

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

**ADE Auditorium  
September 18, 2015**

**Commission Members in Attendance:**

Johnny Key, Commissioner, Arkansas Department of Education  
Aaron Burkes, President, Arkansas Development Finance Authority  
Tim Leathers, Deputy Director, on behalf of Larry Walther, Director, Arkansas Department of Finance and Administration

**Others in Attendance:**

Dr. Mark Gotcher, Deputy Commissioner, Arkansas Department of Education  
Jennifer Davis, Staff Attorney, Arkansas Department of Education  
Murray Britton, Senior Project Administrator, DPSAFT, presenting on behalf of Terry Granderson, Interim Director, DPSAFT  
Mike Simmons, Senior Transportation Manager, DPSAFT  
Carol Bowman, Administrative Analyst, DPSAFT

**Quorum was met.**

**Meeting called to order.**

**Agenda item:**

Commissioner Key recognized Tim Leathers, Deputy Director of the Arkansas Department of Finance and Administration, attending on behalf of Larry Walther, Director. Commissioner Key also acknowledged Murray Britton, Senior Project Administrator, DPSAFT, presenting on behalf of Terry Granderson, Interim Director.

**1. Summary Meeting Minutes – June 22, 2015**

**The Commission approved the meeting summary minutes for the June 22, 2015, Commission meeting.**

**2. Statewide State of Condition of Academic Facilities – October 1, 2015**

Murray Britton reported that Ark. Code Ann. § 6-21-112(f)(15) requires the Division 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 included summary results of lawfully required inspections of public school academic facilities by state agencies and commissions. The Division reported that the State is making progress in improving the condition of academic facilities.

**The Commission approved the report for dissemination as required by law.**

**3. Partnership Program**

➤ **2015 Preliminary Master Plan**

Mr. Britton reported all school districts submitted acceptable 2015 Preliminary Master Plans and participated in consultation meeting with the Division this summer.

➤ **2016 Master Plan/Partnership Program Guidelines for the 2017-2019 Biennium**

Murray Britton stated changes were made to the on-line guidelines in response to Master Plan questions presented by the school districts during the last Master Plan cycle. Mr. Britton indicated the Division created and made available a four-segment video with detailed instructions for preparing the school district's 2016 Master Plan and 2017-2019 Partnership Program projects. Commissioner Key asked if a feedback option was available for school districts. Mr. Britton replied yes, and that only 2-3 questions had been posted which had enabled the Division to make changes if necessary and/or assist the participant(s). Mr. Britton also stated the Master Plans deadline for submission is February 2, 2016, and the Partnership Program projects must be submitted by March 1, 2016.

**No Commission action required.**

#### **4. Transportation Status**

##### **➤ 5<sup>th</sup> Annual School Bus Illegal Passing Survey**

Mike Simmons indicated that for the fifth year, Arkansas public school districts were asked to participate in the illegal passing survey. Only 113 of the 235 school districts and 2,324 school drivers participated. The one-day survey resulted in 546 vehicles reported illegally passing school buses. Mr. Simmons also reported having met with the Arkansas Highway Department about combining efforts to reduce the illegal passing issue.

##### **➤ 3<sup>rd</sup> Annual 3-week Public Awareness Campaign**

Mr. Simmons reported the three-week 2015 Public Awareness Campaign included television commercials and 235 drive-time radio commercials. Mr. Simmons thanked Dr. Gotcher for participating in the videos, and the television and radio interviews. Mike Simmons thanked Susan Everett of Everett Buick for their funding and efforts with the campaign. Commissioner Key also acknowledged the help provided by Ms. Everett.

**No Commission action required.**

#### **5. Facilities Distress Coordination**

##### **a. Indicators of Facilities Distress**

Murray Britton stated that during the 2014-2015 school year, no school districts had two or more Facilities Distress indicators.

##### **b. Millage Elections - September 2015**

Mr. Britton reported that millage elections were held September 15, 2015, and the certified results remain pending. Murray Britton indicated unofficially there were three school districts with failed millage elections: Clarksville, Dollarway, and Harmony Grove (Camden). Mr. Britton stated the Division is required to send letters to these school districts then meet with the school districts to assure students are in adequate facilities.

**No Commission action required.**

#### **6. Act 962 of 2015 - High-Growth School Districts**

Murray Britton stated that per Act 962 of 2015, the Commission shall annually determine which school districts qualify as high-growth school districts (4%+) and prepare a list by November 1. Mr. Britton indicated 30 school districts were on the high-growth list and interestingly were distributed throughout the state, not all in one geographic area.

**The Commission approved the report for dissemination as required by law.**

#### **7. Draft Rules**

##### **a. Rules Governing the Academic Facilities Academic Facilities Extraordinary Circumstances Program**

Jennifer Davis, Staff Attorney with Arkansas Department of Education (*ADE*), stated the Rule has never been funded by the Legislature. Ms. Davis indicated Act 962 of 2015 provided language to allow the Rule to be written. The Rule mirrors Act 962 exactly.

**The Commission approved the proposed rule and released it for public comment period.**

##### **b. Rules Governing the Academic Facilities Partnership Program (Sections 1.01, 4.05.3, 4.08, and 4.08.1)**

Ms. Davis stated that the Partnership Rule and Emergency Rule are identical except for the special language needed to submit the Emergency Rule to the Governor timely to comply with Act 962 of 2015.

**The Commission approved the proposed rule and released it for public comment period.**

##### **c. Emergency Rules Governing the Academic Facilities Partnership Program (Sections 1.01, 4.05.3, 4.08, and 4.08.1)**

**The Commission approved the proposed Emergency Rule for dissemination as required by law.**

**d. Rules Governing Advertising on School Buses**

Ms. Davis stated that ADE Legal had determined the local school districts, not the Division, should regulate the content of the advertisements on their school buses. The Rule provides the size and location of the advertisement on the school bus. The State of Texas has a similar law which was used by Legal as a guideline for writing this Rule.

**The Commission approved the proposed Rule for dissemination as required by law.**

**e. Arkansas Public School Academic Facility Manual, Appendix "A" to the Rules Governing the Academic Facilities Partnership Program**

Jennifer Davis reported the Division is required to annually update the Facility Manual, and that the changes to Appendix "A" have been presented twice for Public Comment.

**The Commission approved the proposed Rule for dissemination as required by law.**

**8. Discussion of Other Topics**

Commissioner Key introduced Robert Arrington, Program Officer of Development Finance with Arkansas Development Finance Authority (ADFA). Mr. Arrington discussed charter schools and A.C.A. § 6-20-402 of 2003. Mr. Arrington indicated ADFA has provided fixed rate funding for three charter schools – Lisa Academy, Jacksonville Lighthouse, and Academic Plus, with great success. Mr. Arrington reported that ADFA has reached the maximum funding provided by the Legislature and unable to continue the funding program until money is repaid by the charter schools and/or more funding becomes legislatively available.

**Meeting adjourned.**