

**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

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  
14

## **Subtitle**

15 AN ACT FOR THE DEPARTMENT OF EDUCATION -  
16 ARKANSAS SCHOOL FOR THE BLIND  
17 APPROPRIATION FOR THE 2001-2003  
18 BIENNIAL.  
19  
20  
21

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

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.  
35  
36

Maximum Annual

Item No.	Class Code	Title	Maximum No. of Employees	Salary Rate Fiscal Years 2001-2002	Salary Rate Fiscal Years 2002-2003
4	(1) 9948	ED SUPT BLIND SCHOOL	1	\$72,072	\$73,945
5	(2) E015	ED SCHOOL PRINCIPAL	2	GRADE 23	
6	(3) 909Z	PROGRAM SUPPORT MANAGER	2	GRADE 22	
7	(4) A008	ACCOUNTING SUPERVISOR II	1	GRADE 21	
8	(5) L030	DIETARY SERVICES DIRECTOR	1	GRADE 21	
9	(6) L122	PSYCHOLOGICAL EXAMINER II	1	GRADE 21	
10	(7) L070	NURSE II	1	GRADE 20	
11	(8) E077	TEACHER F/T SENSORY IMPAIRED IV	23	GRADE 20	
12	(9) R030	ASST PERSONNEL MANAGER	1	GRADE 19	
13	(10) E039	LIBRARIAN III	2	GRADE 19	
14	(11) E063	TEACHER F/T SENSORY IMPAIRED III	29	GRADE 19	
15	(12) A111	ACCOUNTANT	1	GRADE 18	
16	(13) R264	MANAGEMENT PROJECT ANALYST I	1	GRADE 18	
17	(14) M039	HOUSEPARENT SUPERVISOR	2	GRADE 17	
18	(15) R190	PERSONNEL OFFICER II	1	GRADE 17	
19	(16) M034	HOUSEPARENT II	17	GRADE 15	
20	(17) L115	LPN II/LPTN II	2	GRADE 15	
21	(18) M048	RECREATIONAL ACTIVITY LEADER II	2	GRADE 15	
22	(19) E027	INSTITUTIONAL TEACHER ASSISTANT	4	GRADE 13	
23	(20) G115	NURSERY ASST & GROUNDSKEEPER SUPV	1	GRADE 13	
24	(21) K153	SECRETARY II	3	GRADE 13	
25	(22) L081	NURSING ASST II	1	GRADE 11	
26	(23) K155	SECRETARY I	1	GRADE 11	
27	(24) H005	BAKER II	1	GRADE 10	
28	(25) H027	COOK II	3	GRADE 10	
29	(26) H053	FOOD SERVICE WORKER III	1	GRADE 08	
30	(27) H043	FOOD SERVICE WORKER II	5	GRADE 05	
31	(28) G035	CUSTODIAL WRKR II	4	GRADE 04	
32	(29) G075	HOUSEKEEPER	1	GRADE 04	
33		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.

7

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:

14

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>

31

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:

2

3 ITEM		FISCAL YEARS	
4 NO.		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>

14

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:

21

22 ITEM		FISCAL YEARS	
23 NO.		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>

32

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:

4

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

5

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:

15

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>

16

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:

32

33

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

34

35

36

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>

7

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.

18

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

21

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.

34

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

1  
2  
3  
4  
5  
6  
7  
8  
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  
36

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.

15  
16 The provisions of this section shall be in effect only from July 1, 2001  
17 through June 30, 2003.

18  
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.

28  
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>

8  
9 The provisions of this section shall be in effect only from July 1, 2001  
10 through June 30, 2003.

11  
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.

20  
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.

30  
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*