

**COMMISSION FOR ARKANSAS PUBLIC SCHOOL
ACADEMIC FACILITIES AND TRANSPORTATION
RULES GOVERNING THE FACILITIES MASTER PLAN**
Effective ~~December 31, 2018~~

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1.00 REGULATORY AUTHORITY

1.01—The Commission for Arkansas Public School Academic Facilities and Transportation enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-21-114, 6-21-801 et seq., 25-15-201 et seq., and ~~Acts 542 and 935 of 2017; Act 933 of 2019.~~

2.00 PURPOSE

2.01—The purpose of these Rules is to establish a program and process for establishing a format for districts to create facilities master plans in accordance with State legislation, in an ongoing effort to remediate deficiencies in academic facilities.

3.00 DEFINITIONS

For the purposes of these Rules, the following terms mean:

3.01 Academic facility – a A building or space, including related areas such as the physical plant and grounds, where public school students receive instruction that is an integral part of an adequate education as described in Ark. Code Ann. § 6-20-2302.

3.01.1 A public school building or space, including related areas such as the physical plant and grounds, used for an extracurricular activity or an organized physical activity course as defined in Ark. Code Ann. § 6-16-137 shall not be considered an academic facility for the purposes of ~~this rule~~ these Rules to the extent that the building, space, or related area is used for extracurricular activities or organized physical activities courses, except for physical educational training and instruction under Ark. Code Ann. § 6-16-132;

3.01.2 The Division of ~~Public School Academic Facilities and Transportation~~ shall may determine the extent to which a building, space, or related area is used for extracurricular activities or organized physical activities courses based on information supplied by the school district and, if necessary, on-site inspection.

- 3.01.3 Buildings or spaces, including related areas such as the physical plant and grounds, used for pre-kindergarten education shall not be considered academic facilities for purposes of these Rules; and
- 3.01.4 District administration buildings and spaces, including related areas such as the physical plant and grounds, shall not be considered academic facilities for the purpose of these Rules.
- 3.02 Amended Facilities Master Plan - A revised Facilities Master Plan, submitted at any time during the six-year cycle if a district has encountered one of the following conditions:
- 3.02.1 A major enrollment change; or
- 3.02.2 A major disaster; or
- 3.02.3 A major curriculum change; or
- 3.02.4 An unforeseen occurrence.
- 3.02.5 The format for submission will be as outlined in the most current Master Plan Guidelines.
- 3.03 Annexation – ~~the~~ The joining of an affected school district or part of the school district with a receiving district under Ark. Code Ann. §§ 6-13-1401 et seq.
- 3.04 Appendix – A shortened amendment to an approved Master Plan submitted if a district has begun or completed a self-funded project over which the Division has only review authority, but ~~which~~ that was omitted from the Master Plan submittal. The format for submission will be as outlined in the most current Master Plan Guidelines.
- 3.05 ~~“Building” means Building~~ – any Any structure used or intended for supporting or sheltering any use or occupancy.
- 3.05.1 “Building” does not include a shed or other structure not capable of supporting occupancy.
- 3.06 Building Value – A percentage value reflecting the depreciated value of an academic facility with an assumed depreciation of two per cent (2%) per year. Building Value does not consider improvements that may have been made to the facility.
- 3.06.1 Building value is calculated by multiplying two (2) times the age of the academic facility, and subtracting that product from one hundred (100) (Value = 100 – (2 x Age)). The output of this equation may be a positive or negative percentage.

- 3.06.2 For the purpose of this calculation, an academic facility's age is calculated as the difference between the master plan year and the year of the facility's construction ~~completion~~.
- 3.06.3 When an academic facility has multiple additions constructed at different times, a building value may be computed for each addition.
- 3.06.4 Building value will be used to develop the Division's state-wide needs priority list per ~~A.C.A.~~ Ark. Code Ann. § 6-21-112 (f) (18).
- 3.06.5 Districts are not required to replace an academic facility when the building value is at or below zero percent (0%).
- 3.07 CMMS (Computerized Maintenance Management System) – The computerized software system purchased by the Division at no cost to the districts to track and document maintenance work orders and preventative maintenance work and schedules, as well as schedule state-mandated inspections as required under Ark. Code Ann. § 6-21-813.
- 3.08 Consolidation ~~–the~~ The joining of two (2) or more school districts or parts of the districts to create a new single school district under Ark. Code Ann. §§ 6-13-1401 et seq.
- 3.09 “Conversion Project” – (1) A new construction project that converts existing academic or non-academic space into a missing academic core, special education, or student dining component of the Program of Requirements (POR), and the conversion project is part of an add-on project for which the district has applied for partnership assistance; or (2) A new construction project that converts existing academic or non-academic space into a missing academic core space only and is in compliance with the POR space requirements. Conversion projects are subject to the criteria and restrictions set forth in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program.
- 3.10 Custodial activities – ~~routine~~ Routine and renovation cleaning activities related to daily operations and upkeep of a public school facility, including related supervisory and management activities.
- 3.11 Division – The Division of Public School Academic Facilities and Transportation.
- 3.12 Facility Condition Index – ~~that particular~~ The index obtained by dividing the existing condition costs (~~that the~~ the cost to bring a public school academic facility up to current standards) by the facility's replacement cost, using data for such costs available in 2004 or later data if the Division has such data available.

- 3.13 Facilities distress status – a A public school district determined by the Commission for Public School Academic Facilities and Transportation as being in academic facilities distress status.
- 3.14 Facilities master plan – a A six (6) year plan developed by a school district that contains:
- 3.14.1 Enrollment projections for ten (10) years from the date of the plan;
 - 3.14.2 The school district’s strategy for maintaining, repairing, renovating, and improving through new construction or otherwise the school district’s academic facilities and equipment; and
 - 3.14.3 Other information required by law.
- 3.15 Foundation funding – ~~shall have~~ Has the same meaning as in Ark. Code Ann. § 6-20-2303.
- 3.16 Local resources – ~~any~~ Any moneys generated by a school district for the purpose of funding the school district’s share of financial participation in any academic facilities project for which a school district is eligible to receive state financial participation under priorities established by the Division. Also referred to as “raised funds” for the purpose of self-funded projects.
- 3.17 Maintenance, repair, and renovation – ~~any~~ Any activity or improvement to a public school facility and, if necessary, related areas, such as the physical plant and grounds, that maintains, conserves, or protects the state, condition or efficiency of the public school facility.
- 3.18 Master Plan Guidelines – Formatting and submission instructions published by the Division on its website for the purpose of submitting master plans: ~~They are found on the Division website~~ (www.arkansasfacilities.arkansas.gov).
- 3.19 New construction – ~~any~~ Any improvement to an academic facility and, if necessary, related areas, such as the physical plant and grounds, that brings the state of condition or efficiency of the academic facility to a state of condition or efficiency better than the academic facility’s current condition of completeness or efficiency. New construction includes a new addition to an existing academic facility and construction of a new academic facility.
- 3.19.1 No state financial participation will be provided for improvements that could be classified as maintenance, repair, and renovation, other than a total renovation project. That portion of a new construction project that consists of maintenance, repair, or renovation will not be considered in calculating state financial

participation in a new construction project, nor in prioritization of a new construction project.

- 3.20 Project – ~~an~~ An undertaking in which a school district engages in:
 - 3.20.1 Maintenance, repair, and renovation activities with regard to an academic facility;
 - 3.20.2 New construction of an academic facility; ~~or~~
 - 3.20.3 Any combination of maintenance, repair, and renovation activities with regard to an academic facility and new construction activities with regard to an academic facility; ~~or~~
 - 3.20.4 Installation of any temporary door barricade designed to be deployed during an intruder emergency or school lockdown.

- 3.21 Public School Facility – ~~any~~ Any public school building or space, including related areas such as the physical plant and grounds, that is used for any purpose, including, without limitation:
 - 3.21.1 An extracurricular activity;
 - 3.21.2 An organized physical activity course defined in Ark. Code Ann. § 6-16-137;
 - 3.21.3 Pre-kindergarten education;
 - 3.21.4 District administration; or
 - 3.21.5 Delivery of instruction to public school students that is an integral part of an adequate education as described in Ark. Code Ann. § 6-20-2302.

- 3.22 Public School Facilities Custodial, Maintenance, Repair and Renovation Manual - a A document that contains uniform standards to direct custodial, maintenance, repair, and renovation activities in public school facilities.

- 3.23 Public School Academic Facilities Manual – a A document that contains uniform standards and guidelines for the planning, design, and construction of new academic facilities and additions to existing academic facilities.
 - 3.23.1 Variances to the Arkansas Public School Academic Facilities Manual standards may be granted by the Division upon the presentation of evidence of:

- 3.23.1.1 Existing conditions that makes compliance with applicable standards impractical or unreasonably burdensome; or
 - 3.23.1.2 Other conditions determined by the Division as warranting a variance from applicable public school academic facility standards.
- 3.24 Reconstitution – ~~the~~ The reorganization of the administrative unit or the governing school board of a school district, including, but not limited to, the replacement or removal of a current superintendent, the removal or replacement of a current school board, or both.
- 3.25 School district – a A geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem property taxes under Title 26 of the Arkansas Code and which board conducts the daily affairs of public schools under the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code.
- 3.26 Self-Funded Project – a A project that is one hundred percent (100%) ~~raised and~~ funded by the school District, that shall be submitted to and approved by the Division upon compliance with state codes and standards. It will be submitted as an Appendix to the most current school district Master Plan.
- 3.27 Temporary Door Barricade – A device or system designed to be deployed during an intruder emergency or school lockdown to preclude intruders from entering any classroom or learning space.
- ~~3.27~~ 3.28 “Unused or underutilized public school facility” – Has the same definition meaning as in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing Right of Access to Unused or Underutilized Public School Facilities and the Sale or Lease of Public School Facilities.
- ~~3.28~~ 3.29 Work Order – ~~an~~ An approved work request that will be tracked using the CMMS.
- ~~3.29~~ 3.30 Work Request – ~~the~~ The initial identification of a perceived maintenance need to the maintenance department of a public school. A work request may or may not be identified by a designated official to be a work order.

4.00 ACADEMIC FACILITIES MASTER PLAN PROGRAM – PURPOSE

- 4.01 The purpose of the Academic Facilities Master Plan Program is to:

- 4.01.1 Establish a mechanism for state supervision of school district activities impacting academic facilities and equipment;
 - 4.01.2 Develop and continually update information critical to identifying academic facilities needs at the local level across the state; and
 - 4.01.3 Allow the state to manage state financial participation in eligible local academic facilities projects.
- 4.02 The Academic Facilities Master Plan Program shall require each school district to:
- 4.02.1 Develop a six (6) year district-wide facilities master plan that shall be approved by the school district's board of directors for submission to and approval by the Division; and
 - 4.02.2 Base its facilities plan on:
 - 4.02.2.1 Provisions of the Arkansas Public School Academic Facility Manual as adopted by the Commission for Public School Academic Facilities and Transportation;
 - 4.02.2.2 Priorities indicated by statewide assessment;
 - 4.02.2.3 Priorities established by the Division's statewide facility needs priority list; and
 - 4.02.2.4 Other pertinent data specific to the needs of the school district with regard to academic facilities and equipment.
- 4.03 The district wide facilities master plan shall include, at a minimum, the following:
- 4.03.1 A schedule of custodial activities for each public school facility used by a school district;
 - 4.03.2 A schedule of maintenance, repair, and renovation for each academic public school facility used by a school district. The schedule shall distinguish between work associated with academic facilities and work associated with nonacademic public school facilities;
 - 4.03.2.1 School districts shall participate in the state-level CMMS to track maintenance, repair, and renovation work orders.
 - 4.03.2.2 School districts are encouraged to implement a work-request system that allows certified staff and classified staff working primarily in a public school facility to utilize the CMMS to inform a public school's maintenance

department of needs and to allow the responsible person to prioritize responses and establish work orders.

4.03.2.3 A school district's maintenance work orders should reflect the designated work categories and should be documented upon completion.

4.03.3 Documentation that describes preventive maintenance work for each public school facility and identifies the completion date of the work. The documentation shall distinguish between preventative maintenance work associated with academic facilities and preventative maintenance work associated with nonacademic public facilities;

4.03.3.1 School districts shall utilize CMMS to track reactive and preventative maintenance work.

4.03.3.2 School districts ~~should~~ shall enter preventative maintenance schedules and reactive maintenance work into the CMMS for the systems existing in all academic and non-academic facilities.

4.03.3.3 School districts ~~should~~ shall document completed preventative and reactive maintenance work orders in the CMMS.

4.03.3.4 School districts should schedule state-mandated inspections required in Ark. Code Ann. § 6-21-813(e) in the CMMS. Only one schedule per system per district is required.

NOTE: It is strongly recommended that school districts ensure that at least one (1) district employee has completed, or completes within three (3) years, the Certified Facility Director certification program offered by the Arkansas School Plan Management Association or a similar certification program.

4.03.4 Annual expenditures of the school district for all custodial, maintenance, repair, and renovation activities in the school district. The section of the facilities master plan pertaining to annual expenditures shall distinguish between expenditures associated with academic facilities and expenditures associated with non-academic public school facilities;

4.03.5 A projected replacement schedule for major building systems in each public school facility;

4.03.6 Identification of issues with regard to public school facility and program access to individuals with disabilities and, if necessary, proposed methods for improving access;

4.03.7 Identification of committed projects within the district that includes, as applicable, a breakdown of the portion of each project between maintenance, repair, and renovation activities and new construction activities;

4.03.7.1 The portion of a committed project pertaining to maintenance, repair and renovation activities shall identify, as applicable activities associated with academic facilities and activities associated with nonacademic public school facilities.

4.03.7.2 Districts are required to enter any project involving installation of temporary door barricades, regardless of cost. Project entry shall include a complete and detailed description of the barricade system to be installed, and the upload of a brochure or specification sheet of the system to be installed. The Division does not approve or disapprove these systems, and project entry is for informational purposes only.

4.03.8 Annual expenditures of the school district for capital outlay;

4.03.9 Description of planned new construction projects with cost estimates for each public school facility, and needs prioritized as set forth in Section 4.05 4.04 below; and

4.03.10 Narrative analysis of facility needs and response plans to address the overall district strategy of providing suitable, adequate and maintained public school facilities, to include:

4.03.10.1 ~~The narrative analysis shall include an~~ An accounting of any changes to building or campus use, size, utilization, status, or condition; and

4.03.10.2 A statement containing the district's building fund balance as of the fiscal year end date prior to the master plan submission deadline and how building fund balances are planned to be used and managed;

4.03.11 Accurate campus and building information including, but not limited to, campus grades, system condition assessment, building size, and other required information; and

4.03.12 A listing of all buildings constructed since the last master plan, to include but not be limited to room size and type, in a format prescribed by the Division.

- 4.04 Districts shall submit a master plan to identify prioritized needs of the district to include the following~~as follows~~:
- 4.04.1 The district's ~~Master Plan~~ master plan shall be submitted to the Division by February 1 of each even numbered year with the following needs to be addressed:
- 4.04.1.1 Immediate needs that the school district intends to address within three (3) years following the submission of the facilities master plan; and
- 4.04.1.2 Long term needs that the school district intends to address within the four (4) to six (6) years following the submission of the facilities master plan.
- 4.04.2 The district's ~~Master Plan~~ master plan shall address all academic facilities with a building value of zero percent (0%) or less.
- 4.04.2.1 Each academic facility with a building value of zero percent (0%) or less shall be discussed in the narrative analysis per Section 4.03.10 of these Rules.
- 4.04.2.2 Planned new construction projects to replace or totally renovate academic facilities with a building value of zero percent (0%) or less should be described per Section 4.03.9 of these Rules.
- 4.04.2.3 Districts are not required to replace an academic facility when the building value is at or below zero percent (0%).
- 4.04.3 The district's Master Plan shall identify:
- 4.04.3.1 All unused or underutilized public school facilities in the school district in a format prescribed by the Division; and
- 4.04.3.2 The unused or underutilized public school facilities, if any, that are designated to be reused, renovated, or demolished as part of a specific committed project or planned new construction project.
- 4.05 In addition, as part of and at the same time ~~of~~ as the submission of the facilities master plan, the school district shall provide evidence of the following:
- 4.05.1 Public comments from public hearings regarding the district's facilities master plan; which must be held in the same locality as the school district; and

- 4.05.2 Evidence of current student enrollment projections for a period of ten (10) years, beginning with the first year of the master plan submission.

5.00 SUBMISSION PROCESS

Each school district in the state shall, in accordance with applicable state law, these Rules, and the guidelines published by the Division:

- 5.01 Submit the district's facilities master plan, with a summary of comments made at public hearing, to the Division by February 1 of each even numbered year.
- 5.02 Submit a report to the Division by February 1 of each odd-numbered year that includes:
 - 5.02.1 An ~~automated~~ update of all completed projects since the most recent submission;
 - 5.02.2 Current enrollment projections;
 - 5.02.3 New or continuing needs of the district with regard to academic facilities; and
 - 5.02.4 An accounting of any changes to the district's insurance coverage from the most recent submission.
- 5.03 Submit evidence of the school district's insurance coverage, including coverage amounts, types of coverage, identification of buildings covered, policy renewal dates, and all riders, to the Division no later than February 1 of each even numbered year.
- 5.04 Submit a report to the Division by February 1 of each year that includes the information required in Section 4.04.3 of these rules.
- 5.05 A school district that has encountered one of the conditions listed in Section 3.02 of these Rules may submit an ~~Amended Master Plan~~ amended master plan to the Division out of the regular even-numbered year cycle.

6.00 DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION RESPONSIBILITIES

The Division shall:

- 6.01 Establish procedures (guidelines) and timelines for submittals of preliminary master plans, master plan ~~outlines~~ updates, and master plans;

6.02 Hold consultation meetings with districts regarding preliminary master plans, master plan ~~outlines~~ updates, and master plans to:

6.02.1 Assure understanding of the general goals of the master plans and reports, and the criteria by which projects will be evaluated;

6.02.2 Discuss ways the master plan may be structured to meet said goals;

6.02.3 Assist districts in preparing accurate budgets and reasonable projects schedules; and

6.02.4 Provide efficiency and productivity in the approval process as to both local academic facilities projects and state financial participation in local projects.

7.00 APPROVAL PROCESS

The Division shall:

7.01 Review, and upon all requirements being met, approve master plans no later than September 1 of each even numbered year; and

7.02 Notify a district no later than May 1 of each odd-numbered year whether the district's application for state financial participation for the upcoming biennium has been approved.

8.00 APPEAL PROCESS

8.01 Appeals of Division determinations are governed by the Commission For Arkansas Public School Academic Facilities And Transportation Rules Governing Appeals From Determinations Of The Arkansas Division Of Public School Academic Facilities And Transportation.

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

As Engrossed: S3/26/19

A Bill

SENATE BILL 549

4
5 By: Senator J. English
6

7 For An Act To Be Entitled

8 AN ACT CONCERNING THE ARKANSAS PUBLIC SCHOOL ACADEMIC
9 FACILITIES PROGRAM ACT; TO AMEND PROVISIONS OF THE
10 ARKANSAS CODE WITH RESPECT TO PUBLIC SCHOOL ACADEMIC
11 FACILITIES; AND FOR OTHER PURPOSES.
12
13

14 Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE
16 WITH RESPECT TO PUBLIC SCHOOL ACADEMIC
17 FACILITIES.
18
19

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

22 SECTION 1. Arkansas Code § 6-21-808(c)(2)(B)(ii), concerning the use
23 of the computerized maintenance management system by a public school
24 district, is amended to read as follows:

25 (ii)(a) School districts shall ~~be required to~~
26 participate in any state-level computerized maintenance management system
27 designed to track work orders and preventative maintenance work established
28 by the Division of Public School Academic Facilities and Transportation at no
29 cost to the school district.

30 (b) The cost associated with additional
31 maintenance modules by a school district shall be at the expense of the
32 school district and may be within the nine-percent minimum maintenance
33 expenditures under subdivision (d)(1)(A) of this section.

34 (c) School district use of the computerized
35 management maintenance system under this subdivision (c)(2)(B)(ii) shall
36 include without limitation:



- 1 (1) Entering and tracking all reactive
- 2 and preventative maintenance work;
- 3 (2) Entering preventative maintenance
- 4 schedules for academic and non-academic facilities' systems;
- 5 (3) Documenting completed reactive and
- 6 preventative maintenance work; and
- 7 (4) Scheduling state-mandated
- 8 inspections as required under § 6-21-813(e);
- 9

10 SECTION 2. Arkansas Code § 6-21-811(g), concerning what actions the
 11 Division of Public School Academic Facilities and Transportation may take
 12 with respect to a public school district that is classified as in facilities
 13 distress, is amended to read as follows:

14 (g) When a school district is classified by the commission to be in
 15 facilities distress, the division may, with the approval of the commission:

16 (1)(A) Provide on-site technical evaluation and assistance and
 17 make written recommendations to the school district superintendent regarding
 18 the care and maintenance of any academic facility in the school district.

19 (B) Any school district classified as being in facilities
 20 distress status shall accept on-site technical evaluation and assistance from
 21 the division.

22 (C) The written recommendations of the division are
 23 binding on the school district, the superintendent, and the board of
 24 directors;

25 (2) Remove permanently, reassign, or suspend on a temporary
 26 basis the superintendent of the school district, and:

27 (A) Appoint an individual in place of the superintendent
 28 to administratively operate the school district under the supervision and
 29 approval of the Commissioner of Education; and

30 (B) ~~Compensate from the individual operating the school~~
 31 ~~district funds the individual appointed to operate the~~ from school district
 32 funding; and

33 (C) Authorize the individual to remove, replace, reassign,
 34 or suspend public school district personnel in accordance with state law;

35 (3) Suspend or remove some or all of the current board of
 36 directors and call for the election of a new board of directors for the

1 school district, in which case the school district shall reimburse the county
2 board of election commissioners for election costs as otherwise required by
3 law;

4 (4)(A) Remove on a temporary basis some or all of the powers and
5 duties granted to the current public school district board of directors under
6 § 6-13-620 or any other applicable law but allow the public school district
7 board of directors to continue to operate under the direction and approval of
8 the commissioner.

9 (B) The commission shall define the powers and duties of
10 the public school district board of directors under this section.

11 (C) The public school district board of directors shall
12 act in an advisory capacity to the commissioner with respect to all other
13 powers and duties maintained by the commissioner;

14 ~~(4)(5)~~ Require the school district to operate without a board of
15 directors under the supervision of the superintendent or an individual or
16 panel appointed by the commissioner;

17 ~~(5)(6)~~ Waive the application of Arkansas law or the
18 corresponding State Board of Education or commission rules and regulations,
19 with the exception of:

20 (A) *The Teacher Fair Dismissal Act of 1983, § 6-17-1501 et*
21 *seq.; and*

22 (B) *The Public School Employee Fair Hearing Act, § 6-17-*
23 *1701 et seq.;*

24 (C) Special education programs as provided in this title;

25 (D) Conducting criminal background checks for employees as
26 provided in this title; and

27 (E) Health and safety codes as established by the state
28 board, the commission, and local governmental entities;

29 ~~(6)(7)~~ In the absence of a school district board of directors,
30 direct the commissioner to assume all authority of the board of directors as
31 may be necessary for the day-to-day governance of the school district;

32 (8) Require reassignment of some or all of the administrative,
33 instructional, or support staff of a public school;

34 (9) Require reorganization, closure, or dissolution of one (1)
35 or more of the public schools within the classified school district;

36 ~~(7)(A)(10)(A)~~ Return the administration of the school district

1 to the former board of directors or place the administration of the school
2 district in a newly elected board of directors if:

3 (i) The division certifies in writing to the
4 commission and to the school district that the school district has corrected
5 all issues that caused the classification of facilities distress and the
6 school district has not experienced any additional indicators of facilities
7 distress; and

8 (ii) The commission determines the school district
9 has corrected all issues that caused the classification of facilities
10 distress.

11 (B) If the division calls for an election of a new school
12 district board of directors, the school district shall reimburse the county
13 board of election commissioners for election costs as otherwise required by
14 law;

15 ~~(8)(11)~~ Require school district staff and employees to attend
16 training in areas of concern for the public school or school district;

17 ~~(9)(A)(12)(A)~~ Require a school district to cease all
18 expenditures related to activities not described as part of an adequate
19 education in § 6-20-2302 and place money that would have been spent on the
20 activities into an academic facilities escrow account to be released only
21 upon approval by the division for use in conjunction with a local academic
22 facilities project.

23 (B) School districts shall include a clause addressing
24 this contingency in all contracts with personnel who are involved with
25 activities not described as part of an adequate education;

26 ~~(10)(13)~~ Notify the public school or school district in writing
27 that the deficiencies regarding academic facilities shall be corrected within
28 a time period designated by the division;

29 ~~(11)(A)(14)(A)~~ Petition the state board at any time for the
30 consolidation, annexation, or reconstitution of a school district in
31 facilities distress or take other appropriate action as allowed by this
32 subchapter in order to secure and protect the best interest of the
33 educational resources of the state or to provide for the best interest of
34 students in the school district.

35 (B) The state board may approve the petition under
36 subdivision (g)(14)(A) of this section or take other appropriate action as

1 allowed by this subchapter.

2 (C) Except as ~~set forth~~ established in subdivision
3 ~~(g)(11)(D)~~ (g)(14)(D) of this section or subsection (n) of this section, the
4 state board shall consolidate, annex, or reconstitute any school district
5 that fails to remove itself from the classification of a school district in
6 facilities distress within five (5) consecutive school years of
7 classification of facilities distress status.

8 (D) The state board may grant additional time for a public
9 school or school district to remove itself from facilities distress by
10 issuing a written finding supported by a majority of the state board
11 explaining in detail that the public school or school district could not
12 remove itself from facilities distress during the relevant time period due to
13 impossibility caused by external forces beyond the control of the public
14 school or school district;

15 ~~(12)(15)~~ Correct the failure of a school district to complete
16 its agreed plan or to pass the millage in the special election under
17 subdivision (f)(2) of this section by contracting for and completing the
18 necessary improvements under the agreed plan;

19 ~~(13)(A)(16)(A)~~ If the ~~division recommends and the commission~~
20 ~~concurs that the academic facilities in the public school district in~~
21 ~~facilities distress are inadequate to provide an adequate education,~~ academic
22 facilities in the public school district in facilities distress are
23 inadequate to provide an adequate education, recommend that the state board
24 may dissolve the school district and transfer students to public schools in
25 other public school districts.

26 (B) ~~The~~ If the state board elects to dissolve the school
27 district and transfer students to public schools in other public school
28 districts, the state board shall assign the public school district's
29 territory, property, and debt; and

30 ~~(14)(17)~~ Take any other action allowed by law that is deemed
31 necessary to assist a public school or school district in correcting the
32 issues that caused the classification of facilities distress, to secure and
33 protect the best interest of the educational resources of the state, or to
34 provide for the best interest of students in the school district.

35

36 SECTION 3. Arkansas Code § 6-21-811(m), concerning actions the

1 Commission for Arkansas Public School Academic Facilities and Transportation
2 may take with respect to public school districts in facilities distress, is
3 repealed.

4 ~~(m) If the division or commissioner assumes authority over a public~~
5 ~~school district in facilities distress under subsection (g) of this section,~~
6 ~~the commission may pursue the following process for returning a public school~~
7 ~~district to the local control of its residents:~~

8 ~~(1) During the second full school year following the assumption~~
9 ~~of authority, the commission shall determine the extent of the school~~
10 ~~district's progress toward correcting all issues that caused the~~
11 ~~classification of facilities distress;~~

12 ~~(2)(A) If the commission determines that sufficient progress has~~
13 ~~been made by a school district toward correcting all criteria for being~~
14 ~~classified as in facilities distress, but the school district has not yet~~
15 ~~resolved all issues that caused the classification of facilities distress,~~
16 ~~the commissioner, with the approval of the commission, may appoint a~~
17 ~~community advisory board of either five (5) or seven (7) members to serve~~
18 ~~under the supervision and approval of the commissioner.~~

19 ~~(B) The members of the community advisory board shall be~~
20 ~~residents of the school district and shall serve on a voluntary basis without~~
21 ~~compensation.~~

22 ~~(C) The Department of Education shall cause to be provided~~
23 ~~to the community advisory board technical assistance and training in, at a~~
24 ~~minimum, the areas required in § 6-13-629.~~

25 ~~(D) The duties of the community advisory board include~~
26 ~~without limitation:~~

27 ~~(i) Meeting monthly during a regularly scheduled~~
28 ~~public meeting with the state-appointed administrator regarding the progress~~
29 ~~of the school or school district toward correcting all issues that caused the~~
30 ~~classification of facilities distress;~~

31 ~~(ii) Seeking community input from the residents of~~
32 ~~the school district regarding the progress of the school or school district~~
33 ~~toward correcting all issues that caused the classification of facilities~~
34 ~~distress;~~

35 ~~(iii) Conducting hearings and making recommendations~~
36 ~~to the commissioner regarding personnel and student discipline matters as set~~

1 ~~forth in the appropriate district policies;~~

2 ~~(iv) Working to build community capacity for the~~
3 ~~continued support of the school district; and~~

4 ~~(v) Submitting quarterly reports to the commissioner~~
5 ~~and the commission regarding the progress of the school or school district~~
6 ~~toward correcting all issues that caused the classification of facilities~~
7 ~~distress.~~

8 ~~(E) The members of the community advisory board shall~~
9 ~~serve at the pleasure of the commissioner until;~~

10 ~~(i) The school district is returned to local control~~
11 ~~and a permanent school district board of directors is elected and qualified;~~
12 ~~or~~

13 ~~(ii) The state board, upon petition of the~~
14 ~~commission or division annexes, consolidates, or reconstitutes the school~~
15 ~~district pursuant to this title or under another provision of law;~~

16 ~~(3) By April 1 of each year following the appointment of a~~
17 ~~community advisory board pursuant to subdivision (m)(2) of this section, the~~
18 ~~commission shall determine the extent of the school district's progress~~
19 ~~toward correcting all criteria for being classified as in facilities distress~~
20 ~~and shall;~~

21 ~~(A) Allow the community advisory board to remain in place~~
22 ~~for an additional year;~~

23 ~~(B)(i) Return the school district to local control by~~
24 ~~calling for the election of a newly elected school district board of~~
25 ~~directors if:~~

26 ~~(a) The division certifies in writing to the~~
27 ~~commission and to the school district that the school district has corrected~~
28 ~~all issues that caused the classification of facilities distress; and~~

29 ~~(b) The commission determines the school~~
30 ~~district has corrected all issues that caused the classification of~~
31 ~~facilities distress.~~

32 ~~(ii) If the division or commission calls for an~~
33 ~~election of a new school district board of directors, the school district~~
34 ~~shall reimburse the county board of election commissioners for election costs~~
35 ~~as otherwise required by law; or~~

36 ~~(C) Petition the state board for the annexation,~~

1 ~~consolidation, or reconstitution of the school district under this section;~~
2 ~~and~~

3 ~~(4)(A) If the division, with the approval of the commission,~~
4 ~~calls for an election of a new school district board of directors pursuant to~~
5 ~~subdivision (g)(7) of this section, the commissioner, with the approval of~~
6 ~~the commission, may appoint an interim board of directors to govern the~~
7 ~~school district until a permanent school district board of directors is~~
8 ~~elected and qualified.~~

9 ~~(B) The interim board of directors shall consist of either~~
10 ~~five (5) or seven (7) members.~~

11 ~~(C) The members of the interim board of directors shall be~~
12 ~~residents of the school district and otherwise eligible to serve as board~~
13 ~~members under applicable law.~~

14 ~~(D) The members of the interim board of directors shall~~
15 ~~serve on a voluntary basis without compensation.~~

16
17 SECTION 4. Arkansas Code § 6-21-812(a)(2), concerning student
18 transfers under the Public School Choice Act of 2015 from a public school
19 district classified as being in facilities distress, is amended to read as
20 follows:

21 (2) The student is not required to file a petition to transfer
22 ~~by June~~ May 1 but shall meet all other requirements and conditions of the
23 Public School Choice Act of 2015, § 6-18-1901 et seq.

24
25
26 */s/J. English*

27
28
29 **APPROVED: 4/12/19**