

State of Arkansas
87th General Assembly
Regular Session, 2009

A Bill

HOUSE BILL 1138

By: Joint Budget Committee

For An Act To Be Entitled

AN ACT TO MAKE AN APPROPRIATION FOR PERSONAL
SERVICES AND OPERATING EXPENSES FOR THE
DEPARTMENT OF EDUCATION - ARKANSAS SCHOOL FOR THE
BLIND FOR THE FISCAL YEAR ENDING JUNE 30, 2010;
AND FOR OTHER PURPOSES.

Subtitle

AN ACT FOR THE DEPARTMENT OF EDUCATION
- ARKANSAS SCHOOL FOR THE BLIND
APPROPRIATION FOR THE 2009-2010 FISCAL
YEAR.

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

SECTION 1. REGULAR SALARIES. There is hereby established for the
Department of Education - Arkansas School for the Blind for the 2009-2010
fiscal year, the following maximum number of regular employees whose salaries
shall be governed by the provisions of the Uniform Classification and
Compensation Act (Arkansas Code §§21-5-201 et seq.), or its successor, and
all laws amendatory thereto. Provided, however, that any position to which a
specific maximum annual salary is set out herein in dollars, shall be exempt
from the provisions of said Uniform Classification and Compensation Act. All
persons occupying positions authorized herein are hereby governed by the
provisions of the Regular Salaries Procedures and Restrictions Act (Arkansas
Code §21-5-101), or its successor.



Item	Class		Maximum No. of Employees	Maximum Annual Salary Rate Fiscal Year 2009-2010
No.	Code	Title		
(1)	U030U	BLIND SCHOOL SUPERINTENDENT	1	\$89,223
(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 2009-2010 fiscal year, 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 fiscal year ending June 30, 2010, the
following:

ITEM	FISCAL YEAR
<u>NO.</u>	<u>2009-2010</u>
(01) REGULAR SALARIES	\$ 3,577,306
(02) EXTRA HELP	15,000
(03) PERSONAL SERVICES MATCHING	1,273,329
(04) OVERTIME	20,000
(05) MAINT. & GEN. OPERATION	
(A) OPER. EXPENSE	825,000
(B) CONF. & TRAVEL	17,015
(C) PROF. FEES	100,000
(D) CAP. OUTLAY	25,000
(E) DATA PROC.	0
(06) SPECIAL MAINTENANCE	250,000
(07) VOCATIONAL WORKSTUDY	10,000
(08) SUMMER PROJECTS	<u>90,000</u>
TOTAL AMOUNT APPROPRIATED	<u>\$ 6,202,650</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
Department of Education - Arkansas School for the Blind - Federal Operations
for the fiscal year ending June 30, 2010, the following:

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

SECTION 5. APPROPRIATION - CASH OPERATIONS. There is hereby appropriated, to the Department of Education - Arkansas School for the Blind, to be payable from cash funds as defined by Arkansas Code 19-4-801 of the Department of Education - Arkansas School for the Blind, for operating expenses of the Department of Education - Arkansas School for the Blind - Cash Operations for the fiscal year ending June 30, 2010, the following:

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

SECTION 6. APPROPRIATION - BRAILLE TEXTBOOKS. 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 purchasing, copying, and shipping Braille and large print textbooks for the blind and visually impaired students attending the public schools in Arkansas for the

fiscal year ending June 30, 2010, the following:

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

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

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

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

1) Teaching adult education classes, parent training, student tutorial services on weekends or evenings

2) Coaching one or more sports

3) Sponsoring a club or organization that involves additional hours outside of the normal working day

4) Interpretive Services

Compensation for additional duties may not exceed \$3,500 per school term for any one employee during each fiscal year. Such pay shall not be construed as

1 exceeding the maximum salary authorized for said position.

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

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

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

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

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

36 Funding and appropriations for this account will be from transfers from

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

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

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

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

SECTION 12. 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
Teacher for the Sens Imp I	17
Teacher for the Sens Imp II	18
<u>Certified Bachelor's Teacher</u>	<u>C117</u>
Teacher for the Sens Imp III	19
Teacher for the Sens Imp IV	20

1	<u>Certified Masters Teacher</u>	<u>C119</u>
2	Teacher for the Sens Imp Supv	22
3	<u>Teacher Supervisor</u>	<u>C120</u>
4	<u>Educational Specialist</u>	<u>C120</u>
5	<u>Assistant Principal</u>	<u>C123</u>

6 The provisions of this section shall be in effect only from July 1, ~~2007~~
7 ~~2009~~ through June 30, ~~2009~~ 2010.

9 SECTION 13. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
10 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. ~~TEACHERS~~
11 ~~FOR SENSORY IMPAIRED~~ CERTIFIED MASTERS OR BACHELOR TEACHERS ENTERING STATE
12 SERVICE. Upon the superintendent's certification to the State Personnel
13 Administrator of prior service at an educational institution ~~and most recent~~
14 ~~contractual salary~~, the salary of teachers ~~holding certification in teaching~~
15 ~~the visually impaired and~~ entering state service as teachers for the sensory
16 impaired may be adjusted to a rate of pay closest to but not less than ~~their~~
17 ~~most recent~~ the annual salary they would have received from their previous
18 employer, effective upon employment at ASB.

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

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

28 The provisions of this section shall be in effect only from July 1, ~~2007~~
29 ~~2009~~ through June 30, ~~2009~~ 2010.

31 SECTION 15. SPECIAL LANGUAGE. NOT TO BE INCORPORATED INTO THE ARKANSAS
32 CODE NOR PUBLISHED SEPARATELY AS SPECIAL, LOCAL AND TEMPORARY LAW. SPECIAL
33 RATES OF PAY. Due to the need to meet the minimum compensation schedule as
34 established by Act 74 of the 2nd Extraordinary Session of the 84th General
35 Assembly, or its successor, for public school teachers, counselors, and
36 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 by the Chief Fiscal Officer of the State.

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

(a) CLASS

CODE	TITLE	GRADE
E059	Teacher for the Sensory Impaired I	17
E061	Teacher for the Sensory Impaired II	18
	<u>Certified Bachelor's Teacher</u>	<u>C117</u>
E063	Teacher for the Sensory Impaired III	19
E077	Teacher for the Sensory Impaired IV	20
	<u>Certified Masters Teacher</u>	<u>C119</u>
E080	Vocational Instructor I	17
E082	Vocational Instructor II	18
E076	Vocational Instructor III	19
E078	Vocational Instructor IV	20
E136	Orientation and Mobility Specialist	19
E036	Librarian I	17
E037	Librarian II	18
E039	Librarian III	19
	<u>Certified Masters Degree Librarian</u>	<u>C119</u>
M026	Counselor I	18
M028	Counselor II	20
	<u>Education Counselor</u>	<u>C119</u>
	<u>School Speech Pathologist</u>	<u>C119</u>
E057	Teacher for the Sensory Impaired Supv.	22
	<u>School Principal</u>	<u>C126</u>

1	<u>Assistant Principal</u>	<u>C123</u>
2	E015 <u>Education Principal</u>	23
3	<u>Teacher Supervisor</u>	<u>C120</u>
4	<u>Educational Specialist</u>	<u>C120</u>

5

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

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

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

27

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

36

1 SECTION 18. EMERGENCY CLAUSE. It is found and determined by the General
2 Assembly, that the Constitution of the State of Arkansas prohibits the
3 appropriation of funds for more than a one (1) year period; that the
4 effectiveness of this Act on July 1, 2009 is essential to the operation of
5 the agency for which the appropriations in this Act are provided, and that in
6 the event of an extension of the Regular Session, the delay in the effective
7 date of this Act beyond July 1, 2009 could work irreparable harm upon the
8 proper administration and provision of essential governmental programs.
9 Therefore, an emergency is hereby declared to exist and this Act being
10 necessary for the immediate preservation of the public peace, health and
11 safety shall be in full force and effect from and after July 1, 2009.