

1 State of Arkansas
2 85th General Assembly
3 First Extraordinary Session, 2006
4

A Bill

Call Item 13

SENATE BILL 5

5 By: Senators Argue, Broadway
6 By: Representatives Elliott, Cook, Mahony
7

For An Act To Be Entitled

10 AN ACT TO BE KNOWN AS THE EDUCATIONAL ADEQUACY
11 ACT OF 2006; TO ENSURE A GENERAL, SUITABLE AND
12 EFFICIENT SYSTEM OF PUBLIC EDUCATION FOR STUDENTS
13 BY ADDRESSING ISSUES RAISED BY THE ARKANSAS
14 SUPREME COURT; TO AMEND THE MINIMUM TEACHER
15 COMPENSATION SCHEDULE; TO INCREASE THE FOUNDATION
16 FUNDING PROVIDED UNDER THE PUBLIC SCHOOL FUNDING
17 ACT OF 2003; TO CLARIFY THAT THE NINE PERCENT
18 (9%) OF FOUNDATION FUNDING DEDICATED TO PAYMENT
19 OF UTILITIES AND COSTS OF MAINTENANCE, REPAIR,
20 AND RENOVATION ACTIVITIES APPLIES TO ALL PUBLIC
21 SCHOOL FACILITIES; TO LIMIT THE EMPLOYER
22 CONTRIBUTION RATE FOR TEACHER RETIREMENT; AND FOR
23 OTHER PURPOSES.

Subtitle

26 THE EDUCATIONAL ADEQUACY ACT OF 2006.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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31 SECTION 1. Arkansas Code Title 6, Chapter 10, Subchapter 1 is amended
32 to add an additional section to read as follows:

33 6-10-120. Adequate and equitable public education system.

34 (a) The General Assembly finds:

35 (1) It is the duty of the state of Arkansas to provide a
36 general, suitable, and efficient system of free public schools to the



1 children of the state, under Ark. Const. Art 14 § 1;

2 (2) The General Assembly is obligated to ensure the provision of
3 an adequate and equitable system of education;

4 (3) The House Interim Committee on Education and Senate Interim
5 Committee on Education conducted hearings in 2006 after the 2005 Arkansas
6 Supreme Court decision in Lake View School District v. Huckabee, 01-836 (Ark.
7 12-15-2005);

8 (4) The Eighty-Fifth General Assembly, in the First
9 Extraordinary Session of 2006, implemented revisions to Arkansas law
10 recommended by the House Interim Committee on Education and the Senate
11 Interim Committee on Education based on the committees' findings following
12 the 2006 hearings; and

13 (5) The acts passed upon the recommendation of the House Interim
14 Committee on Education and the Senate Interim Committee on Education result
15 in a system of public education that is adequate and equitable.

16 (b) The General Assembly further finds that the state's system of
17 public education as revised in the First Extraordinary Session of 2006,
18 including, but not limited to, educational standards and accountability,
19 curriculum requirements, and the mechanism for funding public schools,
20 provides an adequate and equitable education to the children of the state.

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22 SECTION 2. Arkansas Code § 6-17-2403(b) and (c), concerning the
23 minimum teacher compensation schedule, is amended to read as follows:

24 (b)(1) In school ~~years~~ year 2004-2005 ~~and 2005-2006~~, each school
25 district in the state shall have in place a salary schedule with at least the
26 following minimum levels of compensation for a basic contract:

Years of Experience	BA Degree Salary	MA Degree Salary
0	\$27,500	\$31,625
1	27,950	32,125
2	28,400	32,625
3	28,850	33,125
4	29,300	33,625
5	29,750	34,125
6	30,200	34,625
7	30,650	35,125

1	8	31,100	35,625
2	9	31,550	36,125
3	10	32,000	36,625
4	11	32,450	37,125
5	12	32,900	37,625
6	13	33,350	38,125
7	14	33,800	38,625
8	15	34,250	39,125

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(2) In school year 2005-2006, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation for a basic contract:

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<u>Years of Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
<u>0</u>	<u>\$28,408</u>	<u>\$32,669</u>
<u>1</u>	<u>28,858</u>	<u>33,169</u>
<u>2</u>	<u>29,308</u>	<u>33,669</u>
<u>3</u>	<u>29,758</u>	<u>34,169</u>
<u>4</u>	<u>30,208</u>	<u>34,669</u>
<u>5</u>	<u>30,658</u>	<u>35,169</u>
<u>6</u>	<u>31,108</u>	<u>35,669</u>
<u>7</u>	<u>31,558</u>	<u>36,169</u>
<u>8</u>	<u>32,008</u>	<u>36,669</u>
<u>9</u>	<u>32,458</u>	<u>37,169</u>
<u>10</u>	<u>32,908</u>	<u>37,669</u>
<u>11</u>	<u>33,358</u>	<u>38,169</u>
<u>12</u>	<u>33,808</u>	<u>38,669</u>
<u>13</u>	<u>34,258</u>	<u>39,169</u>
<u>14</u>	<u>34,708</u>	<u>39,669</u>
<u>15</u>	<u>35,158</u>	<u>40,169</u>

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(c) In school year 2006-2007 and each school year thereafter, each school district in the state shall have in place a salary schedule with at least the following minimum levels of compensation for a basic contract:

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<u>Years of Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
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1	0	\$27,994	\$32,193
2	1	28,452	32,702
3	2	28,910	33,211
4	3	29,368	33,720
5	4	29,826	34,229
6	5	30,284	34,738
7	6	30,742	35,247
8	7	31,200	35,756
9	8	31,658	36,265
10	9	32,116	36,774
11	10	32,574	37,283
12	11	33,032	37,792
13	12	33,490	38,301
14	13	33,948	38,810
15	14	34,406	39,319
16	15	34,864	39,828

	<u>Years of Experience</u>	<u>BA Degree Salary</u>	<u>MA Degree Salary</u>
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18			
19	<u>0</u>	<u>\$29,416</u>	<u>\$33,828</u>
20	<u>1</u>	<u>29,866</u>	<u>34,328</u>
21	<u>2</u>	<u>30,316</u>	<u>34,828</u>
22	<u>3</u>	<u>30,766</u>	<u>35,328</u>
23	<u>4</u>	<u>31,216</u>	<u>35,828</u>
24	<u>5</u>	<u>31,666</u>	<u>36,328</u>
25	<u>6</u>	<u>32,116</u>	<u>36,828</u>
26	<u>7</u>	<u>32,566</u>	<u>37,328</u>
27	<u>8</u>	<u>33,016</u>	<u>37,828</u>
28	<u>9</u>	<u>33,466</u>	<u>38,328</u>
29	<u>10</u>	<u>33,916</u>	<u>38,828</u>
30	<u>11</u>	<u>34,366</u>	<u>39,328</u>
31	<u>12</u>	<u>34,816</u>	<u>39,828</u>
32	<u>13</u>	<u>35,266</u>	<u>40,328</u>
33	<u>14</u>	<u>35,716</u>	<u>40,828</u>
34	<u>15</u>	<u>36,166</u>	<u>41,328</u>

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SECTION 3. Arkansas Code § 6-20-2305(a), concerning foundation funding

1 for a public school district, is amended to read as follows:

2 (a)(1)(A) For each school year, a each school district
 3 shall receive state foundation funding aid computed as the difference between
 4 the foundation funding amount pursuant to subdivision (a)(2) of this section
 5 and the sum of ninety-eight percent (98%) of the uniform rate of tax
 6 multiplied by the property assessment of the school district plus seventy-
 7 five percent (75%) of miscellaneous funds of the school district.

8 (B) The school districts referenced under subdivision
 9 (A)(1)(A) include, without limitation, Alma School District, Alpena School
 10 District, Altheimer Unified School District, Arkansas School For The Blind,
 11 Arkansas School For The Deaf, Arkadelphia School District, Armorel School
 12 District, Ashdown School District, Atkins School District, Augusta School
 13 District, Bald Knob School District, Barton-Lexa School District, Batesville
 14 School District, Bauxite School District, Bay School District, Bearden School
 15 District, Beebe School District, Benton School District, Bentonville School
 16 District, Bergman School District, Berryville School District, Bismarck
 17 School District, Black Rock School District, Blevins School District,
 18 Blytheville School District, Booneville School District, Bradford School
 19 District, Bradley School District, Brinkley School District, Brookland School
 20 District, Bryant School District, Buffalo Island Central School District,
 21 Cabot School District, Caddo Hills School District, Calico Rock School
 22 District, Camden Fairview School District, Carlisle School District, Cave
 23 City School District, Cedar Ridge School District, Cedarville School
 24 District, Centerpoint School District, Charleston School District, Clarendon
 25 School District, Clarksville School District, Cleveland County School
 26 District, Clinton School District, Concord School District, Conway School
 27 District, Corning School District, Cotter School District, County Line School
 28 District, Cross County School District, Crossett School District, Cushman
 29 School District, Cutter-Morning Star School District, Danville School
 30 District, Dardanelle School District, Decatur School District, Deer/Mt. Judea
 31 School District, Delight School District, Dequeen School District, Dermott
 32 School District, Des Arc School District, Devalls Bluff School District,
 33 Dewitt School District, Dierks School District, Dollarway School District,
 34 Dover School District, Drew Central School District, Dumas School District,
 35 Earle School District, East End School District, East Poinsett County School
 36 District, El Dorado School District, Elaine School District, Elkins School

1 District, Emerson-taylor School District, England School District, Eudora
 2 School District, Eureka Springs School District, Farmington School District,
 3 Fayetteville School District, Flippin School District, Fordyce School
 4 District, Foreman School District, Forrest City School District, Fort Smith
 5 School District, Fouke School District, Fountain Lake School District, Genoa
 6 Central School District, Gentry School District, Glen Rose School District,
 7 Gosnell School District, Gravette School District, Green Forest School
 8 District, Greenbrier School District, Greene County Tech School District,
 9 Greenland School District, Greenwood School District, Gurdon School District,
 10 Guy-Perkins School District, Hackett School District, Hamburg School
 11 District, Hampton School District, Harmony Grove School District, Harrisburg
 12 School District, Harrison School District, Hartford School District, Hazen
 13 School District, Heber Springs School District, Hector School District,
 14 Helena/ West Helena School District, Hermitage School District, Highland
 15 School District, Hillcrest School District, Hope School District, Horatio
 16 School District, Hot Springs School District, Hoxie School District, Hughes
 17 School District, Huntsville School District, Izard County Consolidated School
 18 District, Jackson County School District, Jasper School District, Jessieville
 19 School District, Jonesboro School District, Junction City School District,
 20 Kirby School District, Lafayette County School District, Lake Hamilton School
 21 District, Lakeside School District, Lamar School District, Lavaca School
 22 District, Lead Hill School District, Lee County School District, Lincoln
 23 School District, Little Rock School District, Lockesburg School District,
 24 Lonoke School District, Magazine School District, Magnet Cove School
 25 District, Magnolia School District, Malvern School District, Mammoth Spring
 26 School District, Manila School District, Mansfield School District, Marion
 27 School District, Marked Tree School District, Marmaduke School District,
 28 Marvell School District, Mayflower School District, Maynard School District,
 29 McCrory School District, McGehee School District, Melbourne School District,
 30 Mena School District, Midland School District, Mineral Springs School
 31 District, Monticello School District, Mount Ida School District, Mountain
 32 Home School District, Mountain Pine School District, Mountain View School
 33 District, Mountainburg School District, Mt. Vernon/Enola School District,
 34 Mulberry School District, Murfreesboro School District, North Little Rock
 35 School District, Nashville School District, Nemo Vista School District,
 36 Nettleton School District, Nevada School District, Newport School District,

1 Norfolk School District, Norphlet School District, Omaha School District,
 2 Osceola School District, Ouachita River School District, Ouachita School
 3 District, Ozark Mountain School District, Ozark School District, Palestine-
 4 Wheatley School District, Pangburn School District, Paragould School
 5 District, Paris School District, Parkers Chapel School District, Pea Ridge
 6 School District, Perryville School District, Piggott School District, Pine
 7 Bluff School District, Pocahontas School District, Pottsville School
 8 District, Poyen School District, Prairie Grove School District, Prescott
 9 School District, Pulaski County Special School District, Quitman School
 10 District, Rector School District, Riverside School District, Riverview School
 11 District, Rogers School District, Rose Bud School District, Russellville
 12 School District, Salem School District, Scranton School District, Searcy
 13 County School District, Searcy School District, Sheridan School District,
 14 Shirley School District, Siloam Springs School District, Sloan-Hendrix School
 15 District, Smackover School District, South Conway County School District,
 16 South Mississippi County School District, South Side School District,
 17 Southside School District, Spring Hill School District, Springdale School
 18 District, Star City School District, Stephens School District, Strong-Huttig
 19 School District, Stuttgart School District, Texarkana School District,
 20 Trumann School District, Turrell School District, Twin Rivers School
 21 District, Two Rivers School District, Valley Springs School District, Valley
 22 View School District, Van Buren School District, Van Cove School District,
 23 Vilonia School District, Viola School District, Waldo School District,
 24 Waldron School District, Walnut Ridge School District, Warren School
 25 District, Watson Chapel School District, Weiner School District, West Fork
 26 School District, West Memphis School District, West Side School District,
 27 Western Yell County School Dist., Westside Consolidated School District,
 28 Westside School District, White County Central School District, White Hall
 29 School District, Wickes School District, Wonderview School District, Woodlawn
 30 School District, Wynne School District, Yellville-Summit School District, and
 31 any other school district that may qualify to receive foundation funding
 32 under this subdivision (a)(1).

33 (2)(A) For the 2005-2006 school year, the foundation funding
 34 amount is equal to ~~five thousand four hundred dollars (\$5,400)~~ five thousand
 35 four hundred eighty-six dollars (\$5,486) multiplied by the district's average
 36 daily membership ~~of~~ for the previous school year.

1 (B) For the 2006-2007 school year, the foundation funding
 2 amount is equal to ~~five thousand four hundred ninety seven dollars (\$5,497)~~
 3 five thousand six hundred twenty dollars (\$5,620) multiplied by the
 4 district's average daily membership ~~of~~ for the previous school year.

5 (C) For the 2005-2006 school year and the 2006-2007 school
 6 years, the foundation funding amount provided under subdivisions (a)(2)(A)
 7 and (B) of this section shall be increased by forty-two dollars (\$42.00)
 8 multiplied by the district's average daily membership for the previous school
 9 year to pay for increased school district costs resulting from the 2005-2006
 10 and 2006-2007 increases in the employer's rate of contribution to the
 11 Arkansas Teacher Retirement System from thirteen percent (13%) to fourteen
 12 percent (14%).

13
 14 SECTION 4. Arkansas Code § 6-21-803 is amended to read as follows:

15 6-21-803. Definitions.

16 As used in this subchapter:

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

21 (B) A public school building or space, including related
 22 areas such as the physical plant and grounds, used for an extracurricular
 23 activity or an organized physical activity course as defined in § 6-16-137
 24 shall not be considered an academic facility for the purposes of this
 25 subchapter to the extent that the building, space, or related area is used
 26 for extracurricular activities or organized physical activities courses,
 27 except for physical educational training and instruction under § 6-16-132.

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

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

34 (2) "Annexation" means the joining of an affected school
 35 district or part of the school district with a receiving district under § 6-
 36 13-1401 et seq.;

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

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

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

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

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

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

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

28 (A) ~~current~~ Current enrollment projections;

29 (B) The ~~and details the~~ school district's strategy for
 30 maintaining, repairing, renovating, and improving through new construction or
 31 otherwise the school district's academic facilities and equipment; and

32 (C) Other information as required by law;

33 (8) "Foundation funding" shall have the same meaning as in § 6-
 34 20-2303;

35 (9) "Local resources" means any moneys lawfully generated by a
 36 school district for the purpose of funding the school district's share of

1 financial participation in any academic facilities project for which a school
 2 district is eligible to receive state financial participation under
 3 priorities established by the division;

4 (10) "Maintenance, repair, and renovation" means any activity or
 5 improvement to ~~an academic~~ a public school facility and, ~~if necessary,~~
 6 ~~related areas, such as the physical plant and grounds,~~ that:

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

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

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

17 (B) "New construction" includes ~~additions to existing~~
 18 ~~academic facilities and new academic facilities~~ a new addition to an existing
 19 academic facility and construction of a new academic facility;

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

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

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

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

28 (13) "Public school facility" means any public school building
 29 or space, including related areas such as the physical plant and grounds,
 30 that is used for any purpose, including, without limitation:

31 (B) An extracurricular activity;

32 (B) An organized physical activity course as defined in §
 33 6-16-137;

34 (C) Prekindergarten education;

35 (D) District administration; or

36 (E) Delivery of instruction to public school students that

1 is an integral part of an adequate education as described in § 6-20-2302;

2 ~~(13)~~(14) "Reconstitution" means the reorganization of the
 3 administrative unit or the governing school board of a school district,
 4 including, but not limited to, the replacement or removal of a current
 5 superintendent or the removal or replacement of a current school board, or
 6 both;

7 ~~(14)~~(15) "School district" means a geographic area with an
 8 elected board of directors that qualifies as a taxing unit for purposes of ad
 9 valorem property taxes under title 26 of the Arkansas Code and which board
 10 conducts the daily affairs of public schools under the supervisory authority
 11 vested in it by the General Assembly and title 6 of the Arkansas Code; and

12 ~~(15)~~(16) "Space utilization" means the number of gross square
 13 feet per student in ~~a public school~~ an academic facility adjusted for
 14 academic program, school enrollment, grade configuration, and type of public
 15 school in accordance with rules promulgated by the Commission for Arkansas
 16 Public School Academic Facilities and Transportation.

17
 18 SECTION 5. Arkansas Code § 6-21-804(a) is amended to read as follows:

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

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

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

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

29 ~~An Academic Facilities~~ A Public School Facilities Custodial,
 30 Maintenance, Repair, and Renovation Manual that contains uniform standards to
 31 direct custodial, maintenance, repair, and renovation activities in public
 32 school ~~academic~~ facilities;

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

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

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

9
 10 SECTION 6. Arkansas Code § 6-21-806(b) is amended to read as follows:

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

13 ~~(1) A current inventory of all academic facilities, technology~~
 14 ~~systems, instructional materials, and related academic equipment in the~~
 15 ~~school district;~~

16 ~~(2)~~(1) A schedule of custodial activities for each ~~academic~~
 17 public school facility used by a school district;

18 ~~(3)~~(2) A schedule of maintenance, repair, and renovation
 19 activities for each ~~academic~~ public school facility used by a school
 20 district. The schedule shall distinguish between work associated with
 21 academic facilities and work associated with nonacademic public school
 22 facilities;

23 ~~(4)~~(3) Documentation that describes preventive maintenance work
 24 for each ~~academic~~ public school facility and identifies the completion date
 25 of the work. The documentation shall distinguish between preventive
 26 maintenance work associated with academic facilities and preventive
 27 maintenance work associated with nonacademic public school facilities;

28 ~~(5)~~(4) Annual expenditures of the school district for all
 29 custodial, maintenance, repair, and renovation activities in the school
 30 district. The section of the facilities master plan pertaining to annual
 31 expenditures under this subdivision (b)(5) shall distinguish between
 32 expenditures associated with academic facilities and expenditures associated
 33 with nonacademic public school facilities;

34 ~~(6)~~(5) A projected replacement schedule for major building
 35 systems in each academic facility;

36 ~~(7)~~(6) The school district's plan for caring for and maintaining

1 technology systems, instructional materials, and related academic equipment
2 in each academic facility;

3 ~~(8)~~(7) A projected replacement schedule for technology systems,
4 instructional materials, and related academic equipment;

5 ~~(9)~~(8) Identification of issues with regard to public school
6 facility and program access to individuals with disabilities and, if
7 necessary, proposed methods for improving access;

8 ~~(10)~~(9) Identification of committed projects within the school
9 district that includes, as applicable, a breakdown of the portion of each
10 project into maintenance, repair, and renovation activities and new
11 construction activities. The portion of a committed project pertaining to
12 maintenance, repair, and renovation activities shall identify, as applicable,
13 maintenance, repair, and renovation activities associated with academic
14 facilities and maintenance, repair, and renovation activities associated with
15 nonacademic public school facilities;

16 ~~(11)~~(10) Annual expenditures of the school district for capital
17 outlay;

18 ~~(12)~~(11) A description of planned new construction projects with
19 cost estimates for each ~~academic~~ public school facility within the school
20 district and needs prioritized as follows:

21 (A)~~(i)~~ Immediate needs that the school district intends to
22 address within three (3) years following the submission of the facilities
23 master plan;

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

27 ~~(a) Immediate needs that the school district~~
28 ~~intends to address during the period from July 1, 2006, through June 30,~~
29 ~~2007; and~~

30 ~~(b) Immediate needs that the school district~~
31 ~~intends to address during the 2007-2009 biennium;~~

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

35 (C) Long-term needs that the school district intends to
36 address within the seven (7) to ten (10) years following the submission of

1 the facilities master plan; and

2 ~~(13)~~(12) Evidence of the school district's insurance coverage,
 3 including coverage amounts, types of coverage, identification of ~~buildings~~
 4 public school facilities covered, policy renewal dates, and all riders.

5
 6 SECTION 7. Arkansas Code § 6-21-808 is amended to read as follows:

7 6-21-808. ~~Arkansas Facilities~~ Public School Facilities Custodial,
 8 Maintenance, Repair, and Renovation Manual.

9 (a) The purposes of the ~~Arkansas Facilities~~ Public School Facilities
 10 Custodial, Maintenance, Repair, and Renovation Manual and this section are
 11 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 manual shall contain standards for custodial operations
 21 related to ~~academic~~ public school facilities.

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

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

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

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

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

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

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

1 (G) Designation of routine duties; and

2 (H) Designation of renovation cleaning duties.

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

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

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

9 (i) Scheduling preventive maintenance activities for
 10 ~~academic~~ public school facilities; and

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

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

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

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

21 (i) School policies;

22 (ii) Safety procedures;

23 (iii) Use of specialized equipment;

24 (iv) Compliance with federal, state, county, and
 25 municipal laws and regulations impacting ~~academic~~ public school facilities
 26 and equipment; and

27 (v) Other applicable areas;

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

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

32 (G) Inspection and repair of:

33 (i) Electrical systems;

34 (ii) Hot water boilers and heaters;

35 (iii) Fire alarms;

36 (iv) Fire extinguishers and kitchen hood vent

1 suppression systems;

2 (v) Emergency lighting and exit light fixtures;

3 (vi) Elevators and wheelchair lifts;

4 (vii) Plumbing;

5 (viii) Roofs;

6 (ix) Stairwell areas;

7 (x) Interior and exterior lighting;

8 (xi) Doors and windows;

9 (xii) Floor coverings;

10 (xiii) Masonry and concrete building exteriors;

11 (xiv) Interior and exterior finishes;

12 (xv) Kitchen equipment;

13 (xvi) Sidewalks, driveways, parking areas, and paved

14 play areas; and

15 (xvii) Parking lots, handicap parking spaces,
16 driveways, fire and emergency vehicle zones, and bus and car loading and
17 unloading areas;

18 (H) Inspection and repair and servicing of fire sprinkler
19 systems;

20 (I) Maintenance of a pest control program;

21 (J) Inspection of playground equipment; and

22 (K) Grounds maintenance.

23 (d)(1)(A) ~~Beginning with the 2005-2006 school year, each~~ Each school
24 district shall dedicate nine percent (9%) of its foundation funding
25 exclusively to payment of utilities and costs of custodial, maintenance,
26 repair, and renovation activities ~~and related personnel costs, which include~~
27 related personnel costs, for public school facilities.

28 (B)(i) If any amount of the dedicated nine percent (9%) is
29 unspent at the end of the school district's fiscal year, the funds shall
30 carry over, and the school district shall transfer the remaining amount into
31 ~~an academic~~ a public school facilities escrow account ~~to be released only~~
32 ~~upon approval by the division for use in conjunction with a local academic~~
33 ~~facilities project.~~

34 (ii) A school district may use funds from its public
35 school facilities escrow account in any fiscal year for payment of utilities
36 and costs of custodial, maintenance, repair, and renovation activities, which

1 include related personnel costs, for public school facilities.

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

9 (2)(A) A school district is not required to use funds in its
 10 ~~academic~~ public school facilities escrow account for new construction
 11 ~~projects.~~

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

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

17
 18 SECTION 8. Arkansas Code § 24-2-701(c)(1), concerning employer
 19 contribution rates for the Arkansas Teacher Retirement System, is amended to
 20 read as follows:

21 (1)(A) For the Arkansas Teacher Retirement System, for the
 22 fiscal years ending June 30, 2006, and June 30, 2007, the Board of Trustees
 23 of the Arkansas Teacher Retirement System shall establish employer
 24 contribution rates prospectively each year.

25 (B) The employer contribution rates shall be based on the
 26 actuary's determination of the rate required to fund the plan in accordance
 27 with the objectives set forth in subsection (a) of this section.

28 (C) The employer contribution rates shall be the rates
 29 determined by the Board of Trustees of the Arkansas Teacher Retirement System
 30 based on the annual actuarial valuation.

31 (D) For the fiscal ~~year~~ years ending June 30, 2006, and
 32 June 20, 2007, the employer contribution rate shall not exceed fourteen
 33 percent (14%).

34 ~~(E) For the fiscal year ending June 30, 2007, the employer~~
 35 ~~contribution rate shall not be increased by more than one percent (1%) above~~
 36 ~~the rate in effect on June 30, 2006.~~

1
 2 SECTION 9. Arkansas Code § 24-7-401(c), concerning employer
 3 contribution rates for the Arkansas Teacher Retirement System, is amended to
 4 read as follows:

5 (c)(1) For the fiscal years ending June 30, 2006, and June 30, 2007,
 6 the Board of Trustees of the Arkansas Teacher Retirement System shall
 7 establish employer contribution rates for the system prospectively each year.

8 (2) The employer contribution rates shall be based on the
 9 actuary's determination of the rate required to fund the plan in accordance
 10 with the objectives stated in subsection (a) of this section.

11 (3) The employer contribution rates shall be the rates
 12 determined by the board based on the annual actuarial valuation.

13 (4) For the fiscal ~~year~~ years ending June 30, 2006, and June 30,
 14 2007, the employer contribution rate shall not exceed fourteen percent (14%).

15 ~~(5) For the fiscal year ending June 30, 2007, the employer~~
 16 ~~contribution rate shall not be increased by more than one percent (1%) above~~
 17 ~~the rate in effect on June 30, 2006.~~

18
 19 SECTION 10. EMERGENCY CLAUSE. It is found and determined by the
 20 General Assembly of the State of Arkansas that the Arkansas Supreme Court
 21 declared the public school funding system to be inadequate and that public
 22 schools are operating under a constitutional infirmity which must be
 23 corrected immediately; that to correct the constitutional infirmity and to
 24 ensure adequate funding for public education, the General Assembly must
 25 revise the public school funding formula, revise laws regarding public school
 26 facilities, provide funding for retirement increases and limit additional
 27 increases; and enact other necessary reform measures; and that this act is
 28 necessary to ensure that reform measures are available to public schools for
 29 the 2005-2006 and 2006-2007 school years. Therefore, an emergency is
 30 declared to exist and this act being necessary for the preservation of the
 31 public peace, health, and safety shall become effective on:

32 (1) The date of its approval by the Governor;

33 (2) If the bill is neither approved nor vetoed by the Governor,
 34 the expiration of the period of time during which the Governor may veto the
 35 bill; or

36 (3) If the bill is vetoed by the Governor and the veto is

1 overridden, the date the last house overrides the veto.

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