

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

# A Bill

SENATE BILL 861

5 By: Senator Broadway  
6 By: Representative Cook  
7

## For An Act To Be Entitled

8  
9  
10 AN ACT TO AMEND VARIOUS PROVISIONS OF ARKANSAS  
11 CODE TITLE 6 CONCERNING ACADEMIC FACILITIES AND  
12 TRANSPORTATION; AND FOR OTHER PURPOSES.  
13

## Subtitle

14  
15 TO AMEND VARIOUS PROVISIONS OF ARKANSAS  
16 CODE TITLE 6 CONCERNING ACADEMIC  
17 FACILITIES AND TRANSPORTATION.  
18

19  
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
21

22 SECTION 1. Arkansas Code § 6-11-105(a)(2)-(4) concerning the powers  
23 and duties of the State Board of Education is amended to read as follows:

24 ~~(2) Prepare and distribute plans and specifications for the~~  
25 ~~construction and equipment of school buildings and approve plans and~~  
26 ~~expenditures of public school funds for all new school buildings;~~

27 ~~(3)(2)~~ Recommend courses of study for the public schools and  
28 teacher training institutions;

29 ~~(4)(3)~~ Prescribe rules ~~and regulations for the sanitary~~  
30 ~~inspection of all buildings and~~ for the examination of pupils to detect  
31 contagious and infectious diseases and physical defects;  
32

33 SECTION 2. Arkansas Code § 6-11-114 is repealed.

34 ~~6-11-114. Federal aid Receipt and administration for school~~  
35 ~~facilities.~~

36 ~~The State Board of Education and the State Board of Workforce Education~~



1 ~~and Career Opportunities are designated to receive and administer any and all~~  
2 ~~federal funds made available to this state for the purpose of assisting local~~  
3 ~~school districts in providing elementary and secondary school facilities for~~  
4 ~~general education programs and for vocational and adult education programs~~  
5 ~~respectively.~~

6

7 SECTION 3. Arkansas Code § 6-11-116(a) concerning standards of  
8 priority for school facilities projects is amended to read as follows:

9 (a) ~~The State Board of Education~~ Division of Public School Academic  
10 Facilities and Transportation is granted authority to prescribe principles,  
11 standards, and criteria to be followed in setting up priority of projects,  
12 provided that such principles, standards, and criteria are not in conflict  
13 with federal statutes.

14

15 SECTION 4. Arkansas Code § 6-19-101 is amended to read as follows:  
16 6-19-101. Regulations and standards generally.

17 ~~The State Board of Education~~ Commission for Arkansas Public School  
18 Facilities and Transportation shall ~~set up such regulations~~ promulgate rules  
19 and standards governing the school transportation program in ~~the various~~  
20 school districts ~~of Arkansas as will~~ that promote and provide a safe,  
21 efficient, and economical system of pupil transportation.

22

23 SECTION 5. Arkansas Code § 6-19-102(e) concerning the authority to  
24 transport students is amended to read as follows:

25 (e) The buses shall be of such specifications as may be prescribed by  
26 uniform rules ~~and regulations~~ of the ~~State Board of Education~~ Commission for  
27 Arkansas Public School Academic Facilities and Transportation.

28

29 SECTION 6. Arkansas Code § 6-19-108 is amended to read as follows:  
30 6-19-108. Bus drivers – Certification.

31 (a)(1) An applicant seeking employment as a driver or an operator of a  
32 school bus, either privately or publicly owned, is required to take and pass  
33 a series of tests as prescribed by the Department of Arkansas State Police  
34 under § 27-23-108 and the Division of Public School Academic Facilities and  
35 Transportation to determine the physical fitness and driving ability to serve  
36 as a school bus driver.

1           (2) The tests shall include:

2           (A) a A physical examination given by a licensed physician  
3 or registered nurse for school bus drivers, as required by the division;  
4 ~~an eye test, a written or oral test on rules and regulations of driving, a~~  
5 ~~road test given under the supervision of the department, and such~~

6           (B) ~~other~~ Other requirements as may be prescribed by rules  
7 ~~and regulations~~ issued jointly by the department and the division for  
8 qualifications and fitness of school bus drivers; and ~~In addition, the~~  
9 ~~applicant shall participate in and pass~~

10          (C) a A successfully completed standard bus driver training  
11 and preservice behind-the-wheel training program as prescribed by the  
12 division.

13          (b) Upon successful completion and documentation ~~of these tests~~  
14 training listed in subdivision (a)(2)(C) of this section, a certificate,  
15 valid for one (1) year, shall be issued by the ~~department~~ division. The  
16 ~~certificate shall be for a two year period. Upon the expiration of a~~  
17 ~~certificate, the holder thereof shall take a new examination as required by~~  
18 ~~this section before a new certificate may be issued.~~

19          (c)(1) ~~No~~ A school bus driver shall not be employed ~~to act~~ as  
20 ~~chauffeur or~~ an operator of ~~any~~ a school bus to transport children to and  
21 from school or school-sponsored activities unless he or she has  
22 satisfactorily ~~passed the tests~~ completed the in-service training required  
23 ~~herein~~ in subsection (d) of this section and possesses a current valid  
24 certificate therefor.

25          (2) The certificate shall be required in addition to a  
26 ~~chauffeur's license or operator's license~~ commercial driver's license and  
27 ~~such~~ any additional qualifications ~~as may be~~ required by the school district  
28 board of directors.

29          (d) ~~Each~~ A school bus driver who seeks a renewal of his or her bus  
30 driver certificate shall provide proof that he or she has satisfactorily:

31           (1) ~~passed~~ Passed a physical examination given by a licensed  
32 physician; ~~and that he or she has satisfactorily~~

33           (2) ~~completed~~ Completed ~~an~~ in-service ~~workshop~~ training for  
34 school bus drivers as prescribed by the division.

35          (e) ~~In the event that a qualified school bus operator as prescribed in~~  
36 ~~this subchapter shall die, resign or be ill, disabled, or otherwise not~~

1 ~~available to operate a school bus and the school district board of directors~~  
 2 ~~is not able to obtain a qualified bus operator with the certificate required~~  
 3 ~~in this section, the~~ A school district board of directors may provide a  
 4 substitute driver to operate a school bus on a temporary basis without a  
 5 certificate until the next regularly scheduled school bus ~~operator's~~ driver's  
 6 examination is held in the locality. if:

7 (1) A qualified school bus driver is not available to operate a  
 8 school bus due to death, resignation, disability, illness, or other cause;  
 9 and

10 (2) The school district board of directors is not able to obtain  
 11 a qualified bus driver with a certificate.

12 (f) Extracurricular trips shall be made by certified ~~operators~~ drivers  
 13 only.

14 (g) ~~Any A person or persons violating~~ who violates the provisions of  
 15 this section ~~shall be~~ is guilty of a Class A misdemeanor.

16  
 17 SECTION 7. Arkansas Code § 6-19-115 is amended to read as follows:

18 6-19-115. Bus permit numbers.

19 (a)(1) The State Board of Education Division of Public School Academic  
 20 Facilities and Transportation is authorized and instructed to shall establish  
 21 a system of permit numbers to be used in identifying school buses owned or  
 22 operated by or in behalf of school districts in this state.

23 (2) The system of permit numbers shall assign an identifying  
 24 prefix number to each school district with provisions for consecutive numbers  
 25 thereafter for buses of the district.

26 (b) Each school district in this state shall be notified of the permit  
 27 number assigned ~~such~~ the school district under this section and shall be  
 28 furnished instructions for identifying all school buses owned or operated by  
 29 or in behalf of ~~such~~ the school district.

30 (c)(1) The permit number assigned each school district and the school  
 31 district name shall be painted in letters not less than six inches ~~(6'')~~ (6")  
 32 high on both sides and on the rear of all school buses owned by the district  
 33 or used in behalf of the district. Such

34 (2) permit Permit numbers shall be painted on ~~such~~ the buses in  
 35 compliance with the rules ~~and regulations~~ promulgated by the ~~state board~~  
 36 commission.

1 (d) No school district in this state shall operate ~~any a~~ school bus  
 2 nor shall any school bus be operated for or in behalf of a school district  
 3 unless the school district name and permit numbers assigned each school  
 4 ~~district and each bus have~~ number has been painted ~~thereon~~ on the bus in  
 5 compliance with this section.

6 (e) ~~Any A school~~ district failing to comply with this section shall be  
 7 penalized by the withholding of all transportation aid due the district from  
 8 the ~~State of Arkansas~~ state until the school district ~~shall have complied~~ is  
 9 in compliance with this section.

10  
 11 SECTION 8. Arkansas Code § 6-20-1401 is amended to read as follows:  
 12 6-20-1401. Rules ~~and regulations~~.

13 The ~~State Board of Education~~ Commission for Arkansas Public School  
 14 Academic Facilities and Transportation ~~is authorized to may~~ make rules ~~and~~  
 15 ~~regulations not inconsistent~~ consistent with the ~~provisions of~~ this  
 16 subchapter that ~~it shall find~~ the commission determines is necessary to  
 17 accomplish the purposes of this subchapter.

18  
 19 SECTION 9. Arkansas Code § 6-20-2502(2)(B), concerning the definition  
 20 of "academic facility", is amended to add an additional subdivision to read  
 21 as follows:

22 (iii)(a) A leased facility, including physical  
 23 plants and grounds, used for an academic purpose qualified as part of an  
 24 adequate education, shall be considered an academic facility for the purpose  
 25 of this subchapter.

26 (b) A school district shall not be entitled to  
 27 facilities funding for a leased facility.

28 (c) Before a school district uses a leased  
 29 facility, the division shall inspect the leased facility to ensure that the  
 30 facility complies with all facility standards required for academic  
 31 facilities.

32  
 33 SECTION 10. Arkansas Code § 6-20-2507(b)(1)(A) concerning the Academic  
 34 Facilities Partnership Program is amended to read as follows:

35 (b)(1) In order to apply for state financial participation in a new  
 36 construction project, a school district shall provide the division with a

1 detailed narrative, description, and justification for the project, a  
 2 schematic design, and evidence of:

3 (A) Preparation for the new construction project as  
 4 demonstrated by inclusion of the new construction project in the school  
 5 district's facilities master plan;

6  
 7 SECTION 11. Arkansas Code § 6-20-2507(d) concerning the Academic  
 8 Facilities Partnership Program is amended to read as follows:

9 (d)(1) ~~State financial participation under the program is not~~  
 10 ~~available until July 1, 2006.~~

11 - ~~(2) (A) With regard to an academic facilities project for which~~  
 12 ~~a school district intends to apply for state financial participation during~~  
 13 ~~Fiscal Year 2006-2007, the division shall notify the school district of the~~  
 14 ~~division's decision on the application and, if applicable, the estimated~~  
 15 ~~amount of state financial participation in the new construction project no~~  
 16 ~~later than May 1, 2006.~~

17 - ~~(B) Beginning in 2007, the~~ The division shall notify the  
 18 school district of the division's decision on the application and, if  
 19 applicable, the estimated amount of state financial participation in the new  
 20 construction project no later than May 1 of each odd-numbered year.

21 ~~(3)~~ (2) The division's notice of its decision on a school  
 22 district's application for state financial participation in a new  
 23 construction project shall include an explanation of the evaluative factors  
 24 underlying the decision of the division to provide or not provide state  
 25 financial participation in support of the new construction project.

26 (3) The Commission for Arkansas Public School Academic  
 27 Facilities and Transportation may withdraw committed funds if a school  
 28 district had funding made available on:

29 (A) July 1, 2006, and does not begin construction, as  
 30 evidenced by a signed construction contract, by January 31, 2010; or

31 (B) July 1, 2007, and does not begin construction, as  
 32 evidenced by a signed construction contract, by January 31, 2011.

33  
 34 SECTION 12. Arkansas Code § 6-20-2507(e), concerning the Academic  
 35 Facilities Partnership Program, is amended to add an additional subdivision  
 36 to read as follows:

1           (3) If a school district fails to adhere to the timelines as  
2 established in subsection (g) of this section, the agreement shall be void  
3 and the state will have no further obligation to provide state funds to the  
4 school district for the new construction project under the agreement.

5  
6           SECTION 13. Arkansas Code § 6-20-2507, concerning the Academic  
7 Facilities Partnership Program, is amended to add an additional subsection to  
8 read as follows:

9           (g)(1) The division shall establish compliance dates for the:

- 10                   (A) Execution of the partnership agreement;
- 11                   (B) Start of the project design; and
- 12                   (C) Start and ending of construction.

13           (2) Projects not meeting the compliance dates shall be cancelled  
14 by the division and the state’s financial participation, in whole or in part,  
15 may be declared void.

16  
17           SECTION 14. Arkansas Code § 6-21-112(f)(5) concerning the Division of  
18 Public School Academic Facilities and Transportation is amended to read as  
19 follows:

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

23                   (B) If the process developed is an automated statewide  
24 system, it shall encompass all school districts;

25  
26           SECTION 15. Arkansas Code § 6-21-112(f)(16) and (17) concerning the  
27 Division of Public Schools Academic Facilities and Transportation is amended  
28 to read as follows:

29           (16) Maintain a public access website dedicated to public school  
30 academic facilities; ~~and~~

31           (17) Develop and implement a statewide facilities needs priority  
32 list that provides a methodology for:

33                   (A) Prioritization of state school district facility  
34 needs; and

35                   (B) Comparing the school district advancement of improving  
36 facility conditions with school district master plans+; and





1 follows:

2 (E)(i) A leased facility, including physical plants and  
3 grounds, used for an academic purpose qualified as part of an adequate  
4 education, shall be considered an academic facility for the purpose of this  
5 subchapter.

6 (ii) A school district shall not be entitled to  
7 facilities funding for a leased facility.

8 (iii) Before a school district uses a leased  
9 facility, the division shall inspect the leased facility to ensure that the  
10 facility complies with all facility standards required for academic  
11 facilities.

12

13 SECTION 20. Arkansas Code § 6-21-806(a)(4) concerning the Academic  
14 Facilities Master Plan Program is amended to read as follows:

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

19

20 SECTION 21. Arkansas Code § 6-21-808(b)(2), concerning the Public  
21 School Facilities Custodial, Maintenance, Repair, and Renovation Manual, is  
22 amended to add an additional subdivision to read as follows:

23 (I) Suggested schedule for the sanitary inspection of all  
24 school buildings.

25

26 SECTION 22. Arkansas Code § 6-21-808(c)(2)(B), concerning the Public  
27 School Facilities Custodial, Maintenance, Repair, and Renovation Manual, is  
28 amended to read as follows:

29 (B)(i) Development and implementation of a work-request  
30 system to allow others to inform a public school’s maintenance department of  
31 needs and to allow the responsible person to prioritize responses+.

32 (ii)(a) School districts will be required to  
33 participate in any state level computerized maintenance management system  
34 designed to track work orders and preventative maintenance work established  
35 by the division.

36

(b) The cost of the computerized maintenance

1 management system will be within the nine percent (9%) minimum maintenance  
 2 expenditures under § 6-21-808(d)(1)(A);

3  
 4 SECTION 23. Arkansas Code § 6-21-811(a)(1) concerning the Academic  
 5 Facilities Distress Program is amended to read as follows:

6 (a) ~~The Commission for Arkansas~~ Division of Public School Academic  
 7 Facilities and Transportation shall identify a public school or school  
 8 district as being in academic facilities distress if the ~~Division of Public~~  
 9 ~~School Academic Facilities and Transportation recommends and the commission~~  
 10 ~~concurs~~ division determines that the public school or school district has  
 11 engaged in actions or inactions that result in any of the following:

12 (1) ~~Any~~ An act or violation determined by the division to  
 13 jeopardize any academic facility used by a public school or school district,  
 14 including, but not limited to:

15 (A) Material failure to properly maintain academic  
 16 facilities in accordance with this subchapter and rules adopted by the  
 17 commission;

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

20 (C) Material violation of applicable building code  
 21 provisions or law;

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

24 (E) Material failure to comply with state law governing  
 25 ~~purchasing or~~ bid requirements, or a school construction related law or rule  
 26 in relation to academic and nonacademic facilities projects;

27 (F) Material default on ~~any~~ a school district debt  
 28 obligation; or

29 (G) Material failure to plan and progress satisfactorily  
 30 toward accomplishing the priorities established by the division and the  
 31 approved school district's facilities master plan; and

32  
 33 SECTION 24. Arkansas Code § 6-21-811(b) concerning the Academic  
 34 Facilities Distress Program is amended to read as follows:

35 (b)(1) The division shall provide written notice, via certified mail,  
 36 return receipt requested, to the president of the school board of directors

1 and the superintendent of the public school or school district identified as  
2 being in facilities distress.

3 (2) A public school or school district may appeal a decision of  
4 the division to identify the public school or school district as being in  
5 academic facilities distress by following the procedure under § 6-21-814.

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