

1 State of Arkansas  
2 88th General Assembly  
3 Regular Session, 2011  
4  
5 By: Senator J. Jeffress  
6

As Engrossed: S3/16/11  
**A Bill**

SENATE BILL 826

7 **For An Act To Be Entitled**

8 AN ACT TO AMEND THE ACADEMIC FACILITIES PARTNERSHIP  
9 PROGRAM TO ALLOW GREATER FLEXIBILITY AND  
10 OPPORTUNITIES FOR PARTICIPATION BY SCHOOL DISTRICTS;  
11 TO AMEND THE PROVISIONS OF THE ARKANSAS CODE  
12 CONCERNING THE ARKANSAS PUBLIC SCHOOL ACADEMIC  
13 FACILITIES PROGRAM; AND FOR OTHER PURPOSES.  
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16 **Subtitle**

17 TO AMEND THE ACADEMIC FACILITIES  
18 PARTNERSHIP PROGRAM AND THE ARKANSAS  
19 PUBLIC SCHOOL ACADEMIC FACILITIES  
20 PROGRAM.  
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23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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25 *SECTION 1. Arkansas Code § 6-20-2502, concerning definitions under the*  
26 *Arkansas Public School Academic Facilities Funding Act, is amended to add an*  
27 *additional subdivision to read as follows:*

28 *(13)(A) "Material inadequacy" means a determination that a*  
29 *particular component of school facility space in the Program of Requirements*  
30 *either does not exist or does not materially meet the requirements.*

31 *(B) "Material inadequacy" is determined collaboratively*  
32 *between the school district and the division based on an assessment of the*  
33 *existing space in the current inventory of school spaces for the campus as*  
34 *compared to what the requirements would be if constructed new.*  
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36 *SECTION 2. Arkansas Code § 6-20-2507(b)(1)(C), concerning the*



1 requirements for state financial participation in a new construction project,  
2 is amended to read as follows:

3 (C)(i) The total estimated cost of the new construction  
4 project that shall be a minimum of ~~three hundred dollars (\$300) per student~~  
5 ~~or one hundred fifty thousand dollars (\$150,000)~~ fifty thousand dollars  
6 (\$50,000), whichever is less.

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8 SECTION 3. Arkansas Code § 6-20-2507(c), concerning the evaluation of  
9 an application for financial participation in a new construction project, is  
10 amended to read as follows:

11 (c)(1) The division shall use criteria to evaluate a school district's  
12 application for state financial participation in a new construction project,  
13 which shall include, without limitation, the following:

14 ~~(1)(A)~~ (A) How the school district's facilities master plan  
15 and current academic facilities do not address the following:

16 ~~(A)(i)~~ (i) Student health and safety, including, without  
17 limitation, critical health and safety needs;

18 ~~(B)(ii)~~ (ii) Compliance with current academic facilities  
19 standards, including, without limitation, appropriate space utilization of  
20 existing academic facilities in the district;

21 ~~(C)(iii)~~ (iii) Conformance with sound educational  
22 practices;

23 ~~(D)(iv)~~ (iv) Curriculum improvement and diversification,  
24 including, without limitation, the use of instructional technology, distance  
25 learning, and access to advanced courses in science, mathematics, language  
26 arts, and social studies;

27 ~~(E)(v)~~ (v) Multischool, multidistrict, and regional  
28 planning to achieve the most effective and efficient instructional delivery  
29 system;

30 ~~(F)(vi)~~ (vi) Reasonable travel time and practical means  
31 of addressing other demographic considerations; and

32 ~~(G)(vii)~~ (vii) Regularly scheduled maintenance, repair,  
33 and renovation;

34 ~~(2)(B)~~ (B) How the school district's facilities master plan  
35 and any new construction project under the facilities master plan address the  
36 following:

1 ~~(A)(i)~~ Student health and safety, including, without  
2 limitation, critical health and safety needs;

3 ~~(B)(ii)~~ Compliance with current academic facilities  
4 standards, including, without limitation, appropriate space utilization of  
5 existing academic facilities in the district;

6 ~~(C)(iii)~~ Conformance with sound educational  
7 practices;

8 ~~(D)(iv)~~ Curriculum improvement and diversification,  
9 including, without limitation, the use of instructional technology, distance  
10 learning, and access to advanced courses in science, mathematics, language  
11 arts, and social studies;

12 ~~(E)(v)~~ Multischool, multidistrict, and regional  
13 planning to achieve the most effective and efficient instructional delivery  
14 system;

15 ~~(F)(vi)~~ Reasonable travel time and practical means  
16 of addressing other demographic considerations; and

17 ~~(G)(vii)~~ Regularly scheduled maintenance, repair,  
18 and renovation;

19 ~~(3)(C)~~ How the new construction project supports the  
20 prudent and resourceful expenditure of state funds and improves the school  
21 district's ability to deliver an adequate and equitable education to public  
22 school students in the school district;

23 ~~(4)(D)~~ How the new construction project has been  
24 prioritized by the school district; and

25 ~~(5)(E)~~ The allocation and expenditure of funds ~~in~~  
26 ~~accordance with~~ under this subchapter and the Arkansas Public School Academic  
27 Facilities Program Act, § 6-21-801 et seq.

28 (2)(A) The division shall include in the Arkansas Public School  
29 Academic Facility Manual and the commission shall provide in the Academic  
30 Facilities Partnership Program rules and provisions that allow for an  
31 alternate method of qualification for participation of an approved or  
32 approvable new construction project that meets the following criteria:

33 (i) The method shall be a collaborative effort  
34 between the division and the school district;

35 (ii)(a) The project shall be for new construction or  
36 conversion of space that is determined to be materially inadequate.

1 (b) If a determination of material inadequacy  
2 is made, the project shall qualify as an approved remedial project and the  
3 division shall place the project on the list of approved and funded projects;  
4 and

5 (iii) The state participation in a project under  
6 this subdivision (c)(2) is limited to the lesser of the cost of converting  
7 existing space or new construction and shall be based on the same factors and  
8 priority rankings as exist in current rule and procedure.

9 (B) The commission shall establish rules to require the  
10 division to visit the school district requesting the alternate method of  
11 qualification under this subdivision (c)(2) to determine the absence or  
12 inadequacy of current space as the determining factor for qualification of  
13 the remedial project for state funding participation.

14 (C) A school district may file an appeal under § 6-20-2513  
15 of a determination by the division that a project does not qualify for  
16 approval under this subdivision (c)(2).

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18 SECTION 4. Arkansas Code § 6-20-2507(g), concerning compliance dates  
19 for approved projects under the Academic Facilities Partnership Program, is  
20 amended to read as follows:

21 (g)(1) The Except as provided under subsection (h) of this section,  
22 the commission shall establish compliance dates for the:

23 (A) Execution of the partnership agreement;

24 (B) Start of the project design; and

25 (C) Start and ending of construction.

26 (2) Projects not meeting the compliance dates may be cancelled  
27 by the commission, and the state's financial participation, in whole or in  
28 part, may be declared void after the school district has been provided:

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

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

31 (h)(1)(A) A school district shall be allowed to replace a system in  
32 stages if the system is part of the warm, safe, and dry requirements of the  
33 Academic Facilities Partnership Program rules and the following conditions  
34 are met:

35 (i) The replacement schedule applies to a  
36 replacement of an entire system;

1 (ii) The replacement schedule does not exceed three  
2 (3) years; and

3 (iii) The annual combined estimated state and  
4 district cost for the project is at least fifty thousand dollars (\$50,000).

5 (B) A school district shall not qualify for the  
6 replacement of a system in stages under this subsection if the school  
7 district is on the consolidation list under § 6-13-1602 or in its first year  
8 of having an average daily membership below three hundred fifty (350).

9 (2)(A) A public school district shall decide the sequence of  
10 construction of an approved project when the approved project involves a  
11 space requirement established by the Program of Requirements.

12 (B) The division shall not withhold funding or project  
13 approval for a project based:

14 (i) Solely on the sequence of construction decided  
15 by the school district; or

16 (ii) On the division's determination that certain  
17 required academic spaces shall be funded and constructed before other  
18 required academic spaces may be funded and constructed.

19 (C) The division may require that all missing or  
20 materially inadequate components included in a list of required academic  
21 spaces under the Program of Requirements be completed before the school  
22 district will qualify for state participation in the funding for a gymnasium  
23 or auditorium.

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25 /s/J. Jeffress  
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