

**Stricken language will be deleted and underlined language will be added.  
Act 246 of the Fiscal Session**

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

# A Bill

HOUSE BILL 1046

4  
5 By: Joint Budget Committee

## 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 BLIND FOR THE FISCAL YEAR ENDING JUNE 30, 2011;  
13 AND FOR OTHER PURPOSES.

## Subtitle

16 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
17 ARKANSAS SCHOOL FOR THE BLIND  
18 APPROPRIATION FOR THE 2010-2011 FISCAL  
19 YEAR.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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25 SECTION 1. REGULAR SALARIES. There is hereby established for the  
26 Department of Education - Arkansas School for the Blind 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.  
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Item	Class	Title	Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2010-2011
(1)	U030U	BLIND SCHOOL SUPERINTENDENT	1	\$91,275
(2)	E004C	SCHOOL PRINCIPAL	2	GRADE C126
(3)	A050C	AGENCY FISCAL MANAGER	1	GRADE C121
(4)	L040C	DIETARY SERVICES DIRECTOR	1	GRADE C120
(5)	L038C	REGISTERED NURSE	1	GRADE C120
(6)	E024C	TEACHER SUPERVISOR	1	GRADE C120
(7)	E036C	CERTIFIED MASTERS DEGREE LIBRARIAN	1	GRADE C119
(8)	E035C	CERTIFIED MASTERS TEACHER	42	GRADE C119
(9)	R024C	ASST PERSONNEL MANAGER	1	GRADE C118
(10)	A082C	ACCOUNTANT II	1	GRADE C117
(11)	E044C	CERTIFIED BACHELORS TEACHER	2	GRADE C117
(12)	D071C	COMPUTER SUPPORT ANALYST	1	GRADE C117
(13)	S033C	MAINTENANCE SUPERVISOR	1	GRADE C115
(14)	M064C	RESIDENTIAL ACTIVITIES SUPERVISOR	2	GRADE C114
(15)	S047C	LANDSCAPE SUPERVISOR	2	GRADE C113
(16)	L069C	LICENSED PRACTICAL NURSE	2	GRADE C113
(17)	C056C	ADMINISTRATIVE SPECIALIST III	2	GRADE C112
(18)	C058C	EDUCATION PARAPROFESSIONAL	4	GRADE C111
(19)	M074C	RESIDENTIAL ADVISOR	15	GRADE C111
(20)	C073C	ADMINISTRATIVE SPECIALIST II	1	GRADE C109
(21)	E056C	TEACHER ASSISTANT	1	GRADE C109
(22)	S065C	MAINTENANCE ASSISTANT	1	GRADE C108
(23)	C087C	ADMINISTRATIVE SPECIALIST I	1	GRADE C106
(24)	S083C	BAKER	1	GRADE C104
(25)	S086C	COOK	3	GRADE C104
(26)	S087C	INSTITUTIONAL SERVICES ASSISTANT	4	GRADE C103
(27)	S089C	FOOD PREPARATION TECHNICIAN	6	GRADE C102
MAX. NO. OF EMPLOYEES			101	

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Education - Arkansas School for the Blind for the 2010-2011 fiscal year, the following maximum number of part-time or temporary employees, to be known as

1 "Extra Help", payable from funds appropriated herein for such purposes:  
2 seventeen (17) temporary or part-time employees, when needed, at rates of pay  
3 not to exceed those provided in the Uniform Classification and Compensation  
4 Act, or its successor, or this act for the appropriate classification.

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6 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
7 to the Department of Education - Arkansas School for the Blind, to be payable  
8 from the School for the Blind Fund Account, for personal services and  
9 operating expenses of the Department of Education - Arkansas School for the  
10 Blind - State Operations for the fiscal year ending June 30, 2011, the  
11 following:

12

13 ITEM	FISCAL YEAR
14 <u>NO.</u>	<u>2010-2011</u>
15 (01) REGULAR SALARIES	\$ 3,654,677
16 (02) EXTRA HELP	15,000
17 (03) PERSONAL SERVICES MATCHING	1,290,128
18 (04) OVERTIME	20,000
19 (05) MAINT. & GEN. OPERATION	
20 (A) OPER. EXPENSE	825,000
21 (B) CONF. & TRAVEL	17,015
22 (C) PROF. FEES	100,000
23 (D) CAP. OUTLAY	25,000
24 (E) DATA PROC.	0
25 (06) SPECIAL MAINTENANCE	250,000
26 (07) VOCATIONAL WORKSTUDY	10,000
27 (08) SUMMER PROJECTS	<u>90,000</u>
28 TOTAL AMOUNT APPROPRIATED	<u>\$ 6,296,820</u>

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30 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby  
31 appropriated, to the Department of Education - Arkansas School for the Blind,  
32 to be payable from the Federal Funds as designated by the Chief Fiscal  
33 Officer of the State, for personal services and operating expenses of the  
34 Department of Education - Arkansas School for the Blind - Federal Operations  
35 for the fiscal year ending June 30, 2011, the following:

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1	ITEM	FISCAL YEAR
2	<u>NO.</u>	<u>2010-2011</u>
3	(01) REGULAR SALARIES	\$ 171,403
4	(02) EXTRA HELP	15,000
5	(03) PERSONAL SERVICES MATCHING	65,971
6	(04) MAINT. & GEN. OPERATION	
7	(A) OPER. EXPENSE	241,050
8	(B) CONF. & TRAVEL	61,382
9	(C) PROF. FEES	203,432
10	(D) CAP. OUTLAY	154,000
11	(E) DATA PROC.	<u>0</u>
12	TOTAL AMOUNT APPROPRIATED	<u>\$ 912,238</u>

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

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21	ITEM	FISCAL YEAR
22	<u>NO.</u>	<u>2010-2011</u>
23	(01) MAINT. & GEN. OPERATION	
24	(A) OPER. EXPENSE	\$ 186,508
25	(B) CONF. & TRAVEL	13,000
26	(C) PROF. FEES	100,000
27	(D) CAP. OUTLAY	50,000
28	(E) DATA PROC.	0
29	(02) SPECIAL MAINTENANCE	<u>75,000</u>
30	TOTAL AMOUNT APPROPRIATED	<u>\$ 424,508</u>

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32 SECTION 6. APPROPRIATION - BRAILLE TEXTBOOKS. There is hereby  
 33 appropriated, to the Department of Education - Arkansas School for the Blind,  
 34 to be payable from the School for the Blind Fund Account, for purchasing,  
 35 copying, and shipping Braille and large print textbooks for the blind and  
 36 visually impaired students attending the public schools in Arkansas for the

1 fiscal year ending June 30, 2011, the following:

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3 ITEM	FISCAL YEAR
4 <u>NO.</u>	<u>2010-2011</u>
5 (01) BRAILLE TEXTBOOKS	\$ <u>168,024</u>

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7 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
8 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TRANSFER  
9 PROVISION. Upon approval from the Chief Fiscal Officer of the State, the  
10 Arkansas School for the Blind shall transfer appropriation from Item No. (08)  
11 Summer Projects, in Section 3 of this Act, to Item No. (01) through Item No.  
12 (05) in Section 3 of this Act, to compensate staff who work during the summer  
13 months on summer projects, and to cover other expenses of summer project  
14 activities. The Summer Projects line item may also be used for the annual  
15 cost related to the compensation of eligible staff for shift differential pay  
16 as well as compensation of employees for performance of duties assigned as  
17 referenced in Section 8 of this Act. Such additional compensation shall not  
18 be construed as exceeding the maximum salary authorized for said employees.

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

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22 SECTION 8. 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, parent training, student tutorial
- 28 services on weekends or evenings
- 29 2) Coaching one or more sports
- 30 3) Sponsoring a club or organization that involves additional hours
- 31 outside of the normal working day
- 32 4) Interpretive Services

33 Compensation for additional duties may not exceed \$3,500 per school term  
34 for any one employee during each fiscal year. Such pay shall not be  
35 construed as exceeding the maximum salary authorized for said position.

36 The provisions of this section shall be in effect only from July 1, ~~2009~~

1 2010 through June 30, ~~2010~~ 2011.

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3 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.

5 ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or  
6 other form of compensation from the Arkansas Schools for the Deaf or Blind  
7 shall be paid an additional salary or receive additional compensation, other  
8 than reimbursement for actual expenses, from that agency, nor from any other  
9 agency or institution of higher education, except from the Superintendent's  
10 written certification to and approval by the Chief Fiscal Officer of the  
11 State that the work performed by the employee for the other position does not  
12 interfere with the proper and required performance of the employee's primary  
13 duties, and that the combined salary payments from both positions will not  
14 exceed the maximum annual salary for whichever of the two positions has the  
15 higher authorized maximum annual salary.

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

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

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25 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
26 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED  
27 SERVICES. The Chief Fiscal Officer of the State and the State Treasurer are  
28 authorized to establish a joint paying account in the State Treasury, upon  
29 direction of the Board of Trustees for the Arkansas School for the Blind and  
30 the Arkansas School for the Deaf. The Board may transfer positions, funds  
31 and appropriations to the paying account from either school to serve both  
32 schools in the areas of Accounting, Personnel, Inventory, Safety and Health  
33 Services.

34 Funding and appropriations for this account will be from transfers from  
35 the fund accounts and appropriations of each agency and shall be divided  
36 proportionately from each agency based on student population. Said funds

1 shall be payable from the joint account as if the positions and other  
2 budgetary line items of appropriation had originally been established in the  
3 joint account. Supervision of this account and supervision of the positions  
4 within may come from either school as determined by the Board of Trustees.

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

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8 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BRAILLE  
10 AND LARGE PRINT TEXTBOOKS. The State Board of Education shall make reasonable  
11 rules and regulations to implement the Braille and Large Print Textbooks  
12 appropriation and is hereby authorized to negotiate directly with publishers  
13 of Braille and Large Print Textbooks for the purchase of such textbooks. The  
14 Arkansas School for the Blind (ASB) is authorized to use funds from this  
15 account for costs associated with providing Braille Textbooks and Large Print  
16 Textbooks to public schools.

17 The provisions of this section shall be in effect only from July 1, ~~2009~~  
18 2010 through June 30, ~~2010~~ 2011.

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

29 SUMMER SCHOOL POSITIONS	GRADE
30 Certified Bachelor's Teacher	C117
31 Certified Masters Teacher	C119
32 Teacher Supervisor	C120
33 Educational Specialist	C120
34 Assistant Principal	C123

35 The provisions of this section shall be in effect only from July 1, ~~2009~~  
36 2010 through June 30, ~~2010~~ 2011.

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SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE SERVICE. Upon the superintendent's certification to the State Personnel Administrator of prior service at an educational institution, the salary of teachers entering state service as teachers for the sensory impaired may be adjusted to a rate of pay closest to but not less than the annual salary they would have received from their previous employer, effective upon employment at ASB.

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

SECTION 14. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TEACHER SALARY INCREASE. In the event that an act is enacted in which the public schools receive funds from the General Assembly to raise the salaries of teachers employed in the public school districts, the Arkansas School for the Deaf and the Arkansas School for the Blind shall be included.

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

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

For current or new employees in the positions listed in subsection (a) below, the Arkansas School for the Blind may implement salary adjustments to maintain equity between their teacher salaries and those of Central Arkansas Public School Systems only after a plan for determining and implementing those adjustments has been reviewed by the Office of Personnel Management and by the Personnel Committee of the Arkansas Legislative Council and approved

1 by the Chief Fiscal Officer of the State.

2 For purposes of implementing the plan, the Arkansas School for the Blind  
3 is authorized special rates of pay up to the maximum of the assigned grade  
4 for classifications listed in subsection (a) below.

5 (a) TITLE	GRADE
6 Certified Bachelor's Teacher	C117
7 Certified Masters Teacher	C119
8 Certified Masters Degree Librarian	C119
9 Education Counselor	C119
10 School Speech Pathologist	C119
11 School Principal	C126
12 Assistant Principal	C123
13 Teacher Supervisor	C120
14 Educational Specialist	C120

15 Funding for the minimum compensation provided for in this section that is  
16 supported in whole or in part from general revenues, shall, if required, be  
17 provided by a transfer from the Merit Adjustment Fund to the proper fund or  
18 fund account and in such amounts as determined by the Chief Fiscal Officer of  
19 the State. The Arkansas School for the Blind shall, in addition to the funds  
20 provided in this Act for Annual Career Service Recognition Payments from the  
21 Merit Adjustment Fund, make available any funding generated from agency  
22 salary savings for such purposes from the funds or fund accounts as provided  
23 by law.

24 The provisions of this section shall be in effect only from July 1, ~~2009~~  
25 2010 through June 30, ~~2010~~ 2011.

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27 SECTION 16. COMPLIANCE WITH OTHER LAWS. Disbursement of funds authorized  
28 by this act shall be limited to the appropriation for such agency and funds  
29 made available by law for the support of such appropriations; and the  
30 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 17. LEGISLATIVE INTENT. It is the intent of the General Assembly  
2 that any funds disbursed under the authority of the appropriations contained  
3 in this act shall be in compliance with the stated reasons for which this act  
4 was adopted, as evidenced by the Agency Requests, Executive Recommendations  
5 and Legislative Recommendations contained in the budget manuals prepared by  
6 the Department of Finance and Administration, letters, or summarized oral  
7 testimony in the official minutes of the Arkansas Legislative Council or  
8 Joint Budget Committee which relate to its passage and adoption.

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10 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General  
11 Assembly, that the Constitution of the State of Arkansas prohibits the  
12 appropriation of funds for more than a one (1) year period; that the  
13 effectiveness of this Act on July 1, 2010 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, 2010 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, 2010.

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23 **APPROVED: 2/26/2010**  
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