

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 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: H3/10/09

# A Bill

HOUSE BILL 1852

5 By: Representatives Breedlove, Hawkins, Allen, Betts, T. Bradford, J. Brown, M. Burris, Cheatham,  
6 Cole, Cook, Cooper, L. Cowling, Dale, Davis, English, George, Glidewell, R. Green, Hall, Harrelson,  
7 House, Hoyt, Kerr, Lovell, Overbey, Pennartz, Perry, Pierce, Powers, Ragland, Rainey, Reynolds, Rice,  
8 Sample, Saunders, G. Smith, Stewart, Summers, Tyler, Webb, Wells, B. Wilkins, Word, *Carroll, Cash,*  
9 *Davenport, Gaskill, Lindsey, McCrary, McLean, Nix, Patterson, J. Roebuck, Wagner, Woods*  
10 By: *Senator Broadway*  
11  
12

## For An Act To Be Entitled

14 AN ACT TO ESTABLISH AN ACADEMIC FACILITIES REVIEW  
15 BOARD; TO PROVIDE PUBLIC SCHOOL DISTRICTS WITH AN  
16 ADDITIONAL OPPORTUNITY FOR A HEARING ON THE  
17 DETERMINATION REGARDING STATE FINANCIAL  
18 PARTICIPATION FOR ACADEMIC FACILITIES PROJECTS;  
19 AND FOR OTHER PURPOSES.

## Subtitle

21 TO ESTABLISH AN ACADEMIC FACILITIES  
22 REVIEW BOARD AND TO PROVIDE AN  
23 ADDITIONAL OPPORTUNITY FOR A HEARING ON  
24 ACADEMIC FACILITIES PROJECTS.  
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28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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30 SECTION 1. Arkansas Code § 6-20-2513 is amended to read as follows:  
31 6-20-2513. Appeals.

32 (a) A public school district may appeal:

33 (1) A determination of the Division of Public School Academic  
34 Facilities and Transportation under this subchapter to the Academic  
35 Facilities Review Board in accordance with procedures developed by the board  
36 under § 6-20-2516; and



1           ~~(2) A school district may appeal any determination of the~~  
2 ~~Division of Public School Academic Facilities and Transportation under this~~  
3 ~~subchapter~~ A decision of the board to the Commission for Arkansas Public  
4 School Academic Facilities and Transportation in accordance with procedures  
5 developed by the commission.

6           (3) The public school district shall provide to the board a copy  
7 of the request for appeal when it files the request with the commission.

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

13           (c) The committee shall provide the appellant public school district  
14 an opportunity to testify before the committee regarding the commission's  
15 decision.

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17           SECTION 2. Arkansas Code Title 6, Chapter 20, Subchapter 25, is  
18 amended to add an additional section to read as follows:

19           6-20-2516. Academic Facilities Review Board.

20           (a) There is established the Academic Facilities Review Board to hear  
21 the appeal filed by a public school district under § 6-20-2513(a) of a  
22 determination of the Division of Public School Academic Facilities and  
23 Transportation.

24           (b)(1) The board is composed of five (5) members appointed by the  
25 Governor as follows:

26                   (A) One (1) member who is a licensed building contractor  
27 with five (5) years or more of experience in public school construction  
28 selected from a list of three (3) names submitted to the Governor by the  
29 Arkansas Chapter, Associated General Contractors;

30                   (B) One (1) member who is a registered architect with at  
31 least five (5) years of experience in public school design selected from a  
32 list of three (3) names submitted to the Governor by the Arkansas Chapter,  
33 American Institute of Architects;

34                   (C) One (1) member who is a licensed or registered  
35 engineer with at least five (5) years of experience in public school  
36 construction selected from a list of three (3) names submitted to the

1 Governor by the Arkansas Society of Professional Engineers/American Council  
2 of Engineering Companies of Arkansas;

3 (D) One (1) member who is selected from a list of three  
4 (3) names submitted to the Governor by the Arkansas Association of  
5 Educational Administrators; and

6 (E) One (1) member who is selected from a list of three  
7 (3) names submitted to the Governor by the Arkansas School Boards  
8 Association.

9 (2) A member of the board shall be a resident of this state at  
10 the time of appointment and throughout the member's term.

11 (3) A member of the Commission for Arkansas Public School  
12 Academic Facilities and Transportation shall not serve as a member of the  
13 commission while serving as a member of the board.

14 (c)(1)(A) Each member of the board shall serve a term of three (3)  
15 years.

16 (B) The initial members shall draw lots for staggered  
17 terms.

18 (2) The Governor shall appoint any qualified person to fill a  
19 position that is vacated before the expiration of a member's term.

20 (d)(1) The Governor shall designate one (1) member to serve as chair  
21 of the board at its organizational meeting.

22 (2) The chair or the chair's designee shall call an  
23 organizational meeting within twenty (20) calendar days after the Governor  
24 has appointed all members of the initial board.

25 (3) At the organizational meeting, the members of the board  
26 shall elect a chair, who shall serve as chair for one (1) year.

27 (4) Annually after the organizational meeting, the board shall  
28 elect a new chair.

29 (e)(1) The board shall meet upon the call of the chair when a hearing  
30 is requested by a public school district, but a meeting shall not be held  
31 outside of this state.

32 (2) All action of the board shall be by a majority vote of the  
33 quorum present at a meeting.

34 (3) A majority of the members of the board shall constitute a  
35 quorum for the purpose of transacting business.

36 (f) The Department of Education shall provide staff support for the

1 board's activities.

2 (g)(1) Members of the board shall serve without pay.

3 (2) Members of the board may receive expense reimbursement in  
4 accordance with § 25-16-902, to be paid by the department to the extent money  
5 is available for that purpose.

6 (h) The board shall establish policies and procedures for conducting  
7 hearing and appeals.

8 (i)(1) Following the hearing at which all testimony and evidence are  
9 presented, the board shall make a final determination accepting, rejecting,  
10 or modifying the determination of the division.

11 (2) Within ten (10) business days, the board shall provide to  
12 the appellant public school district a notice of the board's final  
13 determination.

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15 */s/ Breedlove*  
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