

# Act 781 of 2017 Rules Report

## for Department of Education - Division of Public School Academic Facilities and Transportation

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
<b>Department of Education - Division of Public School Academic Facilities and Transportation</b>					
Enforce					
6 CAR pt. 320. Appeals from Determinations of the Division of Public School Academic Facilities and Transportation					ID#: 11189
Statutory Authority:	Ark. Code Ann. 6-20-2512, 6-20-2513, and 6-21-814	04/18/2008	04/18/2008	12/21/2018	12/31/2018
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-2512				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules necessary to administer this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-20-2512 provides that the Commission promulgate rules necessary to administer Title 6, Chapter 20, Subchapter 25.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11189/Final/6CARpt320.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11189/Final/6CARpt320.pdf</a>				
6 CAR pt. 321. Rules Governing the Academic Facilities Partnership Program					ID#: 11204
Statutory Authority:	Ark. Code Ann. 6-21-114, 6-20-2507, 6-20-2512, Act 1080 of 2019.	03/17/2008	04/18/2008	12/20/2019	12/30/2019
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-2512				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules necessary to administer this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-20-2512 mandates that the Commission promulgate rules necessary to administer this program.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11204/Final/6CARpt321.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11204/Final/6CARpt321.pdf</a>				
6 CAR pt. 322. Rules Governing the Facilities Master Plan					ID#: 11198
Statutory Authority:	Ark. Code Ann. 6-21-801 et seq.	03/16/2008	05/23/2010	12/20/2019	12/30/2019
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-21-804				
Requirement Statement:	(b) The commission shall promulgate rules necessary to administer the Arkansas Public School Academic Facilities Program, all its component and related programs, and the provisions of this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-804 mandates that the Commission promulgate rules necessary to administer this program.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11198/Final/6CARpt322.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11198/Final/6CARpt322.pdf</a>				
6 CAR pt. 323. Right of Access to Unused or Underutilized Public School Facilities and the Sale or Lease of Public School Facilities					ID#: 11190
Statutory Authority:	Ark. Code Ann. 6-21-815(g)	12/31/2018	12/31/2018	12/21/2018	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-21-815(g) provides that the CAPSAFT shall promulgate rules, including without limitation a standard lease form.				
Requirement Statement:	Ark. Code Ann. 6-21-815(g) provides that the CAPSAFT shall promulgate rules, including without limitation a standard lease form.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-815(g) provides that the CAPSAFT shall promulgate rules, including without limitation a standard lease form.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11190/Final/6CARpt323.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11190/Final/6CARpt323.pdf</a>				

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
6 CAR pt. 324. Rules Governing Property Insurance Requirements					ID#: 11199
Statutory Authority:	Ark. Code Ann. 6-21-114	07/13/2007	07/13/2007	07/03/2007	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-21-114				
Requirement Statement:	(d) The commission shall:				
	...				
	(2)(A) Promulgate rules in consultation with the Insurance Commissioner to establish property, boiler and machinery, and extended coverage insurance requirements and guidelines for all buildings, structures, facilities, and business personal property owned by a school district.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-114 mandates that the Commission promulgate these rules.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11199/Final/6CARpt324.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11199/Final/6CARpt324.pdf</a>				
6 CAR pt. 325. The Academic Facilities Distress Program					ID#: 11205
Statutory Authority:	Ark. Code Ann. 6-21-114, 6-21-804, 6-21-811, 6-21-812, and Act 933 of 2019.	01/29/2008	02/25/2008	12/20/2019	12/30/2019
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann 6-21-804				
Requirement Statement:	The commission shall promulgate rules necessary to administer the Arkansas Public School Academic Facilities Program, all its component and related programs, and the provisions of this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-804 mandates that the Commission promulgate rules necessary to administer this program.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11205/Final/6CARpt325.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11205/Final/6CARpt325.pdf</a>				
6 CAR pt. 326. Rules Governing the Academic Facilities Catastrophic Program					ID#: 11200
Statutory Authority:	Ark. Code Ann. 6-20-2508 and 6-20-2512	02/25/2008	02/25/2008	02/15/2008	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-2512				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules necessary to administer this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-20-2512 mandates that the Commission promulgate rules necessary to administer this program.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11200/Final/6CARpt326.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11200/Final/6CARpt326.pdf</a>				
6 CAR pt. 327. Bonded Debt Assistance					ID#: 11191
Statutory Authority:	Ark. Code Ann. 6-20-2503 and 6-20-2512	12/17/2005	12/17/2005	12/21/2018	12/31/2018
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-2512				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules necessary to administer this subchapter, which shall promote the intent and purposes of this subchapter and assure the prudent and resourceful expenditure of state funds with regard to public school academic facilities throughout the state.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-20-2512 provides that the Commission shall promulgate rules necessary to administer Title 6, Chapter 20, Subchapter 25.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11191/Final/6CARpt327.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11191/Final/6CARpt327.pdf</a>				
6 CAR pt. 328. The Academic Facilities High-Growth School District Loan Program					ID#: 11192

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority:	Ark. Code Ann. 6-20-2511 and 2512	10/10/2008	10/10/2008	09/30/2008	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-2511				
Requirement Statement:	(g) The Commission for Arkansas Public School Facilities and Transportation shall adopt rules to implement the program established by this section.				
Enforce or Repeal?:	Enforce				
Agency Justification:	To date the Arkansas Legislature has not appropriated funding for the program, nor has any district filed an application for a loan from the Revolving Loan Fund pursuant to these rules. (Moved to continued enforcement, per the agency's request at the 10/2/2018 meeting of the ALC-Administrative Rules and Regulations subcommittee.)				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11192/Final/6CARpt328.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11192/Final/6CARpt328.pdf</a>				
6 CAR pt. 329. Acquisition of Energy Conservation Measures for Public Schools					ID#: 11193
Statutory Authority:	Ark. Code Ann. 6-20-405 and 6-21-114	12/18/2005	12/18/2005	12/07/2005	
<input type="checkbox"/> Required under State or Federal Law:	(none)				
Requirement Statement:	(none)				
Enforce or Repeal?:	Enforce				
Agency Justification:	These rules provide an alternate method for school districts to obtain energy savings if they do not qualify for partnership funds. Ark. Code Ann. 6-21-114(e) provides that the Commission may adopt rules "necessary or desirable for the administration of the Arkansas Public School Academic Program and any other related program."				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11193/Final/6CARpt329.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11193/Final/6CARpt329.pdf</a>				
6 CAR pt. 330. Self-Construction Projects by Public Education Entities					ID#: 11194
Statutory Authority:	Ark. Code Ann. 6-21-109	05/23/2010	05/23/2010	05/17/2019	05/27/2019
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-21-109				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation, after consulting with the Arkansas Building Authority and any other entities, shall establish rules applicable to public educational entities for all public works projects when the public educational entity uses its own employees or acts as a general contractor.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-109 mandates that the Commission promulgate these rules.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11194/Final/6CARpt330.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11194/Final/6CARpt330.pdf</a>				
6 CAR pt. 331. Use of Construction Management as a Project Delivery Method					ID#: 11197
Statutory Authority:	Ark. Code Ann. 6-21-114 and 19-11-801	12/18/2005	12/18/2005	12/07/2005	
<input type="checkbox"/> Required under State or Federal Law:	(none)				
Requirement Statement:	(none)				
Enforce or Repeal?:	Enforce				
Agency Justification:	These rules provide an alternative to districts to perform construction projects that may not need architects or engineers to act as construction managers. Ark. Code Ann. 6-21-114 authorizes the Commission to adopt rules "as necessary or desirable for the administration of the Arkansas Public School Academic Facilities Program or any other related program."				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11197/Final/6CARpt331.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11197/Final/6CARpt331.pdf</a>				
6 CAR pt. 332. Use of Design-Build Construction by Public School Districts					ID#: 11195

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority:	Ark. Code Ann. 6-21-113 and 19-11-807	12/18/2005	12/18/2005	12/07/2005	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 19-11-807				
Requirement Statement:	(c) The Division of Public School Academic Facilities and Transportation shall develop and promulgate rules consistent with the provisions of this section concerning the use of design-build construction by school districts.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 19-11-807 mandates that the Division (i.e., the Commission) promulgate these rules.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11195/Final/6CARpt332.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11195/Final/6CARpt332.pdf</a>				
6 CAR pt. 333. Use of Public-Public Partnerships by School Districts					ID#: 11196
Statutory Authority:	Ark. Code Ann. 6-20-414	12/18/2005	12/18/2005	12/07/2005	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-20-414				
Requirement Statement:	(c) The Division of Public School Academic Facilities and Transportation shall develop and promulgate rules consistent with the provisions of this section concerning the use of public-public partnerships by school districts.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-20-414 mandates that the Division (i.e., Commission) promulgate these rules.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11196/Final/6CARpt333.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11196/Final/6CARpt333.pdf</a>				
6 CAR pt. 334. Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers					ID#: 11201
Statutory Authority:	Ark. Code Ann. 6-19-101 et seq.	10/22/2005	10/22/2005	11/21/2012	12/21/2012
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-19-101				
Requirement Statement:	The Commission for Arkansas Public School Academic Facilities and Transportation shall promulgate rules and standards governing the school transportation program in school districts that promote and provide a safe, efficient, and economical system of pupil transportation.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-19-101 mandates that the Commission promulgate these rules.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11201/Final/6CARpt334.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11201/Final/6CARpt334.pdf</a>				
6 CAR pt. 335. Specifications Governing School Bus Design					ID#: 11202
Statutory Authority:	Ark. Code Ann. 6-21-304	09/15/2005	10/22/2005	10/07/2019	10/17/2019
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-21-304				
Requirement Statement:	(b)(2) The Commission for Arkansas Public School Academic Facilities and Transportation shall have responsibility for drawing up the minimum specifications for all school buses.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-21-304 mandates that the Commission develop minimum specifications for school buses.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11202/Final/6CARpt335.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11202/Final/6CARpt335.pdf</a>				
6 CAR pt. 336. Advertising on School Buses					ID#: 11203
Statutory Authority:	Ark. Code Ann. 6-19-129	11/30/2015	11/30/2015	11/20/2015	
<input checked="" type="checkbox"/> Required under State or Federal Law:	Ark. Code Ann. 6-19-129				
Requirement Statement:	The commission shall adopt rules as necessary to implement this section.				
Enforce or Repeal?:	Enforce				
Agency Justification:	Ark. Code Ann. 6-19-129 mandates that the Commission adopt rules as necessary to implement the section.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11203/Final/6CARpt336.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11203/Final/6CARpt336.pdf</a>				
6 CAR pt. 337. Rule Governing the Transportation Modernization Grant Program					ID#: 11206

		Promulgated Date	Effective Date	Filed w/ SOS Date	Last Revision Date
Statutory Authority:	Arkansas Code §§ 6-20-2703, 6-21-114.	05/03/2024	06/30/2025	06/20/2025	
<input checked="" type="checkbox"/> Required under State or Federal Law:	6-21-114(d)(2)(A)				
Requirement Statement:	6-21-114(d) The commission shall: (2)(A) Promulgate rules in consultation with the Department of Transformation and Shared Services to establish property, boiler and machinery, and extended coverage insurance requirements and guidelines for all buildings, structures, facilities, and business personal property owned by a school district.				
Enforce or Repeal?:	Enforce				
Agency Justification:	This rule is promulgated under the authority granted to the Commission for Public School Academic Facilities and Transportation in Arkansas Code § 6-21-114 for the purpose of implementing the Transportation Modernization Grant Program created by Arkansas Code § 6-20-2701 et seq.				
Link to Rule Document:	<a href="http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11206/Final/6CARpt337.pdf">http://arr.blr.arkansas.gov/Portals/0/Rules/ARR/Entities/136/Rules/11206/Final/6CARpt337.pdf</a>				