

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 989 of the Regular Session

1 State of Arkansas *As Engrossed: H3/12/07 H3/14/07 S3/22/07 S3/26/07*

2 86th General Assembly

A Bill

3 Regular Session, 2007

HOUSE BILL 2269

4

5 By: Representative Cook

6 By: *Senator Broadway*

7

8

9

For An Act To Be Entitled

10 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ARKANSAS
11 PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM; AND
12 FOR OTHER PURPOSES.

13

14

Subtitle

15

TO MAKE VARIOUS AMENDMENTS TO THE
16 ARKANSAS PUBLIC SCHOOL ACADEMIC
17 FACILITIES PROGRAM.

18

19

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

21

22 SECTION 1. Arkansas Code § 6-20-1406 is repealed.

23 ~~6-20-1406. Standards for school construction.~~

24 ~~(a) The State Board of Education shall establish reasonable minimum~~
25 ~~standards for schoolhouse construction, and standards may be revised from~~
26 ~~time to time as educational problems and methods of procedure develop and~~
27 ~~change.~~

28 ~~(b) The standards shall include review and approval by all appropriate~~
29 ~~and applicable state agencies, boards, and local officials for, including,~~
30 ~~but not limited to, the following:~~

31 ~~(1) Plumbing Code, § 17-38-101 et seq., and Heating,~~
32 ~~Ventilation, Air Conditioning, and Refrigeration (HVACR) Code, § 17-33-101 et~~
33 ~~seq., compliance;~~

34 ~~(2) Fire Prevention Act, § 12-13-101 et seq., and Seismic Code,~~
35 ~~§ 12-80-101 et seq., compliance;~~



1 ~~(3) Arkansas Building Authority-adopted Americans with~~
2 ~~Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A,~~
3 ~~compliance; and~~

4 ~~(4) Arkansas Architectural Act, § 17-15-101 et seq.,~~
5 ~~Professional Engineers, § 17-30-101 et seq., and Public Works, § 22-9-101 et~~
6 ~~seq., compliance.~~

7 ~~(e) As used in this section and in § 6-20-1407, "schoolhouse" means~~
8 ~~any elementary or secondary school district facility that will be used for~~
9 ~~administrative, educational, or physical education purposes.~~

10 ~~(d) This section shall be repealed as of the effective date of the~~
11 ~~Public School Academic Facility Manual as adopted by the Commission for~~
12 ~~Public School Academic Facilities and Transportation.~~

13
14 SECTION 2. Arkansas Code § 6-20-1407 is amended to read as follows:
15 6-20-1407. Approval of building plans.

16 (a) No new schoolhouse shall be built except in accordance with the
17 plan finally approved by the Commission for Public School Academic Facilities
18 and Transportation for all projects where the commission requires its
19 approval.

20 (b) ~~When so required by the commission, a~~ A copy of approved plans and
21 specifications of all new schoolhouses or additions shall be filed with and
22 approved by the commission before construction shall be commenced.

23 (c) The approval process established by the commission shall include
24 review and approval by all appropriate and applicable state agencies, boards,
25 and local officials necessary to meet the standard contained in the Arkansas
26 Public School Academic Facility Manual;

27 ~~(e)(1)(d)(1)~~ A copy of final construction documents shall be submitted
28 to the Architectural Section of Arkansas Building Authority for review in
29 regard to compliance with the Arkansas-adopted Accessibility Guidelines
30 (ADAAG-Americans with Disabilities Act Accessibility Guidelines).

31 (2) All review comments received from the authority shall be in
32 writing.

33 (3) Corrected construction documents shall be received and
34 approved by the authority.

35 (4) No project shall be released for bidding or construction
36 until the requirements of ~~§ 6-20-1406~~ and this section are met.

1 ~~(d)~~(e) Review and approval of plans under this section or otherwise
2 shall not be a guarantee of state financial participation in any public
3 school academic facilities project.

4 (f)(1) As used in this subsection (f), a self-funded project is a
5 project that is one hundred percent (100%) raised and funded by the school
6 district.

7 (2) The project shall be approved upon compliance with state
8 codes and standards.

9 (3) A self-funded project may be submitted in the form of an
10 appendix to the existing district master plan at any time.

11
12 SECTION 3. Arkansas Code § 6-20-2503(a), concerning definitions of
13 terms for school district bonded indebtedness, is amended to read as follows:
14 6-20-2503. Bonded debt assistance.

15 (a) As used in this section:

16 (1) "Eligible school district" means a school district that
17 applied for bonded debt assistance under this section before July 1, 2005;

18 ~~(1)~~(2) "Foundation funding" means an amount of money specified
19 by the General Assembly for each school year to be expended by school
20 districts for the provision of an adequate education for each student as that
21 amount is established in § 6-20-2305;

22 ~~(2)~~(3) "Local revenue per student" means in each school year
23 ninety-eight percent (98%) of the amount of revenue available, whether or not
24 collected, in a school district solely from the levy of the uniform rate of
25 ~~tax plus seventy-five percent (75%) of the average miscellaneous funds~~
26 collected in the previous five (5) years divided by the average daily
27 membership of the school district;

28 ~~(3)~~(4) "Miscellaneous funds" means those funds received by a
29 local school district from federal forest reserves, federal grazing rights,
30 federal mineral rights, federal impact aid, federal flood control, wildlife
31 refuge funds, severance taxes, funds received by the district in lieu of
32 taxes, and local sales and use taxes dedicated to education pursuant to §§
33 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et
34 seq.; and

35 ~~(4)~~(5) "State wealth index" means the result of one (1) minus
36 the ratio of local revenue per student divided by the difference between

1 foundation funding and local revenue per student.

2

3 SECTION 4. Arkansas Code § 6-20-2503(b)(3)(A) is amended to read as
4 follows:

5 (3)(A) The Commission for Arkansas Public School Academic
6 Facilities and Transportation shall determine the amount of financial
7 assistance for each eligible school district as follows:

8 (i)(a) For the year that financial assistance under
9 this section will be provided, ascertain the scheduled debt payment on a
10 fiscal year basis from the principal and interest payment schedule in effect
11 and on file with the department on January 1, 2005, and reduce the amount of
12 the payment by ten percent (10%) except as provided in subdivision
13 (b)(3)(A)(i)(b) of this section.

14 (b)(1) If a school district can demonstrate to
15 the satisfaction of the commission that all or a portion of the ten percent
16 (10%) reduction in its scheduled debt payment under subdivision
17 (b)(3)(A)(i)(a) of this section can be attributed to the support of academic
18 facilities, the commission shall reverse all or a portion of the ten percent
19 (10%) reduction by a percentage proportionate to the amount attributable to
20 academic facilities.

21 (2) A school district that applied to
22 the commission during the 2006-2007 school year for a reversal of the ten
23 percent (10%) reduction but was denied the reversal by the commission due to
24 the failure of the school district to submit timely appeals shall be entitled
25 to receive bonded debt assistance for the relevant period of the program
26 beginning with the 2007-2008 school year in the amount approved by the
27 Academic Facilities Division;

28 (ii) For the year that financial assistance will be
29 provided, divide the scheduled debt payment as adjusted under subdivision
30 (b)(3)(A)(i) by the total assessed valuation of taxable real, personal, and
31 utility property in the school district as shown by the applicable county
32 assessment for the most recent year with the result multiplied by one
33 thousand (1,000);

34 (iii)(a) Multiply the calculation under subdivision
35 (b)(3)(A)(ii) of this section by a funding factor per average daily
36 membership that will distribute a total amount of state financial assistance

1 no less than the total amount of funds that would have been distributed
2 during fiscal year 2005 if every school district in the state had received an
3 amount of state financial assistance equal to an amount calculated by
4 applying the debt service funding supplement formula under the Supplemental
5 School District Funding Act of 2003, § 6-20-2401 et seq., during fiscal year
6 2005 with a funding factor of eighteen dollars three cents (\$18.03).

7 (b) The funding factor for each fiscal year
8 after Fiscal Year 2006 shall be equal to the funding factor derived for
9 Fiscal Year 2006 under subdivision (b)(3)(A)(iii)(a) of this section; and

10 (iv) Multiply the calculation under subdivision
11 (b)(3)(A)(iii) of this section by the state wealth index.

12
13 SECTION 5. Arkansas Code § 6-20-2503, concerning school district
14 bonded debt assistance, is amended to add an additional subsection to read as
15 follows:

16 (g)(1)(A) Within thirty (30) days after the satisfaction of a school
17 district's outstanding bonded indebtedness in existence as of January 1,
18 2005, the school district shall notify the department that the school
19 district's outstanding bonded indebtedness in existence as of January 1,
20 2005, has been satisfied, which shall include defeasance.

21 (B) If a school district has issued refunding bonds to
22 refund bonds in existence as of January 1, 2005, the school district shall
23 notify the department of the date that the school district's outstanding
24 bonded indebtedness in existence as of January 1, 2005, would have been
25 satisfied had the bonds not been refunded.

26 (2)(A) Within thirty (30) days after receiving notification
27 under subdivision (g)(1)(A) of this section, the department shall certify to
28 the commission that all school district outstanding bonded indebtedness in
29 existence as of January 1, 2005, has been satisfied.

30 (B) Upon acceptance by the commission of the department's
31 certification, state financial participation under this section shall expire.

32
33 SECTION 6. Arkansas Code § 6-20-2504, concerning the Academic
34 Facilities Immediate Repair Program, is amended to add an additional
35 subsection to read as follows:

36 (h)(1) Within thirty (30) days after the completion of all approved

1 immediate repair projects, the division shall certify to the commission that
2 all approved immediate repair projects have been completed and all approved
3 state financial participation under this section has been distributed.

4 (2) Upon acceptance by the commission of the division's
5 certification, the Academic Facilities Immediate Repair Program shall expire.

6 (3) An approved project that is not verified as being complete
7 by January 1, 2008, shall be declared canceled by the commission and program
8 funds shall be reallocated as the commission directs.

9

10 SECTION 7. Arkansas Code § 6-20-2505(b), concerning the time limit for
11 school districts to apply for support in the purchase of academic equipment,
12 is amended to read as follows:

13 (b) A school district may apply for state financial participation to
14 support the purchase of academic equipment if:

15 (1) The school district's application is received by the
16 division no later than July 1, 2005;

17 (2) The need for the academic equipment was in existence on
18 January 1, 2005; and

19 (3) The academic equipment supports an adequate education as
20 described in § 6-20-2302.

21

22 SECTION 8. Arkansas Code § 6-20-2506, concerning the Transitional
23 Academic Facilities Program, is amended to add an additional subsection to
24 read as follows:

25 (g)(1) Within thirty (30) days after the completion of all projects
26 approved under this section, the division shall certify to the commission
27 that all projects approved under this section have been completed and all
28 state financial participation approved under this section has been
29 distributed.

30 (2) Upon acceptance by the commission of the division's
31 certification, the Transitional Academic Facilities Program shall expire.

32 (3) An approved project that is not verified as being complete
33 by July 1, 2009, shall be declared canceled by the commission and program
34 funds shall be reallocated as the commission directs.

35

36 SECTION 9. Arkansas Code § 6-20-2507(b), concerning state financial

1 participation in new academic facility construction, is amended to read as
2 follows:

3 (b)(1) In order to apply for state financial participation in a new
4 construction project, a school district shall provide the division with a
5 ~~copy of the design plans~~ detailed narrative, description, and justification
6 for the project and evidence of:

7 ~~(1)(A)~~ Preparation for the new construction project as
8 demonstrated by inclusion of the new construction project in the school
9 district's facilities master plan;

10 ~~(2)(A)(B)(i)~~ The adoption of a resolution certifying to the
11 division the school district's dedication of local resources to meet the
12 school district's share of financial participation in the new construction
13 project.

14 ~~(B)(ii)~~ The resolution shall specify the approximate date
15 that the board of directors of the school district intends to seek elector
16 approval of any bond or tax measures or to apply other local resources to pay
17 the school district's share of financial participation in the new
18 construction project;

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

22 (ii) The minimum requirement set forth in subdivision
23 (b)(3)(A) of this section may be waived by the division upon a recommendation
24 being made by the Director of the Division of Public School Academic
25 Facilities and Transportation to the Commissioners for the Division of Public
26 School Academic Facilities and Transportation for the minimum to be waived
27 for cause and a majority of the commission votes to support the waiver;

28 ~~(4)(D)~~ The new construction project's conformance with sound
29 educational practices;

30 ~~(5)(E)~~ The new construction project's compliance with current
31 academic facilities standards, including, without limitation, appropriate
32 space utilization of ~~existing academic facilities~~ the applicable school in
33 the district as determined by the division;

34 ~~(6)(F)~~ The allocation of project costs between new construction
35 activities and maintenance, repair, and renovation activities if the new
36 construction project includes improvements that could be classified as

1 maintenance, repair, and renovation; and

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

6 (2)(A) The life-cycles requirement contained in the state
7 facility assessment of 2004 are advisory only and shall not be sufficient to
8 support the approval of those items in the list of approved projects or
9 individual items within a project.

10 (B) The division shall require independent proof of the
11 failure of the equipment or other item.

12

13 SECTION 10. Arkansas Code § 6-20-2507(d)(1), concerning state
14 financial participation in new academic facility construction, is amended to
15 read as follows:

16 (d)(1) State financial participation under the program is not
17 available until July 1, 2006. ~~The division shall give priority in state~~
18 ~~financial participation to school district proposals relating to academic~~
19 ~~facilities with the highest facilities condition index.~~

20

21 SECTION 11. Arkansas Code § 6-20-2507(f), concerning certification of
22 amounts of state financial participation in new academic facility
23 construction, is amended to read as follows:

24 (f)(1)(A) If a school district qualifies for state financial
25 participation under this section, the division shall certify the amount of
26 state financial participation to the Commission for Arkansas Public School
27 Academic Facilities and Transportation for oversight purposes.

28 (B) The amount of state financial participation under this
29 section is limited to the amount resulting from the application of the
30 academic facilities wealth index to the project cost promulgated by the
31 commission to calculate the cost necessary to bring the academic facility
32 into compliance with the Arkansas Public School Academic Facility Manual
33 under § 6-20-2509.

34 ~~(B)(2)(A)~~ The commission shall certify the amount to the
35 Department of Education for payment.

36 ~~(2)(B)~~ For tracking purposes, the school district shall

1 account for the funds received as state financial participation under this
2 section as restricted funds and shall account for the funds in accordance
3 with provisions of law, including, without limitation, the Arkansas
4 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et
5 seq., and rules established by the State Board of Education and the
6 commission.

7
8 SECTION 12. Arkansas Code § 6-20-2508(c), concerning the application
9 for the academic facilities catastrophic program, is amended to read as
10 follows:

11 (c) As part of its application for state financial participation in a
12 catastrophic project, the school district shall provide the division with
13 evidence of:

14 (1) The estimated cost of the project;

15 (2) The availability of insurance and any other public or
16 private emergency assistance to pay for the project; and

17 (3) How the catastrophic project supports the prudent and
18 resourceful expenditure of state funds and improves the school district's
19 ability to deliver an adequate and equitable education to public school
20 students in the district; and

21 (4) Proof of full replacement value insurance to include a
22 provision requiring code upgrades.

23
24 SECTION 13. Arkansas Code § 6-20-2508(e), concerning the academic
25 facilities catastrophic program, is amended to read as follows:

26 (e)(1)(A) If a school district qualifies for state financial
27 participation under this section, the division shall certify the amount of
28 state financial participation to the Commission for Arkansas Public School
29 Academic Facilities and Transportation ~~for oversight purposes.~~

30 (B) The amount of state financial participation under this
31 section shall not exceed the amount resulting from the application of the
32 academic facilities wealth index to the cost necessary to bring the academic
33 facility into compliance with the Arkansas Public School Academic Facility
34 Manual, less any withholding or reduction imposed by the commission under §
35 6-21-114(d) for a school district's failure to comply with the commission's
36 insurance requirements, including without limitation, the failure to carry

1 replacement cost coverage, if applicable, on all buildings and facilities.

2 ~~(B)(2)(A)~~ The commission shall certify the amount to the
3 Department of Education for payment.

4 ~~(2)(B)~~ For tracking purposes, the school district shall
5 account for the funds received as a state financial participation under this
6 section as restricted funds and shall account for the funds in accordance
7 with provisions of law, including, without limitation, the Arkansas
8 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et
9 seq., and rules established by the State Board of Education and the
10 commission.

11
12 SECTION 14. Arkansas Code § 6-20-2509(a)(1), concerning cost
13 guidelines for new construction of academic facilities, is amended to read as
14 follows:

15 6-20-2509. Project cost guidelines.

16 (a)(1) The Division of Public School Academic Facilities and
17 Transportation shall establish formulas that shall be updated annually by the
18 fourth quarter of the calendar year for determining the basic project cost
19 per ~~student~~ square foot for various types of new construction projects,
20 including, without limitation:

21 (A) New academic facilities;

22 (B) Additions to existing academic facilities; and

23 (C) Major improvements to academic facilities that bring
24 the state of condition or efficiency of the academic facility to a state of
25 condition or efficiency better than the facility's original condition of
26 completeness or efficiency.

27
28 SECTION 15. Arkansas Code Title 6, Chapter 20, Subchapter 25 is
29 amended to add an additional section to read as follows:

30 6-20-2515. Review conferences.

31 (a) After February 1, 2008, a district may request and be granted by
32 the division a review conference that shall be held within twenty (20)
33 working days after the date of request.

34 (b) The district may be advised through the review conference process
35 by an architectural and engineering firm if the school district pays the cost
36 of the advice from the architectural and engineering firm.

- 1 (c) The review conference shall consider the following:
2 (1) That the proposed project is academic;
3 (2) The application of the space calculation to the project
4 agreed upon by the district and the division;
5 (3) The wealth index of the district and the date at which the
6 wealth index will be applied to the partnership project if approved;
7 (4) The project cost promulgated by the commission under § 6-20-
8 2509, for the project and the date on which the project cost data will be
9 applied to the partnership project if approved; and
10 (5) A projected amount of state funding based on current
11 application of the wealth index and the project cost promulgated by the
12 commission under § 6-20-2509, to the planned project for planning purposes to
13 allow a projection of local funding share required.
14 (d) The division shall make a record of the findings of the review
15 conference.

16
17 SECTION 16. Arkansas Code § 6-21-112(f), concerning the
18 responsibilities of the Division of Public School Academic Facilities and
19 Transportation, is amended to read as follows:

- 20 (f) The division shall:
21 (1) Provide information or assistance to the Academic Facilities
22 Oversight Committee as requested;
23 (2) Use any recommendation or assessments of the oversight
24 committee or the General Assembly as a basis for establishing the policies
25 and procedures of the division;
26 (3) Develop and implement the Arkansas Public School Academic
27 Facilities Program Act as established in § 6-21-801 et seq.;
28 (4) Administer the various programs of state financial
29 participation in support of local academic facilities;
30 (5) Develop and implement an ongoing uniform process for
31 collecting, inventorying, and updating information on the state of condition
32 of all public school academic facilities in the state;
33 (6) Develop a facility cost index that provides a methodology
34 for comparing the cost of repairing the condition of a public school academic
35 facility to the cost of replacing the public school academic facility with a
36 facility containing the same amount of square footage;

- 1 (7) Conduct unannounced random on-site inspections of public
2 school academic facilities;
- 3 (8) ~~Develop~~ Enforce through planning minimum standards for
4 accessibility to public school academic facilities and programs for
5 individuals with disabilities;
- 6 (9) Develop guidelines for competitive bidding, competitive
7 negotiation, and other methods of procurement for public school academic
8 facilities projects;
- 9 (10) Develop incentive programs to reward school districts for
10 innovative, effective, and efficient use of local and state resources with
11 regard to public school academic facilities;
- 12 (11) Administer the school transportation program in the various
13 school districts of Arkansas, including, without limitation, the training of
14 *school bus drivers and inspection of school buses, as defined in § 6-19-110*
15 ~~or other vehicles used in transporting public school students;~~
- 16 (12) Keep records showing a description of each school district
17 in the state, a map showing the school districts with current and accurate
18 boundaries, the location of the academic facilities, and the electoral zones,
19 if any, into which each school district has been divided;
- 20 (13) Report by October 1 of each year to the Governor, the House
21 Committee on Education, the Senate Committee on Education, and the Academic
22 Facilities Oversight Committee on the state of condition of academic
23 facilities statewide using the following building and design systems:
- 24 (A)(i) Site land and all improvements to the site, such as
25 grading, drainage, drives, parking areas, walks, landscaping, and
26 playgrounds.
- 27 (ii) Site improvements shall not include permanent
28 or temporary buildings;
- 29 (B) Roofing;
- 30 (C) Exterior;
- 31 (D) Structure;
- 32 (E) Interior;
- 33 (F) Heating, ventilation, and air conditioning;
- 34 (G) Plumbing and water supply;
- 35 (H) Electrical;
- 36 (I) Technology;

1 (J) Fire and safety;
2 (K) Specialty items, including equipment and furnishings;
3 and

4 (L) Space utilization;
5 (14) Report by October 1 of each even-numbered year to the
6 Governor, the House Committee on Education, the Senate Committee on
7 Education, and the Academic Facilities Oversight Committee on the state
8 academic facilities master plan; and

9 (15) Maintain a public access website dedicated to public school
10 academic facilities; and

11 (16) Develop and implement a state-wide facilities needs
12 priority list that provides a methodology for:

13 (A) Prioritization of state school district facility
14 needs; and

15 (B) Comparing the school district advancement of improving
16 facility conditions with school district master plans.

17

18 SECTION 16. Arkansas Code § 6-21-806(a) and(b), concerning the
19 Academic Facilities Master Plan Program, are amended to read as follows:

20 (a) The Academic Facilities Master Plan Program shall require each
21 school district to:

22 (1) Develop a ten-year districtwide facilities master plan that
23 shall be approved by the school district's board of directors for submission
24 to and approval by the Division of Public School Academic Facilities and
25 Transportation;

26 (2) Base its facilities master plan on the provisions of the
27 Public School Academic Facility Manual as adopted by the Commission for
28 Public School Academic Facilities and Transportation and on priorities
29 indicated by statewide assessment, on priorities established by the division
30 statewide facility needs priority list, and other pertinent data specific to
31 the needs of the school district with regard to academic facilities and
32 equipment;

33 (3) Present a draft of the school district's facilities master
34 plan in a public hearing in the same locality as the school district and take
35 public comments;

36 (4) Submit evidence of the school district's insurance coverage

1 to the division by July 1, ~~2006~~ of each even numbered year, including
2 coverage amounts, types of coverage, identification of buildings covered,
3 policy renewal dates, and all riders;

4 (5) Submit the school district's facilities master plan with a
5 summary of comments made at public hearing to the division by February 1 of
6 each even-numbered year; and

7 (6) Submit a report to the division by February 1 of each odd-
8 numbered year that includes a description of all projects completed in the
9 school district since the submission of the school district's most recent
10 facilities master plan, the school district's current enrollment projections,
11 new or continuing needs of the school district with regard to academic
12 facilities and equipment, and an accounting of any changes in the school
13 district's insurance coverage from the most recent submission.

14 (b) A facilities master plan shall include, at a minimum, the
15 following:

16 (1) A schedule of custodial activities for each public school
17 facility used by a school district;

18 (2) A schedule of maintenance, repair, and renovation activities
19 for each public school facility used by a school district. The schedule shall
20 distinguish between work associated with academic facilities and work
21 associated with nonacademic public school facilities;

22 (3) Documentation that describes preventive maintenance work for
23 each public school facility and identifies the completion date of the work.
24 The documentation shall distinguish between preventive maintenance work
25 associated with academic facilities and preventive maintenance work
26 associated with nonacademic public school facilities;

27 (4)(A) Annual expenditures of the school district for all
28 custodial, maintenance, repair, and renovation activities in the school
29 district.

30 (B) The section of the facilities master plan pertaining
31 to the annual expenditures under subdivision (b)(4) of this section shall
32 distinguish between expenditures associated with academic facilities and
33 expenditures associated with nonacademic public school facilities;

34 (5) A projected replacement schedule for major building systems
35 in each ~~academic~~ public school facility;

36 ~~(6) The school district's plan for caring for and maintaining~~

1 ~~technology systems, instructional materials, and related academic equipment~~
2 ~~in each academic facility;~~

3 ~~(7) A projected replacement schedule for technology systems,~~
4 ~~instructional materials, and related academic equipment;~~

5 ~~(8)(6)~~ Identification of issues with regard to public school
6 facility and program access to individuals with disabilities and, if
7 necessary, proposed methods for improving access;

8 ~~(9)(A)(7)(A)~~ Identification of committed projects within the
9 school district that includes, as applicable, a breakdown of the portion of
10 each project into maintenance, repair, and renovation activities and new
11 construction activities.

12 (B) The portion of a committed project pertaining to
13 maintenance, repair, and renovation activities shall identify, as applicable,
14 maintenance, repair, and renovation activities associated with academic
15 facilities and maintenance, repair, and renovation activities associated with
16 nonacademic public school facilities;

17 ~~(10)(8)~~ Annual expenditures of the school district for capital
18 outlay;

19 ~~(11)(9)~~ A description of planned new construction projects with
20 cost estimates for each public school facility within the school district and
21 needs prioritized as follows:

22 (A) Immediate needs that the school district intends to
23 address within three (3) years following the submission of the facilities
24 master plan;

25 (B) Short-term needs that the school district intends to
26 address within the four (4) to six (6) years following the submission of the
27 facilities master plan; and

28 (C) Long-term needs that the school district intends to
29 address within the seven (7) to ten (10) years following the submission of
30 the facilities master plan;

31 ~~(12)(10)~~ Evidence of the school district's insurance coverage,
32 including coverage amounts, types of coverage, identification of public
33 school facilities covered, policy renewal dates, and all riders.

34
35 SECTION 17. Arkansas Code § 6-21-806, concerning the Academic
36 Facilities Master Plan Program *school district* plan requirements, is amended

1 to add an additional subsection to read as follows:

2 (e)(1) A school district may amend its facilities master plans at any
3 time during the ten-year cycle specified in § 6-21-803.

4 (2) An amendment may be submitted out of the regular even-year
5 cycle if the district:

6 (A) Has encountered:

7 (i) A major enrollment change;

8 (ii) A major curriculum change;

9 (iii) A major disaster; or

10 (iv) An unforeseen occurrence; or

11 (B)(i) Has begun or completed a self-funded construction
12 project over which the Division of Public School Academic Facilities and
13 Transportation has only review authority.

14 (ii) An amendment submitted under subdivision
15 (c)(2)(B)(i) of this section may be submitted in the form of an appendix to
16 the existing district master plan.

17
18 SECTION 18. Arkansas Code § 6-21-811(a), concerning the Academic
19 Facilities Distress Program, is amended to read as follows:

20 (a) The ~~Division of~~ Commission for Arkansas Public School Academic
21 Facilities and Transportation shall identify a public school or school
22 district as being in academic facilities distress if the ~~division determines~~
23 Division of Public School Academic Facilities and Transportation recommends
24 and the commission concurs that the public school or school district has
25 engaged in actions or inactions that result in any of the following:

26 (1) Any act or violation determined by the division to
27 jeopardize any academic facility used by a public school or school district,
28 including, but not limited to:

29 (A) Material failure to properly maintain academic
30 facilities in accordance with this subchapter and rules adopted by the
31 Commission for Public School Academic Facilities and Transportation;

32 (B) Material violation of local, state, or federal fire,
33 health, or safety code provisions or laws;

34 (C) Material violation of applicable building code
35 provisions or law;

36 (D) Material failure to provide timely and accurate

1 facilities master plans to the division;

2 (E) Material failure to comply with state law governing
3 purchasing or bid requirements in relation to academic facilities projects;

4 ~~or~~

5 (F) Material default on any school district debt
6 obligation; or

7 (G) Material failure to plan and progress satisfactorily
8 toward accomplishing the priorities established by the division and the
9 approved school district master plans; or

10 (2) Any other condition of an academic facility or facilities in
11 a public school or school district that is determined by the division to have
12 a detrimental impact on educational services provided by that public school
13 or school district.

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15 /s/ Cook

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17 APPROVED: 4/3/2007

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