

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 85th General Assembly
3 Regular Session, 2005

A Bill

HOUSE BILL 1403

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 BLIND FOR THE BIENNIAL PERIOD ENDING JUNE 30,
13 2007; 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 2005-2007
19 BIENNIUM.
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 2005-2007
27 biennium, 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



				Maximum	Maximum Annual	
				No. of	Salary Rate	
	Item	Class		Employees	Fiscal Years	
	No.	Code	Title		2005-2006	
					2006-2007	
5	(1)	9948	ED SUPT BLIND SCHOOL	1	\$79,614	\$81,676
6	(2)	E015	ED SCHOOL PRINCIPAL	2	GRADE	23
7	(3)	A032	AGENCY FISCAL MANAGER	1	GRADE	22
8	(4)	909Z	PROGRAM SUPPORT MANAGER	1	GRADE	22
9	(5)	L030	DIETARY SERVICES DIRECTOR	1	GRADE	21
10	(6)	R298	AGENCY PROGRAM COORDINATOR	1	GRADE	21
11	(7)	L070	NURSE II	1	GRADE	20
12	(8)	E077	TEACHER F/T SENSORY IMPAIRED IV	18	GRADE	20
13	(9)	E136	ORIENTATION & MOBILITY SPECIALIST	2	GRADE	19
14	(10)	A110	ACCOUNTANT II	1	GRADE	19
15	(11)	E039	LIBRARIAN III	2	GRADE	19
16	(12)	E063	TEACHER F/T SENSORY IMPAIRED III	23	GRADE	19
17	(13)	R030	ASST PERSONNEL MANAGER	1	GRADE	19
18	(14)	R264	MANAGEMENT PROJECT ANALYST I	1	GRADE	18
19	(15)	R010	ADMINISTRATIVE ASSISTANT II	2	GRADE	17
20	(16)	M039	HOUSEPARENT SUPERVISOR	2	GRADE	17
21	(17)	M048	RECREATIONAL ACTIVITY LEADER II	2	GRADE	15
22	(18)	L115	LPN II/LPTN II	2	GRADE	15
23	(19)	M034	HOUSEPARENT II	18	GRADE	15
24	(20)	K153	SECRETARY II	2	GRADE	13
25	(21)	G115	NURSERY ASST & GROUNDSKEEPER SUPV	2	GRADE	13
26	(22)	E027	INSTITUTIONAL TEACHER ASSISTANT	4	GRADE	13
27	(23)	G111	MAINT WORK PLANNER & SCHEDULER	1	GRADE	11
28	(24)	K155	SECRETARY I	1	GRADE	11
29	(25)	H005	BAKER II	1	GRADE	10
30	(26)	H027	COOK II	3	GRADE	10
31	(27)	H053	FOOD SERVICE WORKER III	1	GRADE	08
32	(28)	H043	FOOD SERVICE WORKER II	5	GRADE	05
33	(29)	G035	CUSTODIAL WRKR II	4	GRADE	04
34	(30)	G075	HOUSEKEEPER	<u>1</u>	GRADE	04
35			MAX. NO. OF EMPLOYEES	107		

36

SECTION 2. EXTRA HELP. There is hereby authorized, for the Department of Education - Arkansas School for the Blind for the 2005-2007 biennium, the following maximum number of part-time or temporary employees, to be known as "Extra Help", payable from funds appropriated herein for such purposes: seventeen (17) temporary or part-time employees, when needed, at rates of pay not to exceed those provided in the Uniform Classification and Compensation Act, or its successor, or this act for the appropriate classification.

SECTION 3. APPROPRIATION - STATE OPERATIONS. There is hereby appropriated, to the Department of Education - Arkansas School for the Blind, to be payable from the School for the Blind Fund Account, for personal services and operating expenses of the Department of Education - Arkansas School for the Blind - State Operations for the biennial period ending June 30, 2007, the following:

ITEM NO.	FISCAL YEARS	
	2005-2006	2006-2007
(01) REGULAR SALARIES	\$ 3,047,115	\$ 3,139,370
(02) EXTRA HELP	15,000	15,000
(03) PERSONAL SERVICES MATCHING	1,052,735	1,072,756
(04) OVERTIME	20,000	20,000
(05) MAINT. & GEN. OPERATION		
(A) OPER. EXPENSE	677,500	677,500
(B) CONF. & TRAVEL	17,015	17,015
(C) PROF. FEES	100,000	100,000
(D) CAP. OUTLAY	25,000	25,000
(E) DATA PROC.	0	0
(06) SPECIAL MAINTENANCE	250,000	250,000
(07) VOCATIONAL WORKSTUDY	10,000	10,000
(08) SUMMER PROJECTS	<u>75,000</u>	<u>75,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 5,289,365</u>	<u>\$ 5,401,641</u>

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

1 Department of Education - Arkansas School for the Blind - Federal Operations
 2 for the biennial period ending June 30, 2007, the following:

3

4 ITEM	FISCAL YEARS	
5 NO.	2005-2006	2006-2007
6 (01) REGULAR SALARIES	\$ 180,606	\$ 186,050
7 (02) EXTRA HELP	15,000	15,000
8 (03) PERSONAL SERVICES MATCHING	69,348	70,533
9 (04) MAINT. & GEN. OPERATION		
10 (A) OPER. EXPENSE	186,050	186,050
11 (B) CONF. & TRAVEL	56,382	56,382
12 (C) PROF. FEES	118,432	118,432
13 (D) CAP. OUTLAY	104,000	104,000
14 (E) DATA PROC.	<u>0</u>	<u>0</u>
15 TOTAL AMOUNT APPROPRIATED	<u>\$ 729,818</u>	<u>\$ 736,447</u>

16

17 SECTION 5. APPROPRIATIONS - CASH OPERATIONS. There is hereby
 18 appropriated, to the Department of Education - Arkansas School for the Blind,
 19 to be payable from cash funds as defined by Arkansas Code 19-4-801 of the
 20 Department of Education - Arkansas School for the Blind, for operating
 21 expenses of the Department of Education - Arkansas School for the Blind -
 22 Cash Operations for the biennial period ending June 30, 2007, the following:

23

24 ITEM	FISCAL YEARS	
25 NO.	2005-2006	2006-2007
26 (01) MAINT. & GEN. OPERATION		
27 (A) OPER. EXPENSE	\$ 186,508	\$ 186,508
28 (B) CONF. & TRAVEL	13,000	13,000
29 (C) PROF. FEES	100,000	100,000
30 (D) CAP. OUTLAY	50,000	50,000
31 (E) DATA PROC.	0	0
32 (02) SPECIAL MAINTENANCE	<u>75,000</u>	<u>75,000</u>
33 TOTAL AMOUNT APPROPRIATED	<u>\$ 424,508</u>	<u>\$ 424,508</u>

34

35 SECTION 6. APPROPRIATION - BRAILLE TEXTBOOKS. There is hereby
 36 appropriated, to the Department of Education - Arkansas School for the Blind,

1 to be payable from the School for the Blind Fund Account, for purchase of
 2 Braille and largeprint textbooks for the blind and visually impaired students
 3 attending the public schools in Arkansas of the Department of Education -
 4 Arkansas School for the Blind - Braille Textbooks for the biennial period
 5 ending June 30, 2007, the following:

6

7 ITEM	FISCAL YEARS	
8 <u>NO.</u>	2005-2006	2006-2007
9 (01) BRAILLE TEXTBOOKS	\$ 140,000	\$ 140,000

10

11 SECTION 7. APPROPRIATION - MEDICAID PROVIDER - FEDERAL. There is hereby
 12 appropriated, to the Department of Education - Arkansas School for the Blind,
 13 to be payable from the federal funds as designated by the Chief Fiscal
 14 Officer of the State, for operating expenses of the Department of Education -
 15 Arkansas School for the Blind - Medicaid Provider Program for the biennial
 16 period ending June 30, 2007, the following:

17

18 ITEM	FISCAL YEARS	
19 <u>NO.</u>	2005-2006	2006-2007
20 (01) MAINT. & GEN. OPERATION		
21 (A) OPER. EXPENSE	\$ 55,000	\$ 55,000
22 (B) CONF. & TRAVEL	5,000	5,000
23 (C) PROF. FEES	85,000	85,000
24 (D) CAP. OUTLAY	50,000	50,000
25 (E) DATA PROC.	<u>0</u>	<u>0</u>
26 TOTAL AMOUNT APPROPRIATED	<u>\$ 195,000</u>	<u>\$ 195,000</u>

27

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

1 Such additional compensation shall not be construed as exceeding the maximum
 2 salary authorized for said employees.

3 The provisions of this section shall be in effect only from July 1, 2003
 4 2005 through June 30, ~~2005~~ 2007.

5

6 SECTION 9. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 7 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
 8 ALLOWANCE. The Arkansas Schools for the Deaf and Blind may make special
 9 allowances available to any employee who performs one of the following duties
 10 in addition to their normal duties:

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

17 Compensation for additional duties may not exceed \$3,000 per school term for
 18 any one employee during each fiscal year. Such pay shall not be construed as
 19 exceeding the maximum salary authorized for said position.

20 The provisions of this section shall be in effect only from July 1, 2003
 21 2005 through June 30, ~~2005~~ 2007.

22

23 SECTION 10. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 24 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW.
 25 ADDITIONAL SALARY/COMPENSATION PROVISION. No employee drawing a salary or
 26 other form of compensation from the Arkansas Schools for the Deaf or Blind
 27 shall be paid an additional salary or receive additional compensation, other
 28 than reimbursement for actual expenses, from that agency, nor from any other
 29 agency or institution of higher education, except from the Superintendent's
 30 written certification to and approval by the Chief Fiscal Officer of the
 31 State that the work performed by the employee for the other position does not
 32 interfere with the proper and required performance of the employee's primary
 33 duties, and that the combined salary payments from both positions will not
 34 exceed the maximum annual salary for whichever of the two positions has the
 35 higher authorized maximum annual salary.

36 Any employee knowingly violating the provisions of this section shall be

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

6 The provisions of this section shall be in effect only from July 1, 2003
 7 2005 through June 30, ~~2005~~ 2007.

8
 9 SECTION 11. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SHARED
 11 SERVICES. The Chief Fiscal Officer of the State and the State Treasurer are
 12 authorized to establish a joint paying account in the State Treasury, upon
 13 direction of the Board of Trustees for the Arkansas School for the Blind and
 14 the Arkansas School for the Deaf. The Board may transfer positions, funds
 15 and appropriations to the paying account from either school to serve both
 16 schools in the areas of Accounting, Personnel, Inventory, Safety and Health
 17 Services.

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

25 The provisions of this section shall be in effect only from July 1, 2003
 26 2005 through June 30, ~~2005~~ 2007.

27
 28 SECTION 12. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 29 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. BRAILLE
 30 AND LARGEPRINT TEXTBOOKS. The State Board of Education shall make reasonable
 31 rules and regulations to implement the Braille and Large Print Textbooks
 32 appropriation and is hereby authorized to negotiate directly with publishers
 33 of Braille and Large Print Textbooks for the purchase of such textbooks.

34 The provisions of this section shall be in effect only from July 1, 2003
 35 2005 through June 30, ~~2005~~ 2007.

36

1 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 2 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SUMMER
 3 SCHOOL EMPLOYEES. Employees who, in addition to working during the regular
 4 school term, also work during summer months shall be authorized as additional
 5 compensation an amount not to exceed 1/12 of their annual salary for each
 6 month or part thereof worked. Such additional compensation shall not be
 7 construed as exceeding the maximum salary authorized for said employees.
 8 Payment of additional compensation shall be limited to employees in the
 9 following classifications:

SUMMER SCHOOL POSITIONS	GRADE
Teacher for the Sens Imp I	16
Teacher for the Sens Imp II	18
Teacher for the Sens Imp III	19
Teacher for the Sens Imp IV	20
Teacher for the Sens Imp Supv	22

16 The provisions of this section shall be in effect only from July 1, ~~2003~~
 17 2005 through June 30, ~~2005~~ 2007.

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

27 The provisions of this section shall be in effect only from July 1, ~~2003~~
 28 2005 through June 30, ~~2005~~ 2007.

30 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 31 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. TEACHER
 32 SALARY INCREASE. In the event that an act is enacted in which the public
 33 schools receive funds from the General Assembly to raise the salaries of
 34 teachers employed in the public school districts, the Arkansas School for the
 35 Deaf and the Arkansas School for the Blind shall be included.

36 The provisions of this section shall be in effect only from July 1, ~~2003~~

1 2005 through June 30, ~~2005~~ 2007.

2

3 SECTION 16. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
 4 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
 5 RATES OF PAY. Due to the highly competitive job market conditions for public
 6 school teachers and other education staff, the necessity of recruiting and
 7 retaining qualified personnel, and the need to establish a minimum
 8 compensation schedule, the Arkansas School for the Blind is authorized
 9 special rates of compensation for current and new employees in the
 10 classifications listed under subsection (a) below, with additional authority,
 11 funding and other restrictions as indicated in subsection (b) through (e)
 12 below.

13

14 (a) CLASS

<u>CODE</u>	<u>TITLE</u>	<u>GRADE</u>
<u>E059</u>	<u>Teacher for the Sensory Impaired I</u>	<u>17</u>
<u>E061</u>	<u>Teacher for the Sensory Impaired II</u>	<u>18</u>
<u>E063</u>	<u>Teacher for the Sensory Impaired III</u>	<u>19</u>
<u>E077</u>	<u>Teacher for the Sensory Impaired IV</u>	<u>20</u>
<u>E080</u>	<u>Vocational Instructor I</u>	<u>17</u>
<u>E082</u>	<u>Vocational Instructor II</u>	<u>18</u>
<u>E076</u>	<u>Vocational Instructor III</u>	<u>19</u>
<u>E078</u>	<u>Vocational Instructor IV</u>	<u>20</u>
<u>E136</u>	<u>Orientation and Mobility Specialist</u>	<u>19</u>
<u>E036</u>	<u>Librarian I</u>	<u>17</u>
<u>E037</u>	<u>Librarian II</u>	<u>18</u>
<u>E039</u>	<u>Librarian III</u>	<u>19</u>
<u>M026</u>	<u>Counselor I</u>	<u>18</u>
<u>M028</u>	<u>Counselor II</u>	<u>20</u>
<u>E057</u>	<u>Teacher for the Sensory Impaired Supv.</u>	<u>22</u>
<u>E015</u>	<u>Education Principal</u>	<u>23</u>

32

33 (b) Rates of pay shall not be implemented until a plan for providing
 34 special rates of pay indicated in subsection (a) have been
 35 reviewed and approved by the Office of Personnel Management after
 36 prior review by the Uniform Personnel Classification and

1 Compensation Committee of the Arkansas Legislative Council.
 2 Minimum compensation levels shall be based on comparable public
 3 school salaries as set forth in Arkansas Code 6-17-2403 (b), or its
 4 successor.

5
 6 (c) Employees whose June 30 annual salary rate is at pay level IV shall
 7 be eligible for the increase provided in subsection (a) and (b) of
 8 this section, but the increase shall be paid as a lump sum on June
 9 30 of the year in which the increase is to occur and will only be
 10 given to those staff employed for the full year.

11
 12 (d) The Chief Fiscal Officer of the State shall transfer funding to
 13 the Arkansas School for the Blind from the Educational Adequacy
 14 Fund for the implementation of special rates of pay in amounts not
 15 to exceed \$275,000 for each year of the biennium.

16
 17 (e) This provision shall be in full force and effect for the biennium
 18 beginning July 1, 2005 and ending June 30, 2007.

19
 20 SECTION 17. 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 Procurement Law, the General Accounting and
 24 Budgetary Procedures Law, the Revenue Stabilization Law, the Regular Salary
 25 Procedures and Restrictions Act, or their successors, and other fiscal
 26 control laws of this State, where applicable, and regulations promulgated by
 27 the Department of Finance and Administration, as authorized by law, shall be
 28 strictly complied with in disbursement of said funds.

29
 30 SECTION 18. 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

1 Joint Budget Committee which relate to its passage and adoption.

2
3 SECTION 19. 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, 2005 is essential to the operation of
7 the agency for which the appropriations in this Act are provided, and that in
8 the event of an extension of the Regular Session, the delay in the effective
9 date of this Act beyond July 1, 2005 could work irreparable harm upon the
10 proper administration and provision of essential governmental programs.
11 Therefore, an emergency is hereby declared to exist and this Act being
12 necessary for the immediate preservation of the public peace, health and
13 safety shall be in full force and effect from and after July 1, 2005.