

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

# A Bill

SENATE BILL 863

4  
5 By: Senator Broadway  
6 By: Representative Cook

## For An Act To Be Entitled

10 AN ACT TO PROVIDE A PROCESS FOR ROUTINE  
11 INSPECTIONS AND REPORTING OF INSPECTIONS OF  
12 PUBLIC SCHOOL ACADEMIC FACILITIES; AND FOR OTHER  
13 PURPOSES.

## Subtitle

16 TO PROVIDE A PROCESS FOR ROUTINE  
17 INSPECTIONS AND REPORTING OF INSPECTIONS  
18 OF PUBLIC SCHOOL ACADEMIC FACILITIES.

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

23 SECTION 1. Arkansas Code § 6-21-112(f), concerning the duties of the  
24 Division of Public School Academic Facilities and Transportation, is amended  
25 to read as follows:

26 (f) The division shall:

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

29 (2) Use ~~any recommendation~~ recommendations or assessments of the  
30 oversight committee or the General Assembly as a basis for establishing the  
31 policies and procedures of the division;

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

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

36 (5) Develop and implement an ongoing uniform process for



1 collecting, inventorying, and updating information on the state of condition  
 2 of all public school academic facilities in the state;

3 (6) Develop and implement an ongoing process for collecting  
 4 records of all lawfully required inspections of public school academic  
 5 facilities conducted by state agencies and commissions;

6 ~~(6)~~(7) Develop a facility cost index that provides a methodology  
 7 for comparing the cost of repairing the condition of a public school academic  
 8 facility to the cost of replacing the public school academic facility with a  
 9 facility containing the same amount of square footage;

10 ~~(7)~~(8) Conduct unannounced random on-site inspections of public  
 11 school academic facilities;

12 ~~(8)~~(9) Enforce through planning minimum standards for  
 13 accessibility to public school academic facilities and programs for  
 14 individuals with disabilities;

15 ~~(9)~~(10) Develop guidelines for competitive bidding, competitive  
 16 negotiation, and other methods of procurement for public school academic  
 17 facilities projects;

18 ~~(10)~~(11) Develop incentive programs to reward school districts  
 19 for innovative, effective, and efficient use of local and state resources  
 20 with regard to public school academic facilities;

21 ~~(11)~~(12) Review applicable statutes, ~~rules, and regulations~~ and  
 22 rules for conflicts with or omission of energy-related content;

23 ~~(12)~~(13) Administer the school transportation program in the  
 24 various school districts of Arkansas, including without limitation:

25 (A) the The training of school bus drivers; and

26 (B) The inspection of school buses, as defined in § 6-19-  
 27 110;

28 ~~(13)~~(14) Keep records showing a description of each school  
 29 district in the state, a map showing the school districts with current and  
 30 accurate boundaries, the location of the academic facilities, and the  
 31 electoral zones, if any, into which each school district has been divided;

32 ~~(14)~~(15)(A) Report by October 1 of each year to the Governor,  
 33 the House Committee on Education, the Senate Committee on Education, and the  
 34 Academic Facilities Oversight Committee on the state of condition of academic  
 35 facilities statewide using the following building and design systems:

36 ~~(A)~~(i)(i) Site land and all improvements to the

1 site, excluding permanent or temporary buildings, such as grading, drainage,  
2 drives, parking areas, walks, landscaping, and playgrounds;

3 ~~(ii) Site improvements shall not include~~  
4 ~~permanent or temporary buildings;~~

5 ~~(B)(ii)~~ Roofing;

6 ~~(C)(iii)~~ Exterior;

7 ~~(D)(iv)~~ Structure;

8 ~~(E)(v)~~ Interior;

9 ~~(F)(vi)~~ Heating, ventilation, and air  
10 conditioning;

11 ~~(G)(vii)~~ Plumbing and water supply;

12 ~~(H)(viii)~~ Electrical;

13 ~~(I)(ix)~~ Technology;

14 ~~(J)(x)~~ Fire and safety;

15 ~~(K)(xi)~~ Specialty items, including equipment  
16 and furnishings; and

17 ~~(L)(xii)~~ Space utilization; and

18 (B) The report also shall include summary results of  
19 lawfully required inspections of public school academic facilities by state  
20 agencies and commissions;

21 ~~(15)(16)~~ Report by October 1 of each even-numbered year to the  
22 Governor, the House Committee on Education, the Senate Committee on  
23 Education, and the Academic Facilities Oversight Committee on the state  
24 academic facilities master plan;

25 ~~(16)(17)~~ Maintain a public access website dedicated to public  
26 school academic facilities; and

27 ~~(17)(18)~~ Develop and implement a statewide facilities needs  
28 priority list that provides a methodology for:

29 (A) Prioritization of state school district facility  
30 needs; and

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

33  
34 SECTION 2. Arkansas Code § 6-21-808(c)(2)(A), concerning the Public  
35 School Facilities Custodial, Maintenance, Repair, and Renovation Manual, is  
36 amended to read as follows:

1 (2) Standards for maintenance, repair, and renovation activities  
2 in public school facilities shall include the following:

3 (A) The required contents of a preventive maintenance  
4 plan, which shall include guidelines for:

5 (i) Scheduling preventive maintenance activities for  
6 public school facilities; ~~and~~

7 (ii) Preparing and retaining documentation that  
8 describes preventive maintenance work related to public school facilities and  
9 identifies the completion date of the work;

10 (iii) Scheduling lawfully required inspections of  
11 public school facilities conducted by state agencies and commissions; and

12 (iv) Scheduling the inspections specified by the  
13 Division of Public School Academic Facilities and Transportation relating to  
14 safe, dry, and healthy public school facilities;

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16 SECTION 3. Arkansas Code § 6-21-813 is amended to read as follows:

17 6-21-813. Inspections.

18 (a) The Division of Public School Academic Facilities and  
19 Transportation shall conduct random unannounced on-site inspections of all  
20 academic facilities ~~that have been funded wholly or in part by moneys from~~  
21 ~~the state~~ to ensure compliance with the school district's facilities master  
22 plan and, if applicable, the school district's facilities improvement plan in  
23 order to preserve the integrity of and extend the useful life of public  
24 school academic facilities and equipment across the state.

25 (b) The division shall submit reports regarding its on-site  
26 inspections of academic facilities to the Commission for Arkansas Public  
27 School Academic Facilities and Transportation within thirty (30) days of  
28 completion of the on-site inspections.

29 (c) Based on the division's on-site inspection or notification by the  
30 division to the commission that the changes or additions to a school  
31 district's facilities master plan or facilities improvement plan required by  
32 the division have not been implemented within the time period prescribed by  
33 the division, the commission shall restrict the use of the necessary funds or  
34 otherwise allocate funds from moneys appropriated by the General Assembly.

35 (d) The division shall work with state agencies and commissions  
36 requesting inspection assistance for those areas in which the state agency or

1 commission has primary responsibility to conduct lawfully required  
2 inspections.

3 (e) The division shall work with school districts, state agencies, and  
4 commissions to ensure all lawfully required inspections are performed,  
5 including inspections of:

- 6 (1) Boilers;
- 7 (2) Electrical;
- 8 (3) Heating, ventilation, and air conditioning;
- 9 (4) Natural gas;
- 10 (5) Plumbing;
- 11 (6) Indoor air quality;
- 12 (7) Fire prevention;
- 13 (8) Elevators;
- 14 (9) Occupational safety and health;
- 15 (10) Water wells; and
- 16 (11) Other inspections required by law.

17 (f) The division shall work with school districts, state agencies, and  
18 commissions to ensure that on the same date that a school district is  
19 notified, the division is provided a report of all lawfully required  
20 scheduled or unscheduled inspections and reinspections of an academic  
21 facility identifying each inspection or code violation.

22 (g) If an inspection or code violation is reported in the course of an  
23 inspection or reinspection conducted by a state agency or commission, the  
24 division shall work closely with the school district and the appropriate  
25 state agency or commission to ensure the violation is remedied within thirty  
26 (30) days of the date the inspection or code violation is reported, or as  
27 soon as reasonably possible thereafter.

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