

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

# A Bill

SENATE BILL 593

4  
5 By: Senators Broadway, Bisbee  
6 By: Representatives Mahony, Elliott

## For An Act To Be Entitled

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9  
10 ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES  
11 PROGRAM ACT.

## Subtitle

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15 ARKANSAS PUBLIC SCHOOL ACADEMIC  
16 FACILITIES PROGRAM ACT.

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18  
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20  
21 SECTION 1. Arkansas Code Title 6, Chapter 21 is amended to add an  
22 additional subchapter to read as follows:

23 6-21-801. Title.

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

26  
27 6-21-802. Intent.

28 (a) The General Assembly recognizes that:

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

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

36 (b) The General Assembly finds that because of the opinions of the



1 Arkansas Supreme Court in the matter of Lake View School District No. 25 of  
 2 Phillips County, Arkansas, et al., vs. Governor Mike Huckabee, et al., it is  
 3 the absolute duty of the State of Arkansas to provide all public school  
 4 children with an opportunity for an adequate education, which includes access  
 5 to adequate academic facilities and equipment.

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

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

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

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

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

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

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

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

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

30  
 31 6-21-803. Definitions.

32 For purposes of this subchapter:

33 (1)(A) "Academic facility" means a building or space, including  
 34 related areas such as the physical plant and grounds, where public school  
 35 students receive instruction that is an integral part of an adequate  
 36 education as defined in § 6-20-2302.

1           (B) A public school building or space, including related  
2 areas such as the physical plant and grounds, used for an extracurricular  
3 activity or an organized physical activity course as defined in Act ... of  
4 2005 shall not be considered an academic facility for the purposes of this  
5 subchapter to the extent that the building, space, or related area is used  
6 for extracurricular activities or organized physical activities courses,  
7 except for physical educational training and instruction under § 6-16-132;

8           (C) Buildings or spaces, including related areas such as  
9 the physical plant and grounds, used for pre-kindergarten education shall not  
10 be considered academic facilities for purposes of this subchapter; and

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

14           (2) “Annexation” means the joining of an affected school  
15 district or part of the school district with a receiving district under §§ 6-  
16 13-1401 through 6-13-1411;

17           (3) “Consolidation” means the joining of two (2) or more school  
18 districts or parts of the districts to create a new single school district  
19 under §§ 6-13-1401 through 6-13-1411;

20           (4) “Custodial activities” means routine and renovation cleaning  
21 activities related to daily operations and upkeep of academic facilities,  
22 including related supervisory and management activities;

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

27           (6) “Facilities improvement plan” means a remedial plan  
28 developed by a school district for a public school or school district  
29 identified as being in academic facilities distress that supplements the  
30 school district’s facilities master plan by:

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

35           (B) Describing how the school district will remedy those  
36 areas in which the school district is experiencing facilities distress,

1 including the designation of the time period by which the school district  
2 will correct all deficiencies that placed the school district in facilities  
3 distress status;

4 (7) "Facilities master plan" means a ten-year plan developed by  
5 a school district that contains current enrollment projections and details  
6 the school district's strategy for maintaining, repairing, renovating, and  
7 improving through new construction or otherwise the school district's  
8 academic facilities and equipment;

9 (8) "Foundation funding" shall have the same meaning as in § 6-  
10 20-2303;

11 (9) "Local resources" means any moneys lawfully generated by a  
12 school district for the purpose of funding the school district's share of  
13 financial participation in any academic facilities project for which a school  
14 district is eligible to receive state financial participation under  
15 priorities established by the Division of Public School Academic Facilities  
16 and Transportation;

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

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

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

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

30 (B) "New construction" includes additions to existing  
31 academic facilities and new academic facilities;

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

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

36 (B) New construction of an academic facility; or

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

3                   (13) "Reconstitution" means the reorganization of the  
 4 administrative unit or the governing school board of a school district,  
 5 including, but not limited to, the replacement or removal of a current  
 6 superintendent, the removal or replacement of a current school board, or  
 7 both;

8                   (14) "School district" means a geographic area with an elected  
 9 board of directors that qualifies as a taxing unit for purposes of ad valorem  
 10 property taxes under Title 26 of the Arkansas Code and which board conducts  
 11 the daily affairs of public schools under the supervisory authority vested in  
 12 it by the General Assembly and Title 6 of the Arkansas Code; and

13                   (15) "Space utilization" means the number of gross square feet  
 14 per student in a public school academic facility adjusted for academic  
 15 program, school enrollment, grade configuration, and type of public school in  
 16 accordance with rules promulgated by the Commission for Public School  
 17 Academic Facilities and Transportation.

18  
 19                   6-21-804. Arkansas Public School Academic Facilities Program.

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

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

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

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

30                   (2) An Academic Facilities Custodial, Maintenance, Repair, and  
 31 Renovation Manual that contains uniform standards to direct custodial,  
 32 maintenance, repair, and renovation activities in public school academic  
 33 facilities;

34                   (3) A Public School Academic Facility Manual that contains  
 35 uniform standards to guide the planning, design, and construction of new  
 36 public school academic facilities and additions to existing public school

1 academic facilities;

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

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

10 (b) The Commission for Public School Academic Facilities and  
 11 Transportation shall promulgate rules necessary to administer this  
 12 subchapter, which shall promote the intent and purposes of this subchapter  
 13 and assure the prudent and resourceful expenditure of state funds with regard  
 14 to public school academic facilities throughout the state.

15  
 16 6-21-805. Academic Facilities Master Plan Program - Purpose.

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

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

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

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

26  
 27 6-21-806. Academic Facilities Master Plan Program - School districts.

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

30 (1) Develop a ten-year districtwide facilities master plan that  
 31 shall be approved by the school district's board of directors for submission  
 32 to and approval by the Division of Public School Academic Facilities and  
 33 Transportation;

34 (2) Base its facilities master plan on the provisions of the  
 35 Public School Academic Facility Manual as adopted by the Commission for  
 36 Public School Academic Facilities and Transportation and on priorities

1 indicated by statewide assessment and other pertinent data specific to the  
2 needs of the school district with regard to academic facilities and  
3 equipment;

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

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

11 (5) Submit the school district's facilities master plan with a  
12 summary of comments made at public hearing to the division by February 1 of  
13 each even-numbered year; and

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

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

23 (1) A current inventory of all academic facilities, technology  
24 systems, instructional materials, and related academic equipment in the  
25 school district;

26 (2) A schedule of custodial activities for each academic  
27 facility used by a school district;

28 (3) A schedule of maintenance, repair, and renovation activities  
29 for each academic facility used by a school district;

30 (4) Documentation that describes preventive maintenance work for  
31 each academic facility and identifies the completion date of the work;

32 (5) Annual expenditures of the school district for all  
33 custodial, maintenance, repair, and renovation activities in the school  
34 district;

35 (6) A projected replacement schedule for major building systems  
36 in each academic facility;

1           (7) The school district's plan for caring for and maintaining  
2 technology systems, instructional materials, and related academic equipment  
3 in each academic facility;

4           (8) A projected replacement schedule for technology systems,  
5 instructional materials, and related academic equipment;

6           (9) Identification of issues with regard to facility and program  
7 access to individuals with disabilities and, if necessary, proposed methods  
8 for improving access;

9           (10) Identification of committed projects within the school  
10 district that includes, as applicable, a breakdown of the portion of each  
11 project between maintenance, repair, and renovation and new construction;

12           (11) Annual expenditures of the school district for capital  
13 outlay;

14           (12) A description of planned new construction projects with  
15 cost estimates for each academic facility within the school district and  
16 needs prioritized as follows:

17                   (A)(i) Immediate needs that the school district intends to  
18 address within three (3) years following the submission of the facilities  
19 master plan.

20                           (ii) A school district shall separate the immediate  
21 needs described in the master plan submitted by February 1, 2006 into two (2)  
22 categories as follows:

23                                   (a) Immediate needs that the school district  
24 intends to address during the period from July 1, 2006 through June 30, 2007;  
25 and

26                                   (b) Immediate needs that the school district  
27 intends to address during the 2007-2009 biennium.

28                   (B) Short-term needs that the school district intends to  
29 address within the four (4) to six (6) years following the submission of the  
30 facilities master plan; and

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

34           (13) Evidence of the school district's insurance coverage,  
35 including coverage amounts, types of coverage, identification of buildings  
36 covered, policy renewal dates, and all riders.



1       (c) The division shall establish procedures and timelines for a school  
2 district to submit a preliminary facilities master plan or a master plan  
3 outline to the division before the submission of the school district's final  
4 facilities master plan. The preliminary master plan or master plan outline  
5 shall form the basis for a consultation meeting between representatives of  
6 the district and members of the division. As soon as practicable after  
7 submission of the preliminary master plan or master plan outline, the  
8 division shall hold the consultation meeting with the school district to:

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

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

13           (3) Assist districts to prepare accurate budgets and reasonable  
14 project schedules; and

15           (4) Provide for efficiency and productivity in the approval  
16 process for local academic facilities projects and state financial  
17 participation in local projects.

18       (d)(1) The division shall review and approve a school district's  
19 facilities master plan no later than May 1, 2006 with regard to academic  
20 facilities projects for which a school district intends to apply for state  
21 financial participation during fiscal year 2006-2007. The division shall  
22 notify a school district no later than July 1, 2006 that the school  
23 district's application for state financial participation during fiscal year  
24 2006-2007 in an eligible new construction project has been approved.

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

31  
32       6-21-807. Academic Facilities Master Plan Program - State plan.

33       The Division of Public School Academic Facilities and Transportation  
34 shall develop a comprehensive state master plan for managing state financial  
35 participation in local academic facilities projects across the state. The  
36 state academic facilities master plan shall include:

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

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

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

8  
9           6-21-808. Custodial, Maintenance, Repair, and Renovation Manual.

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

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

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

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

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

20          (b)(1) The Arkansas Facilities Custodial, Maintenance, Repair, and  
21 Renovation Manual shall contain standards for custodial operations related to  
22 academic facilities.

23           (2) Standards for custodial operations in academic facilities  
24 shall include the following:

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

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

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

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

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

36                   (F) In-service training opportunities for custodial

1 personnel;

2 (G) Designation of routine duties; and

3 (H) Designation of renovation cleaning duties.

4 (c)(1) The Arkansas Facilities Custodial, Maintenance, Repair, and  
5 Renovation Manual shall contain standards for maintenance, repair, and  
6 renovation activities related to academic facilities.

7 (2) Standards for maintenance, repair, and renovation activities  
8 shall include the following:

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

11 (i) Scheduling preventive maintenance activities for  
12 academic facilities; and

13 (ii) Preparing and retaining documentation that  
14 describes preventive maintenance work related to academic facilities and  
15 identifies the completion date of the work;

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

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

21 (D) Training criteria for maintenance personnel with  
22 regard to school policies, safety procedures, use of specialized equipment,  
23 compliance with federal, state, county, and municipal laws and regulations  
24 impacting academic facilities and equipment, and other applicable areas;

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

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

29 (G) Inspection and repair of electrical systems;

30 (H) Inspection and repair of hot water boilers and  
31 heaters;

32 (I) Inspection and repair of fire alarms;

33 (J) Inspection and repair and servicing of fire sprinkler  
34 systems;

35 (K) Inspection and repair of fire extinguishers and  
36 kitchen hood vent suppression systems;

- 1                   (L) Inspection and repair of emergency lighting and exit  
 2 light fixtures;
- 3                   (M) Inspection and repair of elevators and wheelchair  
 4 lifts;
- 5                   (N) Inspection and repair of plumbing;
- 6                   (O) Inspection and repair of roofs;
- 7                   (P) Inspection and repair of stairwell areas;
- 8                   (Q) Inspection and repair of interior and exterior  
 9 lighting;
- 10                  (R) Inspection and repair of doors and windows;
- 11                  (S) Inspection and repair of floor coverings;
- 12                  (T) Inspection and repair of masonry and concrete  
 13 buildings' exteriors;
- 14                  (U) Inspection and repair of interior and exterior  
 15 finishes;
- 16                  (V) Inspection and repair of kitchen equipment;
- 17                  (W) Maintenance of a pest control program;
- 18                  (X) Inspection and repair of sidewalks, driveways, parking  
 19 areas, and paved play areas;
- 20                  (Y) Inspection and repair of parking lots, handicap  
 21 parking spaces, driveways, fire and emergency vehicle zones, and bus and car  
 22 loading and unloading areas;
- 23                  (Z) Inspection of playground equipment; and
- 24                  (AA) Grounds maintenance.

25           (d)(1) Beginning with the 2005-2006 school year, each school district  
 26 shall dedicate nine percent (9%) of its foundation funding exclusively to  
 27 payment of utilities and custodial, maintenance, repair, and renovation  
 28 activities and related personnel costs. If any amount of the dedicated nine  
 29 percent (9%) is unspent at the end of the school district's fiscal year, the  
 30 funds shall carry over and the school district shall transfer the remaining  
 31 amount into an academic facilities escrow account to be released only upon  
 32 approval by the Division of Public School Academic Facilities and  
 33 Transportation for use in conjunction with a local academic facilities  
 34 project.

35           (2) A school district is not required to use funds in its  
 36 academic facilities escrow account for new construction projects. New

1 construction projects shall be funded by local resources, which may include  
 2 funds in the school district’s academic facilities escrow account if approved  
 3 by the division. In addition, new construction projects may be eligible for  
 4 state financial participation.

5  
 6 6-21-809. Arkansas Public School Academic Facility Manual.

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

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

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

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

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

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

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

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

29 (A) Fire and safety;

30 (B) Roofing;

31 (C) Structural;

32 (D) Heating, ventilation, and air conditioning;

33 (E) Plumbing;

34 (F) Electrical;

35 (G) Exterior;

36 (H) Interior;

1                   (I) Technology; and

2                   (J) Specialties, including equipment and furnishings; and

3                   (7) Repair and construction cost guidelines.

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

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

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

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

14                   (B) The variance provision shall address minimum standards  
15 for academic facilities that are reasonably expected to close or be replaced  
16 within three (3) years;

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

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

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

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

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

29           (d) The division shall review and update the Public School Academic  
30 Facility Manual on an annual basis.

31  
32           6-21-810. Public School Academic Equipment Manual.

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

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

- 3                   (A) Science and Mathematics;
- 4                   (B) Library Media Center;
- 5                   (C) English and Language Arts;
- 6                   (D) Foreign Language;
- 7                   (E) Social Studies;
- 8                   (F) Health Education and Physical Education;
- 9                   (G) Art;
- 10                  (H) Music;
- 11                  (I) Guidance and Health Services; and
- 12                  (J) Workforce education.

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

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

22  
 23           6-21-811. Academic Facilities Distress Program.

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

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

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

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

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

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

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

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

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

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

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

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

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

30                  (d) In addressing school districts in facilities distress, the  
31 division may:

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

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



1 the division.

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

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

6 (3) Appoint an individual in place of the superintendent to  
7 administratively operate the school district under the supervision and  
8 approval of the Director of the Division of Public School Academic Facilities  
9 and Transportation and to compensate nondivision agents operating the school  
10 district from school district funding;

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

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

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

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

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

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

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

35 (10)(A) Petition the state board at any time for the  
36 consolidation, annexation, or reconstitution of a school district in

1 facilities distress or take other appropriate action as allowed by this  
2 subchapter in order to secure and protect the best interest of the  
3 educational resources of the state or to provide for the best interests of  
4 students in the school district.

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

7 (C) The state board shall consolidate, annex, or  
8 reconstitute any school district that fails to remove itself from the  
9 classification of a school district in facilities distress within two (2)  
10 consecutive school years of receipt of notice of identification of facilities  
11 distress status by the division. A school district may appeal the action of  
12 state board to the Commission for Public School Academic Facilities and  
13 Transportation in accordance with procedures developed by the state board.  
14 The commission may reverse the action of the state board if the commission  
15 finds that the school district could not remove itself from facilities  
16 distress due to impossibility caused by external forces beyond the school  
17 district's control; and

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

21 (e) No school district identified by the division as being in  
22 facilities distress may incur any debt without the prior written approval of  
23 the commission.

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

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

33  
34 6-21-812. Facilities distress – Student transfers.

35 (a) Any student attending a public school district classified as being  
36 in facilities distress shall automatically be eligible and entitled under the

1 Arkansas Public School Choice Act of 1989, § 6-18-206, to transfer to another  
2 geographically contiguous school district not in facilities distress during  
3 the time period that a district is classified as being in facilities  
4 distress. The student is not required to file a petition by July 1 but shall  
5 meet all other requirements and conditions of the Arkansas Public School  
6 Choice Act of 1989, § 6-18-206.

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

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

11  
12 6-21-813. Inspections.

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

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

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

30  
31 6-21-814. Appeals.

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

36 (b) All decisions of the Commission for Public School Academic

1 Facilities and Transportation resulting from a school district's appeal of a  
 2 division determination under this subchapter shall be final and shall not be  
 3 subject to further appeal or request for rehearing to the commission or  
 4 petition for judicial review under the Arkansas Administrative Procedures  
 5 Act, § 25-15-201 et seq.

6

7 SECTION 2. Arkansas Code § 6-20-1402 is repealed:

8 ~~6-20-1402. Authority to borrow money.~~

9 ~~(a) For any one (1) or more of the following purposes, namely,~~  
 10 ~~acquiring a site for, building, or equipping a new building, or repairing,~~  
 11 ~~making additions to, or equipping a school building, any school district in~~  
 12 ~~the State of Arkansas receiving any of the funds provided in this subchapter~~  
 13 ~~is authorized to borrow money and to issue negotiable coupon bonds for the~~  
 14 ~~repayment thereof from the funds provided in this subchapter.~~

15 ~~(b) This authority to borrow money shall be in addition to the~~  
 16 ~~authorization provided by law.~~

17 ~~(c) The schedule of amortization of the loan authorized in this~~  
 18 ~~subchapter shall not extend beyond ten (10) years.~~

19

20 SECTION 3. Arkansas Code § 6-20-1406 is amended to read as follows:

21 6-20-1406. Standards for school construction.

22 (a) The State Board of Education shall establish reasonable minimum  
 23 standards for schoolhouse construction, and standards may be revised from  
 24 time to time as educational problems and methods of procedure develop and  
 25 change.

26 (b) The standards shall include review and approval by all appropriate  
 27 and applicable state agencies, boards, and local officials for, including,  
 28 but not limited to, the following:

29 (1) Plumbing Code, § 17-38-101 et seq., and Heating,  
 30 Ventilation, Air Conditioning, and Refrigeration (HVACR) Code, § 17-33-101 et  
 31 seq., compliance;

32 (2) Fire Prevention Act, § 12-13-101 et seq., and Seismic Code,  
 33 § 12-80-101 et seq., compliance;

34 (3) Arkansas State Building Services-adopted Americans with  
 35 Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A,  
 36 compliance; and

1 (4) Arkansas Architectural Act, § 17-15-101 et seq.,  
 2 Professional Engineers, § 17-30-101 et seq., and Public Works, § 22-9-101 et  
 3 seq., compliance.

4 (c) As used in this section and in § 6-20-1407, "schoolhouse" means  
 5 any elementary or secondary school district facility that will be used for  
 6 administrative, educational, or physical education purposes.

7 (d) This section shall be repealed as of the effective date of the  
 8 Public School Academic Facility Manual as adopted by the Commission for  
 9 Public School Academic Facilities and Transportation.

10  
 11 SECTION 4. Arkansas Code § 6-20-1407 is amended to read as follows:  
 12 6-20-1407. Approval of building plans.

13 (a) No new schoolhouse shall be built except in accordance with the  
 14 plan finally approved by the State Board of Education for all projects where  
 15 the board requires its approval thereof.

16 (b) Where so required by the board, a copy of approved plans and  
 17 specifications of all new schoolhouses or additions shall be filed with and  
 18 approved by the board before construction shall be commenced.

19 (c)(1) A copy of final construction documents shall be submitted to  
 20 the Architectural Section of Arkansas State Building Services for review in  
 21 regard to compliance with the Arkansas-adopted Accessibility Guidelines  
 22 (ADAAG-Americans with Disabilities Act Accessibility Guidelines).

23 (2) All review comments received from Arkansas State Building  
 24 Services shall be in writing.

25 (3) Corrected construction documents shall be received and  
 26 approved by Arkansas State Building Services.

27 (4) No project shall be released for bidding or construction  
 28 until the requirements of § 6-20-1406 and this section are met.

29 (d) Review and approval of plans under this section or otherwise shall  
 30 not be a guarantee of state financial participation in any public school  
 31 academic facilities project.

32  
 33 SECTION 5. Arkansas Code § 6-11-130 is repealed.

34 ~~6-11-130. Custodial and maintenance care for school facilities.~~

35 ~~(a) The purposes of this section are to:~~

36 ~~(1) Ensure that school facilities in Arkansas are properly~~

1 ~~maintained;~~

2 ~~(2) Eliminate the deterioration of existing and future buildings~~  
 3 ~~to provide a safe and healthy environment for the students, teachers,~~  
 4 ~~administrators, and staff members of the public schools; and~~

5 ~~(3) Provide the efficient use of state and local funds in each~~  
 6 ~~of the school districts in Arkansas.~~

7 ~~(b)(1) The Joint Committee on Educational Facilities, in consultation~~  
 8 ~~with the Department of Education, shall develop standards for custodial and~~  
 9 ~~maintenance care of school facilities in the state for presentation to the~~  
 10 ~~Eighty fifth General Assembly.~~

11 ~~(2) The standards shall provide for best practices in custodial,~~  
 12 ~~maintenance, and preventive maintenance care.~~

13 ~~(c) For the standards for custodial care, the committee and the State~~  
 14 ~~Board of Education shall consider the inclusion of the following:~~

15 ~~(1)(A) Implementation of a custodial care plan for all~~  
 16 ~~facilities owned by a district.~~

17 ~~(B) This plan shall incorporate a schedule of routine care~~  
 18 ~~and renovation cleaning;~~

19 ~~(2) Implementation of a training plan, including, but not~~  
 20 ~~limited to:~~

21 ~~(A) Chemical right to know;~~

22 ~~(B) Indoor air quality;~~

23 ~~(C) Blood borne pathogens;~~

24 ~~(D) Asbestos Hazard Emergency Response Act of 1986, 20~~  
 25 ~~U.S.C. § 4011, two hour asbestos, low pressure boiler operator, safety codes,~~  
 26 ~~and procedures;~~

27 ~~(E) Crisis management;~~

28 ~~(F) District employment policies;~~

29 ~~(G) Routine care procedures;~~

30 ~~(H) Renovation cleaning procedures;~~

31 ~~(I) Supply procurement procedures; and~~

32 ~~(J) Minor maintenance procedures and equipment use and~~  
 33 ~~care procedures;~~

34 ~~(3)(A) Provisions for adequate supplies and equipment to perform~~  
 35 ~~the custodial care plan.~~

36 ~~(B) Adequate space shall be provided for the proper~~

1 ~~storage of these supplies and equipment;~~

2 ~~(4) Appropriate training for the use and storage of all supplies~~  
 3 ~~and equipment, with emphasis given to chemical right to know, indoor air~~  
 4 ~~quality, and other applicable standards;~~

5 ~~(5) Opportunities for custodial employees to attend continuing~~  
 6 ~~in-service training provided and held regionally by the authority of the~~  
 7 ~~Office of School Plant Services of the Department of Education;~~

8 ~~(6) Establishment of routine duties, including, but not limited~~  
 9 ~~to:~~

10 ~~(A) Daily duties;~~

11 ~~(B) Grounds care;~~

12 ~~(C) Restroom care;~~

13 ~~(D) Classroom care;~~

14 ~~(E) Office care;~~

15 ~~(F) Entrance and corridor care;~~

16 ~~(G) Cafeteria care;~~

17 ~~(H) Care of special use areas;~~

18 ~~(I) Care of mechanical rooms, storage rooms, and closets;~~

19 ~~(J) Minor maintenance; and~~

20 ~~(K) Custodial equipment care; and~~

21 ~~(7) Establishment of renovation duties, including, but not~~  
 22 ~~limited to cleaning of:~~

23 ~~(A) Restrooms;~~

24 ~~(B) Classrooms;~~

25 ~~(C) Offices;~~

26 ~~(D) Entrances and corridors;~~

27 ~~(E) Cafeterias;~~

28 ~~(F) Special use areas;~~

29 ~~(G) Mechanical rooms, storage rooms, and closets; and~~

30 ~~(H) Custodial equipment.~~

31 ~~(d) For the standards for maintenance care, the state board shall~~  
 32 ~~consider the inclusion of the following:~~

33 ~~(1)(A) Development and implementation of a scheduled preventive~~  
 34 ~~maintenance plan for all facilities owned by a district.~~

35 ~~(B) This plan shall include documentation and retention of~~  
 36 ~~information defining the type of preventive maintenance work performed and~~

1 ~~the completion date;~~

2 ~~(2) Development and implementation of a work request system to~~  
 3 ~~allow others to inform the maintenance department of needs and to allow the~~  
 4 ~~responsible person to prioritize responses;~~

5 ~~(3) Opportunities for selected maintenance employees to attend~~  
 6 ~~continuing in service training provided regionally by the authority of the~~  
 7 ~~office; and~~

8 ~~(4) Compliance with federal, state, county, and municipal laws~~  
 9 ~~and regulations regarding school facilities.~~

10 ~~(e) For the standards for preventive maintenance care, the state board~~  
 11 ~~shall consider the inclusion of the following:~~

12 ~~(1) Inspection, cleaning, and servicing of heating, ventilation,~~  
 13 ~~and air conditioning systems;~~

14 ~~(2) Inspection and repair of electrical systems;~~

15 ~~(3) Inspection of hot water boilers and heaters;~~

16 ~~(4) Inspection of fire alarms;~~

17 ~~(5) Inspection and servicing of fire sprinkler systems;~~

18 ~~(6) Inspection of fire extinguishers and kitchen hood vent~~  
 19 ~~suppression systems;~~

20 ~~(7) Inspection of emergency lighting and exit light fixtures;~~

21 ~~(8) Inspection of elevators and wheelchair lifts;~~

22 ~~(9) Inspection of plumbing;~~

23 ~~(10) Inspection of roofs;~~

24 ~~(11) Inspection of stairwell areas;~~

25 ~~(12) Inspection of floor coverings;~~

26 ~~(13) Inspection of masonry and concrete buildings' exteriors;~~

27 ~~(14) Inspection of kitchen equipment;~~

28 ~~(15) Maintenance of a pest control program;~~

29 ~~(16) Inspection of sidewalks, driveways, parking areas, and~~  
 30 ~~paved play areas;~~

31 ~~(17) Inspection of parking lots, handicap parking spaces,~~  
 32 ~~driveways, fire and emergency vehicle zones, and bus and car loading and~~  
 33 ~~unloading areas;~~

34 ~~(18) Inspection of playground equipment; and~~

35 ~~(19) Establishment of a grounds maintenance program.~~

36



1           SECTION 6. EMERGENCY CLAUSE. It is found and determined by the  
 2 General Assembly of the State of Arkansas that the Arkansas Supreme Court has  
 3 determined that current public school academic facilities in Arkansas are  
 4 inadequate and inequitable; that the General Assembly established the Joint  
 5 Committee on Educational Facilities to inventory the current condition of  
 6 public school academic facilities and recommend methods for bringing those  
 7 facilities into conformity with the court’s constitutional expectations; that  
 8 the programs established in this act are derived from recommendations of the  
 9 joint committee and are part of a comprehensive state program for overseeing  
 10 the provision of constitutionally appropriate public school academic  
 11 facilities across the state; and that this program must be implemented  
 12 immediately for the good of public school students in the State of Arkansas.  
 13 Therefore, an emergency is declared to exist and this act being immediately  
 14 necessary for the preservation of the public peace, health, and safety shall  
 15 become 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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