



JULY 7<sup>th</sup>  
JULY 8<sup>th</sup>

**COMMISSION ON PUBLIC SCHOOL ACADEMIC FACILITIES  
AND TRANSPORTATION**

**Dr. Ken James, Chair**

**MEETING AGENDA**

**June 21, 2005  
9:00 A.M.**

**Arkansas Department of Education Auditorium**

- I. Call to Order/Roll Call
- II. Approval of May 3, 2005 Commission Meeting Minutes
- III. Recognition of Task Force Executive Committee
- IV. Consideration of Rules for the *Public School Academic Facility Manual*  
ACT 1426
  - a. Proposed Rules
  - b. Overview of Standards
  - c. Public Hearing Process
- V. Consideration of Rules for the *Transitional Academic Facilities Program*  
ACT 2206
- VI. Academic Facilities Immediate Repair Program – Consultant Recommendations
  - a. Results of selection process
  - b. Approval of contracts
  - c. Scope of services
- VII. Professional Service Contract

MINUTES OF  
COMMISSION ON PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION

Date: June 21, 2005

Place: ADE Auditorium, Little Rock, AR

Attendees: Dr. Ken James, Director, Arkansas Department of Education  
Richard Weiss, Director, Arkansas Department of Finance and Administration  
Mac Dodson, President, Arkansas Development Authority

Others in attendance: Scott Copas, Alan Bell, Jeff Altemus, Jim Alessi, Jack See, Drew Mashburn,  
Senator Shane Broadway, Representative Jodie Mahony, Representative David Cook,  
Dave Floyd, Randy Fischer, Aliza Jones, Brett Kingrey, Chad Davidson, Drew Coppock,  
Scott Smith, Tristan Greene, Dr. Charles Knox, Kevin Yates, and media representatives

All those in attendance were presented a packet of information that included the following:

- 1) Meeting Agenda, p. 1
- 2) Minutes of May 3, 2005 Commission meeting, pp. 2-8
- 3) PowerPoint Presentation – Arkansas School Facility Manual, pp. 9-30
- 4) Section Two: Standards & Guidelines – Arkansas School Facility Manual, pp. 31-43
- 5) Table of Contents – Section Two (Draft), pp. 44-54
- 6) Rules Governing the Transitional Academic Facilities Program, pp. 55-60
- 7) Transitional Academic Facilities Program Application Form (Draft), pp. 61-64
- 8) Academic Facilities Immediate Repair Program – Consultant Recommendations, pp. 65-71
- 9) Supporting Documents for Consultant Recommendations, pp. 72-82
- 10) Professional Services Contract – DeJong, pp. 83-91

- I. Call to Order/Roll Call. Dr. Ken James called the second meeting of the Commission on Public School Academic Facilities and Transportation to order. All commission members were present.
- II. Approval of May 3, 2005 Commission Meeting Minutes (pp. 2-8). Dr. James stated that the minutes were received in time for review and asked for questions or a motion. **Mr. Weiss moved to approve the minutes. Mr. Dodson seconded the motion. The minutes of May 3, 2005 as submitted were approved unanimously.**
- III. Recognition of Task Force Executive Committee. Dr. James introduced Senator Shane Broadway. Senator Broadway introduced Representative Jodie Mahony and Representative David Cook and stated that Representative Cook will be the co-chair of the House side of the Facilities Oversight Committee, he would be the co-chair of the Senate side and dates are to be set for this committee to begin meeting and proceed with the appointment of the advisory committee.

Senator Broadway thanked the commission for the opportunity to express appreciation to a group of people who this State will never be able to repay. No one except those who served and those who served with them know their sacrifice of time away from their job, their family and their own personal lives (and in some cases a significant monetary loss to their business). When the Joint Committee on Educational Facilities was formed it was quickly realized that the committee did not have the level of expertise needed to do the daunting task the Supreme Court ordered in terms of determining the status of Arkansas school facilities and developing a system for making facilities adequate for all children throughout the State. A Task Force was formed with 50 to 60 individuals in 10 committees that represented various aspects of this study. The ten who chaired the committees formed the Executive Committee and these men met at least twice a month with meetings lasting for five to six hours. To understand the complications and deliberations as well as their understanding of the issue and the task that had to be done, one would have had to be present in these meetings. The task was daunting at times, but these men never threw up their hands and walked away, they stuck at it month after month and were there at every meeting making sure the assessment was going forward, was being done on time, and that the State's resources were being used prudently. An amount of \$10 million was allocated but the cost came in at \$8.5 million to provide the database of the century. This is a database the State has never had before and will continue to have as long as the legislature, this commission and the state board maintain it. Because the task was so complex it was hard to explain to colleagues and the general public what had to be done. But as time progresses, the scope of the work that these men, the whole Task Force and the staff completed will be better understood. The process obviously worked as Arkansas is being recognized as one of the first states to have completed this process. The National Association of Business Officials has asked us to make a presentation in October about how we went through the process. Our model is a great one for others to follow. Obviously it

wasn't perfect but how we might have done it differently can also be shared with other states. Senator Broadway then read a citation prepared by the Arkansas Senate and presented pens provided by the Governor's office and used to sign the Arkansas Public School Academic Facilities Program Act. The first citation was presented to Scott Copas, chair of the Executive Committee and read as follows:

*WHEREAS the Task Force to the Joint Committee on Educational Facilities has met continually since early July, 2003 in an attempt to address issues arising from the Lakeview decision with the help of volunteers and professional architects and engineers has completed in a period of less than ninety days the largest and only assessment of public school facilities ever performed in the State of Arkansas; and WHEREAS the Executive Committee of the Task Force was composed of ten individual committees which met bimonthly to review their findings regarding the issues of adequacy and equity in public school facilities in Arkansas; and WHEREAS the Task Force successfully completed its objectives on time and under budget by addressing seven of the eight mandates set forth by Act 1181 of the 84th General Assembly in its November 2004 report to the Joint Committee with the final report forthcoming in December 2005; and WHEREAS the members of the Arkansas Senate wish to acknowledge and express appreciation to Scott Copas, Executive Vice President, Baldwin and Shell Construction Company for his service as chair of the Executive Committee; I now therefore pursuant to the motion, Senator Shane Broadway of the Arkansas Senate directs that this citation be presented on this 21<sup>st</sup> day of June, 2005.*

Pens and citations were also presented to Jim Alessi, chair of the Project Delivery Methods Committee, Jeff Altemus, chair of the Custodial/Maintenance Committee, Alan Bell, chair of the Public Relations Committee and Jack See, chair of the Educational Facilities Standards Committee. Senator Broadway thanked Dr. James for allowing the recognition of these men.

Dr. James also thanked the members of the Executive Committee for their dedicated service and all the time put in on this noble project that we are now beginning to delve into in greater depth. We appreciate your being here and very much appreciate the services that the Executive Committee has provided to the State.

IV. Consideration of Rules for the Public School Academic Facility Manual. After acknowledgment by Dr. James, Mr. Dave Floyd stated that the division was requesting permission to put out for public comment two sets of rules and regulations, the first being the Arkansas School Facility Manual that was developed by the Task Force. After working with Mr. Scott Smith, the ADE counsel, and receiving commission approval this information will be sent to the appropriate governmental agencies, as well the general public. The Arkansas School Facility Manual is being put out for public comment exactly as presented from the Task Force to the legislature. No changes have been made and it is exactly the same as presented to the legislature. Mr. Floyd then began a PowerPoint presentation (pp. 9-30) that included the following:

- A. *Planning Assumptions (p. 9).* A school facility should be designed for educational suitability; it is not a bank building, church, shopping mall, etc.
- B. *Educational Program drives the standard (p. 10).* Educational facilities are extremely expensive but are part of a district's instructional program and are to assist administrators and teachers as they provide instruction to students which in turn will help increase student achievement. At the first meeting of the Joint Committee on Educational Facilities, two UAMS representatives stated that as they received Arkansas students it was apparent that the students needed a stronger educational background (especially in the sciences) to enable them to be successful in college and eventually in medical school.
- C. *Executive Summary: Outlines Planning Concepts (p. 11).* This is an entirely new concept for districts to follow in taking into account all the different areas involved in the school building setting.
- D. *Grade Configuration (p. 12).* Because Arkansas schools have multiple configurations of school settings, there is a need for as much flexibility as possible as there is no way to take into account every single type of configuration being used in the State today. The work sheets are set up on Pre-K-4, 5-8, 9-12 that matches the instructional configuration used in many of our schools and our assessment. Although Pre-K is not mandated, many districts are already involved and Pre-K standards were established. The assumption was made that Kindergarten is all day.
- E. *School Size (p. 13).*
- F. *Square Foot Per Student (p. 14).*
- G. *Total Gross Square Footage (p. 15).* Graph showing how the formula works.
- H. *Program of Requirements Calculator (p. 16).* Each program calculator shows what the program is, the grade configuration used and the amount of square feet per student the State will fund. If a district chooses to exceed the number of square feet in any one particular school, then that will be their cost. If a district uses the recommended sizes, the facilities wealth index for that district will be applied and the State's portion of the program will be determined.
- I. *Site Size (p. 17).* These are listed as recommendations and are one of the few things that match up with what is now being utilized in the State. These are strictly recommendations as there is no fair way to impose a specific site size on districts because of availability of land and the cost per acre varies so much

around the State. Over the past 15 years a similar type of site size recommendation has been utilized for districts to use in their planning. Unless the recommended site size land is absolutely not available or the cost is prohibitive, schools district should be able to meet these recommendations as they have in the past. Dr. James asked what would happen if a district came forth with a proposal that would not work (an elementary school on five acres). Mr. Floyd responded that the division would have the authority and the responsibility to not approve it. At this point in time in working with districts in developing sites, this type situation has never come up.

- J. *Class Size (p. 18).*
- K. *Classroom Size Needs (p. 19).* Years ago instruction was received in a lecture-type setting. Instructional delivery has changed greatly and there has to be enough space in our classrooms and other instructional areas for all of the current types of delivery. Increased technology is also having a great impact on the amount of space needed. Storage is an item included in each area because in many of our schools there has been no storage and it has ended up taking space in the classroom, lab, etc. Flexibility is required as many applications are anticipated when the transitional and partnership programs take effect and some school districts may say this large amount of space is not needed because there are only x amount of students. The future is unknown and situations change due to loss or increase of enrollment, changes in configuration of schools, etc.
- L. *Size of Specific Spaces (p. 20).* Special education classrooms are those with students in them all day and are the primary source of instruction. Special education resource rooms are those occupied by a limited number of students for only a part of the day. The media center is a huge change from the current size and is to be the center of a district's instructional program. The media center does not have to be in the physical center of the building but all instructional programs revolve around the services and the ability of students and teachers to use the facility and therefore there is a great need for large media centers.
- M. *Comparison of Current and Proposed Standards (p. 21).* Represents an increase in every area.
- N. *Comparison of Other Entities (p. 22).* These were not reviewed beforehand. The comparison was made after completion of the process and is in line with the thinking of other entities.
- O. *Space Plate Example (p. 23).* Examples to be used as notes and guidelines as school districts and architects enter into the planning process. This does not mean that every classroom, science lab, etc. in the State will be exactly like the examples presented. It is a tool to be used in the planning process.
- P. *Technology (p. 24).*
- Q. *Systems were selected with the following in mind (p. 25).* A proposed Custodial/Maintenance Manual (another portion of Act 1426) will also be put out for public comment as well. Jeff Altemus, chair of the Custodial/Maintenance Committee, and several other committee members also had input into the systems side of the manual taking into account the types of systems that are easier to maintain, etc.
- R. *Systems (p. 26).* In response to a comment that the State is going to mandate what types of systems are going to be used in a school building, roofs has been selected as an example to show that there is not going to be one single type of roof. Each of the systems will have options for districts to choose as the architects and engineers develop plans for the school facility. It has been mistakenly thought that the purpose of this manual would be to mandate one type of roof, interior floor finish, etc. but districts, architects and engineers can make the decision as to what would be the best fit for a particular building within the district.
- S. *Standards & Guidelines Implementation (p. 27).* Under new construction, all standards and guidelines apply.
- T. *Standards & Guidelines Implementation (p. 28).* Systems now in place in school buildings meet code because that was the code at the time the building was built. When it comes time to replace a system, then the applicable code at the time of replacement will be what school districts will be required to use. Also, codes change from time to time and out into the future revisions will not have to be made each time because when a new structure/system is designed the current codes will be the standard. Additions (new construction) will meet all standards and guidelines. If a district adds a media center as an addition or a stand-alone building, then when the media center space previously used in the existing building is renovated, it will have to, as much as possible, meet the new guidelines. The division will work with districts through this process and as situations arise where the existing space cannot meet code exactly it will be whatever is as close as possible to the new standards as adopted. This is to dispel a rumor that the State is going to require everyone to go into their existing facilities and change all existing space to meet the new standards. This is simply not the case. Abandoned buildings are those scheduled to be replaced and must be safe, dry & healthy while occupied - would be in extreme cases not a life cycle case, etc.
- U. *Approval Process (p. 29).* The 500-page facility manual will be available at [www.arkansasfacilities.com](http://www.arkansasfacilities.com) and will not be reproduced for distribution. Nine regional public hearings will be held so there will be an opportunity for input on these standards. The division will finalize recommendations for the new standards and present them to the commission in early September, along with comments from the hearings. The facility manual drives everything that is going to be done in terms of construction and school districts must

have the adopted standards to develop a ten-year master plan by February 2006 (Act 1426). The division must have the district plans in order to develop a statewide facilities plan.

V. *Standards Public Hearing Dates (p. 30)*. There are nine sites, but times will require revision.

This concluded the PowerPoint presentation and Mr. Floyd again stated that approval is requested to put these standards out for public comment. Dr. James asked for questions or comments. Mr. Weiss asked for a definition of a media center. Mr. Floyd responded that it was a library and added that home economics is now called consumer family sciences

**Dr. James stated that the request is to put out for public comment the standards as presented here and to the legislators earlier this year and asked for questions from the commission members. Mr. Weiss moved that the standards be put out for public comment. Dr. James acknowledged the motion to put these out for public comment and Mr. Dodson seconded the motion. With no further discussion the motion was approved unanimously.**

Mr. Floyd stated that a presentation/hearing was also to be made to the Facilities Oversight Committee, which would make ten public hearings. Senator Broadway said that the first meeting of the oversight committee had been tentatively set for the afternoon of July 13. Mr. Floyd said that attendance of the three commissioners at the oversight committee meeting would be great but wanted them to know that the commission needed to meet before July 15 and he would meet with them to set a date.

V. Consideration of Rules for the Transitional Academic Facilities Program (pp. 55-60). Mr. Floyd stated that this is the third of four programs that the State will be involved with in funding facility projects. This program covers facility construction, renovation or whatever type of project from January 1, 2005 through June 30, 2006. Then the partnership program would become effective. Mr. Floyd reviewed the rules and regulations that will be put out for public comment. Items 1 and 2 are self-explanatory. Item 3 includes all of the definitions used in Acts 1426 and 2206 that address the facility issue. The Transitional Academic Facilities Program is part of Act 2206. Item 4.02 addresses specifically the timelines to be followed. It is important to note that the proposed standards will be new standards adopted during this process. Facility projects under the transitional program will not be held specifically to each item under the new standards. The reason being that many school districts have had millage issues before their voters already. Several more (number unknown) will have elections in September and a large number of districts are in the process of deciding whether to make application under the transitional program or wait until the partnership program. If the new standards with larger space requirements are imposed on districts that have already had a millage election and the election was approved, then these districts would likely not have enough money voted on by their constituents to build with the new standards. Mr. Dodson asked how many districts fall into that category and if there was a rush to build something under the old standard so the new standards would not have to be met. Mr. Floyd said some districts have made that decision in order to get in under the old standards; however, many districts have where possible exceeded the standards. Item 4.02.4 addresses the issue we have just discussed. Item 4.03 identifies when and where delivery of the applications shall be made. This program exists through June 30, 2006. Districts choosing to wait to have a bond issue will have to make application by December 2, 2005. The division cannot fund or make recommendations for funding to the commission until we know how many projects are going to be involved. Therefore, a district that is going to make application under the transitional program will have to apply by December 2, 2005 even though the school district may not be ready to build.

Item 6.0.1-funding. This is what is being recommended to the commission to be put out for public comment. If a school district has a project that comes in over \$90 per square foot under the transitional program it would be \$90 per square foot times their wealth index. This is the first time school districts will be receiving State assistance on approved new construction. The remaining items are self-explanatory and Mr. Smith, legal counsel, was asked if everything had been covered. Mr. Smith replied in the affirmative.

Mr. Fischer mentioned that there was an appeal process (see Item 7.0).

Dr. James stated that ADE legal counsel has reviewed these rules and regulations in terms of putting them out for public comment, but it should be clearly understood that this is the first time out and quite a few comments are anticipated. Dr. James asked for questions or comments.

**Mr. Weiss moved to go forward and put the Transitional Academic Facilities Program out for public comment. Dr. James acknowledged the motion and Mr. Dodson seconded the motion. The motion was approved unanimously.**

VI. Academic Facilities Immediate Repair Program – Consultant Recommendations (pp. 65-82). Mr. Floyd continued that at the first commission meeting permission was granted go through the process to select architects and engineers to be used by the division as consultants to verify the applications for the immediate

repair program and assist in the prioritization and all the different factors related to the program. The following are listed in your handout material: 28 firms who applied (pp. 68-71); firms interviewed - one firm after being selected for an interview called and withdrew (p. 67); and the five firms recommended to assist the division during this program (p. 65). Five firms are recommended but plans are to use four, which should be sufficient. The fifth firm will be used on a standby basis as problems or situations arise. The division worked with Mr. John Kunkel's office at the Department of Education as well as legislative research personnel from DFA to finalize the contracts and for negotiations with these firms. State of Arkansas guidelines will be used in terms of regular hourly rates and allowable reimbursed expenses. Once the process with the appropriate State agencies is complete, the division requests permission to contract these firms for the immediate repair program. Mr. Dodson asked which firm would be on standby. Mr. Floyd replied the fifth firm is Harrison French Associates in Bentonville. Mr. Floyd stated there would be no conflict of interest because if any firm does business on a regular basis with any school district that has made application that firm would not be going out and be involved with that school district. Dr. James asked if the division felt confident that there would be enough coverage. Mr. Floyd replied in the affirmative.

**Mr. Weiss made a motion approve the Academic Facilities Immediate Repair Program Consultant Recommendations. Mr. Dodson seconded the motion and it was unanimously approved. Dr. James stated that the commission has approved the consultant recommendations in the terms as submitted in the documents presented to the commission.**

VII. Professional Services Contract (pp 83-91). Mr. Floyd said the last item to be brought before the commission today is permission to enter into a professional services contract with the current program manager's office on an as need basis. The current contract with the Program Manager's office is with the Division of Legislative Research and ends June 30, 2005. The Division requests permission to enter into a contract with the program manager's office beginning July 1, 2005 through December 30, 2005. This will include the assistance of four people again on an as need basis with 90% of that time filled by Mr. Randy Fischer who has been the principal in the State the majority of the time. Again, a finalized contract will be completed with the assistance of Mr. Kunkel's office, DFA and other appropriate State agencies. Basically the hourly rate will be the same as used under the contract with legislative research. These services are requested to assist the division with the Immediate Repair Program, the Public School Academic Facility Manual, the various rules and regulations that are required by legislation, the Academic Facilities Master Plan Program, and continue ongoing staff education and training of new personnel and whatever may develop in the future in terms of assisting the division to provide information to the Attorney General's office as may be needed over the summer or early fall.

**Dr. James asked for questions from the commission members or a motion to allow the division to enter into a professional services contract. Mr. Weiss made the motion. Mr. Dodson seconded the motion. The motion was passed unanimously to enter into the professional services contract with the terms stipulated as July 1, 2005 to December 30, 2005.**

Mr. Floyd asked to meet with the commissioners today to set a date for the next commission meeting. Dr. James said the commission has to meet before July 15 to take action on the debt service supplement calculations that are in the process of being run.

Senator Broadway said the Oversight Committee meeting had been changed to July 19, 2005.

Dr. James asked if there was anything else from the commission for discussion or clarification. Mr. Weiss said the division was doing a good job in keeping the commission informed and the attention to detail was appreciated. Also, working with the various divisions of DFA in getting the contracts put together was something that certainly needed to be done. Dr. James said he echoed that as well and there is a great deal that needs to be accomplished in a short time as we move forward and the hard work of Mr. Floyd and his staff was appreciated.

Senator Broadway asked to recognize Drew Mashburn, chair of the Technology committee, for his work with GIS development and the database and present him with a pen and citation for his service on the Executive Committee.

**Dr. James said he would entertain a motion to adjourn. Mr. Weiss so moved and Mr. Dodson seconded the motion. The motion to adjourn was approved unanimously.**