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General
 32 Assembly, that the Constitution of the State of Arkansas prohibits the
 33 appropriation of funds for more than a one (1) year period; that the
 34 effectiveness of this Act on July 1, 2010 is essential to the operation of
 35 the agency for which the appropriations in this Act are provided, and that in
 36 the event of an extension of the legislative session, the delay in the

1 effective date of this Act beyond July 1, 2010 could work irreparable harm
2 upon the proper administration and provision of essential governmental
3 programs. Therefore, an emergency is hereby declared to exist and this Act
4 being necessary for the immediate preservation of the public peace, health
5 and safety shall be in full force and effect from and after July 1, 2010.

6
7
8 **APPROVED: 2/26/2010**
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35