

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: S3/30/09

A Bill

SENATE BILL 863

5 By: Senator Broadway
6 *By: Representatives Flowers, Cook*
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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.
14

Subtitle

15 TO PROVIDE A PROCESS FOR ROUTINE
16 INSPECTIONS AND REPORTING OF INSPECTIONS
17 OF PUBLIC SCHOOL ACADEMIC FACILITIES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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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 from state agencies of all lawfully required inspections of public
5 school academic 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 Commission for Arkansas Public School Academic Facilities and Transportation
14 relating to safe, dry, and healthy public school facilities;

15
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 state commissions to ensure that:

5 (1) All lawfully required inspections of academic facilities are
6 performed, including without limitation scheduled, unscheduled, or emergency
7 inspections of or concerning:

8 (A) Boilers;

9 (B) Electrical systems;

10 (C) Heating, ventilation, and air conditioning systems;

11 (D) Natural gas piping systems;

12 (E) Liquid propane gas systems;

13 (F) Plumbing systems, including without limitation reduced
14 pressure zone valves;

15 (G) Indoor air quality systems;

16 (H) Fire prevention;

17 (I) Elevators;

18 (J) Occupational safety and health issues;

19 (K) Water wells;

20 (L) Asbestos; and

21 (2) The division receives the same report on the same date that
22 a school district receives a report concerning a lawfully required scheduled
23 or unscheduled inspection or reinspection of an academic facility.

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

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31 /s/ Broadway
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