



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

**MEETING AGENDA**

**Arkansas Department of Education  
Commissioner's Conference Room  
April 24, 2019 at 8:30 a.m.**

**Agenda Summary**

**1. Summary Meeting Minutes – December 10, 2018**

**Recommendation – That the Commission approve the minutes for the December 10, 2018, Commission meeting.**

**2. Commission for Arkansas Public School Academic Facilities and Transportation Rules for the Specifications Governing School Bus Design**

Presenter – Jennifer Dedman, ADE, Attorney Supervisor Legal Services

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

**3. 2017-2019 Partnership Program Projects – Refunding Warm, Safe, Dry (Systems)**

Presenter – Brad Montgomery, Director, DPSAFT

The Rules Governing the Academic Facilities Partnership Program (*Rules*), Section 5.05.1(i), state “*Warm, safe, and dry (systems) projects shall receive ranking of first order prior to any other partnership project only to the extent that the total state financial participation in all warm, safe, and dry (systems) projects does not exceed \$10 million in the aggregate for each year of the Project Funding Cycle.*”

The Commission approved but did not fund two 2017-2019 Warm, Safe, Dry (Systems) projects on April 27, 2018, because the projects had the same ranking and ranked beyond the \$10 million funding limit. At that time, the Commission requested the remainder of \$10 million of Warm, Safe, and Dry (Systems) funding be held as carryover in case school districts rescinded funded projects, allowing the next two projects on the approved/unfunded list be funded.

Since that date, rescinded Warm, Safe, and Dry (Systems) projects have unencumbered funds for the two projects with the same ranking.

The two school districts and projects were:

Charleston	1819-2402-002	Electrical upgrades with Life Safety Elementary and Kindergarten	\$ 420,470.66
Pottsville	1819-5804-003	HVAC/Roof Replacement HS	<u>\$3,006,775.86</u>
			\$3,427,246.52

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

**4. 2019-2021 Partnership Program Projects**

Presenter – Brad Montgomery, Director, DPSAFT

Per A.C.A. § 6-20-2507 (d)(1), “The Division shall notify the school district of the Division’s decision on the application and, if applicable, the estimated amount of state financial participation in the new construction project no later than May 1 of each odd-numbered year.”

The Division reviewed available program funding. Based on funding in the 2019 legislative session and existing program balances, there is \$104.8 million available on July 1, 2019, to fund the Year-One (2019-2020) projects. The Commission will fund the Year-Two projects prior to July 1, 2020.

- Tab 4a** 2019-2021 Academic Facilities Partnership Program Disapproved Projects
- Tab 4b** Appeals Process
- Tab 4c** 2019-2021 Academic Facilities Partnership Program Projects *(Sorted by Project Ranking)*
- Tab 4d** 2019-2021 Academic Facilities Partnership Program Projects *(Sorted by School District)*
- Tab 4e** Available Funding for Year-One of 2019-2021 Academic Facilities Partnership Program Funding Cycle *(Millions)*

**Recommendation – That the Commission provide state financial participation for 2019-2021 Partnership Program Year-One projects listed in Tab 4e, prioritized per current Rules Governing the Academic Facilities Partnership Program, to a funding level of \$104.8 million.**

**5. Act 542 of 2017 (Unused/Underutilized Facilities)**

Presenter – Brad Montgomery, Director, DPSAFT

Arkansas Code Annotated §6-21-815(3)(b), titled “*Right of access to unused or underutilized public school facilities*”, states “*Annually by March 1 the Division of Public School Academic Facilities and Transportation shall publish a list on its website identifying all unused or underutilized public school facilities.*”

The unused and underutilized public school facilities list was published and posted on the Division website on February 28, 2019.

Arkansas Code Annotated §6-21-816 titled “*Sale or lease of public school facilities*” states in d(1) A school district may petition the division for a waiver of subsection (c) of this section as it applies to an unused or underutilized public school facility within the school district.

Multiple school districts have petitioned for a waiver. Certified letters were sent to each of the charter organizations and APSRC notifying them of the Petition for Waiver requests. The school districts include:

Centerpoint	Harrison	North Little Rock (2 locations)
De Queen - <i>PENDING</i>	Hazen	Palestine
DeWitt	Little Rock	Pine Bluff (9 locations)
Earle (Dunbar JHS)	Marvell-Elaine	Wynne
Earle (Old High School)	Melbourne	

Arkansas Code Annotated §6-21-816(e)(1)(B)(2) states “*Not later than thirty (30) days after an eligible entity granted a charter under § 6-23-101 et seq. or statewide organization representing charter schools in Arkansas receives a notice described in subdivision (e)(1)(A) of this section, the eligible entity or statewide organization representing charter schools may submit to the division an objection in writing to the petition.*”

The Division did not receive an objection regarding any of the Petitions to Waiver from any charter organizations or APSRC by the end of the 30-day period. The Division granted the Petitions for Waiver and sent individual letters notifying each of the listed school districts.

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

**6. Adjourn**