

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

As Engrossed: H3/15/17

A Bill

HOUSE BILL 1929

5 By: Representative Cozart
6 By: Senator J. English
7

For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE
10 CONCERNING THE ADVISORY COMMITTEE ON PUBLIC SCHOOL
11 *ACADEMIC FACILITIES; TO DECLARE AN EMERGENCY; AND FOR*
12 *OTHER PURPOSES.*
13
14

Subtitle

16 TO AMEND PROVISIONS OF THE ARKANSAS CODE
17 CONCERNING THE ADVISORY COMMITTEE ON
18 *PUBLIC SCHOOL ACADEMIC FACILITIES; AND TO*
19 *DECLARE AN EMERGENCY.*
20
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 6-21-113(a), concerning the Advisory
25 Committee on Public School Academic Facilities, is amended to read as follows:

26 (a) To assist the Division of Public School Academic Facilities and
27 Transportation, there is established the Advisory Committee on Public School
28 Academic Facilities to be composed of the following members, who must be
29 willing to devote adequate time to the work of the ~~Advisory Committee on~~
30 ~~Public School Academic Facilities~~ committee and who reflect the demographics
31 of the state:

32 (1) The Director of the Division of Public School Academic
33 Facilities and Transportation or the director's designee, who shall also
34 serve as secretary to the ~~Advisory Committee on Public School Academic~~
35 ~~Facilities~~ committee;

36 (2) ~~Two (2) persons~~ One (1) person who ~~are~~ is a licensed



1 building ~~contractors~~ contractor experienced in public school construction
2 selected from a list of no fewer than ~~six (6)~~ three (3) names submitted by
3 the Arkansas Chapter of the Associated General Contractors of America;

4 (3) ~~Two (2) persons~~ One (1) person who ~~are~~ is a licensed
5 ~~architects~~ architect experienced in public school design submitted by the
6 Arkansas Chapter of the American Institute of Architects;

7 (4) One (1) person who is a licensed or registered mechanical
8 engineer experienced in public school mechanical and plumbing systems design
9 selected from a list of no fewer than three (3) names submitted by the
10 Arkansas Society of Professional Engineers;

11 (5) One (1) person who is a licensed or registered electrical
12 engineer experienced in public school electrical systems design selected from
13 a list of no fewer than three (3) names submitted by the Arkansas Society of
14 Professional Engineers;

15 (6) One (1) person who is a licensed or registered civil
16 engineer experienced in public school civil engineering design and
17 construction selected from a list of no fewer than three (3) names submitted
18 by the Arkansas Society of Professional Engineers;

19 (7) ~~One (1) person~~ Two (2) persons selected by the Commission
20 for Arkansas Public School Academic Facilities and Transportation, one (1) of
21 ~~who~~ whom is knowledgeable and holds certification in the field of educational
22 technology applications and strategies;

23 (8) Two (2) persons selected from a list of six (6) names
24 submitted by the Arkansas Association of Educational Administrators from its
25 membership;

26 (9) One (1) person selected from a list of three (3) names
27 submitted by the Arkansas Education Association from its membership;

28 (10) ~~One (1) person~~ Two (2) persons selected from a list of
29 ~~three (3)~~ six (6) names submitted by the Arkansas School Boards Association
30 from its membership; and

31 (11) Two (2) persons selected from a list of six (6) names
32 submitted by the Arkansas Rural Education Association from its membership;

33 (12) One (1) person selected from a list of three (3) names
34 submitted by the Arkansas Public School Resource Center from its membership;
35 and

36 (13) Three (3) persons, one (1) from each of the professions of

1 construction, architecture, and education, selected by the commission to
2 serve as ex-officio members of the ~~Advisory Committee on Public School~~
3 ~~Academic Facilities committee.~~

4 ~~(A) From the membership of the Joint Committee on~~
5 ~~Educational Facilities created by Act 1181 of 2003; or~~

6 ~~(B) Based based on prior service on the Advisory Committee~~
7 ~~on Public School Academic Facilities committee.~~

8
9 SECTION 2. Arkansas Code § 6-21-113, concerning the Advisory Committee
10 on Public School Academic Facilities, is amended to add additional
11 subsections to read as follows:

12 (d) All members of the committee shall be appointed by the Commission
13 for Public School Academic Facilities and Transportation.

14 (e) The committee shall meet at least one (1) time every year.

15 (f) The committee shall study and review the current and long-term
16 viability of the Academic Facilities Partnership Program.

17 (g) The committee may study and review other programs, laws, and
18 administrative rules pertaining to school facilities, including without
19 limitation the following:

20 (1) Design and construction standards contained in the Arkansas
21 Public School Academic Facility Manual;

22 (2) Public school district participation in and compliance with
23 the Academic Facilities Master Plan Program;

24 (3) The efficacy of establishing, on a ten-year cycle, a
25 statewide public school assessment survey to assess the condition of all
26 elementary and secondary school facilities; and

27 (4) Public school inspection reports compiled in accordance with
28 § 6-21-813.

29
30 SECTION 3. Arkansas Code § 6-21-114(d), concerning the duties of the
31 Commission for Arkansas Public School Facilities and Transportation, is
32 amended to add an additional subdivision to read as follows:

33 (3) Appoint all members of the Advisory Committee on Public
34 School Academic Facilities.

35
36 SECTION 4. Arkansas Code § 10-3-2202(a)(2), concerning the duties of

1 the Academic Facilities Oversight Committee, is repealed.

2 ~~(2) Appoint members of the Advisory Committee on Public School~~
3 ~~Academic Facilities established to assist the Division of Public School~~
4 ~~Academic Facilities and Transportation;~~

5
6 SECTION 5. Acts 2013, No. 1422, § 2, concerning the appointment of
7 members to the Advisory Committee on Public School Academic Facilities, is
8 repealed.

9 SECTION 2. ~~TEMPORARY LANGUAGE. DO NOT CODIFY. By August 30, 2013,~~
10 ~~the Commission for Arkansas Public School Academic Facilities and~~
11 ~~Transportation shall appoint the new members of the Advisory Committee on~~
12 ~~Public School Academic Facilities added under this act. At the first meeting~~
13 ~~of the committee that occurs on or after August 30, 2013, all members shall~~
14 ~~draw for new terms of either a term to expire on April 1, 2017, or a term to~~
15 ~~expire on April 1, 2021. A member shall not serve more than eight (8) years~~
16 ~~on the committee.~~

17
18 SECTION 6. TEMPORARY LANGUAGE. DO NOT CODIFY. By July 31, 2018, the
19 Advisory Committee on Public School Academic Facilities shall conduct a
20 comprehensive review and provide a report to the Commission for Academic
21 Facilities and Transportation that will include without limitation an
22 analysis of the following:

23 (1) Current and long-term viability of the Academic Facilities
24 Partnership Program;

25 (2) Efficacy of the academic facilities wealth index;

26 (3) Project ranking and prioritization process of the Academic
27 Facilities Partnership Program;

28 (4) Academic Facilities Master Plan Program and Academic
29 Facilities Partnership Program funding cycles;

30 (5) Enrollment projections;

31 (6) Cost factors;

32 (7) Rules governing academic facilities programs; and

33 (8) Degree of public school district compliance with required
34 statewide computerized maintenance management systems usage.

35
36 SECTION 7. EMERGENCY CLAUSE. It is found and determined by the

1 General Assembly of the State of Arkansas that the Division of Public School
2 Academic Facilities and Transportation needs an advisory committee with the
3 necessary expertise in order to effectively carry out its mission; that
4 clarity is needed in the law as to which entity has appointment authority
5 over new members of the Advisory Committee on Public School Academic
6 Facilities; that the State of Arkansas is in need of a comprehensive review
7 of academic facilities programs to ensure that the most efficient and
8 effective programs are in place; and that this act is immediately necessary
9 in order to constitute an advisory committee to immediately begin the work
10 required in this act. Therefore, an emergency is declared to exist, and this
11 act being immediately necessary for the preservation of the public peace,
12 health, and safety shall become effective on:

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

14 (2) If the bill is neither approved nor vetoed by the Governor,
15 the expiration of the period of time during which the Governor may veto the
16 bill; or

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

19
20 /s/Cozart

21
22
23 **APPROVED: 04/01/2017**
24
25
26
27
28
29
30
31
32
33
34
35
36

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019
4

As Engrossed: H3/29/19

A Bill

HOUSE BILL 1847

5 By: Representative J. Mayberry
6 By: Senator M. Pitsch
7

For An Act To Be Entitled

9 AN ACT CONCERNING THE ARKANSAS PUBLIC SCHOOL ACADEMIC
10 FACILITY MANUAL; TO REVISE DESIGN AND CONSTRUCTION
11 STANDARDS REGARDING SITE SELECTION FOR A PUBLIC
12 SCHOOL DISTRICT FACILITY TO INCLUDE A TRAFFIC IMPACT
13 ANALYSIS; AND FOR OTHER PURPOSES.
14
15

Subtitle

17 TO REVISE DESIGN AND CONSTRUCTION
18 STANDARDS REGARDING SITE SELECTION FOR A
19 PUBLIC SCHOOL DISTRICT FACILITY TO
20 INCLUDE A TRAFFIC IMPACT ANALYSIS.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 6-21-809(b)(3), concerning the Arkansas
26 Public School Academic Facility Manual, is amended to read as follows:

27 (3)(A) Site selection, including without limitation guidelines
28 about site size and site amenities, such as site access, grading, drainage,
29 drives, parking, walks, fencing, exterior security provisions, exterior
30 lighting, mechanical yards, electrical yards, site furnishings, play fields,
31 playgrounds, and landscaping+.

32 (B)(i) A public school district shall notify the
33 Department of Transportation of its site selection under subdivision
34 (b)(3)(A) of this section.

35 (ii) Upon receipt of notification under subdivision
36 (b)(3)(B)(i) of this section, the department may perform a traffic impact



1 analysis to determine the impact the public school district's facility design
2 or construction project may have on traffic.

3 (iii) A public school district may incorporate the
4 results and recommendations that address the results of the traffic impact
5 analysis into the design plan for a public school district facility design or
6 construction project.

7 (iv) Notwithstanding other statutes to the contrary,
8 the cost of any recommendations under subdivision (b)(3)(B)(iii) of this
9 section may be considered an eligible construction expense for any design or
10 construction project undertaken by a public school district.

11 (v)(a) Nonrevenue receipts of a school district and
12 revenue receipts of a school district, as defined under § 6-20-401(3) and
13 (4), may be used to pay for the cost of any recommendations under subdivision
14 (b)(3)(B)(iii) of this section.

15 (b) However, facilities partnership funds
16 shall not be used to pay for the cost of recommendations under subdivision
17 (b)(3)(B)(iii) of this section.

18 (vi) The Commission for Arkansas Public School
19 Academic Facilities and Transportation shall, in consultation with the
20 Department of Transportation, promulgate rules necessary to implement
21 subdivision (b)(3)(B) of this section;

22
23 /s/J. Mayberry
24

25
26 **APPROVED: 4/10/19**
27
28
29
30
31
32
33
34
35
36

1 State of Arkansas *As Engrossed: S3/18/19 H4/3/19 H4/3/19*
2 92nd General Assembly **A Bill**
3 Regular Session, 2019

SENATE BILL 535

4
5 By: Senators B. Johnson, *E. Cheatham*

6 By: Representatives Murdock, *Dotson*
7

8 **For An Act To Be Entitled**

9 AN ACT CONCERNING THE ACADEMIC FACILITIES WEALTH
10 INDEX; TO REVISE THE METHOD BY WHICH THE ACADEMIC
11 FACILITIES WEALTH INDEX IS CALCULATED; AND FOR OTHER
12 PURPOSES.
13
14

15 **Subtitle**

16 TO REVISE THE METHOD BY WHICH THE
17 ACADEMIC FACILITIES WEALTH INDEX IS
18 CALCULATED.
19
20

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

23 SECTION 1. Arkansas Code § 6-20-2502(1), concerning the calculation of
24 the "academic facilities wealth index" in the Arkansas Public School Academic
25 Facilities Funding Act, is amended to read as follows:

26 (1)(A) For fiscal years 2024-2025 and each year thereafter,
27 "Academic academic facilities wealth index" means a percentage derived from
28 the following computations:

29 (i) Determine the value of one (1) mill per student
30 in each school district as follows:

31 (a) Multiply the value of one (1) mill by the
32 total assessed valuation of taxable real, personal, and utility property in
33 the school district as shown by the applicable county assessment for the most
34 recent year; and

35 (b) Divide the product from subdivision
36 (1)(A)(i)(a) of this section by the largest average daily membership of a



1 school district over the previous decade;

2 (ii)(a) Calculate each school district's relative
3 median income by dividing the household median income for the area served by
4 each school district by the household median income of the school district
5 with the highest household median income.

6 (b) The household median income used in
7 subdivision (1)(A)(ii)(a) of this section shall be the household median
8 income as estimated by the United States Bureau of the Census's American
9 Community Survey;

10 (iii) Calculate the median income per mill value by
11 multiplying each school district's value of one (1) mill per student as
12 calculated under subdivision (1)(A)(i) of this section by the school
13 district's relative median income as calculated under subdivision
14 (1)(A)(ii)(a) of this section; and

15 (iv) Identify the school district at the ninety-
16 fifth percentile according to the value calculated under subdivision
17 (1)(A)(iii) of this section by:

18 (i) Determine the value of one (1) mill per
19 student in each school district as follows:

20 (a) Multiply the value of one (1) mill
21 by the total assessed valuation of taxable real, personal, and utility
22 property in the school district as shown by the applicable county assessment
23 for the most recent year; and

24 (b) Divide the product from subdivision
25 (1)(A)(i)(a) of this section by the greater of the prior year average daily
26 membership of the school district or the prior three-year average of the
27 school district's average daily membership;

28 (ii)(a) Determine ~~Determining~~ student millage
29 rankings by listing the computation median income per mill value under
30 subdivision (1)(A)(i) ~~(1)(A)(iii)~~ of this section for each school district
31 from ~~students~~ districts with the lowest value median income per mill value to
32 ~~students~~ school districts with the highest value median income per mill
33 value;

34 (iii)(b) ~~Allocate~~ Allocating the student
35 millage rankings into percentiles with the first percentile containing the
36 one percent (1%) of students based on the prior year average daily membership

1 with the lowest value per mill and the one-hundredth percentile containing
2 the one percent (1%) of students with the highest value per mill; and

3 ~~(iv)(c) Divide the value of one (1) mill per~~
4 ~~student in each school district~~ Dividing the median income per mill value as
5 computed under subdivision (1)(A)(i) (1)(A)(iv)(a) of this section by the
6 amount corresponding to the ninety-fifth percentile of the student millage
7 rankings under subdivision (1)(A)(iii) (1)(A)(iv)(b) of this section; and

8 (d) Every school district with a wealth
9 index of one (1.00) or greater will be funded at the same level as the first
10 school district with a wealth index below one (1.00), except that funding
11 under this subdivision (1)(A)(iv)(d) shall not exceed the amount of funding
12 provided to a school district with a wealth index of nine hundred and ninety-
13 five one-thousandths (0.995).

14 (B) For fiscal years 2022-2023, "academic facilities
15 wealth index" means a percentage derived from the following computations:

16 (i) Determine the value of one (1) mill per student
17 in each school district as follows:

18 (a) Multiply the value of one (1) mill by the
19 total assessed valuation of taxable real, personal, and utility property in
20 the school district as shown by the applicable county assessment for the most
21 recent year; and

22 (b) Divide the product from subdivision
23 (1)(B)(i)(a) of this section by the prior year average daily membership of
24 the school district or the prior three-year average of the school district's
25 average daily membership, whichever is greater;

26 (ii) Determine student millage rankings by listing
27 the computation under subdivision (1)(B)(i) of this section for each school
28 district from school districts with the lowest value per mill to school
29 districts with the highest value per mill;

30 (iii) Allocate the student millage rankings into
31 percentiles with the first percentile containing the one percent (1%) of
32 students with the lowest value per mill and the one-hundredth percentile
33 containing the one percent (1%) of students with the highest value per mill;

34 (iv) Divide the value of one (1) mill per student in
35 each school district as computed under subdivision (1)(B)(i) of this section
36 by the amount corresponding to the ninety-fifth percentile of the student

1 millage rankings under subdivision (1)(B)(iii) of this section.

2 (v) Every school district with a wealth index of one
3 (1.00) or greater will be funded at the same level as the first school
4 district with a wealth index below one (1.00), except that funding under this
5 subdivision (1)(B)(v) shall not exceed the amount of funding provided to a
6 school district with a wealth index of nine hundred and ninety-five one-
7 thousandths (0.995).

8 (vi) Subtract the academic facilities wealth index
9 as determined under subdivisions (1)(B)(iv) and (1)(B)(v) of this section
10 from the academic facilities wealth index as determined under subdivision
11 (1)(A)(iv) of this section;

12 (vii) Divide the result from subdivision (1)(B)(vi)
13 of this section by two (2); and

14 (viii) Add the value from subdivision (1)(B)(iv) of
15 this section with the number calculated in subdivision (1)(B)(vii) of this
16 section.

17 ~~(B) Every school district with a wealth index of one~~
18 ~~(1.00) or greater will be funded at the same level as the first school~~
19 ~~district with a wealth index below one (1.00), except that funding under this~~
20 ~~subdivision (1)(B) will not exceed the amount of funding provided for a~~
21 ~~wealth index of nine hundred ninety-five thousandths (0.995).~~

22 (C)(i) The percentage derived from the computation under
23 subdivision (1)(A)(iv) of this section is the academic facilities wealth
24 index for a school district, which shall be computed annually and used to
25 determine the amount of the school district's share of financial
26 participation in a local academic facilities project eligible for state
27 financial participation under priorities established by the Division of
28 Public School Academic Facilities and Transportation.

29 (ii) The state's share of financial participation in
30 a local academic facilities project eligible for state financial
31 participation under priorities established by the division is the percentage
32 derived from subtracting the school district's percentage share of financial
33 participation determined under subdivision (1)(C)(i) of this section from one
34 hundred percent (100%)₊.

35 (D) A school district identified as a high-growth school
36 district as defined in § 6-20-2511 shall receive the lesser of the wealth

1 index as calculated under the formulas under subdivision (1)(A) and (1)(B) of
2 this section until the school district fails to meet the definition of a
3 high-growth school district as defined in § 6-20-2511 for two (2) consecutive
4 years;

5
6
7 /s/B. Johnson

8
9
10 **APPROVED: 4/17/19**

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36