

1 State of Arkansas
2 88th General Assembly
3 Regular Session, 2011
4

A Bill

SENATE BILL 786

5 By: Senator J. Key
6 By: Representative Stewart
7

For An Act To Be Entitled

9 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS CODE
10 TITLE 6 CONCERNING ARKANSAS PUBLIC SCHOOL ACADEMIC
11 FACILITIES AND TRANSPORTATION; AND FOR OTHER
12 PURPOSES.
13
14

Subtitle

15 TO AMEND VARIOUS PROVISIONS OF ARKANSAS
16 CODE TITLE 6 CONCERNING ARKANSAS PUBLIC
17 SCHOOL ACADEMIC FACILITIES AND
18 TRANSPORTATION.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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24 SECTION 1. Arkansas Code § 6-19-123 is repealed.

25 ~~6-19-123. Transportation efficiency study.~~

26 ~~(a) The Bureau of Legislative Research in conjunction with the~~
27 ~~Division of Public School Academic Facilities and Transportation shall~~
28 ~~conduct a study of the transportation of public school students by public~~
29 ~~school districts in the state with an emphasis on public school districts~~
30 ~~resulting from consolidation or annexation, isolated school districts, and~~
31 ~~public school districts with declining enrollment to assess whether the time~~
32 ~~and cost of public school district transportation for students enrolled in~~
33 ~~those public school districts can or should be minimized.~~

34 ~~(b) The study shall include, without limitation, the following:~~

35 ~~(1) How public school districts administer student~~
36 ~~transportation routes and number of school buses to accommodate student~~



1 needs;

2 ~~(2) How regional or local geography influences time and cost of~~
3 ~~school bus routes;~~

4 ~~(3) How student characteristics and density or scarcity of~~
5 ~~student population impact the time and cost of student transportation; and~~

6 ~~(4) A review of other states' practices concerning student~~
7 ~~transportation.~~

8 ~~(c) The bureau shall report its findings and recommendations to the~~
9 ~~House Interim Committee on Education and the Senate Interim Committee on~~
10 ~~Education before October 1, 2008.~~

11 ~~(d) The report shall include, without limitation, the following:~~

12 ~~(1) A description of the boundaries of all public school~~
13 ~~districts resulting from consolidation or annexation;~~

14 ~~(2) A list of public school districts for which a boundary~~
15 ~~adjustment or other alternative would reduce the public school district's~~
16 ~~transportation time or cost;~~

17 ~~(3) A detailed description of each alternative for reducing a~~
18 ~~public school district's transportation time or cost, including without~~
19 ~~limitation for each alternative:~~

20 ~~(A) The number of hours of transportation time saved per~~
21 ~~student presented by public school district and by statewide total; and~~

22 ~~(B) The total cost saved under the alternative presented~~
23 ~~by public school district and by statewide total; and~~

24 ~~(4) A description of the proposed implementation of any~~
25 ~~alternative, including without limitation:~~

26 ~~(A) The cost of implementation; and~~

27 ~~(B) For any boundary change considered in the alternative,~~
28 ~~the impact, if any, of the boundary change on an affected public school~~
29 ~~district's compliance with the State Board of Education's standards for~~
30 ~~accreditation, academic achievement, and financial management.~~

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32 SECTION 2. Arkansas Code § 6-19-126(a), concerning the notice required
33 to be displayed on a school bus, is amended to read as follows:

34 (a) If a school bus is not equipped with an electronic warning device
35 as defined under § 6-19-125, a school district may have printed or otherwise
36 displayed on the exterior of a school bus between the two (2) windows of the

1 rear emergency exit door on a Type C bus or immediately below the rear
 2 emergency exit window on a Type D bus the following notification:
 3 ~~"IT IS A VIOLATION OF ARKANSAS LAW TO PASS A SCHOOL BUS FROM ANY DIRECTION~~
 4 ~~WHEN IT IS STOPPED TO LOAD OR UNLOAD A CHILD"~~ "ARKANSAS LAW: STOP WHEN RED
 5 LIGHTS ARE FLASHING".

6
 7 SECTION 3. Arkansas Code § 6-20-1407 is amended to read as follows:
 8 6-20-1407. Approval of building plans.

9 (a) As used in this section:

10 (1) "Public school facility" has the same meaning as defined in
 11 § 6-21-803 of the Arkansas Public School Academic Facilities Program Act; and

12 (2) "Self-funded project" is a project that is one hundred
 13 percent (100%) raised and funded by the school district.

14 (b) ~~No new schoolhouse~~ public school facility shall be built, added
 15 to, or renovated except in accordance with the plan finally approved by the
 16 Commission for Arkansas Public School Academic Facilities and Transportation
 17 for all projects in which the commission requires its approval.

18 ~~(b)(c)~~ (c) A copy of approved plans and specifications of all new
 19 ~~schoolhouses or~~ public school facilities, additions, or renovations shall be
 20 filed with and approved by the commission before construction shall be
 21 commenced.

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

26 ~~(d)(1)(e)(1)~~ (e)(1) A For new public school facilities, a copy of final
 27 construction documents shall be submitted to the Design Review Section of the
 28 Arkansas Building Authority for review in regard to compliance with the
 29 Arkansas-adopted Americans with Disabilities Act Accessibility Guidelines.

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

32 (3) Corrected construction documents shall be received and
 33 approved by the Arkansas Building Authority.

34 (4) No new public school facilities project shall be released
 35 for bidding or construction until the requirements of this ~~section~~ subsection
 36 are met.

1 ~~(e)~~(f)(1) For additions or renovations, a copy of final construction
2 documents shall be submitted to the Fire Marshal's Office of the Arkansas
3 State Police for review in regard to compliance with the Arkansas-adopted
4 Americans with Disabilities Act Accessibility Guidelines.

5 (2) All review comments received from the Fire Marshal's Office
6 shall be in writing.

7 (3) Corrected construction documents shall be received and
8 approved by the Fire Marshal's Office.

9 (4) No additions or renovation project shall be released for
10 bidding or construction until the requirements of this subsection are met.

11 (g) Review and approval of plans under this section or otherwise shall
12 not be a guarantee of state financial participation in any public school
13 academic facilities project.

14 ~~(f)(1) As used in this subsection (f), a "self-funded project" is a~~
15 ~~project that is one hundred percent (100%) raised and funded by the school~~
16 ~~district.~~

17 ~~(2)(h)(1) The project shall be approved upon compliance~~ commission
18 shall approve a self-funded project that complies with state codes and
19 standards.

20 ~~(3)(2) A school district may submit a self-funded project may be~~
21 ~~submitted~~ in the form of an appendix to the existing school district master
22 plan at any time.

23
24 SECTION 4. Arkansas Code § 6-20-2513(c), concerning appeals of
25 determinations of the Division of Public School Academic Facilities and
26 Transportation, is repealed:

27 ~~(c) The committee shall provide the appellant public school district~~
28 ~~an opportunity to testify before the committee regarding the commission's~~
29 ~~decision.~~

30
31 SECTION 5. Arkansas Code § 6-20-2516(i), concerning a determination of
32 the Academic Facilities Review Board, is amended to read as follows:

33 (i)(1) Following the hearing at which all testimony and evidence are
34 presented, the board shall make a final determination accepting, rejecting,
35 or modifying the determination of the division.

36 (2) Within ten (10) business days, the board shall provide to

1 the appellant public school district and to the division a notice of the
2 board's final determination.

3 (3)(A) If the board's final determination will result in a
4 greater level of state financial participation in a project than previously
5 authorized by the division, the board's final determination shall be reviewed
6 by the Commission for Arkansas Public School Academic Facilities and
7 Transportation in accordance with procedures developed by the commission.

8 (B) A decision of the commission resulting from a review
9 of a decision of the board under this section is final and is not subject to:

- 10 (i) Further appeal to the commission;
- 11 (ii) Request for rehearing by the commission; or
- 12 (iii) Petition for judicial review under the
13 Arkansas Administrative Procedure Act, § 25-15-201 et seq.

14
15 SECTION 6. Arkansas Code § 6-20-2502(8), concerning the definition of
16 maintenance, repair, and renovation under the Arkansas Public School Academic
17 Facilities Funding Act, is amended to read as follows:

18 (8) "Maintenance, repair, and renovation" means any activity or
19 improvement to an academic facility and, if necessary, related areas such as
20 the physical plant and grounds that+

21 ~~(A) Maintains~~ maintains, conserves, or protects the state
22 of condition or efficiency of the academic facility; ~~or~~

23 ~~(B) Brings the state of condition or efficiency of the~~
24 ~~academic facility up to the facility's original condition of completeness or~~
25 ~~efficiency;~~

26
27 SECTION 7. Arkansas Code § 6-20-2502(10), concerning the definition of
28 new construction under the Arkansas Public School Academic Facilities Funding
29 Act, is amended to read as follows:

30 (10)(A) "New construction" means any improvement to an academic
31 facility and, if necessary, related areas such as the physical plant and
32 grounds that brings the state of condition or efficiency of the academic
33 facility to a state of condition or efficiency better than the academic
34 facility's ~~original~~ current condition of completeness or efficiency.

35 (B) "New construction" includes additions to existing academic
36 facilities and new academic facilities;

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SECTION 8. Arkansas Code § 6-21-803(7), concerning the definition of facilities master plan under the Arkansas Public School Academic Facilities Program Act, is amended to read as follows:

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

(A) ~~Current enrollment~~ Enrollment projections for ten (10) years from the date of the plan;

(B) 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

(C) Other information as required by law;

SECTION 9. Arkansas Code § 6-21-803(10), concerning the definition of maintenance, repair, and renovation under the Arkansas Public School Academic Facilities Program Act, is amended to read as follows:

(10) "Maintenance, repair, and renovation" means any activity or improvement to a public school facility that+

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

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

SECTION 10. Arkansas Code § 6-21-803(11), concerning the definition of new construction under the Arkansas Public School Academic Facilities Program Act, is amended to read as follows:

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

(B) "New construction" includes a new addition to an existing academic facility and construction of a new academic facility;

SECTION 11. Arkansas Code § 6-21-806(a)(1), concerning the

1 requirements for an academic facilities master plan, is amended to read as
2 follows:

3 (1) Develop a ~~ten-year~~ six-year districtwide facilities master
4 plan that shall be approved by the school district's board of directors for
5 submission to and approval by the Division of Public School Academic
6 Facilities and Transportation;

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8 SECTION 12. Arkansas Code § 6-21-806(b)(9), concerning the
9 requirements for an academic facilities master plan, is amended to read as
10 follows:

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

14 (A) Immediate needs that the school district intends to
15 address within three (3) years following the submission of the facilities
16 master plan; and

17 (B) ~~Short-term~~ Long-term needs that the school district
18 intends to address within the four (4) to six (6) years following the
19 submission of the facilities master plan; and

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

23
24 SECTION 12. Arkansas Code § 6-21-806(d) and (e)(1), concerning review
25 of and amendments to an academic facilities master plan, are amended to read
26 as follows:

27 ~~(d)(1)(A) The division shall review and approve a school district's~~
28 ~~facilities master plan no later than May 1, 2006, with regard to academie~~
29 ~~facilities projects for which a school district intends to apply for state~~
30 ~~financial participation during fiscal year 2006-2007.~~

31 ~~(B) The division shall notify a school district no later~~
32 ~~than July 1, 2006, that the school district's application for state financial~~
33 ~~participation during fiscal year 2006-2007 in an eligible new construction~~
34 ~~project has been approved.~~

35 ~~(2)(d) Except as provided in subdivision (d)(1) of this section, the~~
36 The division shall review and upon all requirements being met approve a

1 school district's facilities master plan no later than September 1 of each
2 even-numbered year and shall notify a school district no later than May 1 of
3 each odd-numbered year ~~that~~ whether the school district's application for
4 state financial participation during the upcoming biennium in an eligible new
5 construction project has been approved.

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

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10 **APPROVED: 04/01/2011**
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