



**ARKANSAS COMMISSION FOR PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION**

**MEETING AGENDA**  
**September 23, 2009**  
**9:00 A.M.**

**Arkansas Department of Education Auditorium**

**Call to Order/Roll Call**

- 1. Minutes Meeting April 28, 2009**
- 2. Transitional Program Update**
- 3. Partnership Program Update**
- 4. Draft Rule Changes: Specifications for School Bus Design**
- 5. Draft Rule Changes: M&O of School Buses and Physical Examinations of School Bus Drivers**
- 6. Draft Rule Changes: Rule for Bonded Debt**
- 7. Draft Rule Changes: Facility Master Plan**
- 8. Draft Rule Changes: Rule for Commission Appeals**
- 9. Draft Rule: Facility Inspection and Reporting**
- 10. Draft Rule Changes: Rules governing the Facility Distress Program**
- 11. Draft Rule Changes: Rules Governing Self Construction Projects by Public Education Entities**
- 12. Legislative Report: Statewide State of Condition of Academic Facilities**
- 13. Master Plan and Partnership Guidelines**
- 14. Facilities Distress Petition: Hermitage SD**
- 15. Appeals**
  - a. Malvern SD**
  - b. South Conway SD**
  - c. Wynne SD**

Summary Minutes of the Commission for Arkansas Public Schools Academic  
Facilities and Transportation  
September 23, 2009

Place: ADE Auditorium

Time: 9:00 am

Attendees: Dr. Diana Julian, Interim Commissioner  
Mr. Richard Weiss, Director AR Dept. of Finance and Administration  
Mr. Mac Dobson, President Arkansas Development Authority  
Mr. Tripp Walter, Counsel ADE  
Mr. Douglas Eaton, Director DPSAFT  
Dr. Charles Stein, Assistant Director DPSAFT  
Ms. Barbara Dobbs, Administrative Specialist DPSAFT

**Call to Order/Roll Call**

**Mr. Weiss:** We are going to call the meeting to order. The first motion that I would like to make is to recognize Dr. Diana Julian, Interim Commissioner of Arkansas Department of Education, as the Chairman for the purposes of governance of the particular board.

**Tab 1: Minutes Meeting April 28, 2009**

**Director Eaton:** Tab one is the meeting minutes from the April 28, 2009 Commission meeting.

**Commission Action: Approved**

**Tab 2: Transitional Program Update**

**Director Eaton:** Tab 2 is a special report on the Transitional Program. The Transitional Program was one of funds reimbursement to the school district for projects which were under design or in construction prior to the Academic Facilities Partnership Program start for which a new debt was incurred between January 2005 and June 2006 or funds were expended no later than June 2006. The Transitional Program by law ended June 30, 2009. The three projects that were reported financially open to the commission in April have been completed. There is no action required on the part of the commission. This is simply a report.

**Mr. Weiss:** I would like to make a comment. The school districts in this state and their facilities, anyway, are in a much better world than when this whole thing started four or five years ago. I think that's a great credit to the Division and I want to compliment you on the work you've done for it.

**No action is required by the Commission.**

**Tab 3: Partnership Program Update**

**Partnership Program of 2006**

**Director Eaton:** In April, 2009 we reported that there were 151 projects that had not begun. The reason I brought this to your attention is because of the sunset provision provided in law that says by January 31, 2010, if the projects are not started, then the funds may be removed by the Commission. As of this date, of the 1,156 projects that we started with, we've completed 635; we're down to 96, and we have about 210 that are in progress right now.

**No action is required by the Commission.**

**Partnership Program of 2007**

**Director Eaton:** In April, 2009 we reported that of the 378 projects, there were 120 projects still remaining to begin. As of this month there are 90. The number of completed projects has risen to 51. During the 2009 session the legislature established a sunset provision of January 31, 2011 for the 2007 Partnership Program. By law, all projects not having begun construction by January 31, 2011 may have those state funds withdrawn by the Commission.

**No action is required by the Commission.**

**Partnership Program of 2009**

**Director Eaton:**

The 2009-2011 Partnership Program is just now beginning. All Partnership agreements required by the new rule to be initiated by June 30th have been completed. The school districts now have 16 months from the date to begin construction or 18 months from the day that the commission approved the list.

There have been four projects withdrawals so far and therefore there has been a reduction of about \$11.4 million from that amount of money that was presented to the commission in April 2009 for approval. The Division is presenting to you today that we have three options with regards to the \$11.4 million. The first of these is to release projects off the "Approved No Funded List ", secondly to hold these funds until additional funding is available in March 2010, or option 3 is to release all the school districts on the approved but unfunded list to begin their design.

The Division is recommending that the Commission approve the updated Partnership Project List and the recommendation to begin option 3 the design service of the remaining projects.

**Commission Action: Approved the updated Partnership Project List  
Option 3**

**Tab 4: Draft Rule Changes: Specification for School Bus Design**

**Mr. Eaton:** All school buses purchased after January 2011 will contain either lettering or a sign stating: ***"IT IS A VIOLATION OF ARKANSAS LAW TO PASS A SCHOOL BUS FROM ANY DIRECTION WHEN IT IS STOPPED TO LOAD OR UNLOAD A CHILD"***.

**Commission Action:** **Approved the amended rule and proceed with comment period.**

**Tab 5: Operations and Maintenance of Public School Buses and Physical Examination of School Bus Drivers Rule.**

**Mr. Eaton:** The amendments summarize as:

1. Transfer from State Board of Education to Commission the authority to promulgate rules for school bus transportation.
2. Establish definition of qualified bus driver and school bus.
3. Procedures for school boards to supply substitute drivers.
4. Establishes that bus driver physicals may be given by an Advanced Practice Nurse.

**Commission Action:** **Approved the amended rule and proceed with comment period.**

**Tab 6: Bonded Debt Rule**

**Mr. Eaton:** The amendments summarize as:

1. Allows school district to use annual debt service savings produced by the refunding of outstanding bonds for capital repairs or renovation.

**Commission Action:** **Approved the amended rule and proceed with comment period.**

**Tab 7: Master Plan Rule**

**Mr. Eaton:** This rule is being amended as necessary due to changes in the appeals rule as mandated by Act 937 of the legislature in 2009.

The Division is amending the rule in the following manner.

1. The Division is adding to the rule the reference to the Custodial and Maintenance Handbook.
2. The Appeals rule is referenced in the Master Plan rule, subsequently as that rule changes so do the references to it.

**Commission Action: Approved the amended rule and proceed with comment period.**

**Tab 8: Commission Appeals Rule**

**Mr. Eaton:** The legislature in the 2009 session amended the Arkansas Code §6-20-2513 through Act 037, which allows for school districts to appeal a Division decision to a Facilities Review Board and a Review Board Final decision to the Commission.

1. Established the appeal process for review board determinations.
2. Outlines the process for appeals submittal.

**Commission Action: Approved the amended rule and proceed with comment period.**

**Tab 9: School Inspection Rule**

**Mr. Eaton:** The legislature in the 2009 session amended the Arkansas Code §6-21-112, §6-12-808 and §6-21-813 through Act 1475. The amendments summarize as:

1. A new rule to establish the procedures, coordination and reporting of required state inspections of school facilities.
  - a. Established a program of coordinated inspections of school facilities.
  - b. Defines responsibility of school districts to:
    1. Schedule and track required inspections
  - c. Defines responsibility of Division to:
    1. Conduct inspections as specified in the rule.
    2. Provide reports to school district of inspections.
    3. Report summary results of inspections in the annual report of Condition of Facilities.
    4. Coordinate with other state agencies on inspections and results.
  - d. Defines responsibilities of state agencies to conduct their mandated inspections and report results to school district and the Division.
  - e. Defines responsibility of state agencies for coordinating and reporting inspections results and to provide assistance to the Division.

**Commission Action: Approved the amended rule and proceed with comment period.**

**Tab 10: Facility Distress Rule**

**Mr. Eaton:** The legislature in the 2009 session amended the Arkansas Code §6-21-811 through Acts 798 and 1473. The amendments summarize as:

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1. Defines non material failure.
2. Added to law that "a material failure of any construction law or rule constituted cause of consideration of Facility Distress".
- 3 Deleted the appeals section.
4. Established a requirement for the Division to notify a school district of any non-material failure that, if without intervention, could result in a designation of Facility Distress by August 31st of each year.
5. Established a requirement for the school district to notify the Division of any non-material failure that, if without intervention, could result in a designation of Facility Distress by August 31st of each year.
6. Prescribes procedures for each party to act on the non-material indicators.

**Commission Action: Approved the amended rule and proceed with comment period.**

**Tab 11: Self Construction Rule**

**Mr. Eaton:** The legislature in the 2009 session amended the Arkansas Code §6-21-109 through Act 1472. The amendments summarize as:

1. Transfer the authority for the writing of rules for self construction of public works projects, when the educational entity acts as its own contractor, for the State Board of Education to the Commission.
2. Adds to the definition of self construction.
3. Adds definition of Commission and Division.
4. Clarifies the submission of the notification procedure.
5. Adds references for clarity.

**Commission Action: Approved the amended rule and proceed with comment period.**

**Tab 12: Statewide State of Condition of Academic Facilities**

**Mr. Eaton:** This annual report conveys the progress of actions undertaken by the Arkansas Public School Districts to construct new public school facilities, renovate and convert existing public school facilities, and correct significant deficiencies to state school facilities toward the goal of providing equitable surrounds to support the stat's education program.

**Commission Action: Approved. Submit to Governor and Legislature**

**Tab 13: Master Plan Guidelines and Partnership Application Guidelines**

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**Mr. Eaton:** The Division submits for consideration the Master Plan Guidelines for the 2011-2013 biennium. These guidelines are intended to better explain the parameters of the school district Master Plan submission required to be submitted to the state by February 1, 2010 and to outline the format for that submission. This Master Plan will cover the ten year span from 2010 to 2020. The even year Master Plan submission is required by law and as such much of the Master Plan is a dictated by Arkansas code.

**Commission Action: Approved the Revisions to the Guidelines for the 2010 submission**

**Tab 14: Special Report: Hermitage School District Facilities Distress**

**Mr. Eaton:** The Division completed all necessary inspections of the improvement plan and certified that the provisions of Facility Distress had been met. The Hermitage School District is requesting release from this designation.

**Commission Action: Released from Facilities Distress**

Tab 15: Appeals: Malvern School District, South Conway School District and Wynne School District

**Commission Action: Referred all appeals to Facilities Review Board**

For a complete transcript contact the Division of Public Schools Academic Facilities and Transportation.