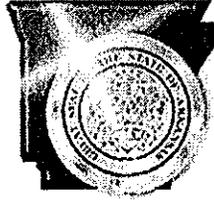

Arkansas Division of Public School



Academic Facilities & Transportation

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

Dr. Ken James, Chair

MEETING AGENDA (Revised)

**September 15, 2005
3:30 P.M.**

Arkansas Department of Education Auditorium

Call to Order/Roll Call

- I. Approval of July 7, 2005 Commission Meeting Minutes
- II. Approval of Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers
- III. Approval of Rules for the Specifications Governing School Bus Design
- IV. Approval of Rules Governing the Academic Facilities Catastrophic Program
- V. Approval of Rules Governing the Academic Facilities Immediate Repair Program
- VI. Approval of Rules Governing the Transitional Academic Facilities Program
- VII. Approval of the School Facility Manual
- VIII. Presentation of the Process for the Ten-Year Master Plans
- IX. Presentation of Recommendations for Funding Immediate Repair Applications

MINUTES OF
COMMISSION ON PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION

Date: September 15, 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 Finance Authority

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

- 1) July 7, 2005 Commission Minutes,
- 2) Rules Governing Items I and II,
- 3) Emergency Rules and Final Rules Governing the Academic Facilities Catastrophic Program and the Academic Facilities Immediate Repair Program,
- 4) Rules Governing the Transitional Academic Facilities Program,
- 5) Page 1100-5 of the School Facility Manual – Classroom Square Footage Change (900 to 850),
- 6) Recommendations for Funding Immediate Repair Applications.

Call to Order/Roll Call. Dr. Ken James called the fourth meeting of the Commission on Public School Academic Facilities and Transportation to order. All commission members were present.

I. Approval of July 7, 2005 Commission Meeting Minutes. Mr. Weiss moved to approve the minutes as submitted. Mr. Dodson seconded the motion and the July 7 minutes were approved unanimously.

II. Approval of Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers. Mike Simmons, Program Manager for Transportation, stated that these rules went out for public comment on July 28, 2005 with very little response (only four people). As a result of several recommendations a few minor changes were made and are noted with a strike through or are underlined. In 3.03 a definition of a school bus driver is given to clarify who has to be in the drug testing pool, etc. In 5.02 added the word newly to clarify some training questions; i.e., if a driver transfers to another district an additional 24 hours is not required. In 6.0 added Department of Transportation (DOT) physical form (which is more stringent) as an option to our form. In 7.03 deleted part of the section requiring districts to keep the inspection results on our forms. Forms will be provided to districts that want to use them. A lot of the districts are now using software that is much easier to access. Driver inspection reports (pre-trip) were changed. The biggest change is probably in the diabetes section of the physical form. If a driver is insulin dependent for three months and the doctor feels the diabetes is under control, an exception can be granted. The federal government under CFR 49 is loosening restrictions on insulin dependency and our rules also reflect this.

Mr. Simmons stated that no changes were made to the inspection manual and wanted to note that the inspection manual is basically for State inspectors who will be inspecting school buses. Regarding 7.03 and 04 Mr. Weiss wanted to know if the software record keeping would be as stringent as what would be required otherwise to insure the safety of the students riding the buses. Mr. Simmons responded that inspectors are going to be out in the field inspecting these transportation programs to make sure the data meets the requirement. Mr. Weiss moved to approve as submitted the Rules Governing Maintenance and Operations of Arkansas Public School Buses and Physical Examinations of School Bus Drivers. Mr. Dodson seconded the motion and it passed unanimously.

III. Approval of Rules for the Specifications Governing School Bus Design. Mr. Simmons stated that these rules also went out for public comment on July 28 and there were no comments. Specifications now in place with the Department of Education only allow signs and lettering approved by State law and prohibit an American flag or Arkansas flag being placed on a bus. The color and markings on school buses are there for a reason and that is for safety. A recommendation is being made in 50.03 and 04 to amend these to allow a magnetic or adhesive sticker of an American or Arkansas flag no larger than 4" x 6" to be placed in a very specific spot (directly under the driver's window or directly above the driver's window above the drip rail on the top). Mr. Simmons stated there were no other changes to the specifications. Mr. Weiss asked if Dr. James had any comment on the

American or Arkansas flag issue. Dr. James indicated that Mr. Simmons and legal counsel had received quite a bit of input on this particular item and the consensus was that no adverse effect upon safety and things of that nature were foreseen. **Mr. Weiss made a motion to approve the Rules for the Specifications Governing School Bus Design with the amendment to 50.03 and 04. The motion was seconded by Mr. Dodson and approved unanimously.**

- IV. Approval of Rules Governing the Academic Facilities Catastrophic Program. Mr. Floyd stated that emergency rules were already in place for this program and would like to recommend that the Commission approve extending these emergency rules until the final rules about to presented can go through the process of being adopted as the permanent rules. **Mr. Weiss made a motion to approve the extension of the Emergency Rules Governing the Academic Facilities Catastrophic Program. Mr. Dodson seconded the motion and the extension was approved unanimously.**

Mr. Floyd stated that the permanent rules presented today are exactly the same as the emergency rules. A public hearing was held on August 26 with no attendees and no written comments. Mr. Floyd recommended approval for these rules. Mr. Weiss asked why there was not more public input on these. Dr. James responded that if there were major concerns there would be expressions of such at these public meetings, and feedback and input would be provided. **Mr. Weiss made a motion to approve the rules as submitted. Mr. Dodson seconded the motion and the motion to approve the Rules Governing the Academic Facilities Catastrophic Program passed unanimously.**

- V. Approval of Rules Governing the Academic Facilities Immediate Repair Program. Mr. Floyd recommended that the Commission extend the Emergency Rules for the Academic Facilities Immediate Repair Program for the same reason – the rules would be in place until the permanent rules are adopted. **A motion was made by Mr. Weiss, seconded by Mr. Dodson, and approved unanimously to approve the extension of the Emergency Rules Governing the Academic Facilities Immediate Repair Program.**

Mr. Floyd presented the permanent Rules Governing the Academic Facilities Immediate Repair Program. The public hearing was also held on August 16 and as there were no attendees or written comments, Mr. Floyd recommended that the rules for this program be approved. **A motion was made by Mr. Weiss, seconded by Mr. Dodson and approved unanimously to approve the Rules Governing the Academic Facilities Immediate Repair Program.**

- VI. Approval of Rules Governing the Transitional Academic Facilities Program. Mr. Floyd stated there were no emergency rules. Permission was received from the Commission to put these out for public comment. The hearing was held on August 16 and as there were no attendees or written comments, Mr. Floyd recommended that the rules for this program be approved. **Mr. Weiss moved to approve the Rules Governing the Transitional Academic Facilities Program, Mr. Dodson seconded the motion and the motion passed unanimously.**

- VII. Approval of the School Facility Manual. Mr. Floyd stated that this refers to construction standards placed in the manual, not academic equipment. Although academic equipment will be included as a part of the manual, the new minimum space requirements, construction requirements and that type of thing is what was put out for public comment and what is being discussed today. Act 1426 required the facility manual. Construction standards are part of that but by law have to be considered at a separate time. Nine hearings were conducted at different times around the state with 143 participants representing 48 districts in attendance. Some written comments and many different off-the-record comments were received that need to be addressed and explained before a recommendation is made to the Commission

A written response stated that the minimum requirement of 900 square feet per classroom was too excessive for smaller school districts and that the 750 square foot requirement should remain. This is not being recommended, as 750 square feet is too small for the number of students that are in these classrooms now or may be in them in the future. There is no guarantee that the same number of students will always be housed in a particular building. A building usually lasts for 40 to 50 years and sufficient space must be made available for that span of time.

Addressed Dr. Marsha Harding's concern regarding the 450 square feet minimum requirement for a resource room. With the flexibility allowed to districts in making application and by working closely with the special education section, the needs of the students can be met and the state will not come into conflict with any type of federal law or regulation in providing adequate facilities. For example, in the majority of cases 450 square feet would be enough to serve students in a resource room; but because special education has so many different classifications, individual needs and staffing needs, the division and school districts will work with special education to ensure that whatever is being constructed will meet the needs of the students currently enrolled and future enrollments. School districts will also have the minimum number of square feet per student that will allow flexibility to still participate in state funding for whatever is approved and most importantly to meet the needs of the students. This flexibility will also be an advantage to school districts because a speech therapy room might only need to be used one or two periods a day or an occupational therapy room may only need to be used one period a day. With the school districts, the division and special education working together it should be possible to build a classroom within a facility that will meet all needs rather than having to construct space that will be empty for a good part of the day.

A written comment, a response at the Fort Smith hearing and conversations with many superintendents addressed the 900 square feet for a regular classroom. A recommendation is being made that the minimum space requirement for regular classrooms be lowered from 900 square feet to 850 square feet (1100 -5 of the Facilities Manual). Fifty square feet times whatever the construction cost would be (many places it is over \$100 per square foot) would be a tremendous amount of expense not only to the district but to the state as well.

Mr. Floyd stated that he had talked to many who served on the Task Force (specifically the Educational Facilities Standards Committee) and wanted to publicly state that in no way had he changed his thought that the best size for a classroom is 900 square feet. If a district chooses to build some of their classrooms at 900 square feet (i.e., an English class that is fully utilized), the district will still have the opportunity to build within the framework of the minimum square feet per student per building. With that being said Mr. Floyd recommended that the Facilities Manual be approved with the one exception that the minimum classroom size of 900 square feet be changed to 850 square feet. **Mr. Weiss stated that he and Mr. Stormes attended the Fayetteville meeting where this was probably verbalized more than any other place. And after having heard all of the discussion, Mr. Weiss stated that Mr. Floyd had made a good recommendation and moved for approval of the standards as submitted with the recommendation to move from 900 to 850 square feet on the regular classroom. Mr. Dodson seconded the motion and with no further discussion or questions the School Facility Manual with the 850 square feet recommendation was approved unanimously. Mr. Floyd stated that all of these standards apply to new construction only.**

VIII. Presentation of the Process for the Ten-Year Master Plans. Mr. Floyd stated the next item on the agenda is the facilities master plan, immediate needs and the process that will be presented to the commission once the rules and regulations are developed. One of the greatest needs in the area of facilities is proper planning. Plans are to come back before the Commission with a formal recommendation under immediate needs because of the amount of information, timeframe and method for submittal. Under the Master Plan Timeline districts are to identify the immediate needs to be addressed from July 1, 2006 through June 30, 2009. Plans are to phase this in and the Phase I Report will be due February 1, 2006. PSAFT has to develop the first Statewide Facilities Master Plan to be presented during the budget process in the fall. By using just the immediate needs (the description of immediate needs is the first three years) the amount of projects, what needs to be constructed and a dollar figure can be determined and presented to the legislature during the funding process. In the planning process the easiest thing for a district to identify is what is going to be needed in the next two or three years. The identified short and long-term needs (2009-2016) are to be submitted by the districts on February 1, 2007. This will provide the quality of master plans needed to best serve our students and school districts.

Mr. Floyd stated there is absolutely no way school districts can be required to have the entire master plan completed by February 1, 2006. Also, PSAFT is not going to be able to provide the assistance and direction needed. As part of this process all authors of Act 1426 were contacted and had no problem with this concept whatsoever. The co-chairs of the Academic Facilities Oversight Committee and the two legislators on the oversight committee had absolutely no problem with this whatsoever as well. The goal is to have the master plans developed in a proper manner. This is just an informational item. The rules and regulations putting all

this in the proper form will be brought back before the commission, but the information needs to be sent to the school districts so they can begin making arrangements for the tasks as outlined.

Mr. Weiss asked if extending the period of time out to get a better product had been considered and if a motion was needed. Mr. Floyd stated no motion was needed. This is strictly informational to inform the commission on what is being done.

- IX. Presentation of Recommendations for Funding Immediate Repair Applications. While information was passed out, Mr. Floyd introduced the rest of the staff: Dr. Charles Stein, Assistant Director; Brett Kingrey, Area Project Manager; Aliza Jones, Area Project Manager; and Terry Granderson, Area Project Manager who has recently been hired. Chad Davidson and Drew Coppock, Area Project Managers, were unable to be in attendance. Mr. Floyd wanted to acknowledge and thank publicly the staff for the tremendous amount of work put in over the last several months preparing the immediate repair funding recommendations for you.

Three pages of projects eligible for funding were presented and explained by Mr. Floyd. There was a maximum project score of 100 points. A maximum of 50 points was determined from the assessments of seriousness of deficiency by the assigned architect and engineering firms. 20 points were assigned to the area of the facilities wealth index. Took all the eligible projects by district and broke them up into even increments (first received 20 points, next 19, etc.) To address prudent and resourceful use of funds, took all the districts that submitted eligible projects and ranked them from the highest to the lowest in terms of student enrollment and that category received 10 points. Again took all the eligible project by district and broke them up in the number of groups and went from 10 to 9, etc. By doing this poorer districts in terms of facility wealth index as well as the number of students would be served making as much use of the projects as possible in allocating the funds. That is how the ranking was determined.

Mr. Weiss asked for a clarification of a combo project. Mr. Floyd stated that districts were able to submit their application in two ways – either a district-wide project or a project for an individual building. The combo would be for an individual school with more than one type of project.

Mr. Dodson asked if all of these were eligible and the criteria for eligibility. Mr. Floyd said all of these projects were eligible for funding and met the requirements of renovation or repair rather than new construction, being submitted on time, application filled out properly, etc. (just a series of things). All projects discussed today are eligible.

On page 2 the \$20 million appropriated for the Immediate Repair Program runs out after the total score of 48.

On page 3 you will see that the project subtotal is \$73,014,584.74 and that is the cost of the submitted eligible projects. The state's portion would be \$34,703,638.92. There is a breakdown at the bottom of the different coops. Mr. Floyd stated that the recommendation to the commission is that funding be approved (and we have the authority to do so) for all of these eligible projects. Understandably it is beyond what was appropriated but we have permission through the law to move money forward from one area to another. Since these have been identified as eligible projects and need to be taken care of as quickly as possible, the recommendation is being made to fund these projects. The amount of money needed for the Immediate Repair Program would be brought up from money that was appropriated for the Transitional Program.

A motion was made by Mr. Weiss and seconded by Mr. Dodson to approve the recommendation to require the expenditure of \$34,703,638.92 from state funding. Mr. Floyd said Mr. Smith had a question concerning one of the funded projects and the listed cost. Mr. Floyd said he would like to amend his recommendation for the division to go back over it again; felt like it should have been caught and would come back.

Mr. Weiss said he thought it was important to get started and get the money out there. Dr. James asked Dave to make a note and point it out to the commission that there would be some further clarification.

On the first page Hector is listed with a project total of \$890,000 for a district wide fire alarm system. It does sound high but fire alarm systems are a costly item. Size of the district would indicate there might be a question.

Mr. Weiss made a motion to approve the \$34,703,638.92 with the understanding that there would be a Hector fire alarm project clarification. Mr. Dodson seconded the motion. The Commission authorized the transfer.

Mr. Floyd noted that on page 4 approximately \$2 million of state funds are listed for eligible projects in districts that are currently in fiscal distress. Funding is not being recommended at this time and the money can be escrowed or contained. Then when a district is removed from fiscal distress the eligible project will be brought back before the Commission with a recommendation for approval. Dr. James asked if any of these projects are of an urgent need. Mr. Floyd said there are immediate needs but nothing life threatening. Dr. James wanted to be sure that by not approving we are not placing anyone in harm's way.

Facilities expected to close within three years, districts with enrollments less than 400 and eligible projects from Cabot and Palestine-Wheatley were discussed.

Mr. Weiss expressed concern that there is some kind of working fire alarm. Mr. Floyd said each school has a bell system that can be rung manually. Dr. James expressed concern about not funding the fire alarm for Black Rock. Mr. Floyd said they still conduct fire drills with the bells that are used for class changes.

For districts with enrollments less than 400, discussed issue of receiving districts making decisions regarding buildings to be used if districts are consolidated and consolidated incentive funds could be available. But the main concern is to take care of facilities and the state would still participate to see that facilities are being taken care of.

A motion was made by Mr. Weiss, seconded by Mr. Dodson and approved unanimously to adjourn the fourth meeting of the Commission on Public School Academic Facilities and Transportation.