

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

**Meeting – June 25, 2018
Arkansas Department of Education – Commissioner’s Conference Room**

Commission Member in Attendance:

Johnny Key, Commissioner, Arkansas Department of Education
Aaron Burkes, President, Arkansas Development Finance Authority – **VIA TELEPHONE**
Larry Walther, Director, Arkansas Department of Finance and Administration – **VIA TELEPHONE**

Others in Attendance:

Brad Montgomery, Director, DPSAFT
Dr. Ivy Pfeffer, Deputy Commissioner, Arkansas Department of Education
Lori Freno, General Counsel, Arkansas Department of Education
Carol Bowman, Administrative Analyst, DPSAFT

Quorum was met.

Meeting called to order.

Agenda item:

1. Summary Meeting Minutes – April 27, 2018

The Commission approved the summary minutes for the April 27, 2018, Commission meeting.

2. Rules

Lori Freno, General Counsel, Department of Education presented the rules:

a. Consideration of Proposed Rules Repeals

Ms. Freno stated Act 781 of 2017 requires that all State agencies, as well as the Division of Public School Academic Facilities and Transportation, file a report by July 1, 2018, that includes a list of rules that it wishes to continue to enforce, as well as list of rules it wishes to repeal. The report will be assigned to a subject matter interim committee of the General Assembly, which will recommend to the Arkansas Legislative Council (ALC) whether it agrees with ADE's repeal recommendations. If the ALC approves the repeal list, the rules will be repealed without the necessity of taking them through the Administrative Procedures Act rulemaking process.

- Rules Governing the Academic Facilities Immediate Repair Program
- Rules Governing the Transitional Academic Facilities Program
- Rules Governing the Academic Facilities High-Growth School District Loan Program

The Commission approved these three rules for repeal.

b. Consideration for Final Approval: CAPSAFT Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation

Ms. Freno reported the Commission released these proposed rules for public comment on December 12, 2017. A public comment hearing was held on January 4, 2018. Based upon public comments received, non-substantive changes were made to the proposed rules.

The Commission gave final approval of these rules.

c. Consideration for Final Approval: CAPSAFT Rules Governing the Facilities Master Plan

Ms. Freno indicated the Commission released these proposed rules for public comment on December 12, 2017. A public comment hearing was held on January 4, 2018. Based upon public comments received, non-substantive changes were made to the proposed rules.

The Commission gave final approval of these proposed rules.

d. Consideration for Final Approval: CAPSAFT Rules Governing Right of Access to Unused or Underutilized Public School Facilities and the Sale or Lease of Public School Facilities

Ms. Freno stated the Commission released these proposed rules for public comment on December 12, 2017. A public comment hearing were held on January 4, 2018. Based upon public comments received, substantive changes were made to the proposed rules, which were released for a second Public Comment period. A second Public Comment hearing was held on April 19, 2018. Based upon public comments received during the second Public Comment period, non-substantive changes were made to the proposed rules.

The Commission voted to allow public comment by Scott Smith and Tripp Walter of the Arkansas Public School Resource Center.

Based upon comments made and subsequent discussion, the Commission instructed the Division to revise the rules to provide that an unused/underutilized facility may be added to the list after March 1 deadline if it was left off due to an error by the Division.

The Commission voted to pull back the Unused/Underutilized Rule.

3. Adjourn