

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

**MEETING
September 25, 2014**

Place: ADE Auditorium
Time: 1:00 p.m.

Commission Members in Attendance:

Tony Wood, Commissioner, Arkansas Department of Education
Richard Weiss, Director, Arkansas Department of Finance and Administration
Gene Eagle, President, Arkansas Development Finance Authority

Others in Attendance:

Mike Hernandez, Deputy Commissioner, Arkansas Department of Education
Kendra Clay, Staff Attorney, Arkansas Department of Education
Dr. Charles C. Stein, PE, Director, DPSAFT
Terry Granderson, Assistant Director, DPSAFT
Carol Bowman, Administrative Analyst, DPSAFT
Murray Britton, Senior Project Administrator, DPSAFT
Mike Simmons, Senior Transportation Manager, DPSAFT
Lynn Robertson, Senior Project Administrator, DPSAFT

Quorum was met.

Meeting called to order.

Agenda item:

1. Summary Meeting Minutes – July 2, 2014

The Commission approved the meeting minutes for the July 2, 2014, Commission meeting.

2. Academic Facilities Master Plan Program – State Plan – October 1, 2014

Murray Britton reported that 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. He presented a list of committed projects for public school academic facilities categorized by program with total state financial participation of \$1,030,685,678.03. Mr. Britton also reviewed the four-year rolling forecast of planned new construction projects related to public school academic facilities.

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

3. Statewide State of Condition of Academic Facilities – October 1, 2014

Terry Granderson reported that 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 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.

4. Advisory Committee on Public School Academic Facilities

Terry Granderson stated that Act 1422 of the 2013 Regular Session of the 89th General Assembly revised Ark. Code Ann. § 6-21-113 pertaining to the Advisory Committee on Public School Academic Facilities (*Advisory Committee*), and that on August 29, 2013, the Commission appointed new members to the Advisory Committee. Mr. Granderson reported that the Arkansas Education Association (AEA) President Brenda Robinson had selected Boyce Pearson to replace Deborah West on the Advisory Committee.

The Commission approved the recommendation for the appointee to the Advisory Committee.

5. Transportation Status

Mike Simmons indicated that Act 1288 required school districts to report school bus transportation data to the Division by July 1, 2014, to assist the General Assembly in determining whether to establish a maximum student transportation time. He reported that the Division conducted the electronic survey with 100% participation of all school districts. The data was compiled and submitted to the Bureau of Legislative Research which was used to complete a study on route times that was presented to the Joint House and Senate Education Committee on August 12, 2014.

Mr. Simmons reported the Division's transportation safety activities for the 2013-2014 school year included 6,705 school bus inspections and training of 8,412 school bus drivers. On May 13, 2014, the Division conducted the 4th annual School Bus Illegal Passing Survey in conjunction with the National Illegal Passing Survey. He reported of 2,900 reporting school bus drivers, 607 reported illegal passes on that day including 12 passing on the shoulder.

Mr. Simmons stated the Division and the Arkansas Department of Education conducted the 2nd annual 3-week Public Awareness Campaign before the beginning of the school year, starting on August 11, 2014. The campaign occurred through television, radio, and print media.

No Commission action required.

6. Status of 2015-2017 Academic Facilities Partnership Program

Dr. Charles Stein reported school districts submitted applications for the 2015-2017 Academic Facilities Partnership Program by March 2014, and the Division sent each school district that submitted a project application a certified letter dated July 10, 2014, to notify districts of the status of each project application.

Dr. Stein stated the very preliminary estimates of total state financial participation needs indicate a shortfall in projected available funding for the 2015-2017 project funding cycle of \$65 million. He reported there was more Year One than Year Two projects submissions.

Dr. Stein stated the main date in the Partnership Program timeline is May 1, 2015, when the Commission funds Year One projects following the Legislative Session. He indicated the decision was made to provide the review determinations on July 10, 2014, instead of the May 1, 2015, date to provide school districts nine additional months for the appeal process prior to May 1, 2015, and for consideration by the Legislature during session.

Tony Wood stated the Division had done a very thorough job in reviewing funding needs for the Partnership Program and congratulated the Division on its processes and handling of state funds. Mr. Wood commented that the Partnership Program is a component of the Joint Education meetings on Adequacy, and he thought the State would give careful thought regarding this funding shortage of approximately \$65 million. He stated it is a significant amount of money and that Dr. Stein had done a commendable job during the review process. He stated the July 10th letter was not required, but that the Division presented the letters to better assist the school districts with more appeal time and the Legislature in understanding the funding shortfall. Mr. Wood stated he hoped by May 1, 2015, the State would have funded all the Division's needs.

No Commission action required.

7. 2014 Master Plan Status and 2015 Preliminary Master Plan

Murray Britton reported that school districts submitted their six year 2014 Master Plans on February 1, 2014, and that Ark. Code Ann. § 6-21-806 requires the Division to review, and if all requirements are met, to approve Master Plans by September 1. The Division reviewed and approved all school district 2014 Master Plans.

Mr. Britton stated Ark. Code Ann. § 6-21-806(a)(6) requires school districts submit a report to the Division by February 1 of each odd-numbered year that includes:

- a. A description of all projects completed in the school district since the submission of the school district's most recent facilities Master Plan.
- b. The school district's current enrollment projections.
- c. New or continuing needs of the school district with regard to academic facilities and equipment.
- d. An accounting of any changes in the school district's insurance coverage from the most recent submission.

Mr. Britton also indicated that Ark. Code Ann. § 6-21-806(c) requires the Division establish procedures for a school district to submit a preliminary facilities Master Plan or a Master Plan outline to the Division before the submission of the district's final Master Plan. The Preliminary Master Plan forms the basis of a consultation meeting between the Division and the district. He stated that during these consultation meetings, school districts may bring PORs, schematics, resolutions, or any items they wish reviewed so the Division can tell the school districts of missing information and help if needed to make changes.

Mr. Britton stated the Division would issue a Commissioner's Memo to notify school districts of the 2014 Master Plan approval and the requirements for submission of the 2015 Preliminary Master Plan by February 1, 2015.

No Commission action required.

8. Facilities Distress Coordination

a. Indicators of Facilities Distress

Terry Granderson stated the Division issued Commissioner's Memo COM 14-037 on January 2, 2014, that contained the Division's process to monitor indicators of academic facilities distress. He indicated the process is similar to the Arkansas Department of Education's fiscal distress process, and is intended to support school districts so they can maintain compliance with planning, construction, and maintenance requirements in statute and rule.

Mr. Granderson reported that nine school districts had two or more indicators of academic facilities distress and stated the Division had developed an early intervention checklist to help school districts in advance of worsening problems. The Division mailed the nine school districts letters and, as a result, the Division was in various stages of working with the school districts to resolve the issues.

b. Millage Elections - September 2014

Mr. Granderson reported school districts held millage elections on September 16, 2014, and per Ark. Code Ann. § 6-21-811(f)(1)(A) the Division provided written notices to the six school districts with failed millage elections for a conference to discuss facility needs in the district. He indicated the Division would meet with each school district to address any potential issues the failed millage might present.

No Commission action required.

9. Draft Rules – For Public Comment

a. Rules Governing the Open-Enrollment Public Charter Schools Facilities Loan Program and the Charter School Capital Grant Program

Kendra Clay reported that in 2013 the Legislature passed new Charter School loan and grant programs. She stated that the ADE Legal Department had prepared the necessary draft rules and requested the Commission approve releasing the draft rules for public review and comment.

The Commission approved the proposed rule and released them for a thirty day public comment period.

b. Rules Governing the Academic Facilities Partnership Program, Appendix B, Arkansas Public School Academic Facility Manual (*Manual*)

Lynn Robertson stated the Academic Facilities Advisory Committee met on January 23, April 11, and July 11, 2014, to review the Manual that had been reformatted for ease of use, and some changes were made to the construction standards portion of the manual. The Public School Facilities Custodial, Maintenance, Repair, and Renovation Manual and the Furniture, Fixtures, and Equipment Procurement section had been placed separately on the Division's web site.

The Commission approved the proposed rule and released them for a thirty day public comment period.

Meeting adjourned.