



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

MEETING AGENDA

**Arkansas Department of Education Auditorium
September 29, 2011
8:30 AM**

Agenda Summary

1. Summary Meeting Minutes – May 31, 2011

Recommendation – That the Commission approve the meeting minutes for the May 31, 2011 Commission teleconference meeting.

2. Rules Changes

The division is presenting several rules that require changes due to statutory revisions made during the 2011 legislative session and to increase the effectiveness of division processes and support to school districts. Upon the Commission's approval, the draft rules will be released for public comment including a public hearing. After the public review and comment period, the final rules will be presented to the Commission for their review.

Recommendation - That the Commission approve the draft rules for public review and comment.

Presenter – Mark White

A. Appeals Rule

These draft rules contain the process for school districts to appeal written determinations made by the Division to the Commission or to the Facilities Review Board and to appeal Review Board decisions to the Commission. The rules contain the procedures that the Review Board and the Commission will use to review and hear appeals.

Legislative Changes –

- School district appeals of division determinations that affect the state financial participation in a project must be heard by the Commission.

B. Master Plan Rule

Legislative Changes –

- Changed master plan length from ten to six years
- Confirmed that enrollment projections for projects should be ten years

C. Academic Facilities Partnership Program Rule

Legislative Change –

- Changed definition of “new construction” from improvement over “original condition” to improvement over “current condition”

i. Rule

ii. Arkansas School Facility Manual (Appendix B)

The Academic Facilities Advisory Committee met on September 8, 2011 and approved changes to the Arkansas School Facility Manual. These changes, that reflect more current building codes and practices, are contained in Section 2, Chapter 7, of the Arkansas School Facility Manual.

iii. Partnership Program Project Agreement (Appendix D)

The project agreement has been simplified to be more in accordance with the Partnership Program rules. Appendix A (project timeline) has been eliminated since the rules specify required timelines. Appendix B (district pay requests and budget) has been revised to provide more concise information. Appendix C (architect contract clauses) and Appendix D (construction contract clauses) have been eliminated since the rules say that the use of these clauses are optional.

D. Transportation Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers

Legislation Change – Parental monitors on school buses.

3. 2012 Master Plan and Partnership Program Guidelines and Project Application for 2013-2015 projects

The Partnership Program Application and Guidelines for 2013-2015 projects have been incorporated with the 2012 Master Plan Guidelines. The reason for this incorporation is that the Partnership Program project application has been converted to an electronic submission as part of the master plan process. This change will simplify the process for district submission and provide the division more concise

information. Since the guidelines are instructional and not regulatory, the proposed changes to the Master Plan Rules and Partnership Program Rules remove the guidelines as Appendix A in those two rules.

Presenter – Dr. Charles Stein

4. Statewide State of School Facility Conditions Annual Report

Ark. Code Ann. 6-21-112 (f)(15) requires the Division to report by October 1 of each year to the Governor, the House and Senate Committees on Education, and the Academic Facilities Oversight Committee on the state of condition of academic facilities statewide. The report also includes summary results of lawfully required inspections of public school academic facilities by state agencies and commissions.

Recommendation – That the Commission approve the report for dissemination as required by law.

Presenter – Dr. Charles Stein

5. Report – July 2011 and September 2011 Millage Elections

School districts held millage elections in July 2011 and September 20, 2011. Per Ark. Code Ann. 6-21-811 (f)(1)(A) the Division will provide written notices to the districts with failed millage elections for a conference to discuss facility needs in the district.

Presenter – Dr. Charles Stein

6. Report – Academic Facilities Partnership Program

The spreadsheet report indicates the numbers of projects and the projects that have been rescinded, completed, or in progress. The report also indicates the amount of state financial participation committed, expended, and remaining for each of the funding bienniums of the Partnership Program.

Presenter – Dr. Charles Stein

**SUMMARY MINUTES OF
THE COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION**

**MEETING
September 29, 2011**

Place: ADE Auditorium
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

Others in Attendance:

Mr. Mark White, Attorney, Arkansas Department of Education
Dr. Charles C. Stein, PE, Director, Division of Public School Academic Facilities
and Transportation

Quorum was met.

Meeting called to order.

Agenda item:

1. Summary Meeting Minutes – May 31, 2011

The Commission approved the meeting minutes for the May 31, 2011 Commission teleconference meeting.

2. Rules Changes

Mark White presented several rules that require changes due to statutory revisions made during the 2011 legislative session and to increase the effectiveness of Division processes and support to school districts. After the public review and comment period, the final rules will be presented to the Commission for its review.

The Commission approved the following draft rules for release for 30 day public comment including a public hearing.

A. Rules Governing Appeals from Determinations of the Arkansas Division of public School Academic Facilities and Transportation

The draft rules contain the process for school districts to appeal written determinations made by the Division to the Commission or to the Facilities Review Board and to appeal Review Board decisions to the Commission. The rules contain the procedures that the Review Board and the Commission will use to review and hear appeals.

Legislative Changes – School district appeals of Division determinations that affect the state financial participation in a project must be heard by the Commission.

B. Rules Governing the Facilities Master Plan

Reported change from 10 years down to 6 years. Richard Weiss asked if the public comments would be both inside and outside of Pulaski County, to which Mark White stated this could be done.

C. Rules Governing the Academic Facilities Partnership Program

i. Rule

Mark White removed old application form and Program of Requirements (POR), added new POR.

ii. Arkansas Public School Facilities Manual (Appendix B)

The Academic Facilities Advisory Committee met on September 8, 2011 and approved changes to the Arkansas School Facility Manual. These changes, that reflect more current building codes and practices, are contained in Section 2, Chapter 7, of the Arkansas School Facility Manual. Mark White indicated the intention to take this out of the present Rule and make it a Rule of its own next year.

iii. Academic Facilities Partnership Program Project Agreement (Appendix D)

The project agreement has been simplified to be more in accordance with the Partnership Program rules. Appendix A (project timeline) has been eliminated since the rules specify required timelines. Appendix B (district pay requests and budget) has been revised to provide more concise information. Appendix C (architect contract clauses) and Appendix D (construction contract clauses) have been eliminated since the rules say that the use of these clauses is optional.

D. Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers

Legislation change for parental monitors on school buses.

3. 2012 Master Plan and Partnership Program Guidelines and Project Application for 2013-2015 Projects

Dr. Stein provided status and process updates on Partnership Program Application and Guidelines for the 2013-2015 projects that have been incorporated with the 2012 Master Plan Guidelines. Dr. Stein also discussed the Preliminary Master Plan meetings with school districts, and SchoolDude maintenance plans. The process was streamlined to allow districts to submit Partnership program project applications on-line using the Master Plan web tool.

Approved by Commission to publish.

4. Statewide State of School Facility Conditions Annual Report

Dr. Stein presented the Annual Report, explaining amounts state expended to date to address deficiencies noted in the 2004 state-wide assessment. Dr. Kimbrell noted that the amounts on the report do not reflect that one-half money still needed, but reflects the initial amounts have been reduced following additional review of items on 2004 assessment which were determined as maintenance items. Mr. Weiss commented also that \$2.02 billion is not needed for warm, safe, and dry projects. Dr. Stein responded that currently the Division is unaware of any students not in warm, safe, and dry facilities, and most recent Partnership Program money has been spent on new space projects.

Approved by Commission to forward to Governor, the House and Senate Committees on Education, and the Academic Facilities Oversight Committee.

5. Report – July 2011 and September 2011 Millage Elections

Dr. Stein explained by law the Division must meet with each school district with a failed millage to review warm, safe, and dry space needs. Two Rivers School District circumstances were discussed. No Commission action required.

6. Report – Academic Facilities Partnership Program

Dr. Stein spoke about Year One funded projects previously approved. Year Two projects will be reviewed by the Commission next spring and funding will be based on the next fiscal session. No Commission action required.

Meeting adjourned.