

ARKANSAS SENATE
88th General Assembly - Regular Session, 2011
Amendment Form

Subtitle of Senate Bill No. 826

TO AMEND THE ACADEMIC FACILITIES PARTNERSHIP PROGRAM AND THE
ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM.

Amendment No. 1 to Senate Bill No. 826

Amend Senate Bill No. 826 as originally introduced:

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 6-20-2502, concerning definitions under the Arkansas Public School Academic Facilities Funding Act, is amended to add an additional subdivision to read as follows:

(13)(A) "Material inadequacy" means a determination that a particular component of school facility space in the Program of Requirements either does not exist or does not materially meet the requirements.

(B) "Material inadequacy" is determined collaboratively between the school district and the division based on an assessment of the existing space in the current inventory of school spaces for the campus as compared to what the requirements would be if constructed new.

SECTION 2. Arkansas Code § 6-20-2507(b)(1)(C), concerning the requirements for state financial participation in a new construction project, is amended to read as follows:

(C)(i) The total estimated cost of the new construction project that shall be a minimum of three hundred dollars (\$300) per student or one hundred fifty thousand dollars (\$150,000) fifty thousand dollars (\$50,000), whichever is less.

SECTION 3. Arkansas Code § 6-20-2507(c), concerning the evaluation of an application for financial participation in a new construction project, is amended to read as follows:

(c)(1) The division shall use criteria to evaluate a school district's application for state financial participation in a new construction project, which shall include, without limitation, the following:

~~(1)~~(A) How the school district's facilities master plan and current academic facilities do not address the following:

~~(A)~~(i) Student health and safety, including, without limitation, critical health and safety needs;



~~(B)(ii)~~ Compliance with current academic facilities standards, including, without limitation, appropriate space utilization of existing academic facilities in the district;

~~(C)(iii)~~ Conformance with sound educational practices;

~~(D)(iv)~~ Curriculum improvement and diversification, including, without limitation, the use of instructional technology, distance learning, and access to advanced courses in science, mathematics, language arts, and social studies;

~~(E)(v)~~ Multischool, multidistrict, and regional planning to achieve the most effective and efficient instructional delivery system;

~~(F)(vi)~~ Reasonable travel time and practical means of addressing other demographic considerations; and

~~(G)(vii)~~ Regularly scheduled maintenance, repair, and renovation;

~~(2)(B)~~ How the school district's facilities master plan and any new construction project under the facilities master plan address the following:

~~(A)(i)~~ Student health and safety, including, without limitation, critical health and safety needs;

~~(B)(ii)~~ Compliance with current academic facilities standards, including, without limitation, appropriate space utilization of existing academic facilities in the district;

~~(C)(iii)~~ Conformance with sound educational practices;

~~(D)(iv)~~ Curriculum improvement and diversification, including, without limitation, the use of instructional technology, distance learning, and access to advanced courses in science, mathematics, language arts, and social studies;

~~(E)(v)~~ Multischool, multidistrict, and regional planning to achieve the most effective and efficient instructional delivery system;

~~(F)(vi)~~ Reasonable travel time and practical means of addressing other demographic considerations; and

~~(G)(vii)~~ Regularly scheduled maintenance, repair, and renovation;

~~(3)(C)~~ How the new construction project supports the prudent and resourceful expenditure of state funds and improves the school district's ability to deliver an adequate and equitable education to public school students in the school district;

~~(4)(D)~~ How the new construction project has been prioritized by the school district; and

~~(5)(E)~~ The allocation and expenditure of funds ~~in accordance with~~ under this subchapter and the Arkansas Public School Academic Facilities Program Act, § 6-21-801 et seq.

(2)(A) The division shall include in the Arkansas Public School Academic Facility Manual and the commission shall provide in the Academic Facilities Partnership Program rules and provisions that allow for an alternate method of qualification for participation of an approved or approvable new construction project that meets the following criteria:

(i) The method shall be a collaborative effort between the division and the school district;

(ii)(a) The project shall be for new construction or conversion of space that is determined to be materially inadequate.

(b) If a determination of material inadequacy is made, the project shall qualify as an approved remedial project and the division shall place the project on the list of approved and funded projects; and

(iii) The state participation in a project under this subdivision (c)(2) is limited to the lesser of the cost of converting existing space or new construction and shall be based on the same factors and priority rankings as exist in current rule and procedure.

(B) The commission shall establish rules to require the division to visit the school district requesting the alternate method of qualification under this subdivision (c)(2) to determine the absence or inadequacy of current space as the determining factor for qualification of the remedial project for state funding participation.

(C) A school district may file an appeal under § 6-20-2513 of a determination by the division that a project does not qualify for approval under this subdivision (c)(2).

SECTION 4. Arkansas Code § 6-20-2507(g), concerning compliance dates for approved projects under the Academic Facilities Partnership Program, is amended to read as follows:

(g)(1) The Except as provided under subsection (h) of this section, the commission shall establish compliance dates for the:

- (A) Execution of the partnership agreement;
- (B) Start of the project design; and
- (C) Start and ending of construction.

(2) Projects not meeting the compliance dates may be cancelled by the commission, and the state's financial participation, in whole or in part, may be declared void after the school district has been provided:

- (A) A notice of the failure to meet compliance dates; and
- (B) An opportunity for a hearing before the commission.

(h)(1)(A) A school district shall be allowed to replace a system in stages if the system is part of the warm, safe, and dry requirements of the Academic Facilities Partnership Program rules and the following conditions are met:

(i) The replacement schedule applies to a replacement of an entire system;

(ii) The replacement schedule does not exceed three (3) years; and

(iii) The annual combined estimated state and district cost for the project is at least fifty thousand dollars (\$50,000).

(B) A school district shall not qualify for the replacement of a system in stages under this subsection if the school district is on the consolidation list under § 6-13-1602 or in its first year of having an average daily membership below three hundred fifty (350).

(2)(A) A public school district shall decide the sequence of construction of an approved project when the approved project involves a space requirement established by the Program of Requirements.

(B) The division shall not withhold funding or project approval for a project based:

(i) Solely on the sequence of construction decided by the school district; or

(ii) On the division's determination that certain required academic spaces shall be funded and constructed before other required academic spaces may be funded and constructed.

(C) The division may require that all missing or materially inadequate components included in a list of required academic spaces under the Program of Requirements be completed before the school district will qualify for state participation in the funding for a gymnasium or auditorium."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Jeffress
CLR/CLR - 03/15/11 04:23
CLR259

Secretary