

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: S3/31/09 S4/2/09

# A Bill

SENATE BILL 861

5 By: Senator Broadway  
6 By: Representative Cook  
7

## For An Act To Be Entitled

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

### Subtitle

13  
14 TO AMEND VARIOUS PROVISIONS OF ARKANSAS  
15 CODE TITLE 6 CONCERNING ACADEMIC  
16 FACILITIES AND TRANSPORTATION.  
17

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 Arkansas Code § 6-11-114 is repealed.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~~ Commission for Arkansas Public School  
10 Academic Facilities and Transportation is granted authority to prescribe  
11 principles, standards, and criteria to be followed in setting up priority of  
12 projects, provided that such principles, standards, and criteria are not in  
13 conflict 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~~ advanced practice nurse for school bus drivers, as  
4 required by the division;

5 ~~an eye test, a written or oral test on rules and regulations of driving, a~~  
6 ~~road test given under the supervision of the department, and such~~

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

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

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

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

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

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

32           (1) ~~passed~~ Passed a physical examination given by a licensed  
33 ~~physician or advanced practice nurse within the previous two (2) years; and~~  
34 ~~that he or she has satisfactorily~~

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

1 (e) ~~In the event that a qualified school bus operator as prescribed in~~  
 2 ~~this subchapter shall die, resign or be ill, disabled, or otherwise not~~  
 3 ~~available to operate a school bus and the school district board of directors~~  
 4 ~~is not able to obtain a qualified bus operator with the certificate required~~  
 5 ~~in this section, the~~ A school district board of directors may provide a  
 6 substitute driver to operate a school bus on a temporary basis without a  
 7 certificate until the next regularly scheduled school bus ~~operator's~~ driver's  
 8 examination is held in the locality- if:

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

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

14 (f) Extracurricular trips shall be made by certified ~~operators~~ drivers  
 15 only.

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

18  
 19 SECTION 7. Arkansas Code § 6-19-115 is amended to read as follows:  
 20 6-19-115. Bus permit numbers.

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

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

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

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

36 (2) ~~permit~~ Permit numbers shall be painted on ~~such~~ the buses in

1 compliance with the rules ~~and regulations~~ promulgated by the ~~state board~~  
2 commission.

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

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

12  
13 SECTION 8. Arkansas Code § 6-20-1401 is amended to read as follows:

14 6-20-1401. Rules ~~and regulations~~.

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

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

24 (iii) A leased facility shall not be considered an  
25 academic facility for the purpose of this subchapter.

26  
27 SECTION 10. Arkansas Code § 6-20-2507(b)(1)(A) concerning the Academic  
28 Facilities Partnership Program is amended to read as follows:

29 (b)(1) In order to apply for state financial participation in a new  
30 construction project, a school district shall provide the division with a  
31 detailed narrative, description, and justification for the project, a  
32 drawing, and evidence of:

33 (A) Preparation for the new construction project as  
34 demonstrated by inclusion of the new construction project in the school  
35 district's facilities master plan;

36

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

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

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

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

15 ~~(3)(2)~~ (2) The division's notice of its decision on a school  
16 district's application for state financial participation in a new  
17 construction project shall include an explanation of the evaluative factors  
18 underlying the decision of the division to provide or not provide state  
19 financial participation in support of the new construction project.

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

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

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

27 (4) If a construction project has not begun as required under  
28 subdivision (d)(3) of this section due to the failure of a school district to  
29 raise the school district's share of the project cost due to a failed millage  
30 election prior to June 1, 2009, the division may exercise its authority under  
31 § 6-21-811.

32  
33 SECTION 12. Arkansas Code § 6-20-2507(e), concerning the Academic  
34 Facilities Partnership Program, is amended to add an additional subdivision  
35 to read as follows:

36 (3) If a school district fails to adhere to the timelines as

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

4  
5 SECTION 13. Arkansas Code § 6-20-2507, concerning the Academic  
6 Facilities Partnership Program, is amended to add an additional subsection to  
7 read as follows:

8 (g)(1) The Commission for Arkansas Public School Academic Facilities  
9 and Transportation 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 may be cancelled  
14 by the commission and the state's financial participation, in whole or in  
15 part, may be declared void after the school district has been provided:

16 (A) A notice of the failure to meet compliance dates; and

17 (B) An opportunity for a hearing before the  
18 commission.

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

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

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

28  
29 SECTION 15. Arkansas Code § 6-21-114(e), concerning the Commission for  
30 Arkansas Public School Academic Facilities and Transportation, is amended to  
31 add an additional subdivision to read as follows:

32 (5) Receive and administer federal funds made available to the  
33 state for the purpose of assisting local school districts in providing  
34 elementary and secondary school facilities for:

35 (A) General education programs;

36 (B) Vocational programs; and

1                    (C) Adult education programs.

2  
3            SECTION 16. Arkansas Code § 6-21-116 is amended to read as follows:

4            ~~6-21-116. Approval of building plans~~ Tornado shelter construction.

5            (a) All building plans for new public school facilities may include a  
6 tornado shelter or a designated reinforced area designed to withstand  
7 tornadoes and high-speed winds.

8            (b)(1) School districts shall be required to generate funds to meet  
9 the requirements of subsection (a) of this section.

10            (2) School districts may apply for grant funds to assist in the  
11 construction of a tornado shelter or a designated reinforced area in new  
12 public school facilities.

13            ~~(c) The Commission for Arkansas Public School Academic Facilities and~~  
14 ~~Transportation shall promulgate rules to implement the requirements of this~~  
15 ~~section~~ Facilities constructed under this section will be subject to review  
16 under § 6-20-1407.

17  
18            SECTION 17. Arkansas Code Title 6, Chapter 21, Subchapter 1 is amended  
19 to add an additional section to read as follows:

20            6-21-117. Leased academic facilities.

21            An academic facility leased by a school district shall:

22            (1) Not be entitled to facilities program funding under § 6-20-  
23 2502(2)(B);

24            (2) Conform to the school facility standards defined in the  
25 Arkansas School Facility Manual;

26            (3) Be inspected by the Division of Public School Academic  
27 Facilities and Transportation to ensure that the facility complies with  
28 required academic facility standards prior to the execution of a lease or a  
29 renewal of an existing lease;

30            (4) Be eligible for a waiver commensurate with the Arkansas  
31 School Facility Manual granted by the Commission for Arkansas Public School  
32 Academic Facilities and Transportation; and

33            (5) Be exempt from the academic facility standards for the  
34 duration of the replacement of an academic facility that is lost due to a  
35 catastrophic event if the leased academic facility is used solely for the  
36 purpose of providing an academic facility.

1  
2 SECTION 18. Arkansas Code § 6-21-304(b)(2) concerning minimum  
3 specifications for school buses is amended to read as follows:

4 (2) The ~~Department of Education~~ Commission for Arkansas Public  
5 School Academic Facilities and Transportation shall have responsibility for  
6 drawing up the minimum specifications for all school buses.

7  
8 SECTION 19. Arkansas Code § 6-21-803(1), concerning the definition of  
9 "academic facility", is amended to add an additional subdivision to read as  
10 follows:

11 (E) A leased facility shall not be considered an academic  
12 facility for the purpose of this subchapter.

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

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

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

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

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

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

33 (ii)(a) School districts shall be required to  
34 participate in any state level computerized maintenance management system  
35 designed to track work orders and preventative maintenance work established  
36 by the division at no cost to the school district.

