

**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.  
Act 1224 of the Regular Session**

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

# A Bill

HOUSE BILL 1138

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 BLIND FOR THE FISCAL YEAR ENDING JUNE 30, 2010;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15  
16 AN ACT FOR THE DEPARTMENT OF EDUCATION  
17 - ARKANSAS SCHOOL FOR THE BLIND  
18 APPROPRIATION FOR THE 2009-2010 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 Blind for the 2009-2010  
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.



| Item No. | Class Code            | Title                              | Maximum No. of Employees | Maximum Annual Salary Rate Fiscal Year 2009-2010 |
|----------|-----------------------|------------------------------------|--------------------------|--|
| 6        | (1) U030U             | BLIND SCHOOL SUPERINTENDENT        | 1                        | \$89,223   |
| 7        | (2) E004C             | SCHOOL PRINCIPAL                   | 2                        | GRADE C126                                       |
| 8        | (3) A050C             | AGENCY FISCAL MANAGER              | 1                        | GRADE C121                                       |
| 9        | (4) L040C             | DIETARY SERVICES DIRECTOR          | 1                        | GRADE C120                                       |
| 10       | (5) L038C             | REGISTERED NURSE                   | 1                        | GRADE C120                                       |
| 11       | (6) E024C             | TEACHER SUPERVISOR                 | 1                        | GRADE C120                                       |
| 12       | (7) E036C             | CERTIFIED MASTERS DEGREE LIBRARIAN | 1                        | GRADE C119                                       |
| 13       | (8) E035C             | CERTIFIED MASTERS TEACHER          | 42                       | GRADE C119                                       |
| 14       | (9) R024C             | ASST PERSONNEL MANAGER             | 1                        | GRADE C118                                       |
| 15       | (10) A082C            | ACCOUNTANT II                      | 1                        | GRADE C117                                       |
| 16       | (11) E044C            | CERTIFIED BACHELORS TEACHER        | 2                        | GRADE C117                                       |
| 17       | (12) D071C            | COMPUTER SUPPORT ANALYST           | 1                        | GRADE C117                                       |
| 18       | (13) S033C            | MAINTENANCE SUPERVISOR             | 1                        | GRADE C115                                       |
| 19       | (14) M064C            | RESIDENTIAL ACTIVITIES SUPERVISOR  | 2                        | GRADE C114                                       |
| 20       | (15) S047C            | LANDSCAPE SUPERVISOR               | 2                        | GRADE C113                                       |
| 21       | (16) L069C            | LICENSED PRACTICAL NURSE           | 2                        | GRADE C113                                       |
| 22       | (17) C056C            | ADMINISTRATIVE SPECIALIST III      | 2                        | GRADE C112                                       |
| 23       | (18) C058C            | EDUCATION PARAPROFESSIONAL         | 4                        | GRADE C111                                       |
| 24       | (19) M074C            | RESIDENTIAL ADVISOR                | 15                       | GRADE C111                                       |
| 25       | (20) C073C            | ADMINISTRATIVE SPECIALIST II       | 1                        | GRADE C109                                       |
| 26       | (21) E056C            | TEACHER ASSISTANT                  | 1                        | GRADE C109                                       |
| 27       | (22) S065C            | MAINTENANCE ASSISTANT              | 1                        | GRADE C108                                       |
| 28       | (23) C087C            | ADMINISTRATIVE SPECIALIST I        | 1                        | GRADE C106                                       |
| 29       | (24) S083C            | BAKER                              | 1                        | GRADE C104                                       |
| 30       | (25) S086C            | COOK                               | 3                        | GRADE C104                                       |
| 31       | (26) S087C            | INSTITUTIONAL SERVICES ASSISTANT   | 4                        | GRADE C103                                       |
| 32       | (27) S089C            | FOOD PREPARATION TECHNICIAN        | <u>6</u>                 | GRADE C102                                       |
| 33       | 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 2009-2010 fiscal year, the

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

6  
 7 SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated,  
 8 to the Department of Education - Arkansas School for the Blind, to be payable  
 9 from the School for the Blind Fund Account, for personal services and  
 10 operating expenses of the Department of Education - Arkansas School for the  
 11 Blind - State Operations for the fiscal year ending June 30, 2010, the  
 12 following:

| 14 ITEM                            | FISCAL YEAR         |
|------------------------------------|---------------------|
| 15 <u>NO.</u>                      | <u>2009-2010</u>    |
| 16 (01) REGULAR SALARIES           | \$ 3,577,306        |
| 17 (02) EXTRA HELP                 | 15,000              |
| 18 (03) PERSONAL SERVICES MATCHING | 1,273,329           |
| 19 (04) OVERTIME                   | 20,000              |
| 20 (05) MAINT. & GEN. OPERATION    |                     |
| 21 (A) OPER. EXPENSE               | 825,000             |
| 22 (B) CONF. & TRAVEL              | 17,015              |
| 23 (C) PROF. FEES                  | 100,000             |
| 24 (D) CAP. OUTLAY                 | 25,000              |
| 25 (E) DATA PROC.                  | 0                   |
| 26 (06) SPECIAL MAINTENANCE        | 250,000             |
| 27 (07) VOCATIONAL WORKSTUDY       | 10,000              |
| 28 (08) SUMMER PROJECTS            | <u>90,000</u>       |
| 29 TOTAL AMOUNT APPROPRIATED       | <u>\$ 6,202,650</u> |

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 31 SECTION 4. APPROPRIATION - FEDERAL OPERATIONS. There is hereby  
 32 appropriated, to the Department of Education - Arkansas School for the Blind,  
 33 to be payable from the Federal Funds as designated by the Chief Fiscal  
 34 Officer of the State, for personal services and operating expenses of the  
 35 Department of Education - Arkansas School for the Blind - Federal Operations  
 36 for the fiscal year ending June 30, 2010, the following:

|    |                                 |                   |
|----|---------------------------------|-------------------|
| 1  |                                 |                   |
| 2  | ITEM                            | FISCAL YEAR       |
| 3  | <u>NO.</u>                      | <u>2009-2010</u>  |
| 4  | (01) REGULAR SALARIES           | \$ 167,481        |
| 5  | (02) EXTRA HELP                 | 15,000            |
| 6  | (03) PERSONAL SERVICES MATCHING | 65,119            |
| 7  | (04) MAINT. & GEN. OPERATION    |                   |
| 8  | (A) OPER. EXPENSE               | 241,050           |
| 9  | (B) CONF. & TRAVEL              | 61,382            |
| 10 | (C) PROF. FEES                  | 203,432           |
| 11 | (D) CAP. OUTLAY                 | 154,000           |
| 12 | (E) DATA PROC.                  | <u>0</u>          |
| 13 | TOTAL AMOUNT APPROPRIATED       | <u>\$ 907,464</u> |

14

15 SECTION 5. APPROPRIATION - 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 fiscal year ending June 30, 2010, the following:

21

|    |                              |                   |
|----|------------------------------|-------------------|
| 22 | ITEM                         | FISCAL YEAR       |
| 23 | <u>NO.</u>                   | <u>2009-2010</u>  |
| 24 | (01) MAINT. & GEN. OPERATION |                   |
| 25 | (A) OPER. EXPENSE            | \$ 186,508        |
| 26 | (B) CONF. & TRAVEL           | 13,000            |
| 27 | (C) PROF. FEES               | 100,000           |
| 28 | (D) CAP. OUTLAY              | 50,000            |
| 29 | (E) DATA PROC.               | 0                 |
| 30 | (02) SPECIAL MAINTENANCE     | <u>75,000</u>     |
| 31 | TOTAL AMOUNT APPROPRIATED    | <u>\$ 424,508</u> |

32

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

1 visually impaired students attending the public schools in Arkansas for the  
2 fiscal year ending June 30, 2010, the following:

| 4 ITEM<br>5 NO.          | FISCAL YEAR<br>2009-2010 |
|--------------------------|--------------------------|
| 6 (01) BRAILLE TEXTBOOKS | \$ <u>168,024</u>        |

7

8 SECTION 7. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS  
9 CODE 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 staff who work during the summer  
14 months on summer projects, and to cover other expenses of summer project  
15 activities ~~and to compensate employees as referenced in Section 9 of this Act~~  
16 ~~and to compensate eligible staff for shift differential pay.~~ The Summer  
17 Projects line item may also be used for the annual cost related to the  
18 compensation of eligible staff for shift differential pay as well as  
19 compensation of employees for performance of duties assigned as referenced in  
20 Section 8 of this Act. Such additional compensation shall not be construed as  
21 exceeding the maximum salary authorized for said employees.

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

24

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

- 30 1) Teaching adult education classes, parent training, student tutorial
- 31 services on weekends or evenings
- 32 2) Coaching one or more sports
- 33 3) Sponsoring a club or organization that involves additional hours outside
- 34 of the normal working day
- 35 4) Interpretive Services

36 Compensation for additional duties may not exceed \$3,500 per school term for

1 any one employee during each fiscal year. Such pay shall not be construed as  
 2 exceeding the maximum salary authorized for said position.

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

5

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

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

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

25 The provisions of this section shall be in effect only from July 1, ~~2007~~  
 26 2009 through June 30, ~~2009~~ 2010.

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

1 Funding and appropriations for this account will be from transfers from  
2 the fund accounts and appropriations of each agency and shall be divided  
3 proportionately from each agency based on student population. Said funds  
4 shall be payable from the joint account as if the positions and other  
5 budgetary line items of appropriation had originally been established in the  
6 joint account. Supervision of this account and supervision of the positions  
7 within may come from either school as determined by the Board of Trustees.

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

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

20 The provisions of this section shall be in effect only from July 1, 2007  
21 2009 through June 30, ~~2009~~ 2010.

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

| SUMMER SCHOOL POSITIONS                 | GRADE         |
|---|---------------|
| <del>Teacher for the Sens Imp I</del>   | <del>17</del> |
| <del>Teacher for the Sens Imp II</del>  | <del>18</del> |
| <u>Certified Bachelor's Teacher</u>     | <u>C117</u>   |
| <del>Teacher for the Sens Imp III</del> | <del>19</del> |



1 librarians and other education professionals as listed in subsection (a)  
 2 below, the Arkansas School for the Blind is authorized to adjust current or  
 3 new employees to at least the minimum level of compensation for public school  
 4 employees.

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

12 For purposes of implementing the plan, the Arkansas School for the Blind  
 13 is authorized special rates of pay up to ~~Pay Level IV~~ the maximum of the  
 14 assigned grade for classifications listed in subsection (a) below.

15 (a) CLASS

| 16 | CODE            | TITLE   | GRADE         |
|----|-----------------|---|---------------|
| 17 | <del>E059</del> | <del>Teacher for the Sensory Impaired I</del>     | <del>17</del> |
| 18 | <del>E061</del> | <del>Teacher for the Sensory Impaired II</del>    | <del>18</del> |
| 19 |                 | <u>Certified Bachelor's Teacher</u>               | <u>C117</u>   |
| 20 | <del>E063</del> | <del>Teacher for the Sensory Impaired III</del>   | <del>19</del> |
| 21 | <del>E077</del> | <del>Teacher for the Sensory Impaired IV</del>    | <del>20</del> |
| 22 |                 | <u>Certified Masters Teacher</u>                  | <u>C119</u>   |
| 23 | <del>E080</del> | <del>Vocational Instructor I</del>                | <del>17</del> |
| 24 | <del>E082</del> | <del>Vocational Instructor II</del>               | <del>18</del> |
| 25 | <del>E076</del> | <del>Vocational Instructor III</del>              | <del>19</del> |
| 26 | <del>E078</del> | <del>Vocational Instructor IV</del>               | <del>20</del> |
| 27 | <del>E136</del> | <del>Orientation and Mobility Specialist</del>    | <del>19</del> |
| 28 | <del>E036</del> | <del>Librarian I</del>                            | <del>17</del> |
| 29 | <del>E037</del> | <del>Librarian II</del>                           | <del>18</del> |
| 30 | <del>E039</del> | <del>Librarian III</del>                          | <del>19</del> |
| 31 |                 | <u>Certified Masters Degree Librarian</u>         | <u>C119</u>   |
| 32 | <del>M026</del> | <del>Counselor I</del>                            | <del>18</del> |
| 33 | <del>M028</del> | <del>Counselor II</del>                           | <del>20</del> |
| 34 |                 | <u>Education Counselor</u>                        | <u>C119</u>   |
| 35 |                 | <u>School Speech Pathologist</u>                  | <u>C119</u>   |
| 36 | <del>E057</del> | <del>Teacher for the Sensory Impaired Supv.</del> | <del>22</del> |

|   |  |               |
|---|--|---------------|
| 1 | <u>School Principal</u>                    | <u>C126</u>   |
| 2 | <u>Assistant Principal</u>                 | <u>C123</u>   |
| 3 | <del>E015</del> <u>Education Principal</u> | <del>23</del> |
| 4 | <u>Teacher Supervisor</u>                  | <u>C120</u>   |
| 5 | <u>Educational Specialist</u>              | <u>C120</u>   |

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

16 The provisions of this section shall be in effect only from July 1, ~~2007~~  
17 2009 through June 30, ~~2009~~ 2010.

18

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

28

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

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SECTION 18. 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, 2009 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 Regular Session, the delay in the effective date of this Act beyond July 1, 2009 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, 2009.

**APPROVED: 4/8/2009**