

1 State of Arkansas  
2 85th General Assembly  
3 First Extraordinary Session, 2006  
4

# A Bill

Call Item 13

HOUSE BILL 1037

5 By: Representatives Elliott, Cook, Mahony, Pickett  
6 By: Education Committee - Senate  
7  
8

## For An Act To Be Entitled

10 AN ACT TO BE KNOWN AS THE EDUCATIONAL ADEQUACY  
11 ACT OF 2006; TO ENSURE A GENERAL, SUITABLE AND  
12 EFFICIENT SYSTEM OF PUBLIC EDUCATION FOR STUDENTS  
13 BY ADDRESSING ISSUES RAISED BY THE ARKANSAS  
14 SUPREME COURT; TO AMEND THE MINIMUM TEACHER  
15 COMPENSATION SCHEDULE; TO INCREASE THE FOUNDATION  
16 FUNDING PROVIDED UNDER THE PUBLIC SCHOOL FUNDING  
17 ACT OF 2003; TO CLARIFY THAT THE NINE PERCENT  
18 (9%) OF FOUNDATION FUNDING DEDICATED TO PAYMENT  
19 OF UTILITIES AND COSTS OF MAINTENANCE, REPAIR,  
20 AND RENOVATION ACTIVITIES APPLIES TO ALL PUBLIC  
21 SCHOOL FACILITIES; TO LIMIT THE EMPLOYER  
22 CONTRIBUTION RATE FOR TEACHER RETIREMENT; AND FOR  
23 OTHER PURPOSES.  
24

## Subtitle

25 THE EDUCATIONAL ADEQUACY ACT OF 2006.  
26  
27  
28  
29  
30

31 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
32

33 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended  
34 to add an additional section to read as follows:

35 6-10-120. Adequate and equitable public education system.

36 (a) The General Assembly finds:



1           (1) It is the duty of the state of Arkansas to provide a  
2 general, suitable, and efficient system of free public schools to the  
3 children of the state, under Ark. Const. Art 14, § 1;

4           (2) The General Assembly is obligated to ensure the provision of  
5 an adequate and equitable system of education;

6           (3) The House Interim Committee on Education and Senate Interim  
7 Committee on Education conducted hearings in 2006 after the 2005 Arkansas  
8 Supreme Court decision in Lake View School District v. Huckabee, 01-836 (Ark.  
9 12-15-2005);

10           (4) The Eighty-Fifth General Assembly, in the First  
11 Extraordinary Session of 2006, implemented revisions to Arkansas law  
12 recommended by the House Interim Committee on Education and the Senate  
13 Interim Committee on Education based on the committees' findings following  
14 the 2006 hearings; and

15           (5) The acts passed upon the recommendation of the House Interim  
16 Committee on Education and the Senate Interim Committee on Education result  
17 in a system of public education that is adequate and equitable.

18           (b) The General Assembly further finds that the state's system of  
19 public education as revised in the First Extraordinary Session of 2006,  
20 including, but not limited to, educational standards and accountability,  
21 curriculum requirements, and the mechanism for funding public schools,  
22 provides an adequate and equitable education to the children of the state.

23  
24           SECTION 2. Arkansas Code § 6-17-2403(b) and (c), concerning the  
25 minimum teacher compensation schedule, is amended to read as follows:

26           (b)(1) In school ~~years~~ year 2004-2005 ~~and 2005-2006~~, each school  
27 district in the state shall have in place a salary schedule with at least the  
28 following minimum levels of compensation for a basic contract:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$27,500	\$31,625
1	27,950	32,125
2	28,400	32,625
3	28,850	33,125
4	29,300	33,625
5	29,750	34,125

1	6	30,200	34,625
2	7	30,650	35,125
3	8	31,100	35,625
4	9	31,550	36,125
5	10	32,000	36,625
6	11	32,450	37,125
7	12	32,900	37,625
8	13	33,350	38,125
9	14	33,800	38,625
10	15	34,250	39,125

11

12 (2) In school year 2005-2006, each school district in the state  
 13 shall have in place a salary schedule with at least the following minimum  
 14 levels of compensation for a basic contract:

15

16	<u>Years of Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
17	<u>0</u>	<u>\$28,408</u>	<u>\$32,669</u>
18	<u>1</u>	<u>28,858</u>	<u>33,169</u>
19	<u>2</u>	<u>29,308</u>	<u>33,669</u>
20	<u>3</u>	<u>29,758</u>	<u>34,169</u>
21	<u>4</u>	<u>30,208</u>	<u>34,669</u>
22	<u>5</u>	<u>30,658</u>	<u>35,169</u>
23	<u>6</u>	<u>31,108</u>	<u>35,669</u>
24	<u>7</u>	<u>31,558</u>	<u>36,169</u>
25	<u>8</u>	<u>32,008</u>	<u>36,669</u>
26	<u>9</u>	<u>32,458</u>	<u>37,169</u>
27	<u>10</u>	<u>32,908</u>	<u>37,669</u>
28	<u>11</u>	<u>33,358</u>	<u>38,169</u>
29	<u>12</u>	<u>33,808</u>	<u>38,669</u>
30	<u>13</u>	<u>34,258</u>	<u>39,169</u>
31	<u>14</u>	<u>34,708</u>	<u>39,669</u>
32	<u>15</u>	<u>35,158</u>	<u>40,169</u>

33

34 (c) In school year 2006-2007 and each school year thereafter, each  
 35 school district in the state shall have in place a salary schedule with at  
 36 least the following minimum levels of compensation for a basic contract:

1			
2	<del>Years of Experience</del>	<del>BA Degree Salary</del>	<del>MA Degree Salary</del>
3	<del>0</del>	<del>\$27,994</del>	<del>\$32,193</del>
4	<del>1</del>	<del>28,452</del>	<del>32,702</del>
5	<del>2</del>	<del>28,910</del>	<del>33,211</del>
6	<del>3</del>	<del>29,368</del>	<del>33,720</del>
7	<del>4</del>	<del>29,826</del>	<del>34,229</del>
8	<del>5</del>	<del>30,284</del>	<del>34,738</del>
9	<del>6</del>	<del>30,742</del>	<del>35,247</del>
10	<del>7</del>	<del>31,200</del>	<del>35,756</del>
11	<del>8</del>	<del>31,658</del>	<del>36,265</del>
12	<del>9</del>	<del>32,116</del>	<del>36,774</del>
13	<del>10</del>	<del>32,574</del>	<del>37,283</del>
14	<del>11</del>	<del>33,032</del>	<del>37,792</del>
15	<del>12</del>	<del>33,490</del>	<del>38,301</del>
16	<del>13</del>	<del>33,948</del>	<del>38,810</del>
17	<del>14</del>	<del>34,406</del>	<del>39,319</del>
18	<del>15</del>	<del>34,864</del>	<del>39,828</del>

19			
20	<u>Years of Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
21	<u>0</u>	<u>\$29,416</u>	<u>\$33,828</u>
22	<u>1</u>	<u>29,866</u>	<u>34,328</u>
23	<u>2</u>	<u>30,316</u>	<u>34,828</u>
24	<u>3</u>	<u>30,766</u>	<u>35,328</u>
25	<u>4</u>	<u>31,216</u>	<u>35,828</u>
26	<u>5</u>	<u>31,666</u>	<u>36,328</u>
27	<u>6</u>	<u>32,116</u>	<u>36,828</u>
28	<u>7</u>	<u>32,566</u>	<u>37,328</u>
29	<u>8</u>	<u>33,016</u>	<u>37,828</u>
30	<u>9</u>	<u>33,466</u>	<u>38,328</u>
31	<u>10</u>	<u>33,916</u>	<u>38,828</u>
32	<u>11</u>	<u>34,366</u>	<u>39,328</u>
33	<u>12</u>	<u>34,816</u>	<u>39,828</u>
34	<u>13</u>	<u>35,266</u>	<u>40,328</u>
35	<u>14</u>	<u>35,716</u>	<u>40,828</u>
36	<u>15</u>	<u>36,166</u>	<u>41,328</u>

1  
 2 SECTION 3. Arkansas Code § 6-20-2305(a), concerning foundation funding  
 3 for a public school district, is amended to read as follows:

4 (a)(1)(A) For each school year, a each school district  
 5 shall receive state foundation funding aid computed as the difference between  
 6 the foundation funding amount pursuant to subdivision (a)(2) of this section  
 7 and the sum of ninety-eight percent (98%) of the uniform rate of tax  
 8 multiplied by the property assessment of the school district plus seventy-  
 9 five percent (75%) of miscellaneous funds of the school district.

10 (B) The school districts referenced under subdivision  
 11 (a)(1)(A) include, without limitation, Alma School District, Alpena School  
 12 District, Altheimer Unified School District, Arkansas School For The Blind,  
 13 Arkansas School For The Deaf, Arkadelphia School District, Armorel School  
 14 District, Ashdown School District, Atkins School District, Augusta School  
 15 District, Bald Knob School District, Barton-Lexa School District, Batesville  
 16 School District, Bauxite School District, Bay School District, Bearden School  
 17 District, Beebe School District, Benton School District, Bentonville School  
 18 District, Bergman School District, Berryville School District, Bismarck  
 19 School District, Black Rock School District, Blevins School District,  
 20 Blytheville School District, Booneville School District, Bradford School  
 21 District, Bradley School District, Brinkley School District, Brookland School  
 22 District, Bryant School District, Buffalo Island Central School District,  
 23 Cabot School District, Caddo Hills School District, Calico Rock School  
 24 District, Camden-Fairview School District, Carlisle School District, Cave  
 25 City School District, Cedar Ridge School District, Cedarville School  
 26 District, Centerpoint School District, Charleston School District, Clarendon  
 27 School District, Clarksville School District, Cleveland County School  
 28 District, Clinton School District, Concord School District, Conway School  
 29 District, Corning School District, Cotter School District, County Line School  
 30 District, Cross County School District, Crossett School District, Cushman  
 31 School District, Cutter-Morning Star School District, Danville School  
 32 District, Dardanelle School District, Decatur School District, Deer/Mt. Judea  
 33 School District, Delight School District, DeQueen School District, Dermott  
 34 School District, Des Arc School District, Devalls Bluff School District,  
 35 Dewitt School District, Dierks School District, Dollarway School District,  
 36 Dover School District, Drew Central School District, Dumas School District,

1 Earle School District, East End School District, East Poinsett County School  
2 District, El Dorado School District, Elaine School District, Elkins School  
3 District, Emerson-Taylor School District, England School District, Eudora  
4 School District, Eureka Springs School District, Farmington School District,  
5 Fayetteville School District, Flippin School District, Fordyce School  
6 District, Foreman School District, Forrest City School District, Fort Smith  
7 School District, Fouke School District, Fountain Lake School District, Genoa  
8 Central School District, Gentry School District, Glen Rose School District,  
9 Gosnell School District, Gravette School District, Green Forest School  
10 District, Greenbrier School District, Greene County Tech School District,  
11 Greenland School District, Greenwood School District, Gurdon School District,  
12 Guy-Perkins School District, Hackett School District, Hamburg School  
13 District, Hampton School District, Harmony Grove School District, Harrisburg  
14 School District, Harrison School District, Hartford School District, Hazen  
15 School District, Heber Springs School District, Hector School District,  
16 Helena/West Helena School District, Hermitage School District, Highland  
17 School District, Hillcrest School District, Hope School District, Horatio  
18 School District, Hot Springs School District, Hoxie School District, Hughes  
19 School District, Huntsville School District, Izard County Consolidated School  
20 District, Jackson County School District, Jasper School District, Jessieville  
21 School District, Jonesboro School District, Junction City School District,  
22 Kirby School District, Lafayette County School District, Lake Hamilton School  
23 District, Lakeside School District, Lamar School District, Lavaca School  
24 District, Lead Hill School District, Lee County School District, Lincoln  
25 School District, Little Rock School District, Lockesburg School District,  
26 Lonoke School District, Magazine School District, Magnet Cove School  
27 District, Magnolia School District, Malvern School District, Mammoth Spring  
28 School District, Manila School District, Mansfield School District, Marion  
29 School District, Marked Tree School District, Marmaduke School District,  
30 Marvell School District, Mayflower School District, Maynard School District,  
31 McCrary School District, McGehee School District, Melbourne School District,  
32 Mena School District, Midland School District, Mineral Springs School  
33 District, Monticello School District, Mount Ida School District, Mountain  
34 Home School District, Mountain Pine School District, Mountain View School  
35 District, Mountainburg School District, Mt. Vernon/Enola School District,  
36 Mulberry School District, Murfreesboro School District, North Little Rock

1 School District, Nashville School District, Nemo Vista School District,  
 2 Nettleton School District, Nevada School District, Newport School District,  
 3 Norfolk School District, Norphlet School District, Omaha School District,  
 4 Osceola School District, Ouachita River School District, Ouachita School  
 5 District, Ozark Mountain School District, Ozark School District, Palestine-  
 6 Wheatley School District, Pangburn School District, Paragould School  
 7 District, Paris School District, Parkers Chapel School District, Pea Ridge  
 8 School District, Perryville School District, Piggott School District, Pine  
 9 Bluff School District, Pocahontas School District, Pottsville School  
 10 District, Poyen School District, Prairie Grove School District, Prescott  
 11 School District, Pulaski County Special School District, Quitman School  
 12 District, Rector School District, Riverside School District, Riverview School  
 13 District, Rogers School District, Rose Bud School District, Russellville  
 14 School District, Salem School District, Scranton School District, Searcy  
 15 County School District, Searcy School District, Sheridan School District,  
 16 Shirley School District, Siloam Springs School District, Sloan-Hendrix School  
 17 District, Smackover School District, South Conway County School District,  
 18 South Mississippi County School District, South Side School District,  
 19 Southside School District, Spring Hill School District, Springdale School  
 20 District, Star City School District, Stephens School District, Strong-Huttig  
 21 School District, Stuttgart School District, Texarkana School District,  
 22 Trumann School District, Turrell School District, Twin Rivers School  
 23 District, Two Rivers School District, Valley Springs School District, Valley  
 24 View School District, Van Buren School District, Van Cove School District,  
 25 Vilonia School District, Viola School District, Waldo School District,  
 26 Waldron School District, Walnut Ridge School District, Warren School  
 27 District, Watson Chapel School District, Weiner School District, West Fork  
 28 School District, West Memphis School District, West Side School District,  
 29 Western Yell County School District, Westside Consolidated School District,  
 30 Westside School District, White County Central School District, White Hall  
 31 School District, Wickes School District, Wonderview School District, Woodlawn  
 32 School District, Wynne School District, Yellville-Summit School District, and  
 33 any other school district that may qualify to receive foundation funding  
 34 under this subdivision (a)(1).

35 (2)(A) For the 2005-2006 school year, the foundation funding  
 36 amount is equal to ~~five thousand four hundred dollars (\$5,400)~~ five thousand

1 four hundred eighty-six dollars (\$5,486) multiplied by the district's average  
 2 daily membership ~~of~~ for the previous school year.

3 (B) For the 2006-2007 school year, the foundation funding  
 4 amount is equal to ~~five thousand four hundred ninety-seven dollars (\$5,497)~~  
 5 five thousand six hundred twenty dollars (\$5,620) multiplied by the  
 6 district's average daily membership ~~of~~ for the previous school year.

7 (C) For the 2005-2006 school year and the 2006-2007 school  
 8 years, the foundation funding amount provided under subdivisions (a)(2)(A)  
 9 and (B) of this section shall be increased by forty-two dollars (\$42.00)  
 10 multiplied by the district's average daily membership for the previous school  
 11 year to pay for increased school district costs resulting from the 2005-2006  
 12 and 2006-2007 increases in the employer's rate of contribution to the  
 13 Arkansas Teacher Retirement System from thirteen percent (13%) to fourteen  
 14 percent (14%).

15  
 16 SECTION 4. Arkansas Code § 6-21-803 is amended to read as follows:

17 6-21-803. Definitions.

18 As used in this subchapter:

19 (1)(A) "Academic facility" means a building or space, including  
 20 related areas such as the physical plant and grounds, where public school  
 21 students receive instruction that is an integral part of an adequate  
 22 education as described in § 6-20-2302.

23 (B) A public school building or space, including related  
 24 areas such as the physical plant and grounds, used for an extracurricular  
 25 activity or an organized physical activity course as defined in § 6-16-137  
 26 shall not be considered an academic facility for the purposes of this  
 27 subchapter to the extent that the building, space, or related area is used  
 28 for extracurricular activities or organized physical activities courses,  
 29 except for physical educational training and instruction under § 6-16-132.

30 (C) Buildings or spaces, including related areas such as  
 31 the physical plant and grounds, used for prekindergarten education shall not  
 32 be considered academic facilities for purposes of this subchapter.

33 (D) District administration buildings and spaces,  
 34 including related areas such as the physical plant and grounds, shall not be  
 35 considered academic facilities for the purposes of this subchapter;

36 (2) "Annexation" means the joining of an affected school



1 district or part of the school district with a receiving district under § 6-  
 2 13-1401 et seq.;

3 (3) "Consolidation" means the joining of two (2) or more school  
 4 districts or parts of the districts to create a new single school district  
 5 under § 6-13-1401 et seq.;

6 (4) "Custodial activities" means routine and renovation cleaning  
 7 activities related to the daily operations and upkeep of ~~academic facilities~~  
 8 a public school facility, including related supervisory and management  
 9 activities;

10 (5) "Facilities distress status" means a public school district  
 11 determined by the Division of Public School Academic Facilities and  
 12 Transportation as being in academic facilities distress status under this  
 13 subchapter;

14 (6) "Facilities improvement plan" means a remedial plan  
 15 developed by a school district for a public school or school district  
 16 identified as being in academic facilities distress that supplements the  
 17 school district's facilities master plan by:

18 (A) Identifying specific interventions and actions the  
 19 public school or school district will undertake in order to correct deficient  
 20 areas of practice with regard to custodial, maintenance, repair, and  
 21 renovation activities with regard to academic facilities in the school  
 22 district; and

23 (B) Describing how the school district will remedy those  
 24 areas in which the school district is experiencing facilities distress,  
 25 including the designation of the time period by which the school district  
 26 will correct all deficiencies that placed the school district in facilities  
 27 distress status;

28 (7) "Facilities master plan" means a ten-year plan developed by  
 29 a school district that contains:

30 (A) ~~current~~ Current enrollment projections;

31 (B) ~~The and details the~~ school district's strategy for  
 32 maintaining, repairing, renovating, and improving through new construction or  
 33 otherwise the school district's academic facilities and equipment; and

34 (C) Other information as required by law;

35 (8) "Foundation funding" shall have the same meaning as in § 6-  
 36 20-2303;

1 (9) "Local resources" means any moneys lawfully generated by a  
2 school district for the purpose of funding the school district's share of  
3 financial participation in any academic facilities project for which a school  
4 district is eligible to receive state financial participation under  
5 priorities established by the division;

6 (10) "Maintenance, repair, and renovation" means any activity or  
7 improvement to ~~an academic~~ a public school facility ~~and, if necessary,~~  
8 ~~related areas, such as the physical plant and grounds,~~ that:

9 (A) Maintains, conserves, or protects the state of  
10 condition or efficiency of the ~~academic~~ public school facility; or

11 (B) Brings the state of condition or efficiency of the  
12 ~~academic~~ public school facility up to the facility's original condition of  
13 completeness or efficiency;

14 (11)(A) "New construction" means any improvement to an academic  
15 facility and, if necessary, related areas such as the physical plant and  
16 grounds that brings the state of condition or efficiency of the academic  
17 facility to a state of condition or efficiency better than the academic  
18 facility's original condition of completeness or efficiency.

19 (B) "New construction" includes ~~additions to existing~~  
20 ~~academic facilities and new academic facilities~~ a new addition to an existing  
21 academic facility and construction of a new academic facility;

22 (12) "Project" means an undertaking in which a school district  
23 engages in:

24 (A) Maintenance, repair, and renovation activities with  
25 regard to an academic facility;

26 (B) New construction of an academic facility; or

27 (C) Any combination of maintenance, repair, and renovation  
28 activities with regard to an academic facility and new construction  
29 activities with regard to an academic facility;

30 (13) "Public school facility" means any public school building  
31 or space, including related areas such as the physical plant and grounds,  
32 that is used for any purpose, including, without limitation:

33 (A) An extracurricular activity;

34 (B) An organized physical activity course as defined in §  
35 6-16-137;

36 (C) Prekindergarten education;

1                    (D) District administration; or  
2                    (E) Delivery of instruction to public school students that  
3 is an integral part of an adequate education as described in § 6-20-2302;

4                    ~~(13)~~(14) "Reconstitution" means the reorganization of the  
5 administrative unit or the governing school board of a school district,  
6 including, but not limited to, the replacement or removal of a current  
7 superintendent or the removal or replacement of a current school board, or  
8 both;

9                    ~~(14)~~(15) "School district" means a geographic area with an  
10 elected board of directors that qualifies as a taxing unit for purposes of ad  
11 valorem property taxes under title 26 of the Arkansas Code and which board  
12 conducts the daily affairs of public schools under the supervisory authority  
13 vested in it by the General Assembly and title 6 of the Arkansas Code; and

14                    ~~(15)~~(16) "Space utilization" means the number of gross square  
15 feet per student in ~~a public school~~ an academic facility adjusted for  
16 academic program, school enrollment, grade configuration, and type of public  
17 school in accordance with rules promulgated by the Commission for Arkansas  
18 Public School Academic Facilities and Transportation.

19  
20                    SECTION 5. Arkansas Code § 6-21-804(a) is amended to read as follows:

21                    (a) The Division of Public School Academic Facilities and  
22 Transportation shall develop a comprehensive Arkansas Public School Academic  
23 Facilities Program that includes the following components:

24                    (1) An Academic Facilities Master Plan Program that establishes  
25 a process by which:

26                    (A) Each school district develops and submits a facilities  
27 master plan for review and approval by the division; and

28                    (B) The division develops a comprehensive state master  
29 plan for managing state financial participation in local academic facilities  
30 projects across the state;

31                    (2) ~~An Academic Facilities~~ A Public School Facilities Custodial,  
32 Maintenance, Repair, and Renovation Manual that contains uniform standards to  
33 direct custodial, maintenance, repair, and renovation activities in public  
34 school ~~academic~~ facilities;

35                    (3) A Public School Academic ~~Facility~~ Facilities Manual that  
36 contains uniform standards to guide the planning, design, and construction of

1 new ~~public school~~ academic facilities and additions to existing ~~public school~~  
 2 academic facilities;

3 (4) A Public School Academic Equipment Manual that contains  
 4 uniform standards for technology systems, instructional materials, and  
 5 related academic equipment determined to be necessary for a public school to  
 6 provide an adequate education as ~~defined~~ described in § 6-20-2302; and

7 (5) An Academic Facilities Distress Program to assist school  
 8 districts that are unable to conserve and protect their academic facilities  
 9 in accordance with this subchapter and rules adopted by the Commission for  
 10 Arkansas Public School Academic Facilities and Transportation.

11  
 12 SECTION 6. Arkansas Code § 6-21-806(b) is amended to read as follows:

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

15 ~~(1) A current inventory of all academic facilities, technology~~  
 16 ~~systems, instructional materials, and related academic equipment in the~~  
 17 ~~school district;~~

18 ~~(2)~~(1) A schedule of custodial activities for each ~~academic~~  
 19 public school facility used by a school district;

20 ~~(3)~~(2) A schedule of maintenance, repair, and renovation  
 21 activities for each ~~academic~~ public school facility used by a school  
 22 district. The schedule shall distinguish between work associated with  
 23 academic facilities and work associated with nonacademic public school  
 24 facilities;

25 ~~(4)~~(3) Documentation that describes preventive maintenance work  
 26 for each ~~academic~~ public school facility and identifies the completion date  
 27 of the work. The documentation shall distinguish between preventive  
 28 maintenance work associated with academic facilities and preventive  
 29 maintenance work associated with nonacademic public school facilities;

30 ~~(5)~~(4) Annual expenditures of the school district for all  
 31 custodial, maintenance, repair, and renovation activities in the school  
 32 district. The section of the facilities master plan pertaining to annual  
 33 expenditures under this subdivision (b)(5) shall distinguish between  
 34 expenditures associated with academic facilities and expenditures associated  
 35 with nonacademic public school facilities;

36 ~~(6)~~(5) A projected replacement schedule for major building

1 systems in each academic facility;

2 ~~(7)~~(6) The school district’s plan for caring for and maintaining  
 3 technology systems, instructional materials, and related academic equipment  
 4 in each academic facility;

5 ~~(8)~~(7) A projected replacement schedule for technology systems,  
 6 instructional materials, and related academic equipment;

7 ~~(9)~~(8) Identification of issues with regard to public school  
 8 facility and program access to individuals with disabilities and, if  
 9 necessary, proposed methods for improving access;

10 ~~(10)~~(9) Identification of committed projects within the school  
 11 district that includes, as applicable, a breakdown of the portion of each  
 12 project into maintenance, repair, and renovation activities and new  
 13 construction activities. The portion of a committed project pertaining to  
 14 maintenance, repair, and renovation activities shall identify, as applicable,  
 15 maintenance, repair, and renovation activities associated with academic  
 16 facilities and maintenance, repair, and renovation activities associated with  
 17 nonacademic public school facilities;

18 ~~(11)~~(10) Annual expenditures of the school district for capital  
 19 outlay;

20 ~~(12)~~(11) A description of planned new construction projects with  
 21 cost estimates for each ~~academic~~ public school facility within the school  
 22 district and needs prioritized as follows:

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

26 ~~(ii) A school district shall separate the immediate~~  
 27 ~~needs described in the master plan submitted by February 1, 2006, into two~~  
 28 ~~(2) categories as follows:~~

29 ~~(a) Immediate needs that the school district~~  
 30 ~~intends to address during the period from July 1, 2006, through June 30,~~  
 31 ~~2007; and~~

32 ~~(b) Immediate needs that the school district~~  
 33 ~~intends to address during the 2007-2009 biennium;~~

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

1 (C) Long-term needs that the school district intends to  
2 address within the seven (7) to ten (10) years following the submission of  
3 the facilities master plan; and

4 ~~(13)~~(12) Evidence of the school district’s insurance coverage,  
5 including coverage amounts, types of coverage, identification of ~~buildings~~  
6 public school facilities covered, policy renewal dates, and all riders.

7  
8 SECTION 7. Arkansas Code § 6-21-808 is amended to read as follows:

9 6-21-808. ~~Arkansas Facilities~~ Public School Facilities Custodial,  
10 Maintenance, Repair, and Renovation Manual.

11 (a) The purposes of the ~~Arkansas Facilities~~ Public School Facilities  
12 Custodial, Maintenance, Repair, and Renovation Manual and this section are  
13 to:

14 (1) Provide for the long-term conservation and protection of  
15 public school ~~academic~~ facilities;

16 (2) Eliminate the deterioration of existing and future public  
17 school ~~academic~~ facilities;

18 (3) Provide a safe and healthy environment for students,  
19 teachers, administrators, and staff of the public schools; and

20 (4) Provide for the efficient use of state and local funds in  
21 support of academic facilities in each of the school districts in Arkansas.

22 (b)(1) The manual shall contain standards for custodial operations  
23 related to ~~academic~~ public school facilities.

24 (2) Standards for custodial operations in ~~academic~~ public school  
25 facilities shall include the following:

26 (A) The required contents of a custodial care plan;

27 (B) A suggested schedule for routine care and renovation  
28 cleaning;

29 (C) Levels of personnel necessary to perform custodial  
30 operations;

31 (D) Training criteria for the use and storage of supplies  
32 and equipment, with emphasis given to chemical right-to-know, indoor air  
33 quality, and other applicable standards;

34 (E) Supplies and equipment necessary to perform custodial  
35 operations, including space standards for the proper storage of supplies and  
36 equipment;

1 (F) In-service training opportunities for custodial  
2 personnel;

3 (G) Designation of routine duties; and

4 (H) Designation of renovation cleaning duties.

5 (c)(1) The manual shall contain standards for maintenance, repair, and  
6 renovation activities related to ~~academic~~ public school facilities.

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

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

11 (i) Scheduling preventive maintenance activities for  
12 ~~academic~~ public school facilities; and

13 (ii) Preparing and retaining documentation that  
14 describes preventive maintenance work related to ~~academic~~ public school  
15 facilities and identifies the completion date of the work;

16 (B) Development and implementation of a work-request  
17 system to allow others to inform a public school's maintenance department of  
18 needs and to allow the responsible person to prioritize responses;

19 (C) Levels of personnel necessary to perform maintenance  
20 operations;

21 (D) Training criteria for maintenance personnel with  
22 regard to:

23 (i) School policies;

24 (ii) Safety procedures;

25 (iii) Use of specialized equipment;

26 (iv) Compliance with federal, state, county, and  
27 municipal laws and regulations impacting ~~academic~~ public school facilities  
28 and equipment; and

29 (v) Other applicable areas;

30 (E) In-service training opportunities for maintenance  
31 personnel;

32 (F) Inspection, cleaning, servicing, and repair of  
33 heating, ventilation, and air-conditioning systems;

34 (G) Inspection and repair of:

35 (i) Electrical systems;

36 (ii) Hot water boilers and heaters;

- 1 (iii) Fire alarms;
- 2 (iv) Fire extinguishers and kitchen hood vent
- 3 suppression systems;
- 4 (v) Emergency lighting and exit light fixtures;
- 5 (vi) Elevators and wheelchair lifts;
- 6 (vii) Plumbing;
- 7 (viii) Roofs;
- 8 (ix) Stairwell areas;
- 9 (x) Interior and exterior lighting;
- 10 (xi) Doors and windows;
- 11 (xii) Floor coverings;
- 12 (xiii) Masonry and concrete building exteriors;
- 13 (xiv) Interior and exterior finishes;
- 14 (xv) Kitchen equipment;
- 15 (xvi) Sidewalks, driveways, parking areas, and paved
- 16 play areas; and
- 17 (xvii) Parking lots, handicap parking spaces,
- 18 driveways, fire and emergency vehicle zones, and bus and car loading and
- 19 unloading areas;
- 20 (H) Inspection and repair and servicing of fire sprinkler
- 21 systems;
- 22 (I) Maintenance of a pest control program;
- 23 (J) Inspection of playground equipment; and
- 24 (K) Grounds maintenance.

25 (d)(1)(A) ~~Beginning with the 2005-2006 school year, each~~ Each school  
 26 district shall dedicate nine percent (9%) of its foundation funding  
 27 exclusively to payment of utilities and costs of custodial, maintenance,  
 28 repair, and renovation activities ~~and related personnel costs, which include~~  
 29 related personnel costs, for public school facilities.

30 (B)(i) If any amount of the dedicated nine percent (9%) is  
 31 unspent at the end of the school district's fiscal year, the funds shall  
 32 carry over, and the school district shall transfer the remaining amount into  
 33 ~~an academic~~ a public school facilities escrow account ~~to be released only~~  
 34 ~~upon approval by the division for use in conjunction with a local academic~~  
 35 ~~facilities project.~~

36 (ii) A school district may use funds from its public



1 school facilities escrow account in any fiscal year for payment of utilities  
2 and costs of custodial, maintenance, repair, and renovation activities, which  
3 include related personnel costs, for public school facilities.

4 (iii) If a school district wants to use funds from  
5 its public school facilities escrow account for new construction, the school  
6 district shall apply to the Division of Public School Academic Facilities and  
7 Transportation for its approval. If the division authorizes the release of  
8 funds from the school district’s public school facilities escrow account and  
9 approves the new construction, the school district may use the funds as  
10 authorized by the division.

11 (2)(A) A school district is not required to use funds in its  
12 ~~academic~~ public school facilities escrow account for new construction  
13 ~~projects.~~

14 (B)(i) New construction ~~projects~~ shall be funded by local  
15 resources, which may include funds in the school district’s ~~academic~~ public  
16 school facilities escrow account if approved by the division.

17 (ii) In addition, new construction ~~projects~~ may be  
18 eligible for state financial participation.

19  
20 SECTION 8. Arkansas Code § 24-2-701(c)(1), concerning employer  
21 contribution rates for the Arkansas Teacher Retirement System, is amended to  
22 read as follows:

23 (1)(A) For the Arkansas Teacher Retirement System, for the  
24 fiscal years ending June 30, 2006, and June 30, 2007, the Board of Trustees  
25 of the Arkansas Teacher Retirement System shall establish employer  
26 contribution rates prospectively each year.

27 (B) The employer contribution rates shall be based on the  
28 actuary’s determination of the rate required to fund the plan in accordance  
29 with the objectives set forth in subsection (a) of this section.

30 (C) The employer contribution rates shall be the rates  
31 determined by the Board of Trustees of the Arkansas Teacher Retirement System  
32 based on the annual actuarial valuation.

33 (D) For the fiscal ~~year~~ years ending June 30, 2006, and  
34 June 20, 2007, the employer contribution rate shall not exceed fourteen  
35 percent (14%).

36 ~~(E) For the fiscal year ending June 30, 2007, the employer~~

1 ~~contribution rate shall not be increased by more than one percent (1%) above~~  
 2 ~~the rate in effect on June 30, 2006.~~

3  
 4 SECTION 9. Arkansas Code § 24-7-401(c), concerning employer  
 5 contribution rates for the Arkansas Teacher Retirement System, is amended to  
 6 read as follows:

7 (c)(1) For the fiscal years ending June 30, 2006, and June 30, 2007,  
 8 the Board of Trustees of the Arkansas Teacher Retirement System shall  
 9 establish employer contribution rates for the system prospectively each year.

10 (2) The employer contribution rates shall be based on the  
 11 actuary's determination of the rate required to fund the plan in accordance  
 12 with the objectives stated in subsection (a) of this section.

13 (3) The employer contribution rates shall be the rates  
 14 determined by the board based on the annual actuarial valuation.

15 (4) For the fiscal ~~year~~ years ending June 30, 2006, and June 30,  
 16 2007, the employer contribution rate shall not exceed fourteen percent (14%).

17 ~~(5) For the fiscal year ending June 30, 2007, the employer~~  
 18 ~~contribution rate shall not be increased by more than one percent (1%) above~~  
 19 ~~the rate in effect on June 30, 2006.~~

20  
 21 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the  
 22 General Assembly of the State of Arkansas that the Arkansas Supreme Court  
 23 declared the public school funding system to be inadequate and that public  
 24 schools are operating under a constitutional infirmity which must be  
 25 corrected immediately; that to correct the constitutional infirmity and to  
 26 ensure adequate funding for public education, the General Assembly must  
 27 revise the public school funding formula, revise laws regarding public school  
 28 facilities, provide funding for retirement increases and limit additional  
 29 increases; and enact other necessary reform measures; and that this act is  
 30 necessary to ensure that reform measures are available to public schools for  
 31 the 2005-2006 and 2006-2007 school years. Therefore, an emergency is  
 32 declared to exist and this act being necessary for the preservation of the  
 33 public peace, health, and safety shall become effective on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,  
 36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is  
3 overridden, the date the last house overrides the veto.

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