

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 1475 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S3/30/09

A Bill

SENATE BILL 863

5 By: Senator Broadway  
6 By: Representatives Flowers, Cook  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO PROVIDE A PROCESS FOR ROUTINE  
11 INSPECTIONS AND REPORTING OF INSPECTIONS OF  
12 PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR OTHER  
13 PURPOSES.  
14

15 **Subtitle**

16 TO PROVIDE A PROCESS FOR ROUTINE  
17 INSPECTIONS AND REPORTING OF INSPECTIONS  
18 OF PUBLIC SCHOOL ACADEMIC FACILITIES.  
19  
20

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

23 SECTION 1. Arkansas Code § 6-21-112(f), concerning the duties of the  
24 Division of Public School Academic Facilities and Transportation, is amended  
25 to read as follows:

26 (f) The division shall:

27 (1) Provide information or assistance to the Academic Facilities  
28 Oversight Committee as requested;

29 (2) Use ~~any recommendation~~ recommendations or assessments of the  
30 oversight committee or the General Assembly as a basis for establishing the  
31 policies and procedures of the division;

32 (3) Develop and implement the Arkansas Public School Academic  
33 Facilities Program Act as established in § 6-21-801 et seq.;

34 (4) Administer the various programs of state financial  
35 participation in support of local academic facilities;



1 (5) Develop and implement an ongoing uniform process for  
2 collecting, inventorying, and updating information on the state of condition  
3 of all public school academic facilities in the state;

4 (6) Develop and implement an ongoing process for collecting  
5 records from state agencies of all lawfully required inspections of public  
6 school academic facilities conducted by state agencies and commissions;

7 ~~(6)~~(7) Develop a facility cost index that provides a methodology  
8 for comparing the cost of repairing the condition of a public school academic  
9 facility to the cost of replacing the public school academic facility with a  
10 facility containing the same amount of square footage;

11 ~~(7)~~(8) Conduct unannounced random on-site inspections of public  
12 school academic facilities;

13 ~~(8)~~(9) Enforce through planning minimum standards for  
14 accessibility to public school academic facilities and programs for  
15 individuals with disabilities;

16 ~~(9)~~(10) Develop guidelines for competitive bidding, competitive  
17 negotiation, and other methods of procurement for public school academic  
18 facilities projects;

19 ~~(10)~~(11) Develop incentive programs to reward school districts  
20 for innovative, effective, and efficient use of local and state resources  
21 with regard to public school academic facilities;

22 ~~(11)~~(12) Review applicable statutes, ~~rules, and regulations~~ and  
23 rules for conflicts with or omission of energy-related content;

24 ~~(12)~~(13) Administer the school transportation program in the  
25 various school districts of Arkansas, including without limitation;

26 (A) ~~the~~ The training of school bus drivers; and

27 (B) The inspection of school buses, as defined in § 6-19-  
28 110;

29 ~~(13)~~(14) Keep records showing a description of each school  
30 district in the state, a map showing the school districts with current and  
31 accurate boundaries, the location of the academic facilities, and the  
32 electoral zones, if any, into which each school district has been divided;

33 ~~(14)~~(15)(A) Report by October 1 of each year to the Governor,  
34 the House Committee on Education, the Senate Committee on Education, and the  
35 Academic Facilities Oversight Committee on the state of condition of academic  
36 facilities statewide using the following building and design systems:

1                   ~~(A)(i)(i)~~ Site land and all improvements to the  
 2 site, excluding permanent or temporary buildings, such as grading, drainage,  
 3 drives, parking areas, walks, landscaping, and playgrounds;

4                   ~~(ii)~~ ~~Site improvements shall not include~~  
 5 ~~permanent or temporary buildings;~~

6                   ~~(B)(ii)~~ Roofing;

7                   ~~(C)(iii)~~ Exterior;

8                   ~~(D)(iv)~~ Structure;

9                   ~~(E)(v)~~ Interior;

10                   ~~(F)(vi)~~ Heating, ventilation, and air  
 11 conditioning;

12                   ~~(G)(vii)~~ Plumbing and water supply;

13                   ~~(H)(viii)~~ Electrical;

14                   ~~(I)(ix)~~ Technology;

15                   ~~(J)(x)~~ Fire and safety;

16                   ~~(K)(xi)~~ Specialty items, including equipment  
 17 and furnishings; and

18                   ~~(L)(xii)~~ Space utilization; and

19                   (B) The report also shall include summary results of  
 20 lawfully required inspections of public school academic facilities by state  
 21 agencies and commissions;

22                   ~~(15)(16)~~ Report by October 1 of each even-numbered year to the  
 23 Governor, the House Committee on Education, the Senate Committee on  
 24 Education, and the Academic Facilities Oversight Committee on the state  
 25 academic facilities master plan;

26                   ~~(16)(17)~~ Maintain a public access website dedicated to public  
 27 school academic facilities; and

28                   ~~(17)(18)~~ Develop and implement a statewide facilities needs  
 29 priority list that provides a methodology for:

30                   (A) Prioritization of state school district facility  
 31 needs; and

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

34  
 35                   SECTION 2. Arkansas Code § 6-21-808(c)(2)(A), concerning the Public  
 36 School Facilities Custodial, Maintenance, Repair, and Renovation Manual, is

1 amended to read as follows:

2 (2) Standards for maintenance, repair, and renovation activities  
3 in public school facilities shall include the following:

4 (A) The required contents of a preventive maintenance  
5 plan, which shall include guidelines for:

6 (i) Scheduling preventive maintenance activities for  
7 public school facilities; ~~and~~

8 (ii) Preparing and retaining documentation that  
9 describes preventive maintenance work related to public school facilities and  
10 identifies the completion date of the work;

11 (iii) Scheduling lawfully required inspections of  
12 public school facilities conducted by state agencies and commissions; and

13 (iv) Scheduling the inspections specified by the  
14 Commission for Arkansas Public School Academic Facilities and Transportation  
15 relating to safe, dry, and healthy public school facilities;

16

17 SECTION 3. Arkansas Code § 6-21-813 is amended to read as follows:

18 6-21-813. Inspections.

19 (a) The Division of Public School Academic Facilities and  
20 Transportation shall conduct random unannounced on-site inspections of all  
21 academic facilities ~~that have been funded wholly or in part by moneys from~~  
22 ~~the state~~ to ensure compliance with the school district's facilities master  
23 plan and, if applicable, the school district's facilities improvement plan in  
24 order to preserve the integrity of and extend the useful life of public  
25 school academic facilities and equipment across the state.

26 (b) The division shall submit reports regarding its on-site  
27 inspections of academic facilities to the Commission for Arkansas Public  
28 School Academic Facilities and Transportation within thirty (30) days of  
29 completion of the on-site inspections.

30 (c) Based on the division's on-site inspection or notification by the  
31 division to the commission that the changes or additions to a school  
32 district's facilities master plan or facilities improvement plan required by  
33 the division have not been implemented within the time period prescribed by  
34 the division, the commission shall restrict the use of the necessary funds or  
35 otherwise allocate funds from moneys appropriated by the General Assembly.

36 (d) The division shall work with state agencies and commissions

1 requesting inspection assistance for those areas in which the state agency or  
2 commission has primary responsibility to conduct lawfully required  
3 inspections.

4 (e) The division shall work with school districts, state agencies, and  
5 state commissions to ensure that:

6 (1) All lawfully required inspections of academic facilities are  
7 performed, including without limitation scheduled, unscheduled, or emergency  
8 inspections of or concerning:

9 (A) Boilers;

10 (B) Electrical systems;

11 (C) Heating, ventilation, and air conditioning systems;

12 (D) Natural gas piping systems;

13 (E) Liquid propane gas systems;

14 (F) Plumbing systems, including without limitation reduced  
15 pressure zone valves;

16 (G) Indoor air quality systems;

17 (H) Fire prevention;

18 (I) Elevators;

19 (J) Occupational safety and health issues;

20 (K) Water wells;

21 (L) Asbestos; and

22 (2) The division receives the same report on the same date that  
23 a school district receives a report concerning a lawfully required scheduled  
24 or unscheduled inspection or reinspection of an academic facility.

25 (f) If an inspection or code violation is reported in the course of an  
26 inspection or reinspection conducted by a state agency or commission, the  
27 division shall work closely with the school district and the appropriate  
28 state agency or commission to ensure the violation is remedied within thirty  
29 (30) days of the date the inspection or code violation is reported, or as  
30 soon as reasonably possible thereafter.

31  
32 /s/ Broadway

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34 **APPROVED: 4/10/2009**