

6-21-801. Title.

This subchapter is known as and may be cited as the "Arkansas Public School Academic Facilities Program Act".

History. Acts 2005, No. 1426, § 1.

6-21-802. Intent.

(a) The General Assembly recognizes that:

(1) Intelligence and virtue are the safeguards of liberty and the bulwarks of a free and good government; and

(2) Arkansas Constitution, Article 14, § 1, requires the state to ever maintain a general, suitable, and efficient system of free public schools and to adopt all suitable means to secure the advantages and opportunities of education to the people of the State of Arkansas.

(b) The General Assembly finds that because of the opinions of the Supreme Court in the matter of Lake View School District No. 25 vs. Huckabee, it is the absolute duty of the State of Arkansas to provide all public school children with an opportunity for an adequate education, which includes access to adequate academic facilities and equipment.

(c) The General Assembly finds that in order to satisfy the constitutional expectations of the Supreme Court, the state should:

(1) Provide constitutionally appropriate public school academic facilities for the education of each similarly situated child in the public schools of Arkansas, regardless of where that child resides within the state;

(2) Require all public school academic facilities to meet applicable facilities standards established in this subchapter and rules adopted by the Commission for Public School Academic Facilities and Transportation;

(3) Provide that all public school students are educated in facilities that are suitable for teaching in accordance with:

(A) Standards for accreditation adopted by the State Board of Education;

(B) Curriculum frameworks adopted by the state board; and

(C) Technology systems, instructional materials, and related academic equipment necessary to provide the adequate education explicated in subdivisions (c)(3)(A) and (B) of this section; and

(4) Require school districts to conserve and protect their academic facilities in such a manner that the academic facilities remain adequate.

(d) It is the intent of this subchapter to provide a system of state oversight of public school academic facilities so that school districts have academic facilities that support the opportunity for each public school student in the State of Arkansas to have an adequate education.

History. Acts 2005, No. 1426, § 1.

6-21-803. Definitions.

As used in this subchapter:

(1)(A) "Academic facility" means 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 § 6-20-2302.

(B) 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 § 6-16-137 shall not be considered an academic facility for the purposes of this subchapter 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 § 6-16-132.

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

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

(2) "Annexation" means the joining of an affected school district or part of the school district with a receiving district under § 6-13-1401 et seq.;

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

(4) "Custodial activities" means routine and renovation cleaning activities related to the daily operations and upkeep of a public school facility, including related supervisory and management activities;

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

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

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

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

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

(A) Current enrollment projections;

(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;

(8) "Foundation funding" means the same as in § 6-20-2303;

(9) "Local resources" means any moneys lawfully 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;

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

(A) 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;

(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 condition of completeness or efficiency.

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

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

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

(B) New construction of an academic facility; or

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

(13) "Public school facility" means 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:

(A) An extracurricular activity;

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

(C) Prekindergarten education;

(D) District administration; or

(E) Delivery of instruction to public school students that is an integral part of an adequate education as described in § 6-20-2302;

(14) "Reconstitution" means 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 or the removal or replacement of a current school board, or both;

(15) "School district" means a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem property taxes under § 26-1-101 et seq. and which board conducts the daily affairs of public schools under the supervisory authority vested in it by the General Assembly and § 6-1-101 et seq.; and

(16) "Space utilization" means the number of gross square feet per student in an academic

facility adjusted for academic program, school enrollment, grade configuration, and type of public school in accordance with rules promulgated by the Commission for Arkansas Public School Academic Facilities and Transportation.

History. Acts 2005, No. 1426, § 1; 2006 (1st Ex. Sess.), No. 19, § 4.

Amendments. The 2006 (1st Ex. Sess.) amendment substituted "a public school facility" for "academic facilities" in (4); inserted "with regard to academic facilities" in (6)(A); inserted the subdivision (A) and (B) designations in (7) and made related changes; added (7)(C); substituted "a public school facility that" for "an academic facility and, if necessary, related areas, such as the physical plant and grounds, that" in the introductory language of (10); substituted "public school" for "academic" in (10)(A) and (B); substituted "a new addition to an existing academic facility and construction of a new academic facility" for "additions to existing academic facilities and new academic facilities" in (11)(B); inserted the first occurrence of "with regard to an academic facility" in (12)(C); inserted present (13) and redesignated the remaining subdivisions accordingly; and, in (16), substituted "an academic facility" for "a public school academic facility" and inserted "Arkansas."

6-21-804. Arkansas Public School Academic Facilities Program.

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

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

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

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

(2) A Public School Facilities Custodial, Maintenance, Repair, and Renovation Manual that contains uniform standards to direct custodial, maintenance, repair, and renovation activities in public school facilities;

(3) A Public School Academic Facilities Manual that contains uniform standards to guide the planning, design, and construction of new academic facilities and additions to existing academic facilities;

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

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

(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.

History. Acts 2005, No. 1426, § 1; 2006 (1st Ex. Sess.), No. 19, § 5.

Amendments. The 2006 (1st Ex. Sess.) amendment, in (a)(2), substituted "A Public School Facilities" for "An Academic Facilities" and deleted "academic" preceding "facilities"; in (a)(3), substituted "Facilities" for "Facility" and deleted "public school" preceding "academic" twice; substituted "described" for "defined" in (a)(4); and inserted "Arkansas" in (a)(5).

6-21-805. Academic Facilities Master Plan Program - Purpose.

The purposes of the Academic Facilities Master Plan Program and this section are to:

(1) Establish a mechanism for state supervision of school district activities impacting academic facilities and equipment;

(2) Develop and continually update information critical to identifying academic facilities needs at the local level and across the state; and

(3) Allow the state to manage state financial participation in eligible local academic facilities projects.

History. Acts 2005, No. 1426, § 1.

6-21-806. Academic Facilities Master Plan Program - School districts.

(a) The Academic Facilities Master Plan Program shall require each school district to:

(1) Develop a ten-year districtwide facilities master plan that shall be approved by the school

district's board of directors for submission to and approval by the Division of Public School Academic Facilities and Transportation;

(2) Base its facilities master plan on the provisions of the Public School Academic Facility Manual as adopted by the Commission for Public School Academic Facilities and Transportation and on priorities indicated by statewide assessment and other pertinent data specific to the needs of the school district with regard to academic facilities and equipment;

(3) Present a draft of the school district's facilities master plan in a public hearing in the same locality as the school district and take public comments;

(4) Submit evidence of the school district's insurance coverage to the division by July 1, 2006, including coverage amounts, types of coverage, identification of buildings covered, policy renewal dates, and all riders;

(5) Submit the school 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; and

(6) Submit a report to the division by February 1 of each odd-numbered year that includes a description of all projects completed in the school district since the submission of the school district's most recent facilities master plan, the school district's current enrollment projections, new or continuing needs of the school district with regard to academic facilities and equipment, and an accounting of any changes in the school district's insurance coverage from the most recent submission.

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

(1) A schedule of custodial activities for each public school facility used by a school district;

(2) A schedule of maintenance, repair, and renovation activities for each 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;

(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 preventive maintenance work associated with academic facilities and preventive maintenance work associated with nonacademic public school facilities;

(4)(A) Annual expenditures of the school district for all custodial, maintenance, repair, and renovation activities in the school district.

(B) The section of the facilities master plan pertaining to the annual expenditures under subdivision (b)(4) of this section shall distinguish between expenditures associated with academic facilities and expenditures associated with nonacademic public school facilities;

- (5) A projected replacement schedule for major building systems in each academic facility;
- (6) The school district's plan for caring for and maintaining technology systems, instructional materials, and related academic equipment in each academic facility;
- (7) A projected replacement schedule for technology systems, instructional materials, and related academic equipment;
- (8) Identification of issues with regard to public school facility and program access to individuals with disabilities and, if necessary, proposed methods for improving access;
- (9)(A) Identification of committed projects within the school district that includes, as applicable, a breakdown of the portion of each project into maintenance, repair, and renovation activities and new construction activities.
 - (B) The portion of a committed project pertaining to maintenance, repair, and renovation activities shall identify, as applicable, maintenance, repair, and renovation activities associated with academic facilities and maintenance, repair, and renovation activities associated with nonacademic public school facilities;
- (10) Annual expenditures of the school district for capital outlay;
- (11) A description of planned new construction projects with cost estimates for each public school facility within the school district and needs prioritized as follows:
 - (A) Immediate needs that the school district intends to address within three (3) years following the submission of the facilities master plan;
 - (B) Short-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; and
 - (C) Long-term needs that the school district intends to address within the seven (7) to ten (10) years following the submission of the facilities master plan; and
- (12) Evidence of the school district's insurance coverage, including coverage amounts, types of coverage, identification of public school facilities covered, policy renewal dates, and all riders.
 - (c)(1) The division shall establish procedures and timelines for a school district to submit a preliminary facilities master plan or a master plan outline to the division before the submission of the school district's final facilities master plan.
 - (2) The preliminary master plan or master plan outline shall form the basis for a consultation meeting between representatives of the district and members of the division.
 - (3) As soon as practicable after submission of the preliminary master plan or master plan

outline, the division shall hold the consultation meeting with the school district to:

(A) Assure understanding of the general goals of this subchapter and the criteria by which projects will be evaluated;

(B) Discuss ways the facilities master plan may be structured to meet the goals of this subchapter;

(C) Assist districts to prepare accurate budgets and reasonable project schedules; and

(D) Provide for efficiency and productivity in the approval process for local academic facilities projects and state financial participation in local projects.

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

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

(2) Except as provided in subdivision (d)(1) of this section, the division shall review and approve a school district's facilities master plan no later than September 1 of each even-numbered year and shall notify a school district no later than May 1 of each odd-numbered year that the school district's application for state financial participation during the upcoming biennium in an eligible new construction project has been approved.

History. Acts 2005, No. 1426, § 1; 2006 (1st Ex. Sess.), No. 19, § 6.

Amendments. The 2006 (1st Ex. Sess.) amendment rewrote (b).

6-21-807. Academic Facilities Master Plan Program - State plan.

(a) The Division of Public School Academic Facilities and Transportation shall develop a comprehensive state master plan for managing state financial participation in local academic facilities projects across the state.

(b) The state academic facilities master plan shall include:

(1) A list of committed projects for public school academic facilities for the upcoming fiscal year categorized by program and method of state financial participation;

(2) The total estimated cost of each committed project and the estimated amount of state financial participation; and

(3) A four-year rolling forecast of planned new construction projects related to public school academic facilities.

History. Acts 2005, No. 1426, § 1.

6-21-808. Public School Facilities Custodial, Maintenance, Repair, and Renovation Manual.

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

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

(2) Eliminate the deterioration of existing and future public school facilities;

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

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

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

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

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

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

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

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

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

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

(G) Designation of routine duties; and

(H) Designation of renovation cleaning duties.

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

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

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

(i) Scheduling preventive maintenance activities for public school facilities; and

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

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

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

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

(i) School policies;

(ii) Safety procedures;

(iii) Use of specialized equipment;

(iv) Compliance with federal, state, county, and municipal laws and regulations impacting public school facilities and equipment; and

(v) Other applicable areas;

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

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

(G) Inspection and repair of:

(i) Electrical systems;

(ii) Hot water boilers and heaters;

- (iii) Fire alarms;
- (iv) Fire extinguishers and kitchen hood vent suppression systems;
- (v) Emergency lighting and exit light fixtures;
- (vi) Elevators and wheelchair lifts;
- (vii) Plumbing;
- (viii) Roofs;
- (ix) Stairwell areas;
- (x) Interior and exterior lighting;
- (xi) Doors and windows;
- (xii) Floor coverings;
- (xiii) Masonry and concrete building exteriors;
- (xiv) Interior and exterior finishes;
- (xv) Kitchen equipment;
- (xvi) Sidewalks, driveways, parking areas, and paved play areas; and
- (xvii) Parking lots, handicap parking spaces, driveways, fire and emergency vehicle zones, and bus and car loading and unloading areas;
- (H) Inspection and repair and servicing of fire sprinkler systems;
- (I) Maintenance of a pest control program;
- (J) Inspection of playground equipment; and
- (K) Grounds maintenance.

(d)(1)(A) Each school district shall dedicate nine percent (9%) of its foundation funding exclusively to payment of utilities and costs of custodial, maintenance, repair, and renovation activities, which include related personnel costs, for public school facilities.

(B)(i) If any amount of the dedicated nine percent (9%) is unspent at the end of the school district's fiscal year, the funds shall carry over, and the school district shall transfer the remaining amount into a public school facilities escrow account.

(ii) A school district may use funds from its public school facilities escrow account in any

fiscal year for payment of utilities and costs of custodial, maintenance, repair, and renovation activities, which include related personnel costs, for public school facilities.

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

(2)(A) A school district is not required to use funds in its public school facilities escrow account for new construction.

(B)(i) New construction shall be funded by local resources, which may include funds in the school district's public school facilities escrow account if approved by the division.

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

History. Acts 2005, No. 1426, § 1; 2006 (1st Ex. Sess.), No. 19, § 7.

Amendments. The 2006 (1st Ex. Sess.) amendment substituted "public school facilities" for "academic facilities" throughout this section; substituted "Public School Facilities" for "Arkansas Facilities" in the section heading and in the introductory language of (a); deleted "academic" following "public school" in (a)(1) and (2); inserted "in public school facilities" in (c)(2); in (d)(1)(A), deleted "Beginning with the 2005-2006 school year" from the beginning, inserted "costs of" and substituted "which include related personnel costs, for public school facilities" for "and related personnel costs"; substituted "a public school facilities escrow account" for "an academic facilities escrow account to be released only upon approval by the division for use in conjunction with a local academic facilities project" in present (d)(1)(B)(i); added (d)(1)(B)(ii) and (iii); and deleted "projects" following "construction" in (d)(2)(A) and (d)(2)(B)(i) and (ii).

6-21-809. Arkansas Public School Academic Facility Manual.

(a) The Arkansas Public School Academic Facility Manual shall contain uniform standards to guide the planning, design, and construction of new public school academic facilities and additions to existing public school academic facilities.

(b) Design and construction standards shall include provisions addressing the following areas:

(1) Planning concepts related to current educational best practices, special education, workforce development, and program and design capacity;

(2) Organizational, facility, program, and service issues, including grade configuration, school size, and class size;

(3) Site selection, including guidelines about site size and site amenities, such as site access, grading, drainage, drives, parking, walks, fencing, exterior security provisions, exterior lighting, mechanical yards, electrical yards, site furnishings, play fields, playgrounds, and landscaping;

(4) Standards for size and quantity of instruction and support spaces;

(5) Program space guidelines, including necessary features, loose furnishings, and finishes related to identified programs and services;

(6) Design standards and guidelines regarding the quality of materials and systems for the following building systems:

(A) Fire and safety;

(B) Roofing;

(C) Structural;

(D) Heating, ventilation, and air conditioning;

(E) Plumbing;

(F) Electrical;

(G) Exterior;

(H) Interior;

(I) Technology; and

(J) Specialties, including equipment and furnishings; and

(7) Repair and construction cost guidelines.

(c) The manual shall also include provisions addressing the following areas:

(1)(A) A process by which a school district may apply for a variance from applicable academic facility standards upon presenting evidence of:

(i) The existence of conditions that make compliance with applicable standards impractical or unreasonably burdensome; and

(ii) Other conditions determined by the Division of Public School Academic Facilities and Transportation as warranting a variance from applicable public school academic facility standards.

(B) The variance provision shall address minimum standards for academic facilities that are

reasonably expected to close or be replaced within three (3) years;

(2) Review and approval of all plans and designs for major building systems related to new construction of academic facilities prior to preparation of final bid or other applicable procurement documents;

(3) Site inspections of all major building and design systems at appropriate stages of construction;

(4) Contingency plans for review and inspection by the division if appropriate state, local, or other officials are unable or unwilling to complete an appropriate plan review or site inspection;

(5) Oversight by the division of a project for which the school district does not use the services of an architect; and

(6) The short-term temporary use of premanufactured portable buildings.

(d) The division shall review and update the manual on an annual basis.

History. Acts 2005, No. 1426, § 1.

6-21-810. Public School Academic Equipment Manual.

(a) The Public School Academic Equipment Manual shall contain uniform standards for technology systems, instructional materials, and related academic equipment determined to be necessary for a public school to provide an adequate education as described in § 6-20-2302.

(b)(1) The standards for technology systems, instructional materials, and related academic equipment shall address the following areas:

- (A) Science and mathematics;
- (B) Library media center;
- (C) English and language arts;
- (D) Foreign languages;
- (E) Social studies;
- (F) Health education and physical education;
- (G) Art;

(H) Music;

(I) Guidance and health services; and

(J) Workforce education.

(2) The standards shall account for variations in a school district's use of and need for technology systems, instructional materials, and related academic equipment such as size of school district, grade configuration of schools with the district, number of course offerings available, and enrollment levels.

(3) The standards shall establish a method for creating, maintaining, and updating an inventory of public school academic equipment, including, without limitation, technology systems, instructional materials, and related academic equipment.

History. Acts 2005, No. 1426, § 1.

6-21-811. Academic Facilities Distress Program.

(a) The Division of Public School Academic Facilities and Transportation shall identify a public school or school district as being in academic facilities distress if the division determines that the public school or school district has engaged in actions or inactions that result in any of the following:

(1) Any act or violation determined by the division to jeopardize any academic facility used by a public school or school district, including, but not limited to:

(A) Material failure to properly maintain academic facilities in accordance with this subchapter and rules adopted by the Commission for Public School Academic Facilities and Transportation;

(B) Material violation of local, state, or federal fire, health, or safety code provisions or laws;

(C) Material violation of applicable building code provisions or law;

(D) Material failure to provide timely and accurate facilities master plans to the division;

(E) Material failure to comply with state law governing purchasing or bid requirements in relation to academic facilities projects; or

(F) Material default on any school district debt obligation; or

(2) Any other condition of an academic facility or facilities in a public school or school district that is determined by the division to have a detrimental impact on educational services provided by that public school or school district.

(b) The division shall provide written notice, via certified mail, return receipt requested, to the president of the school board and the superintendent of the public school or school district identified as being in facilities distress.

(c)(1) A public school or school district identified as being in facilities distress shall develop a facilities improvement plan within thirty (30) days from the date of receipt of the notice and promptly submit the facilities improvement plan to the division for review and approval.

(2) A public school or school district shall review and revise its facilities improvement plan on a periodic basis as determined by the division and submit the updated facilities improvement plan to the division in order for the division to determine whether the public school or school district is correcting its deficient areas of practice regarding academic facilities.

(3) A school district shall use facilities improvement plans as necessary to supplement and update its facilities master plan.

(d) When a school district is identified by the division to be in facilities distress, the division may:

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

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

(C) The recommendations of the division are binding on the district, the superintendent, and the school board;

(2) Require the superintendent to relinquish all administrative authority with respect to the school district;

(3)(A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the Director of the Division of Public School Academic Facilities and Transportation.

(B) The division may direct the school district to compensate from school district funds the individual appointed to operate the school district;

(4) Suspend or remove all members of the current board of directors and call for the election of a new school board for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(5) Require the school district to operate without a local school board under the supervision of the local superintendent or an individual or panel appointed by the director;

(6) Return the administration of the school district to the former board or place the administration of the school district in a newly elected school board;

(7) Require school district staff and employees to attend training in areas of concern for the public school or school district;

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

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

(9) Notify the public school or school district in writing that the deficiencies regarding academic facilities shall be corrected within a time period designated by the division;

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

(B) The state board may approve the petition or take other appropriate action as allowed by this subchapter.

(C)(i) The state board shall consolidate, annex, or reconstitute any school district that fails to remove itself from the classification of a school district in facilities distress within two (2) consecutive school years of receipt of notice of identification of facilities distress status by the division.

(ii)(a) A school district may appeal the action of the state board to the Commission for Public School Academic Facilities and Transportation in accordance with procedures developed by the state board.

(b) The commission may reverse the action of the state board if the commission finds that the school district could not remove itself from facilities distress due to impossibility caused by external forces beyond the school district's control; and

(11) Take any other action allowed by law that is deemed necessary to assist a public school or school district in removing criteria of facilities distress.

(e) No school district identified by the division as being in facilities distress may incur any

debt without the prior written approval of the commission.

(f) A public school or school district in facilities distress may petition the commission for removal from facilities distress status only after the division has certified in writing that the public school or school district has corrected all criteria for being classified as in facilities distress and has complied with all division recommendations and requirements for removal from facilities distress.

(g) The division shall submit a written evaluation on the status of each school district in facilities distress to the commission and the state board at least one (1) time every six (6) months.

History. Acts 2005, No. 1426, § 1.

6-21-812. Facilities distress - Student transfers.

(a)(1) Any student attending a public school district classified as being in facilities distress shall automatically be eligible and entitled under the Arkansas Public School Choice Act of 1989, § 6-18-206, to transfer to another geographically contiguous school district not in facilities distress during the time period that a district is classified as being in facilities distress.

(2) The student is not required to file a petition by July 1 but shall meet all other requirements and conditions of the Arkansas Public School Choice Act of 1989, § 6-18-206.

(b) The resident district shall pay the cost of transporting the student from the resident district to the nonresident district.

(c) The nonresident district shall count the student for average daily membership purposes.

History. Acts 2005, No. 1426, § 1.

6-21-813. Inspections.

(a) The Division of Public School Academic Facilities and Transportation shall conduct random unannounced on-site inspections of all academic facilities that have been funded wholly or in part by moneys from the state to ensure compliance with the school district's facilities master plan and, if applicable, the school district's facilities improvement plan in order to preserve the integrity of and extend the useful life of public school academic facilities and equipment across the state.

(b) The division shall submit reports regarding its on-site inspections of academic facilities to the Commission for Public School Academic Facilities and Transportation within thirty (30) days of completion of the on-site inspections.

(c) Based on the division's on-site inspection or notification by the division to the commission that the changes or additions to a school district's facilities master plan or facilities improvement plan required by the division have not been implemented within the time period prescribed by the division, the commission shall restrict the use of the necessary funds or otherwise allocate funds from moneys appropriated by the General Assembly.

History. Acts 2005, No. 1426, § 1.

6-21-814. Appeals.

(a) A school district may appeal any determination of the Division of Public School Academic Facilities and Transportation under this subchapter to the Commission for Public School Academic Facilities and Transportation in accordance with procedures developed by the commission.

(b) All decisions of the commission resulting from a school district's appeal of a division determination under this subchapter shall be final and shall not be subject to further appeal or request for rehearing to the commission or petition for judicial review under the Arkansas Administrative Procedure Act, § 25-15-201 et seq.

History. Acts 2005, No. 1426, § 1.