



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

**MEETING AGENDA**  
**Arkansas Department of Education – Auditorium**  
**September 7, 2012, 10:00 a.m.**

**Agenda Summary**

**1. Summary Meeting Minutes – March 28, 2012**

**Recommendation – That the Commission approve the meeting minutes for the March 28, 2012, Commission meeting.**

**2. Rules Changes**

Presenter – Mark White, ADE, Attorney Specialist

**A. Rules Governing Maintenance and Operation of Public School Buses and Physical Examinations of School Bus Drivers**

This rule required a change due to legislation in the 2011 Legislative Session that adopted language on parental monitors on school buses. Some language was also added regarding sanctions for school districts and school bus drivers that violate the rules and the Commission released the draft rule for a second public comment period. The public meeting was conducted on May 22, 2012. Districts made several comments regarding the sanctions section of the rule and the sanctions have been deleted from the rules.

**Recommendation - That the Commission approve the rule changes and forward them to the Arkansas Legislative Council Administrative Rules and Regulations Subcommittee.**

The following draft rules are being presented to the Commission for their review and release for a 30-day public comment period and public hearing.

## **B. Rules for the Specifications Governing School Bus Design**

Ark. Code Ann. 6-19-111 requires the adoption of regulations to govern the design and operation of school buses. The division updates bus specifications every few years to keep up with new technologies and any new statutes. The last update was done in March 2010. A committee of ten school district administrators, transportation officials, and industry engineers meets with the division staff to recommend changes to provide the safest school bus transportation possible. The committee met on May 15, 2012.

## **C. Rules Governing the Academic Facilities Partnership Program**

School districts submitted project applications for the 2013-2015 project funding cycle on March 1, 2012. The division is currently reviewing the project applications, and the Commission will approve and fund qualified Year One projects by May 1, 2013. With the completion of the 2013-2015 funding cycle, the Partnership Program will have provided funding for academic facilities for ten years. Based on the lessons learned, the division is proposing changes to the Partnership Program rules to make the program sustainable for the next decade and beyond. In summary, the rule changes:

- (1) Redefine and enhance the definition of Warm, Safe, and Dry projects from facility system replacements (*HVAC, roof, plumbing, etc.*) to total facility (*building*) replacement or total renovation.
- (2) Modify the prioritization/ranking process to determine project funding if available funds in a project funding cycle are less than the qualified project applications.
- (3) Replace the Facility Condition Index (*FCI*) with a depreciated building value process to provide a more objective state-wide measure of facility conditions.

## **D. Rules Governing the Facilities Master Plan**

In conjunction with the changes to the Partnership Program rules, the division is proposing to modify the Master Plan rules to require school districts to address all academic facilities that have a building value of 0% or less in the master plan.

To provide school districts information on the Partnership Program and Master Plan proposed rule revisions, the division has scheduled presentations to all of the education service cooperatives during September and October, 2012.

**Recommendation - That the Commission approve the proposed rule revisions and release the Rules for the Specifications Governing School Bus Design, the Rules Governing the Academic Facilities Partnership Program, and the Rules Governing the Facilities Master Plan for a thirty day public comment period.**

### **3. Statewide State of Condition of Academic Facilities– October 1, 2012**

Presenter – Terry Granderson, Assistant Director

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.**

### **4. Academic Facilities Master Plan Program – State Plan – October 1, 2012**

Presenter – Murray Britton, Senior Project Administrator – Planning

Ark. Code Ann. 6-21-112 (f)(16) requires the Division to report by October 1 of each even-numbered year to the Governor, the House and Senate Committees on Education, and the Academic Facilities Oversight Committee on the state academic facilities Master Plan.

The state facilities Master Plan includes:

- (1) A list of committed projects for public school academic facilities for the upcoming fiscal year categorized by program and method of state financial participation.
- (2) The total estimated cost of each committed project and the estimated amount of state financial participation.
- (3) A four-year rolling forecast of planned new construction projects related to public school academic facilities.

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

### **5. 2012 Facilities Master Plan Approval**

Presenter – Murray Britton, Senior Project Administrator – Planning

School districts submitted 2012 Master Plans on February 1, 2012. Ark. Code Ann. 6-21-806 requires the division to review, and if all requirements are met, to approve Master Plans by September 1, 2012. The division reviewed and approved all school district 2012 Master Plans. The division issued Commissioner's memo COM-13-019 on August 28, 2012 to notify school districts.

**6. Guidelines for 2013 Master Plan Update and Preliminary Master Plan**

*Pulled from Agenda at the request of the Commission Chairman. Will be considered at a later Commission meeting.*

**7. Green Ribbon Schools**

Presenter – Murray Britton, Senior Project Administrator – Planning

The Green Ribbon School Program is a United States Education Department (*USED*) initiative to promote and foster greener schools, outdoor education, and integrate environmental education into the general curriculum.

Last year the State of Arkansas participated in the Green Ribbon program through the Division. The state had one application and nominee for the Acorn High School in the Ouachita River School District. USED selected the Arkansas nominee as a national winner and recognized the school at a ceremony in Washington, D.C. on June 4, 2012. This year the Division is again requesting Commission approval to participate in the 2012-2013 Green Ribbon Schools initiative.

**Recommendation – That the Commission approve the application form for Arkansas participation in the 2012-2013 Green Ribbon Schools program.**

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

**MEETING  
March 28, 2012**

**Place:** ADE Auditorium  
**Time:** 8:00 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  
Mr. Murray Britton, Senior Project Administrator, Division of Public School Academic Facilities  
and Transportation

**Quorum was met.**

**Meeting called to order.**

**Agenda item:**

**1. Rules Changes**

Mark White stated that there were three rules that needed the Commission's final approval which were:

- Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation
- Rules Governing the Facilities Master Plan
- Rules Governing the Academic Facilities Partnership Program

Mr. White pointed out that as a result of the Public Hearing regarding these Rules there were 93 comments, mainly technical comments regarding the Facilities Manual, and that 42 were accepted.

Mr. White also stated that there were additional changes to the Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers which would need the Commission's approval to be presented for Public Comment again.

Mr. White asked each of the Rules changes be voted on individually.

**The Commission individually approved the following Rules changes and forwarded them to the Arkansas Legislative Council Administrative Rules and Regulations Subcommittee:**

- **Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation**
- **Rules Governing the Facilities Master Plan**
- **Rules Governing the Academic Facilities Partnership Program**

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

- **Rules Governing Maintenance and Operations of Public School Buses and Physical Examinations of School Bus Drivers**

**2. Partnership Program Funding for Year Two 2011-2013 Project Funding Cycle**

Dr. Charles C. Stein stated that the Commission reviewed and approved the same list of Year One and Year Two projects for the 2011-2013 project funding cycle and had funded the Year One projects. Since the 2012 Fiscal Session has been completed, the Division is requesting the Year Two projects funding be approved totaling \$31,677,460.24.

**The Commission approved the funding for the Year Two 2011-2013 Project Funding Cycle.**

**3. Academic Facilities Partnership Program**

Dr. Stein provided an overview of the Academic Facilities Partnership Program project execution and financial status. The report included the number of projects approved, rescinded, completed, or in progress and indicated the state financial participation committed, expended, and remaining for each of the project funding cycles of the Partnership Program. Dr. Stein indicated the \$892 million financial commitment represents a significant amount of State funds dedicated to the program.

Mr. Richard Weiss stated that if the State participation amount represents 50% of the money spent by both the State and the districts, then in the course of six years this has added about \$2 billion dollars to the State of Arkansas' economy.

Dr. Stein and Dr. Kimbrell agreed.

Dr. Stein indicated that there is about \$26 million dollars of carryover money from the 11-13 cycle that can be used in the next cycle. The carryover amount has been shrinking each funding cycle.

**Status Report – No Commission action required.**

**4. Commission review of 2006-2007 Project Funding Cycle Academic Facilities Partnership Program projects that have not begun construction**

Dr. Stein explained that by law the Commission can review and withdraw committed funds for 2006-2007 Project Funding Cycle Academic Facilities Partnership Program projects that have not begun construction, as evidenced by a signed construction contract, by January 31, 2010. The Division recommended the \$880,956.56 funds for the 2006-2007 Project Funding Cycle for 14 projects that had not begun construction be pulled and the funds used toward the next cycle.

**The Commission approved rescinding the 2006-2007 Project Funding Cycle Academic Facilities Partnership Program projects that have not begun construction.**

**6. Green Ribbon Schools Nomination**

Dr. Stein introduced Murray Britton to the Commission.

Dr. Kimbrell stated that Murray had done a splendid job working on a “unique program”.

Mr. Britton provided a recap of the new U.S. Department of Education (USED) Green Ribbon School Program that introduced in September 2011, and the applications were due in March 2012. He stated the program works with three achievements (goals), and each state was provided a great deal of latitude evaluating the schools submitted to the USED Green Ribbon School Awards program. The USED should have approximately 100 winners this year, and Mr. Britton was hopeful that the Arkansas submission of the Acorn School of the Ouachita River School District would be a winner.

Mr. Britton praised the Acorn School, and the fact that the students were the force behind the school's application. The middle school has 78% of the students of free or reduced lunches, with 40% wealth

index, is a small rural school, but achieved many tasks already. These achievements were accomplished without any State funding by working with local partners, and including projects such as recycling and growing a garden.

April 23, 2012, will be the day USED announces the winners with hope the winners will be able to attend the award ceremony in Washington, DC.

Dr. Kimbrell commented he hopes to see more school districts participating in future years.

Mr. Weiss stated this is inspiring.

Dr. Kimbrell stated he had asked Dr. Stein to participate in this program, and thanked Dr. Stein and Mr. Britton for their participation and hard work.

**Status Report – No Commission action required.**

## **7. Supplemental Transportation Funds**

Mark White stated the 2011 Legislature approved \$500,000 for supplemental transportation funds to be distributed by the Arkansas Department of Education (ADE). ADE developed rules to distribute the funds during the 2011-2012 school year.

Dr. Kimbrell stated this was a one-time funding and that Tony Wood had worked very hard on the process for this funding.

**Status Report – No Commission action required.**

## **8. Millage Elections**

Dr. Stein reported there were six millage elections during this calendar year, and that five passed and one failed. The failed millage was Two Rivers School District's second failed millage for a new K-6 school to replace the elementary schools at Ola and Plainview. The new K-6 school cost was approximately \$10 million and the State share approximately \$5.6 million.

The first millage that failed included sports facilities. The sports facilities were removed from the second millage request and reduced the millage rate, however the second millage still failed.

The Facilities Distress Rules provide the process for meeting with the districts following a failed millage. The division and Two Rivers School District met and have agreed with the plan the district presented for a 21,000 square foot K-4 classroom addition. The cost of their project will be about \$2.1 million with State financial participation of about \$1 million.

During the second failed millage meeting, the district proposed an addition to the 7-12 school built several years ago. The school has fewer students than anticipated, so can use the extra high school space for 5-6 grades along with the new K-4 addition to meet the space needs, and the division believes the plan will meet the student's needs.

Dr. Kimbrell commented that if the district had warm, safe, and dry issues it could face Facilities Distress, but acknowledged the Facilities Distress status was not requested by the division because of the district's new plan.

Dr. Stein agreed.

**Status Report – No Commission action required.**

**Meeting adjourned.**