

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

HOUSE BILL 2269

5 By: Representative Cook
6
7

For An Act To Be Entitled

9 AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ARKANSAS
10 PUBLIC SCHOOL ACADEMIC FACILITIES PROGRAM; AND
11 FOR OTHER PURPOSES.
12

Subtitle

13 TO MAKE VARIOUS AMENDMENTS TO THE
14 ARKANSAS PUBLIC SCHOOL ACADEMIC
15 FACILITIES PROGRAM.
16
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18

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 6-20-1406 is repealed.

22 ~~6-20-1406. Standards for school construction.~~

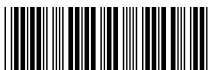
23 ~~(a) The State Board of Education shall establish reasonable minimum~~
24 ~~standards for schoolhouse construction, and standards may be revised from~~
25 ~~time to time as educational problems and methods of procedure develop and~~
26 ~~change.~~

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

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

33 ~~(2) Fire Prevention Act, § 12-13-101 et seq., and Seismic Code,~~
34 ~~§ 12-80-101 et seq., compliance;~~

35 ~~(3) Arkansas Building Authority adopted Americans with~~
36 ~~Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A,~~



1 compliance; and

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

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

8 ~~(d) This section shall be repealed as of the effective date of the~~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

11
12 SECTION 2. Arkansas Code § 6-20-1407 is amended to read as follows:
13 6-20-1407. Approval of building plans.

14 (a) No new schoolhouse shall be built except in accordance with the
15 plan finally approved by the Commission for Public School Academic Facilities
16 and Transportation for all projects where the commission requires its
17 approval.

18 (b) ~~When so required by the commission,~~ a A copy of approved plans and
19 specifications of all new schoolhouses or additions shall be filed with and
20 approved by the commission before construction shall be commenced.

21 (c) The approval process established by the commission shall include
22 review and approval by all appropriate and applicable state agencies, boards,
23 and local officials necessary to meet the standard contained in the Arkansas
24 Public School Academic Facility Manual;

25 ~~(e)-(1)(d)(1)~~ A copy of final construction documents shall be submitted
26 to the Architectural Section of Arkansas Building Authority for review in
27 regard to compliance with the Arkansas-adopted Accessibility Guidelines
28 (ADAAG-Americans with Disabilities Act Accessibility Guidelines).

29 (2) All review comments received from the authority shall be in
30 writing.

31 (3) Corrected construction documents shall be received and
32 approved by the authority.

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

35 ~~(d)~~(e) Review and approval of plans under this section or otherwise
36 shall not be a guarantee of state financial participation in any public

1 school academic facilities project.

2 (f)(1) As used in this subsection (f), a self-funded project is a
 3 project that is one hundred percent (100%) funded by the school district.

4 (2) The project shall be approved upon compliance with state
 5 codes and standards.

6 (3) A self-funded project may be submitted in the form of an
 7 appendix to the existing district master plan at any time.

8

9 SECTION 3. Arkansas Code § 6-20-2503(a), concerning definitions of
 10 terms for school district bonded indebtedness, is amended to read as follows:

11 6-20-2503. Bonded debt assistance.

12 (a) As used in this section:

13 (1) "Eligible school district" means a school district that
 14 applied for bonded debt assistance under this section before July 1, 2005;

15 ~~(1)(2)~~ "Foundation funding" means an amount of money specified
 16 by the General Assembly for each school year to be expended by school
 17 districts for the provision of an adequate education for each student as that
 18 amount is established in § 6-20-2305;

19 ~~(2)(3)~~ "Local revenue per student" means in each school year
 20 ninety-eight percent (98%) of the amount of revenue available, whether or not
 21 collected, in a school district solely from the levy of the uniform rate of
 22 tax plus seventy-five percent (75%) of the average miscellaneous funds
 23 collected in the previous five (5) years or the previous year, whichever is
 24 less, divided by the average daily membership of the school district;

25 ~~(3)(4)~~ "Miscellaneous funds" means those funds received by a
 26 local school district from federal forest reserves, federal grazing rights,
 27 federal mineral rights, federal impact aid, federal flood control, wildlife
 28 refuge funds, severance taxes, funds received by the district in lieu of
 29 taxes, and local sales and use taxes dedicated to education pursuant to §§
 30 26-74-201 et seq., 26-74-301 et seq., 26-75-301 et seq., and 14-164-301 et
 31 seq.; and

32 ~~(4)(5)~~ "State wealth index" means the result of one (1) minus
 33 the ratio of local revenue per student divided by the difference between
 34 foundation funding and local revenue per student.

35

36 SECTION 4. Arkansas Code § 6-20-2503(b)(3)(A) is amended to read as

1 follows:

2 (3)(A) The Commission for Arkansas Public School Academic
3 Facilities and Transportation shall determine the amount of financial
4 assistance for each eligible school district as follows:

5 (i)(a) For the year that financial assistance under
6 this section will be provided, ascertain the scheduled debt payment on a
7 fiscal year basis from the principal and interest payment schedule in effect
8 and on file with the department on January 1, 2005, and reduce the amount of
9 the payment by ten percent (10%) except as provided in subdivision
10 (b)(3)(A)(i)(b) of this section.

11 (b)(1) If a school district can demonstrate to
12 the satisfaction of the commission that all or a portion of the ten percent
13 (10%) reduction in its scheduled debt payment under subdivision
14 (b)(3)(A)(i)(a) of this section can be attributed to the support of academic
15 facilities, the commission shall reverse all or a portion of the ten percent
16 (10%) reduction by a percentage proportionate to the amount attributable to
17 academic facilities.

18 (2) A school district that applied to
19 the commission during the 2006-2007 school year for a reversal of the ten
20 percent (10%) reduction but was denied the reversal by the commission due to
21 the failure of the school district to submit timely appeals shall be entitled
22 to receive bonded debt assistance for the relevant period of the program
23 beginning with the 2007-2008 school year in the amount approved by the
24 Academic Facilities Division;

25 (ii) For the year that financial assistance will be
26 provided, divide the scheduled debt payment as adjusted under subdivision
27 (b)(3)(A)(i) by the total assessed valuation of taxable real, personal, and
28 utility property in the school district as shown by the applicable county
29 assessment for the most recent year with the result multiplied by one
30 thousand (1,000);

31 (iii)(a) Multiply the calculation under subdivision
32 (b)(3)(A)(ii) of this section by a funding factor per average daily
33 membership that will distribute a total amount of state financial assistance
34 no less than the total amount of funds that would have been distributed
35 during fiscal year 2005 if every school district in the state had received an
36 amount of state financial assistance equal to an amount calculated by

1 applying the debt service funding supplement formula under the Supplemental
 2 School District Funding Act of 2003, § 6-20-2401 et seq., during fiscal year
 3 2005 with a funding factor of eighteen dollars three cents (\$18.03).

4 (b) The funding factor for each fiscal year
 5 after Fiscal Year 2006 shall be equal to the funding factor derived for
 6 Fiscal Year 2006 under subdivision (b)(3)(A)(iii)(a) of this section; and

7 (iv) Multiply the calculation under subdivision
 8 (b)(3)(A)(iii) of this section by the state wealth index.

9
 10 SECTION 5. Arkansas Code § 6-20-2503, concerning school district
 11 bonded debt assistance, is amended to add an additional subsection to read as
 12 follows:

13 (g)(1)(A) Within thirty (30) days after the satisfaction of a school
 14 district's outstanding bonded indebtedness in existence as of January 1,
 15 2005, the school district shall notify the department that the school
 16 district's outstanding bonded indebtedness in existence as of January 1,
 17 2005, has been satisfied.

18 (B)(i) If a school district has issued refunding bonds to
 19 refund bonds in existence as of January 1, 2005, or has defeased bonds that
 20 were in existence as of January 1, 2005, the school district shall notify the
 21 department of the date that the school district's outstanding bonded
 22 indebtedness in existence as of January 1, 2005, would have been satisfied
 23 had the bonds not been refunded or defeased.

24 (ii) The notification shall be provided within
 25 thirty (30) days after the date that the school district's outstanding bonded
 26 indebtedness in existence as of January 1, 2005, would have been satisfied.

27 (2)(A) Within thirty (30) days after receiving notification
 28 under subdivision (g)(1)(A) of this section, the department shall certify to
 29 the commission that all school district outstanding bonded indebtedness in
 30 existence as of January 1, 2005, has been satisfied.

31 (B) Upon acceptance by the commission of the department's
 32 certification, state financial participation under this section shall expire.

33
 34 SECTION 6. Arkansas Code § 6-20-2504, concerning the Academic
 35 Facilities Immediate Repair Program, is amended to add an additional
 36 subsection to read as follows:

1 (h)(1) Within thirty (30) days after the completion of all approved
2 immediate repair projects, the division shall certify to the commission that
3 all approved immediate repair projects have been completed and all approved
4 state financial participation under this section has been distributed.

5 (2) Upon acceptance by the commission of the division's
6 certification, the Academic Facilities Immediate Repair Program shall expire.

7 (3) An approved project that is not verified as being complete
8 by January 1, 2008, shall be declared canceled by the commission and program
9 funds shall be reallocated as the commission directs.

10
11 SECTION 7. Arkansas Code § 6-20-2505(b), concerning the time limit for
12 school districts to apply for support in the purchase of academic equipment,
13 is amended to read as follows:

14 (b) A school district may apply for state financial participation to
15 support the purchase of academic equipment if:

16 (1) The school district's application is received by the
17 division no later than July 1, 2005;

18 (2) The need for the academic equipment was in existence on
19 January 1, 2005; and

20 (3) The academic equipment supports an adequate education as
21 described in § 6-20-2302.

22
23 SECTION 8. Arkansas Code § 6-20-2506, concerning the Transitional
24 Academic Facilities Program, is amended to add an additional subsection to
25 read as follows:

26 (g)(1) Within thirty (30) days after the completion of all projects
27 approved under this section, the division shall certify to the commission
28 that all projects approved under this section have been completed and all
29 state financial participation approved under this section has been
30 distributed.

31 (2) Upon acceptance by the commission of the division's
32 certification, the Transitional Academic Facilities Program shall expire.

33 (3) An approved project that is not verified as being complete
34 by July 1, 2009, shall be declared canceled by the commission and program
35 funds shall be reallocated as the commission directs.

36

1 SECTION 9. Arkansas Code § 6-20-2507(b), concerning state financial
 2 participation in new academic facility construction, is amended to read as
 3 follows:

4 ~~(b) In order to apply for state financial participation in a new~~
 5 ~~construction project, a~~ A school district shall provide the division with a
 6 ~~copy of the design plans~~ detailed narrative, description, and justification
 7 for the project and evidence of:

8 (1) Preparation for the new construction project as demonstrated
 9 by inclusion of the new construction project in the school district's
 10 facilities master plan;

11 (2)(A) The adoption of a resolution certifying to the division
 12 the school district's dedication of local resources to meet the school
 13 district's share of financial participation in the new construction project.

14 (B) The resolution shall specify the approximate date that
 15 the board of directors of the school district intends to seek elector
 16 approval of any bond or tax measures or to apply other local resources to pay
 17 the school district's share of financial participation in the new
 18 construction project;

19 (3)(A) The total estimated cost of the new construction project
 20 that shall be a minimum of three hundred dollars (\$300) per student or one
 21 hundred fifty thousand dollars (\$150,000) whichever is less.

22 (B) The minimum requirement set forth in subdivision
 23 (b)(3)(A) of this section may be waived by the division upon a recommendation
 24 being made by the Director of the Division of Public School Academic
 25 Facilities and Transportation to the commissioners of the Division of Public
 26 School Academic Facilities and Transportation for the minimum to be waived
 27 for cause and a majority of the commission votes to support the waiver;

28 (4) The new construction project's conformance with sound
 29 educational practices;

30 (5) The new construction project's compliance with current
 31 academic facilities standards, including, without limitation, appropriate
 32 space utilization of ~~existing academic facilities~~ the applicable school in
 33 the district as determined by the division;

34 (6) The allocation of project costs between new construction
 35 activities and maintenance, repair, and renovation activities if the new
 36 construction project includes improvements that could be classified as

1 maintenance, repair, and renovation; and

2 (7) How the new construction project supports the prudent and
 3 resourceful expenditure of state funds and improves the school district's
 4 ability to deliver an adequate and equitable education to public school
 5 students in the district.

6
 7 SECTION 10. Arkansas Code § 6-20-2507(d)(1), concerning state
 8 financial participation in new academic facility construction, is amended to
 9 read as follows:

10 (d)(1) State financial participation under the program is not
 11 available until July 1, 2006. ~~The division shall give priority in state~~
 12 ~~financial participation to school district proposals relating to academic~~
 13 ~~facilities with the highest facilities condition index.~~

14
 15 SECTION 11. Arkansas Code § 6-20-2507(f), concerning certification of
 16 amounts of state financial participation in new academic facility
 17 construction, is amended to read as follows:

18 (f)(1)(A) If a school district qualifies for state financial
 19 participation under this section, the division shall certify the amount of
 20 state financial participation to the Commission for Arkansas Public School
 21 Academic Facilities and Transportation for oversight purposes.

22 (B) The amount of state financial participation under this
 23 section is limited to the amount resulting from the application of the
 24 academic facilities wealth index to the RSMeans Building Construction Cost
 25 Data, as it existed on January 1, 2007, to calculate the cost necessary to
 26 bring the academic facility into compliance with the Arkansas Public School
 27 Academic Facility Manual.

28 ~~(B)(2)(A)~~ The commission shall certify the amount to the
 29 Department of Education for payment.

30 ~~(2)(B)~~ For tracking purposes, the school district shall
 31 account for the funds received as state financial participation under this
 32 section as restricted funds and shall account for the funds in accordance
 33 with provisions of law, including, without limitation, the Arkansas
 34 Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et
 35 seq., and rules established by the State Board of Education and the
 36 commission.

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SECTION 12. Arkansas Code § 6-20-2508(c), concerning the application for the academic facilities catastrophic program, is amended to read as follows:

(c) As part of its application for state financial participation in a catastrophic project, the school district shall provide the division with evidence of:

- (1) The estimated cost of the project;
- (2) The availability of insurance and any other public or private emergency assistance to pay for the project; ~~and~~
- (3) How the catastrophic project supports the prudent and resourceful expenditure of state funds and improves the school district's ability to deliver an adequate and equitable education to public school students in the district; and
- (4) Proof of full replacement value insurance to include a provision requiring code upgrades.

SECTION 13. Arkansas Code § 6-20-2508(e), concerning the academic facilities catastrophic program, is amended to read as follows:

(e)(1)(A) If a school district qualifies for state financial participation under this section, the division shall certify the amount of state financial participation to the Commission for Arkansas Public School Academic Facilities and Transportation for oversight purposes.

(B) The amount of state financial participation under this section is limited to the amount resulting from the application of the academic facilities wealth index to the RSMeans Building Construction Cost Data, as it existed on January 1, 2007, to calculate the cost necessary to bring the academic facility into compliance with the Arkansas Public School Academic Facility Manual.

~~(B)(2)(A)~~ The commission shall certify the amount to the Department of Education for payment.

~~(2)(B)~~ For tracking purposes, the school district shall account for the funds received as state financial participation under this section as restricted funds and shall account for the funds in accordance with provisions of law, including, without limitation, the Arkansas Educational Financial Accounting and Reporting Act of 2004, § 6-20-2201 et

1 seq., and rules established by the State Board of Education and the
 2 commission.

3

4 SECTION 14. Arkansas Code § 6-20-2509(a)(1), concerning cost
 5 guidelines for new construction of academic facilities, is amended to read as
 6 follows:

7 6-20-2509. Project cost guidelines.

8 (a)(1) The Division of Public School Academic Facilities and
 9 Transportation shall establish formulas that shall be updated annually for
 10 determining the basic project cost per ~~student~~ square foot for various types
 11 of new construction projects, including, without limitation:

- 12 (A) New academic facilities;
- 13 (B) Additions to existing academic facilities; and
- 14 (C) Major improvements to academic facilities that bring
 15 the state of condition or efficiency of the academic facility to a state of
 16 condition or efficiency better than the facility's original condition of
 17 completeness or efficiency.

18

19 SECTION 15. Arkansas Code Title 6, Chapter 20, Subchapter 25 is
 20 amended to add an additional section to read as follows:

21 6-20-2515. Review conferences.

22 (a) After February 1, 2008, a district may request and be granted by
 23 the division a review conference that shall be held within twenty (20)
 24 working days after the date of request.

25 (b) The district may be advised through the review conference process
 26 by an architectural and engineering firm if the school district pays the cost
 27 of the advice from the architectural and engineering firm.

28 (c) The review conference shall consider the following:

- 29 (1) That the proposed project is academic;
- 30 (2) The application of the space calculation to the project
 31 agreed upon by the district and the division;
- 32 (3) The wealth index of the district and the date at which the
 33 wealth index will be applied to the partnership project if approved;
- 34 (4) The RSMeans Building Construction Cost Data, as it existed
 35 on January 1, 2007, for the project and the date on which the RSMeans data
 36 will be applied to the partnership project if approved; and

1 (5) A projected amount of state funding based on current
 2 application of the wealth index and RSMeans Building Construction Cost Data,
 3 as it existed on January 1, 2007, to the planned project for planning
 4 purposes to allow a projection of local funding share required.

5 (d) The division shall make a record of the findings of the review
 6 conference.

7
 8 SECTION 16. Arkansas Code § 6-21-112(f), concerning the
 9 responsibilities of the Division of Public School Academic Facilities and
 10 Transportation, is amended to read as follows:

11 (f) The division shall:

12 (1) Provide information or assistance to the Academic Facilities
 13 Oversight Committee as requested;

14 (2) Use any recommendation or assessments of the oversight
 15 committee or the General Assembly as a basis for establishing the policies
 16 and procedures of the division;

17 (3) Develop and implement the Arkansas Public School Academic
 18 Facilities Program Act as established in § 6-21-801 et seq.;

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

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

24 (6) Develop a facility cost index that provides a methodology
 25 for comparing the cost of repairing the condition of a public school academic
 26 facility to the cost of replacing the public school academic facility with a
 27 facility containing the same amount of square footage;

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

30 (8) ~~Develop~~ Enforce through planning minimum standards for
 31 accessibility to public school academic facilities and programs for
 32 individuals with disabilities;

33 (9) Develop guidelines for competitive bidding, competitive
 34 negotiation, and other methods of procurement for public school academic
 35 facilities projects;

36 (10) Develop incentive programs to reward school districts for

1 innovative, effective, and efficient use of local and state resources with
2 regard to public school academic facilities;

3 (11) Administer the school transportation program in the various
4 school districts of Arkansas, including, without limitation, the training of
5 school bus drivers and inspection of buses or other vehicles used in
6 transporting public school students;

7 (12) Keep records showing a description of each school district
8 in the state, a map showing the school districts with current and accurate
9 boundaries, the location of the academic facilities, and the electoral zones,
10 if any, into which each school district has been divided;

11 (13) Report by October 1 of each year to the Governor, the House
12 Committee on Education, the Senate Committee on Education, and the Academic
13 Facilities Oversight Committee on the state of condition of academic
14 facilities statewide using the following building and design systems:

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

18 (ii) Site improvements shall not include permanent
19 or temporary buildings;

20 (B) Roofing;

21 (C) Exterior;

22 (D) Structure;

23 (E) Interior;

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

25 (G) Plumbing and water supply;

26 (H) Electrical;

27 (I) Technology;

28 (J) Fire and safety;

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

30 and

31 (L) Space utilization;

32 (14) Report by October 1 of each even-numbered year to the
33 Governor, the House Committee on Education, the Senate Committee on
34 Education, and the Academic Facilities Oversight Committee on the state
35 academic facilities master plan; ~~and~~

36 (15) Maintain a public access website dedicated to public school

1 academic facilities; and

2 (16) Develop and implement a state-wide facilities needs
3 priority list that provides a methodology for:

4 (A) Prioritization of state school district facility
5 needs; and

6 (B) Comparing the school district advancement of improving
7 facility conditions with school district master plans.

8

9 SECTION 16. Arkansas Code § 6-21-806(a) and(b), concerning the
10 Academic Facilities Master Plan Program, are amended to read as follows:

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

13 (1) Develop a ten-year districtwide facilities master plan that
14 shall be approved by the school district’s board of directors for submission
15 to and approval by the Division of Public School Academic Facilities and
16 Transportation;

17 (2) Base its facilities master plan on the provisions of the
18 Public School Academic Facility Manual as adopted by the Commission for
19 Public School Academic Facilities and Transportation and on priorities
20 indicated by statewide assessment, on priorities established by the division
21 statewide facility needs priority list, and other pertinent data specific to
22 the needs of the school district with regard to academic facilities and
23 equipment;

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

27 (4) Submit evidence of the school district’s insurance coverage
28 to the division by July 1, ~~2006~~ of each even numbered year, including
29 coverage amounts, types of coverage, identification of buildings covered,
30 policy renewal dates, and all riders;

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

34 (6) Submit a report to the division by February 1 of each odd-
35 numbered year that includes a description of all projects completed in the
36 school district since the submission of the school district’s most recent

1 facilities master plan, the school district's current enrollment projections,
 2 new or continuing needs of the school district with regard to academic
 3 facilities and equipment, and an accounting of any changes in the school
 4 district's insurance coverage from the most recent submission.

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

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

9 (2) A schedule of maintenance, repair, and renovation activities
 10 for each public school facility used by a school district. The schedule shall
 11 distinguish between work associated with academic facilities and work
 12 associated with nonacademic public school facilities;

13 (3) Documentation that describes preventive maintenance work for
 14 each public school facility and identifies the completion date of the work.
 15 The documentation shall distinguish between preventive maintenance work
 16 associated with academic facilities and preventive maintenance work
 17 associated with nonacademic public school facilities;

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

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

25 (5) A projected replacement schedule for major building systems
 26 in each academic public school facility;

27 ~~(6) The school district's plan for caring for and maintaining~~
 28 ~~technology systems, instructional materials, and related academic equipment~~
 29 ~~in each academic facility;~~

30 ~~(7) A projected replacement schedule for technology systems,~~
 31 ~~instructional materials, and related academic equipment;~~

32 ~~(8)(6)~~ Identification of issues with regard to public school
 33 facility and program access to individuals with disabilities and, if
 34 necessary, proposed methods for improving access;

35 ~~(9)(A)(7)(A)~~ Identification of committed projects within the
 36 school district that includes, as applicable, a breakdown of the portion of

1 each project into maintenance, repair, and renovation activities and new
2 construction activities.

3 (B) The portion of a committed project pertaining to
4 maintenance, repair, and renovation activities shall identify, as applicable,
5 maintenance, repair, and renovation activities associated with academic
6 facilities and maintenance, repair, and renovation activities associated with
7 nonacademic public school facilities;

8 ~~(10)~~(8) Annual expenditures of the school district for capital
9 outlay;

10 ~~(11)~~(9) A description of planned new construction projects with
11 cost estimates for each public school facility within the school district and
12 needs prioritized as follows:

13 (A) Immediate needs that the school district intends to
14 address within three (3) years following the submission of the facilities
15 master plan;

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

19 (C) Long-term needs that the school district intends to
20 address within the seven (7) to ten (10) years following the submission of
21 the facilities master plan;

22 ~~(12)~~(10) Evidence of the school district's insurance coverage,
23 including coverage amounts, types of coverage, identification of public
24 school facilities covered, policy renewal dates, and all riders.

25

26 SECTION 17. Arkansas Code § 6-21-807, concerning the Academic
27 Facilities Master Plan Program state plan requirements, is amended to add an
28 additional subsection to read as follows:

29 (c)(1) A school district may amend its facilities master plans at any
30 time during the ten-year cycle specified in § 6-21-803.

31 (2) An amendment may be submitted out of the regular even-year
32 cycle if the district:

33 (A) Has encountered:

34 (i) A major enrollment change;

35 (ii) A major curriculum change;

36 (iii) A major disaster; or

1 (iv) An unforeseen occurrence; or
2 (B)(i) Has begun or completed a self-funded construction
3 project over which the Division of Public School Academic Facilities and
4 Transportation has only review authority.

5 (ii) An amendment submitted under subdivision
6 (c)(2)(B)(i) of this section may be submitted in the form of an appendix to
7 the existing district master plan.

8
9 SECTION 18. Arkansas Code § 6-21-811(a), concerning the Academic
10 Facilities Distress Program. is amended to read as follows:

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

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

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

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

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

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

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

30 ~~or~~

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

33 (G) Material failure to plan and progress satisfactorily
34 toward accomplishing the priorities established by the division and the
35 approved school district master plans; or

36 (2) Any other condition of an academic facility or facilities in

1 a public school or school district that is determined by the division to have
2 a detrimental impact on educational services provided by that public school
3 or school district.

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