

# Commissioner's Memo COM-14-037

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## Approved Memos: Academic Facilities Distress Early Intervention for 2013-2014



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<b>Title</b>	Academic Facilities Distress Early Intervention for 2013-2014
<b>Memo Number</b>	COM-14-037
<b>Memo Date</b>	1/2/2014
<b>Attention</b>	Co-op Directors; Superintendents; Facilities Managers
<b>Memo Type</b>	Regulatory
<b>Response Required</b>	No
<b>Section</b>	Facilities & Transportation
<b>Regulatory Authority</b>	§6-21-811
<b>Contact Person</b>	Dr. Charles C. Stein, PE, CEFP
<b>Phone Number</b>	(501) 682-4261
<b>E-Mail</b>	<a href="mailto:Charles.Stein@arkansas.gov">Charles.Stein@arkansas.gov</a>
<b>Memo Text</b>	Ark. Code Ann. § 6-21-811 provides for intervention and professional consultation upon early indicators of the academic facilities distress of a public school district or public school. The law is quoted below and references to "division" refer to the Division of Public School Academic Facilities and Transportation.



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<b>E-Mail</b>	<a href="mailto:Charles.Stein@arkansas.gov">Charles.Stein@arkansas.gov</a>
<b>Memo Text</b>	<p>Ark. Code Ann. § 6-21-811 provides for intervention and professional consultation upon early indicators of the academic facilities distress of a public school district or public school. The law is quoted below and references to "division" refer to the Division of Public School Academic Facilities and Transportation.</p> <p><b>Ark. Code Ann. § 6-21-811 (c) (1)</b>          "By August 31 of each year, the division shall notify the superintendent of a school district if the division is aware that the school district has experienced two (2) or more indicators of facilities distress in one (1) school year that the division deems to be nonmaterial but that without intervention could place the district in facilities distress."</p> <p><b>Ark. Code Ann. § 6-21-811 (c) (2)</b>          "The superintendent of a school district shall report to the division if the superintendent is aware the school district has experienced two (2) or more indicators of facilities distress in</p>

one (1) school year that the superintendent deems to be nonmaterial but that without intervention could place the district in facilities distress.”

The division has developed an Early Intervention Checklist to assist with the identification of indicators and compliance with the law. The checklist information will be used to determine if a district qualifies for facilities distress early intervention. Superintendents are encouraged to become familiar with the checklist to ensure their districts are in compliance with statute, rules, and construction codes. The Early Intervention Checklist is attached to this memo.

Districts are also encouraged to review Section 13.0 EARLY INDICATORS OF FACILITY DISTRESS in the Rules Governing the Academic Facilities Distress Program dated March 16, 2010. The rules may be reviewed at the following link.

<http://arkansasfacilities.arkansas.gov/facilities/rules-and-regulations-facilities/facilities-master-plan-rules>

Contact Dr. Charles Stein, Director, at (501) 682-4261 or [Charles.Stein@arkansas.gov](mailto:Charles.Stein@arkansas.gov) for additional information.

**Attachments**

[Facilities Distress Checklist 010214.docx](#)

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## Division of Public School Academic Facilities and Transportation

### Indicators of Academic Facilities Distress - Early Intervention Checklist

**No response is required - Checklist may be used as a self-reporting document**

- SCHOOL DISTRICT NAME: \_\_\_\_\_

For the 2013-2014 school year, has the school district experienced any of the following?	YES	NO
1. Material failure to properly maintain academic facilities? <i>ACA § 6-21-811 (a)(1)(A)</i>		
a. Failure to ensure that all lawfully required inspections are performed or scheduled by the districts? <i>ACA § 6-21-813 (e)(1)</i>		
2. Material violation of local, state, or federal fire, health, or safety code provisions or laws? <i>ACA § 6-21-811 (a)(1)(B)</i>		
a. Failure to ensure code violations are remedied within 30 days of the date the code violation is reported or as soon as reasonably possible? <i>ACA § 6-21-813 (f)</i>		
i. Stored items blocking access to electrical panels?		
ii. Lack of ground-fault circuit interrupters ( <i>GFCI</i> )?		
iii. Unsafe boiler?		
iv. Natural gas leaks?		
v. Gas-fired equipment not properly vented?		
vi. No fire alarms in occupied building?		
vii. Presence of non-fire retardant wood products ( <i>especially wood paneling</i> )?		
viii. Blocked exit doors?		
ix. Flammable materials improperly stored?		
x. Locked or chained doors?		
xi. Other code violations?		
3. Material violation of applicable building code provisions or law? <i>ACA § 6-21-811 (a)(1)(C)</i>		
a. For self-construction project(s) ( <i>regardless of funding source</i> ), failure to submit construction approval form to division? <i>Rules Governing Self Construction Projects by Public Education Entities, Section 4.00</i>		
b. For new construction project(s) ( <i>regardless of funding source</i> ), failure to receive construction approval from division? <i>ACA § 6-20-1407</i>		
c. For new construction project(s) ( <i>regardless of funding source</i> ), failure to submit construction plans to appropriate state agencies for review? <i>ACA § 6-20-1407</i>		
4. Material failure to provide timely and accurate facilities master plans to the division? <i>ACA § 6-21-811 (a)(1)(D)</i>		
a. Failure to submit required master plan for even- or odd-numbered year by February 1? <i>ACA § 6-21-806 (a)</i>		
b. Failure to participate in an odd-numbered year master plan consultation meeting with the division. <i>ACA § 6-21-806 (c)(3)</i>		
c. Failure to submit a Statement of Assurance of the district's use of Computerized Maintenance Management System ( <i>CMMS</i> ) for maintenance and preventative maintenance plans? <i>ACA § 6-21-806 (b)(1), (2), (3) and ACA § 6-21-808 (c)(2)(B)(ii)</i>		

For the 2013-2014 school year, has the school district experienced any of the following? - <i>Continued</i>	YES	NO
5. Material failure to comply with state law governing purchasing, bid requirements, or school-construction-related laws or rules in relation to academic facilities projects? <i>ACA § 6-21-811 (a)(1)(E)</i>		
a. For project(s) with cost exceeding \$20,000, failure to solicit bids with required advertising? <i>ACA § 22-9-203 (a)</i>		
b. For project(s) with cost exceeding \$20,000, failure to use a contractor holding a valid Arkansas State Contractor's License? <i>ACA § 17-25-101</i>		
c. For project(s) where sub-contractor's costs exceeded \$20,000, failure to use a sub-contractor holding a valid Arkansas State Contractor's License? <i>ACA § 17-25-101</i>		
d. Failure to use project sub-contractors or district employees for self-construction projects holding the appropriate required trade's license – electrical, plumbing, HVAC, etc.? <i>ACA § 17-28-101, ACA § 17-38-101, and ACA § 17-3-101</i>		
e. For project(s) with cost exceeding \$25,000, failure to use an Arkansas licensed engineer to design parts of the project that involved engineering ( <i>structural, plumbing, electrical, HVAC, etc.</i> )? <i>ACA § 22-9-101</i>		
f. For project(s) with cost exceeding \$100,000, failure to use an Arkansas licensed architect to design the project? <i>ACA § 22-9-101</i>		
g. Failure to select professional services ( <i>architects, engineers, construction managers, etc.</i> ) based on qualifications, not based on competitive bid? <i>ACA § 19-11-801 through 805</i>		
6. Material default on any school district debt obligation? <i>ACA § 6-21-811 (a)(1)(F)</i>		
7. Material failure to plan and progress satisfactorily toward accomplishing the priorities established by the division and the approved school district's facilities master plan? <i>ACA § 6-21-811 (a)(1)(G)</i>		
8. Any other condition of an academic facility or facilities in a public school or school district that could have a detrimental impact of educational services provided by the public school or district? <i>ACA § 6-21-811 (a)(2)</i>		
9. Has the school district "experienced two (2) or more indicators of facilities distress in one (1) school year that the superintendent deems to be nonmaterial level, but that without intervention could place the district in facilities distress"? <i>ACA § 6-21-811(c)(2)</i>		

**If the school district uses this form to self-report, please sign, date, and send copy to the Division.**

\_\_\_\_\_  
Superintendent Signature

\_\_\_\_\_  
Date

**Division:**

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 or  
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