
Arkansas Division of Public School



Academic Facilities & Transportation

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

MEETING AGENDA
September 29, 2010
2:00 PM

Arkansas Department of Education Auditorium

Call to Order/Roll Call

Tab 1 – Division Director’s Report

Tab 2 - Meeting Minutes June 21, 2010 and July 29, 2010

Recommendation – That the Commission approve the meeting minutes for the past two Commission meetings.

Tab 3 - October 1, 2010 Report – Statewide State of Condition of Academic Facilities

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.

Presenter – Terry Granderson

SUMMARY MINUTES OF THE COMMISSION FOR
ARKANAS PUBLIC SCHOOL ACADEMIC
FACILITIES AND TRANSPORTATION
September 29, 2010

Place: ADE Auditorium, Little Rock
Time: 2:00 P.M.

Commission Members: Dr. Tom Kimbrell, Richard Weiss, Mac Dodson

Others in Attendance: Dr. Charles Stein, DPSAFT; Lynn Robertson, DPSAFT;
Lori Bowen, Bureau of Legislative Research; Jeremy Lassiter, ADE Legal; Carolyn Krone,
DPSAFT; Chad Davidson, Consultant

Meeting Called to Order

Tab 1: Director's Report

Dr. Stein presented a list of scheduled education service center meetings that he was scheduled to attend. He reported that six successful meetings had taken place so far. The agenda for the September 30, 2010 Advisory Committee meeting was also discussed.

Tab 2: Minutes of June 21, 2010 Meeting and July 29, 2010 Meeting

The Commission approved the meeting minutes for the June 21, 2010 and July 29, 2010 Commission meetings.

Dr. Kimbrell expressed the school districts' and Commission's appreciation to Dr. Stein for taking the time to travel the state on the co-op visits.

Tab 3: October 1, 2010 Report—Statewide Condition of Academic Facilities

Dr. Stein explained that the report is done yearly and the current report follows the same format as previous ones. The difference between corrective maintenance and preventative maintenance was discussed. National numbers say that the more preventative maintenance that is done actually saves on maintenance.

A motion was made and approved to approve the report and forward it to the House and Senate Committees on Education, the Oversight Committee, and the Governor's Office.

Tab 4: October 1, 2010 Report—State Academic Facilities Master Plan

Dr. Stein presented the biannual report that must, by state statute, provide a list of committed and planned projects. The report is the summary of each district's master plan project list. Dr. Kimbrell clarified that approval of the report does not imply approval of the projects.

A motion was made and approved to approve the Academic Facilities State Master Plan and forward it to the House and Senate Committees on Education, the Oversight Committee, and the Governor's Office.

SUMMARY MINUTES OF THE COMMISSION FOR
ARKANAS PUBLIC SCHOOL ACADEMIC
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September 29, 2010

Tab 5: Draft Rules—Rules Governing the Academic Facilities Partnership Program

Jeremy Lassiter, chief counsel for the Department of Education, brought forth two rules to request permission to be put out for public comment.

Three things have been done with the latest round of changes in the rule. Numbering disparities in the rule have been corrected for consistency. A separate project submission process is being allowed for districts forced by the State Board of Education to annex or consolidate. The new process would allow annexed or consolidated districts to submit an updated master plan by January 1 of the following odd number year, and submit a Partnership application by February 1 of the following odd number year. The third provision makes clear that a signed construction contract, which would include a signed construction management contract, can serve as evidence of a school district that began their project within 18 months of approval of the project.

Motion was made and passed for the rule to go out for public comment.

Tab 6: Draft Rules—Rules Governing Appeals from Determinations made by the Division of Public School Academic Facilities and Transportation

Jeremy Lassiter explained that direct Commission appeals are issues related to the master plan and issues related to facilities in distress. Those provisions are covered at Arkansas Code 6-21-801 through 6-21-814. The Review Board deals with issues relating to the Partnership Program, Catastrophic Program, and things of that nature. Those provisions are contained in Arkansas Code 6-20-2501 through 6-20-2516.

Dr. Kimbrell commented that the Commission is working with the author of the bill that created the Review Board as there are questions as to the ability of the Review Board to obligate the State outside of the Commission's ability to make that determination.

A motion was made and approved to put out for public comment draft rules for the governing appeals for determinations made by the Division of Public Schools for Academic Facilities and Transportation.

Tab 7: 2011 Master Plan Update and Preliminary Master Plan Guidelines

Dr. Stein explained that tab seven has the master plan guidelines the Division wants to put out and lets the districts know what is needed for the next master plan submittal due on February 1, 2011. Statute says that the Division will establish a preliminary master plan process, and part of that process will be to establish meetings with the school district to look at their plans. This has been introduced to the districts during Dr. Stein's meetings with co-ops and has been well received.

The Division recommends approving the guidelines to help guide both the Division and the districts in the development of their preliminary and ultimate master plan.

A motion was made and approved to approve the guidelines.

SUMMARY MINUTES OF THE COMMISSION FOR
ARKANAS PUBLIC SCHOOL ACADEMIC
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September 29, 2010

Tab 8: Report---Failed Millage Status

Dr. Stein discussed the status report of the millage elections held on September 21, 2010. Twelve millages failed per the report and letters were sent out to satisfy the facilities distress rule associated with failed millages.

Motion was made and approved to accept the failed millage report.

Tab 9: Academic Facilities Partnership Program

Dr. Stein presented the roll up of the three Partnership Programs cycles. 95% of the money has been expended for the 0607 cycle, the 0709 cycle is halfway completed, and the 0911 cycle is just beginning. Notes are listed pertaining to Sunset, rule, or start of construction dates. The Commission stated that they like the summary format of the report.

Motion was made and approved to accept the Academic Facilities Partnership Program report.

Meeting Adjourned.

Tab 4 - October 1, 2010 Report – State Academic Facilities Master Plan

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.

Presenter – Terry Granderson

Tab 5 - Rules Governing the Academic Facilities Partnership Program

The Administrative Rules and Regulations Subcommittee of the Arkansas Legislative Council approved the Partnership Program rules at their September 15, 2010 meeting. Changes to the rule include:

- (1) Incentives in the Partnership Program for voluntary school district consolidations/annexations.
- (2) The Division's ability to develop an alternative project for determination of state financial participation for Partnership Program projects.

There is a need to make a revision to the Partnership Program rule for districts that are directed to consolidate by the State Board of Education. If the directed consolidation occurs in an even-numbered year after the March 1 Partnership Program project application deadline, the newly consolidated district can not apply for Partnership Program funding in the next funding cycle. The rule is being revised to accommodate those districts and allow them to apply for Partnership Program project funding in the next funding cycle.

Recommendation - That the Commission approve the draft rules for public review and comment.

Presenter – Jeremy Lasiter/Mark White

Tab 6 - Draft Rules – Rules Governing Appeals from Determinations made by the Division of Public School Academic Facilities and Transportation

These draft rules contain the process for school districts to appeal written determinations made by the Division to the Commission or to the Facilities Review Board and to appeal Review Board decisions to the Commission. The rules contain the procedures that the Review Board and the Commission will use to review and hear appeals.

Recommendation - That the Commission approve the draft rules for public review and comment.

Presenter – Jeremy Lasiter/Mark White

Tab 7 - 2011 Master Plan Update and Preliminary Master Plan Guidelines

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

- (1) A description of all projects completed in the school district since the submission of the school district's most recent facilities master plan.
- (2) The school district's current enrollment projections.
- (3) New or continuing needs of the school district with regard to academic facilities and equipment.
- (4) An accounting of any changes in the school district's insurance coverage from the most recent submission.

Ark. Code Ann. 6-21-806 (c) requires the Division to 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.

The guidelines incorporate the requirements for the odd-numbered year report and the preliminary master plan.

Recommendation – That the Commission approve the guidelines for districts' submission of their February 1, 2011 master plan update and preliminary master plan.

Presenter – Chuck Stein

Tab 8 - Report – September 2010 Millage Elections

School districts held millage elections on September 21, 2010. Per Ark. Code Ann. 6-21-811 (f)(1)(A) the Division will provide written notices to the districts with failed millage elections for a conference to discuss facility needs in the district.

Presenter – Chuck Stein

Tab 9 - Report – Academic Facilities Partnership Program

The spreadsheet report indicates the numbers of projects and the projects that have been rescinded, completed, or in progress. The report also indicates the amount of state financial participation committed, expended, and remaining for each of the funding bienniums of the Partnership Program.

Presenter – Chuck Stein