

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 *As Engrossed: H3/10/09 H3/12/09 H3/23/09*

2 87th General Assembly

# A Bill

3 Regular Session, 2009

HOUSE BILL 1852

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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, Adcock,*  
10 *Dunn*

11 By: Senator Broadway

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## For An Act To Be Entitled

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

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## Subtitle

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TO ESTABLISH AN ACADEMIC FACILITIES  
24 REVIEW BOARD AND TO PROVIDE AN  
25 ADDITIONAL OPPORTUNITY FOR A HEARING ON  
26 ACADEMIC FACILITIES PROJECTS.

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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 § 6-20-2513 is amended to read as follows:  
32 6-20-2513. Appeals.

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(a) A public school district may appeal:

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(1) A determination of the Division of Public School Academic

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Facilities and Transportation under this subchapter to the Academic

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Facilities Review Board in accordance with procedures developed by the board



1 under § 6-20-2516; and

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

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

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

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

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

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

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

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

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

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

35 (C) One (1) member who is a licensed or registered  
36 engineer with at least five (5) years of experience in public school

1 construction selected from a list of three (3) names submitted to the  
2 Governor by the Arkansas Society of Professional Engineers/American Council  
3 of Engineering Companies of Arkansas;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1       (f) The Department of Education shall provide staff support for the  
2 board's activities.

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

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

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

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

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

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16   */s/ Breedlove*  
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