



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

**CONFERENCE CALL MEETING AGENDA**

**MAY 31, 2011**

**8:30 AM**

**Call Originating from Arkansas Department of Education Commissioner's  
Conference Room**

**Call Instructions** - Conference Dial-in # (605) 562-3000  
Host Access Code 451620\* (star)  
Participant Access Code 451620# (pound)

**Agenda Summary**

**1. Meeting Minutes April 20, 2011**

Recommendation – That the Commission approve the meeting minutes for the April 20, 2011 Commission meeting.

**2. 2011-2013 Partnership Program Projects – Year Two Project Requests**

Several districts with approved 2011-2013 Partnership Program projects in Year Two of the biennium have made requests to the division to begin the projects as Year One projects.

In its April 20, 2011 meeting, the Commission for Public School Academic Facilities and Transportation (Commission) approved all Year One and Year Two projects for the 2011-2013 biennium. Due to the annual legislative funding cycle and available funds, the Commission funded all Year One projects but did not fund Year Two projects.

The proposed draft addendum to the project agreement would allow districts to make a request to the division that a Year Two project sign a project agreement and begin on a Year One project timeline. Since no additional funding is available at this time, the district agrees that the funding of the project is subject to 2012 General Assembly appropriations or available funds in 2012. If funding is available in 2012, the division would not make any payments until after July 1, 2012. **The addendum does not commit the state to any additional**

**Partnership Program funding or increase the financial exposure of the state.**

**In the addendum, the district acknowledges the risk that the project may not receive state financial participation.** The addendum must be signed by the superintendent, the school board president, and the division director.

Recommendations –

That the Commission approve the addendum to the project agreement that allows districts with approved Year Two 2011-1013 Partnership Program projects (1) to request that the division approve a Year One timeline for project start-up, and (2) to assume the risks regarding state financial participation beginning July 1, 2012.

**SUMMARY MINUTES OF THE COMMISSION FOR  
ARKANSAS PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION  
CONFERENCE CALL MEETING  
May 31, 2011**

Place: ADE Commissioner's Conference Room  
Time: 8:30 a.m.

**Commission Members In Attendance:**

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education  
Mr. Richard Weiss, Director, Arkansas Department of Finance and Administration  
Mr. Mac Dodson, President, Arkansas Development Authority

**Quorum was met.**

**Meeting called to order.**

**Agenda item:**

**Tab 1. Summary Minutes from April 20, 2011 Commission Meeting  
Commission approved**

**Tab 2. 2011-2013 Partnership Program Projects – Year Two Projects Requests**

Dr. Charles Stein, Director, Division of Public School Academic Facilities and Transportation, indicated this is the first time to have lists for Year 1 and Year 2 projects. The two lists are required by the Partnership Program rules due to the yearly legislative fiscal sessions. Funding is currently only available for the Year 1 projects following the 2011 legislative session. Year 2 funding will not be available until after the 2012 legislative fiscal session.

Several school districts have circumstances and needs/priority changes and district money available to move ahead with Year 2 projects.

Purpose of Tab 2 – The division proposed an Addendum to the Partnership Program Project Agreement that allows the school district to initiate a Year 2 project on a Year 1 timeline, but does not provide the district funding at this time.

The addendum acknowledges the district's risks that there may or may not be money in Year 2 on these projects if started during Year 1. The division believes the addendum is a way to assist school districts to meet their schedule and project needs with no additional financial exposure to the state.

Mr. Weiss asked if all the risks were on the side of the school district not the state, and Dr. Kimbrell answered yes. School district board presidents and superintendents are required to sign the agreement to acknowledge that the district made a conscious choice to start without money available, and there is a possibility the state will not have money, with no additional risk to the state for the Year 2 money. Since many superintendents change districts, there is the need for the board president to also sign.

Approved and passed.

**Meeting adjourned.**

ACADEMIC FACILITIES PARTNERSHIP PROGRAM  
ADDENDUM TO PROJECT AGREEMENT

This Addendum to Project Agreement ("Addendum") is made and entered into by and between the *Division of Public School Academic Facilities and Transportation* ("Division") and the \_\_\_\_\_ *School District* ("District"), \_\_\_\_\_ *County*, for the purpose of allowing the District, with Division approval, to move a Year Two project to Year One, subject to the following conditions:

The terms contained herein are supplemental to the terms and conditions of the Project Agreement entered into by the above-named parties and dated \_\_\_\_\_, in reference to the Year Two Project designated as project number: \_\_\_\_\_.

The parties expressly agree as follows:

1. State financial participation in the Project is contingent on the Arkansas General Assembly appropriating and authorizing sufficient funds for the Academic Facilities Partnership Program for the fiscal year beginning July 1, 2012.
2. If the General Assembly does not appropriate and authorize sufficient funds to fully fund all projects approved by the Commission for the 2011-2013 project cycle, the Division will fund Year Two projects subject to funding availability.
3. By signing the Project Agreement and this Addendum, the District acknowledges and assumes the risk that state financial participation may not be provided for this Year Two project that is starting in Year One. The District further acknowledges that no payments will be made by the Division pursuant to the Project Agreement prior to July 1, 2012.
4. By signing the Project Agreement and this Addendum, the District acknowledges that nothing in this Addendum waives the requirement that construction of the project, as evidenced by a signed construction contract, must begin within eighteen (18) months from the April 20, 2011 date of the final approval of the Year One projects by the Commission, as required by Section 7.07 of the Commission Rules Governing the Academic Facilities Partnership Program.

*In witness whereof*, the parties have executed this Agreement on the date(s) set forth below.

By: \_\_\_\_\_  
Superintendent

Date: \_\_\_\_\_

By: \_\_\_\_\_  
School Board President

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Director, Public School Academic Facilities and Transportation

Date: \_\_\_\_\_