

SUMMARY OF AMENDMENTS

COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION RULES GOVERNING THE ACADEMIC FACILITIES PARTNERSHIP PROGRAM

Act 801 of 2017 charged the Advisory Committee on Public School Academic Facilities with assisting the Division of Public School Academic Facilities and Transportation (DPSAFT) with conducting a comprehensive review of the Academic Facilities Partnership Program (Partnership Program) and other academic facilities programs. Concerning the Partnership Program, the review included analysis of the current and long-term viability of the program, the efficacy of the academic facilities wealth index, project ranking and prioritization, and program rules. Many of the amendments to these rules result from Committee recommendations, several of which were adopted by the CAPSAFT.

The rules provide that the DPSAFT will develop two academic facility Statewide Needs Lists: (1) “Warm, Safe, and Dry,” and (2) “Space/Growth.” Within these lists, academic facilities will be ranked based upon highest need to lowest need. This will enable the DPSAFT to reach out to school districts with the greatest facility needs. The criteria considered for the Warm, Safe and Dry List are: (1) campus value, and (2) facility condition index. The criteria considered for the Space/Growth List are: (1) projected enrollment growth percentage, (2) projected enrollment growth, (3) district suitability, and (4) district suitability percentage.

The amendments also change project prioritization, or ranking. There will be two prioritization lists; one for Warm, Safe, and Dry and another for Space/Growth. The criteria considered for both lists are: (1) wealth index ranking, (2) Statewide Facilities Needs List ranking, and (3) percentage district revenue spent on maintenance of academic facilities for the last five years.

The rules also change the method of project funding. There will be two separate categories of funds: one for Warm, Safe, and Dry and the other for Space/Growth. The available funds will be split between the two categories. The projects are funded in rank order in each category until all funds are allocated or until all projects are funded. If funds remain in one category after all projects in that category are funded for that cycle, the remaining funds will transfer to cover any unfunded projects in the other category.

The amended rules also require a facility to have a facility condition index (FCI) of 65% to qualify for State financial participation, where in the past the DPSAFT would qualify a facility for decommissioning due to age alone. They also require that the DPSAFT will use five-year growth projections instead of ten-year growth projections in determining fundable space in additions and new facilities. Other significant changes include the use of Division enrollment projections only, elimination of State Financial Participation for any gym space used for competition, and the disallowing of excess space funding.

Appendix “A” – Amendments to Arkansas Public School Academic Facility Manual

The amendments to Appendix “A” update outdated portions of the Manual that apply to Career and Technical Education spaces. The amendments include new space plates and a revised POR to bring them in line with current CTE programs.

Appendix “B” – Amendments to Project Agreement

The amendments to Appendix “B” clarify that school districts may start certain Partnership Program Project activities prior to CAPSAFT funding of a project (at the district’s own risk that funding might not be available). Districts also will have an extra year to complete the final “punch list” and request final payment from the State. The amendments also clarify that funded projects must be and remain for academic purposes only, and that the DPSAFT may

monitor to ensure compliance. District also must submit contract costs for each project separately and may not combine projects on the same pay request.

Changes Made Following PC Period

Clarifications and corrections were made in language throughout the rules. The following is a summary modifications made to the proposed rules as a result of feedback received during the public comment period. None of the changes are substantive.

- Under the definition of “Additions,” a couple of items related to funding of certain spaces originally proposed were deleted. This will give districts more flexibility to construct needed spaces.
- Under the definition of “Suitability” for a new construction project on an existing campus, the requirement that PORs be completed for all campuses in the district was changed back to requiring PORs only for the campus at which the construction will take place. For construction projects on new campuses, the requirement for PORs was modified to include all other campuses capable of serving the same grade(s).
- Under the definition of Warm, Safe, and Dry Systems Replacement, the limit originally proposed to POR required space size for current campus enrollment was removed.
- Section 4.05.10, which has been added to the proposed rules, was removed when the Division became aware that the Districts already submit this information to ADE, thus saving time for both the District and Division.
- In Section 7.02, the phrase “during normal school operating hours” was eliminated. Similar language was removed from the Project Agreement. This statement was deemed unnecessary and could have led to confusion with other parts of rule.

- For consistency, the proposed Project Agreement will go into effect in the 2023-2025 funding cycle along with the proposed Partnership Program Rules.
- Under scope of project in the proposed Project Agreement, language was struck referring possible repayment of funds. The language was deemed unnecessary.