

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4

# A Bill

SENATE BILL 590

5 By: Senators Broadway, Bisbee  
6 By: Representatives Mahony, Elliott  
7

## For An Act To Be Entitled

10 AN ACT TO REVISE THE DUTIES AND RESPONSIBILITIES  
11 OF THE DIVISION OF PUBLIC SCHOOL ACADEMIC  
12 FACILITIES AND TRANSPORTATION; TO CREATE THE  
13 COMMISSION ON PUBLIC SCHOOL ACADEMIC FACILITIES  
14 AND TRANSPORTATION; AND FOR OTHER PURPOSES.  
15

## Subtitle

16  
17  
18 AN ACT TO REVISE THE DUTIES AND  
19 RESPONSIBILITIES OF THE DIVISION OF  
20 PUBLIC SCHOOL ACADEMIC FACILITIES AND  
21 TRANSPORTATION AND TO CREATE THE  
22 COMMISSION ON PUBLIC SCHOOL ACADEMIC  
23 FACILITIES AND TRANSPORTATION.  
24

25  
26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
27

28 SECTION 1. Arkansas Code § 6-21-112 is amended to read as follows:

29 6-21-112. ~~Division of Public School Academic Facilities~~ Division of  
30 Public School Academic Facilities and Transportation.

31 (a) In order to ensure that substantially equal access to adequate  
32 educational facilities and educational equipment is provided for all public  
33 school students in Arkansas, the General Assembly finds that a division of  
34 public school academic facilities and transportation should be established  
35 under the direct supervision of the ~~State Board of Education~~ Commission on  
36 Public School Academic Facilities and Transportation.



1 (b) There is created the Division of Public School Academic Facilities  
2 and Transportation, which shall ~~begin operation within one hundred twenty~~  
3 ~~(120) calendar days following June 3, 2004~~ operate under the supervision of  
4 the Commission on Public School Academic Facilities and Transportation.

5 ~~(e) The division shall be under the supervision of the state board.~~

6 ~~(d)(c)(1)~~ The state board commission shall select an individual to  
7 serve as the Director of the Division of Public School Academic Facilities,  
8 and Transportation and the Director of the Division of Public School Academic  
9 Facilities and Transportation shall serve at the pleasure of the ~~state board~~  
10 commission.

11 ~~(2) The Director of the Division of Public School Academic~~  
12 ~~Facilities shall be an architect who is licensed by the State of Arkansas.~~

13 (2) The person selected as the director shall:

14 (A) Be a person of good moral character and qualified  
15 technically and by experience to direct the work of the division;

16 (B) Have significant knowledge and experience in  
17 construction; and

18 (C) Have ten (10) years of experience in an  
19 administrative, supervisory, or management position.

20 (3) No person who is related within the fourth degree of  
21 consanguinity or affinity to any member of the ~~state board~~ commission shall  
22 be eligible to serve as the Director of the Division of Public School  
23 Academic Facilities and Transportation.

24 ~~(e)(d)~~ The Director of the Division of Public School Academic  
25 Facilities and Transportation, with guidance and approval from the ~~state~~  
26 ~~board~~ commission, shall be responsible for hiring all employees of the  
27 division.

28 ~~(f)(e)(1)~~ The Executive Chief Information Officer shall assign one (1)  
29 individual from the staff of the Office of Information Technology to serve as  
30 a technology liaison to the division.

31 ~~(g)(2)~~ The Director of the Arkansas Building Authority shall  
32 assign one (1) individual from the staff of the Arkansas Building Authority  
33 to serve as a physical plant liaison to the ~~Director of the Public School~~  
34 ~~Academic Facilities~~ division.

35 ~~(h)(f)~~ The division shall:

36 (1) Provide information or assistance to the ~~Joint Committee on~~

1 ~~Educational Facilities created by Act 1181 of 2003~~ Academic Facilities  
2 Oversight Committee as requested by the ~~joint committee~~;

3 (2) Use any recommendation or assessments of the ~~joint oversight~~  
4 committee or the General Assembly as a basis for establishing the policies  
5 and procedures of the division; ~~and~~

6 ~~(3) Provide assistance, as requested, to the joint committee in~~  
7 ~~conducting an assessment of all school facilities in the state and continue~~  
8 ~~to update and maintain current assessments of all school facilities after the~~  
9 ~~expiration of the joint committee on December 31, 2004~~

10 (3) Develop and implement the Arkansas Public School Academic  
11 Facilities Program;

12 (4) Administer the various programs of state financial  
13 participation in support of local academic facilities;

14 (5) Develop and implement an ongoing uniform process for  
15 collecting, inventorying, and updating information on the state of condition  
16 of all public school academic facilities in the state;

17 (6) Develop a facility cost index that provides a methodology  
18 for comparing the cost of repairing the condition of a public school academic  
19 facility to the cost of replacing the public school academic facility with a  
20 facility containing the same amount of square footage;

21 (7) Conduct unannounced random on-site inspections of public  
22 school academic facilities;

23 (8) Develop minimum standards for accessibility to public school  
24 academic facilities and programs for individuals with disabilities;

25 (9) Develop guidelines for competitive bidding, competitive  
26 negotiation, and other methods of procurement for public school academic  
27 facilities projects;

28 (10) Develop incentive programs to reward school districts for  
29 innovative, effective, and efficient use of local and state resources with  
30 regard to public school academic facilities;

31 (11) Administer the school transportation program in the various  
32 school districts of Arkansas, including the certification and training of  
33 school bus drivers and inspection of buses or other vehicles used in  
34 transporting public school students;

35 (12) Keep records showing a description of each school district  
36 in the state, a map showing the school districts with current and accurate

1 boundaries, the location of the academic facilities, and the electoral zones,  
2 if any, into which each school district has been divided;

3 (13) Report annually to the Governor, the House Committee on  
4 Education, the Senate Committee on Education, and the Academic Facilities  
5 Oversight Committee on the state of condition of education facilities  
6 statewide using the following building and design systems:

7 (A)(i) Site land and all improvements to the site, such as  
8 grading, drainage, drives, parking areas, walks, landscaping, and  
9 playgrounds.

10 (ii) Site improvements shall not include permanent  
11 or temporary buildings;

12 (B) Roofing;

13 (C) Exterior;

14 (D) Structure;

15 (E) Interior;

16 (F) Heating, ventilation, and air conditioning;

17 (G) Plumbing and water supply;

18 (H) Electrical;

19 (I) Technology;

20 (J) Fire and safety;

21 (K) Specialty items, including equipment and furnishings;

22 and

23 (L) Space utilization;

24 (14) Report by October 1 of each even-numbered year to the  
25 Governor, the House Committee on Education, the Senate Committee on  
26 Education, and the Academic Facilities Oversight Committee on the state  
27 academic facilities master plan; and

28 (15) Maintain a public access website dedicated to public school  
29 academic facilities.

30 (g) The division may:

31 (1) Contract with, retain the services of, or designate, and  
32 fix the compensation of consultants, advisers, architects, engineers, and  
33 other independent contractors as may be necessary or desirable to carry out  
34 the Arkansas Public School Academic Facilities Program or any related program  
35 over which the division has authority;

36 (2)(A) Accept all donations, grants of money, equipment,

1 supplies, materials, and services conditional or otherwise from private  
 2 sources, from municipal and county governments, from the state, and from the  
 3 federal government.

4 (B) The division may use any of its resources to  
 5 further the division's purposes and functions; and

6 (3) Make and enter into all contracts, commitments, and  
 7 agreements and execute all instruments necessary or incidental to the  
 8 performance of its duties and powers under this section, the Arkansas Public  
 9 School Academic Facilities Program, or any other related program over which  
 10 the division has authority.

11 (h) The Department of Education shall coordinate and share certain  
 12 administrative, custodial, legal, internal finance, and other necessary  
 13 personnel and responsibilities to effectuate the daily operations of the  
 14 division and the department.

15 ~~(i)(1) The Director of the Division of Public School Academic~~  
 16 ~~Facilities shall create and implement a standardized reporting format and~~  
 17 ~~select the method to be utilized by school districts in the preparation and~~  
 18 ~~submission of the list to the division.~~

19 ~~(2) The data gathered from the reports generated by the school~~  
 20 ~~districts shall be presented to the state board for compilation into an~~  
 21 ~~annual report to the Governor, the House Interim Committee on Education, and~~  
 22 ~~the Senate Interim Committee on Education on the facility needs in the state.~~

23 ~~(3) The division shall conduct any reviews, site visits, and~~  
 24 ~~other research during the year to assist in preparation of the annual report.~~

25 ~~(j)(1) The Director of the Division of Public School Academic~~  
 26 ~~Facilities shall provide to the Governor, the House Interim Committee on~~  
 27 ~~Education, and the Senate Interim Committee on Education reports on the~~  
 28 ~~status of public school academic facilities, including the facility and~~  
 29 ~~technology needs and priorities for each category.~~

30 ~~(2) A preliminary report shall be provided by January 1 each~~  
 31 ~~year, and a follow up report that includes information regarding on-site~~  
 32 ~~visits shall be filed by June 1 each year.~~

33 ~~(k)(1)(A) No later than September 30 of each even-numbered year of the~~  
 34 ~~biennium, the division shall present to the state board the list of public~~  
 35 ~~school facility repairs, improvements, and construction along with technology~~  
 36 ~~improvements that the division recommends for the next biennium.~~

1                   ~~(B) Copies of the list shall be provided to the Governor,~~  
 2 ~~the House Interim Committee on Education, and the Senate Interim Committee on~~  
 3 ~~Education.~~

4                   ~~(2) The state board shall prioritize funding for public school~~  
 5 ~~facility repairs, improvements, and construction along with technology~~  
 6 ~~improvements based on the recommendations of the division.~~

7                   ~~(1) The state board and the division shall develop, by rule and~~  
 8 ~~regulation, the process for developing the list of public school facility~~  
 9 ~~repairs, improvements, and construction, along with technology improvements~~  
 10 ~~necessary under this section.~~

11  
 12           SECTION 2. Arkansas Code Title 6, Chapter 21, Subchapter 1 is amended  
 13 to add an additional section to read as follows:

14           6-21-113. Commission - Created.

15           (a) There is created the Commission for Arkansas Public School  
 16 Academic Facilities and Transportation. The commission shall consist of the  
 17 following:

18                   (1) The Director of the Department of Finance and  
 19 Administration;

20                   (2) The Director of the Department of Education; and

21                   (3) The President of the Arkansas Development Finance Authority.

22           (b)(1) The members of the commission shall meet and organize  
 23 immediately after the effective date of this act and shall elect a chair and  
 24 a vice chair from the membership of the commission.

25                   (2)(A) The commission shall meet at least quarterly and upon the  
 26 call of the chair.

27                   (B) The secretary of the commission, who shall be an  
 28 employee of the Division of Public School Academic Facilities and  
 29 Transportation assigned to the commission by the chair of the commission,  
 30 shall give members advance notice of the agenda of each meeting.

31                   (3)(A) Two (2) members of the commission shall constitute a  
 32 quorum for the purpose of transacting business.

33                   (B) A quorum is required for any action of the commission.

34                   (4) Members of the commission shall serve without compensation,  
 35 but may receive expense reimbursement in accordance with § 25-16-902.

36           (c) Staff support shall be provided by appropriate personnel of the

1 Department of Finance and Administration, the Department of Education, the  
2 Arkansas Development Finance Authority, and the Division of Public School  
3 Academic Facilities and Transportation.

4 (d) The commission shall oversee the operations of the Division of  
5 Public School Academic Facilities and Transportation.

6 (e) The commission may:

7 (1) Perform any act and provide for the performance of any  
8 function necessary or desirable to carry out the purposes of the Arkansas  
9 Public School Academic Facilities Program and any other related program;

10 (2)(A) Adopt, amend, and rescind rules as necessary or desirable  
11 for the administration of the Arkansas Public School Academic Facilities  
12 Program and any other related program.

13 (B) No later than October 1, 2005, the commission shall  
14 submit to the Legislative Council for review proposed rules necessary to  
15 administer the Arkansas Public School Academic Facilities Program.

16 (C) The effective date of rules developed by the  
17 commission to administer the Arkansas Public School Academic Facilities  
18 Program shall be no later than December 1, 2005; and

19 (3) Contract with, retain the services of, or designate, and fix  
20 the compensation of consultants, advisers, architects, engineers, and other  
21 independent contractors as may be necessary or desirable to carry out the  
22 Arkansas Public School Academic Facilities Program or any related program.

23 (f) The commission shall report annually on its activities to the  
24 President Pro Tempore of the Senate, the Speaker of the House of  
25 Representatives, the Governor, and the House and Senate Committees on  
26 Education, the State Board of Education, and the Academic Facilities  
27 Oversight Committee.

28 (g)(1) Effective July 1, 2007, the commission shall expire and all  
29 powers, authorities, duties, and responsibilities of the commission with  
30 regard to oversight of the Division of Public School Academic Facilities and  
31 Transportation shall transfer to the State Board of Education.

32 (2) After the transfer in subsection (g)(1) of this section  
33 occurs, the Arkansas Code Revision Commission shall correct references to the  
34 "Commission for Arkansas Public School Academic Facilities and  
35 Transportation" or "commission" to "State Board of Education" or "state  
36 board" throughout the Arkansas Code Annotated where the intended reference is

1 manifest.

2

3 SECTION 3. Arkansas Code § 6-19-107 is amended to read as follows:

4 6-19-107. Bus drivers - Application for employment - Driving records.

5 (a) An applicant for employment as a school bus driver shall submit  
6 an application prescribed by the ~~Department of Education~~ Division of Public  
7 School Academic Facilities and Transportation to the school district in which  
8 he or she seeks employment. The application shall include a statement signed  
9 by the applicant which authorizes the release of his or her traffic violation  
10 report from the Office of Driver Services of the Department of Finance and  
11 Administration to provide the school district with the applicant's driving  
12 record.

13 (b) The Office of Driver Services shall report the applicant's driving  
14 record, without charge, to the school district requesting such record.

15 (c) The applicant's driving record shall be evaluated according to  
16 guidelines established by the ~~Department of Education~~ Division of Public  
17 School Academic Facilities and Transportation prior to permanent employment.  
18 The school district may hire an applicant as a bus driver on a temporary  
19 basis until official verification of the driving record is received and  
20 evaluated. The school district shall review and maintain a file of semiannual  
21 reports on the driving records of school bus drivers.

22

23 SECTION 4. Arkansas Code § 6-19-108(a) is amended to read as follows:

24 (a) An applicant seeking employment as a driver or operator of a  
25 school bus, either privately or publicly owned, is required to take and pass  
26 a series of tests as prescribed by the Department of Arkansas State Police  
27 and the ~~Department of Education~~ Division of Public School Academic Facilities  
28 and Transportation to determine the physical fitness and driving ability to  
29 serve as a school bus driver. The tests shall include a physical examination  
30 given by a licensed physician or registered nurse for school bus drivers, an  
31 eye test, a written or oral test on rules and regulations of driving, a road  
32 test given under the supervision of the Department of Arkansas State Police,  
33 and such other requirements as may be prescribed by rules and regulations  
34 issued jointly by the Department of Arkansas State Police and the ~~Department~~  
35 ~~of Education~~ Division of Public School Academic Facilities and Transportation  
36 for qualifications and fitness of school bus drivers. In addition, the



1 applicant shall participate in and pass a standard bus driver training and  
 2 preservice behind-the-wheel training program as prescribed by the ~~Department~~  
 3 ~~of Education~~ Division of Public School Academic Facilities and  
 4 Transportation.

5  
 6 SECTION 5. Arkansas Code § 6-19-108(d) is amended to read as follows:

7 (d) Each school bus driver who seeks a renewal of his or her bus  
 8 driver certificate shall provide proof that he or she has satisfactorily  
 9 passed a physical examination given by a licensed physician and that he or  
 10 she has satisfactorily completed an in-service workshop for school bus  
 11 drivers as prescribed by the ~~Department of Education~~ Division of Public  
 12 School Academic Facilities and Transportation.

13  
 14 SECTION 6. Arkansas Code § 6-19-116 is amended to read as follows:

15 6-19-116. Bus mirrors.

16 (a) Every school bus used for the transportation of pupils to or from  
 17 school shall be equipped with one (1) or more mirrors of sufficient size so  
 18 positioned on the bus as to permit the driver to see clearly the area  
 19 immediately in front of the bus.

20 (b) The ~~Department of Education~~ Division of Public School Academic  
 21 Facilities and Transportation is authorized to adopt appropriate rules and  
 22 regulations as it deems necessary to carry out the intent and purposes of  
 23 this section.

24  
 25 SECTION 7. Arkansas Code § 6-19-117(e) and (f), pertaining to school  
 26 bus safety equipment, are amended to read as follows:

27 (e) By no later than July 1 of each year, the superintendent of each  
 28 local school district shall certify to the ~~Department of Education~~ Division  
 29 of Public School Academic Facilities and Transportation that the district is  
 30 in compliance with the provisions of this section.

31 (f) The Director of the ~~Department of Education~~ Division of Public  
 32 School Academic Facilities and Transportation shall cause to be publicized  
 33 the first week of each school year as School Bus Safety Week.

34  
 35 SECTION 8. EMERGENCY CLAUSE. It is found and determined by the General  
 36 Assembly of the State of Arkansas that the Arkansas Supreme Court has

1 determined that current public school academic facilities in Arkansas are  
 2 inadequate and inequitable; that the General Assembly established the Joint  
 3 Committee on Educational Facilities to inventory the current condition of  
 4 public school academic facilities and recommend methods for bringing those  
 5 facilities into conformity with the court’s constitutional expectations; that  
 6 the Division of Public School Academic Facilities and Transportation is  
 7 charged with the administration of a comprehensive state program for  
 8 overseeing the provision of constitutionally appropriate public school  
 9 academic facilities across the state; and that the division must be given  
 10 authority to immediately begin work on developing programs to provide  
 11 constitutionally appropriate public school academic facilities for the  
 12 benefit of public school students in the State of Arkansas. Therefore, an  
 13 emergency is declared to exist and this act being immediately necessary for  
 14 the preservation of the public peace, health, and safety shall become  
 15 effective on:

- 16           (1) The date of its approval by the Governor;
- 17           (2) If the bill is neither approved nor vetoed by the Governor,  
 18 the expiration of the period of time during which the Governor may veto the  
 19 bill; or
- 20           (3) If the bill is vetoed by the Governor and the veto is  
 21 overridden, the date the last house overrides the veto.

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