



Task Force to Joint Committee on Educational Facilities

Background on the Facilities Adequacy Study of Arkansas Educational facilities.

Preamble “ - - to ensure that adequate facilities and substantially equal facilities are, and will continue to be provided for Arkansas’ school children.”
Act 1181 of 2003

Background:

On November 21, 2002, the Arkansas Supreme Court affirmed in the Lake View School case that educational facilities serving the public school system in Arkansas were both inadequate, unequal, and in violation of the state constitutional guarantee of a free, adequate, efficient, and substantially equal public education for the children of Arkansas¹. The court has charged the Governor and the Arkansas General Assembly with the responsibility of correcting these defects in public policy. To meet these ends, the Arkansas General Assembly, in Regular Session of the 84th General Assembly of 2003, has established a joint legislative committee under Act 1181 of 2003, AN ACT TO CREATE THE JOINT COMMITTEE ON EDUCATUIONAL FACILITIES; AND FOR OTHER PURPOSES, to serve the General Assembly in exercising its responsibilities relative to the provision of educational facilities for the State of Arkansas².

The 84th General Assembly recognized the need to have a statewide educational facilities study. The General Assembly further recognized that, while any study performed is an integral component toward satisfying the requirements imposed by the Supreme Court's decision in Lake View, the General Assembly is ultimately responsible for making the final determination of what constitutes an adequate facility and how to provide equal school facilities throughout the state.

By law, the Joint Committee has the responsibility to:

1. Review the opinion of the Supreme Court in the Lake View case and use the opinion and other legal precedents cited by the court in the committee's deliberations;
2. Recommend what constitutes an adequate school facility, including all necessary components for:
 - a. Elementary education
 - b. Middle school education, and
 - c. High school education
3. Recommend a method of providing substantially equal facilities and equipment for all schools in Arkansas as necessary to ensure equal opportunity for an adequate education;
4. Establish a process to conduct a review and assessment of all public school facilities in the state to determine which are in compliance with the recommendations of this committee;
5. Recommend policies and criteria for use in determining renovation. Replacement, or discontinuation of inadequate buildings and facilities based upon statewide adequacy standards and other requirements necessary to ensure adequate and substantially equal school buildings and facilities;
6. Recommend the cost of an adequate school facility in Arkansas

¹ Arkansas Public Education – Constitutional History

² 84th General assembly – Act 1181 of 2003

7. Recommend a method of funding the cost of adequate and substantially equal school facilities, and
8. Recommend a method to assess, evaluate, and monitor the school facilities across the state to ensure that adequate and substantially equal facilities are, and will continue to be provided for Arkansas' school children.

The total statewide organization of public schools consists of 308 independent school districts operating approximately 5,700 buildings comprising approximately 80 million square feet of floor space. In order to establish the educational adequacy and substantial equality of the facilities across the state as required by the Court, an assessment must be made of all educational facilities. The physical assessment must be standardized, uniformly applied, and objectively evaluated and reported. State law requires that the assessment must be made by registered professional architects and/or engineers who have demonstrated capabilities in K-12 educational facilities. The court has mandated that self-assessment will not be allowed in the statewide facilities assessment.

The Task Force:

In June 2003, the Joint Committee established a Task Force to Joint Committee on Educational Facilities to be its designee in carrying out the work of the facilities assessment and its related activities. The members of the Task Force are volunteers and consist of both government officials and private citizens representing the areas of the legislature, independent school districts, code enforcement agencies, state government agencies, private industry, and the engineering / design community.

All findings of this Task Force are for the sole purpose of determining the adequacy as further defined in the "General Scope of Work for Facilities Adequacy Assessment"³ of all public school structures in light of their intended educational use. The determination of adequacy will be based on an assessment of the general condition of each facility and compliance with current building codes, current technology support systems requirements, and educational operating standards. The possibility of alternative or dual-purpose usage or occupancy will not be considered. The assessment of the educational adequacy of a facility will also be evaluated in the context of its equality in comparison to the required standards for educational facilities and to other educational facilities serving the same purpose.

All estimated costs for achieving and maintaining statewide facilities adequacy resulting from the assessment will be presented as general estimates, within a reasonable range and may not necessarily reflect the actual cost of renovating or upgrading a specific facility at some future point in time. The core principle of the 'as is, where is' assessment is that it will be an objective evaluation of the facility's current condition for its intended use.

³ General Scope of Work for Facilities Adequacy Assessment – FY 2003 - 2005

Scope of Work:

The scope of work of the Task Force to the Joint Committee on Educational Facilities and its consultants is described herein as a two-phase process that is intended to achieve the goals and mandates relating to educational facilities as set forth in Act 1181 of 2003. The work embodies the preparation of at least two reports, the first, hereinafter referred to as the "General Scope of Work"⁴ plan was published in December, 2003, as required by the Act; and the second, a more comprehensive plan, hereinafter referred to as the "Specific Scope of Work"⁵ plan, was published and approved by the Joint Committee in March, 2004.

All educational structures will be assessed. The level of assessment and the prioritization of repair, renovation, or replacement of the structures will be determined by the best judgment of the Task Force. The structures will be assessed in the categories of instructional, auxiliary, administrative, extra curricular, temporary buildings, and buildings under construction.

Educational facilities will be considered adequate by the Task Force when their conditions, within reasonable exceptions, meet all current building safety, health and accessibility standards; space requirements that are based on current and/or proposed teacher/student ratios and curriculum standards; and current technology support systems requirements are met.

Phase I Plan – The General Scope of Work Plan:

The General Scope of Work plan has been published, approved, and is in the initial stage of execution.

STEP 1: Develop the General Scope of Work plan along with an estimate for all costs associated with the development of the plan for presentation to the Joint Committee on Educational Facilities by November 13, 2003.

STEP 2: Begin the development of the Specific Scope of Work plan by expanding and clarifying the General Scope of Work plan to include individual tasks, chronologically organized and scheduled, and incorporating a critical path method of organization. Establish a subcommittee form of organization to carry out the work of defining the Specific Scope of Work plan.

Phase II – The Specific Scope of Work Plan:

The Specific Scope of Work Plan has been outlined and will be expanded and implemented early in 2004. The Plan is summarized below. See Attachment C for additional details.

⁴ Loc. Cit.

⁵ Specific Scope of Work for Facilities Adequacy Assessment – FY 2003 - 2005

1. Furnish, equip and staff a facilities adequacy assessment headquarters.
2. Determine the educational and facilities adequacy standards for performing the assessment.
3. Develop building classifications, hereinafter referred to as "State of Condition" (SOC), to be used to delineate, within a reasonable range, the "adequacy" of all public school buildings
4. Develop a critical path schedule of events for use in monitoring and controlling all tasks required for Phase II.
5. Determine the scope of the Request for Proposals (RFP) and solicit proposals from nationwide firms experienced in public school facility assessments and monitoring.
6. Issue "Notice to Proceed" to the successful firm or firms for the statewide assessment of all school facilities.
7. Prepare cost models for each category of "State of Condition" (SOC) and "Scope of Work" (SOW).
8. Prepare annual scheduled maintenance plan and cost models for determination of a proposed "Continued Assurance of Adequacy" budget.
9. Apply findings from data received in Phase II.4 to cost models determined in Phases II.5 and II.6 above and determine an overall cost including design professionals' fees for obtaining and maintaining facilities adequacy.
10. Determine the priorities and timeframes for correcting all deficiencies in public school buildings found by this Task Force.
11. Determine recommended accountability and monitoring procedures for achieving and maintaining facilities adequacy.
12. Submit findings and recommendations to the Joint Committee on Educational Facilities on or before December 1, 2004.

The Program Manager:

In order to meet the timelines set forth by the Joint Committee and to ensure the Task Force that the findings of the facilities assessment are consistent and impartial, the Task Force recommended to the Joint Committee in December of 2003 that an independent Program Manager be hired by the State to assist the Task Force. To this end, the Task Force published a Request for Qualifications⁶ directed to firms throughout the country with specific experience in conducting statewide educational facilities assessments. In addition, the Program Manager was to assist the Task Force

⁶ Request for Qualifications – Program Manager

in determining, preparing and presenting its responses to the tasks assigned to it by the Joint Committee. The Task Force received ten (10) responses from firms and recommended DeJONG, Inc. to the Joint Committee to be the Program Manager. The Joint Committee approved the hiring of the Program Manager in December 2003, and a contract was prepared and executed in March 2004.⁷

Total Cost of the General Plan:

During the Second Extraordinary Session of the 84th General Assembly, Act 84⁸ and Act 85⁹ appropriated ten million dollars (\$10,000,000) for all costs associated with the work of the Task Force as set forth in Act 1181 of 2003¹⁰

The cost of assessment is broken down into two phases. Phase I is from February 1, through May 31, 2004 and is focused on the pre-assessment activities. Phase II is from June 1 through December 31, 2004 and is focused on the actual assessment and reports. Every effort is being made to employ Arkansas' citizens and firms to support the Task Force and participate in the facilities assessment. The majority of the proceeds of the contract being let for this project will be consumed in the State of Arkansas and will re-enter the economy of Arkansas. The benefit of this budgeting is not just economic. The primary benefit will accrue from Arkansans becoming integrated into the work of assessment at an early stage that will prepare them to engage in the remediation work that may follow resulting in the improvement our educational facilities for following generations.

All furnishings, equipment, software, etc. purchased by the Program Manager or Task Force to perform the duties under the plan shall remain the property of the State of Arkansas. All computer software utilized under the plan shall accrue to the State and be made accessible to the visually handicapped as required by state law. All data obtained from the assessment shall remain as property of the State of Arkansas and will be presented in a format and condition that will allow continual updates on the condition of all school facilities for the purpose of monitoring and maintaining facilities adequacy.

Additional enhancement costs have been included in the budget for determining geographical coordinates (GIS) for every school facility in the State of Arkansas to be incorporated in the State Geographical Systems Site as well as creating the first Facilities Standards Manual for design and construction guidelines for all types of school facilities. All contract enhancements are subject to approval by the Joint Committee. A contingency of approximately five percent (5%) of the total program cost is included in the budget for unanticipated expenses, upgrades to the program and general Task Force costs.

The following Project Budget Summary indicated all costs anticipated for execution of the General Plan:

⁷ State Contract with the Program Manager – DeJONG, Inc.

⁸ Act 84 – Educational Facilities Supplemental Appropriation

⁹ Act 85 – Transfer Funds to Assess Public School Facilities

¹⁰ Loc. Cit.

<u>Project Budget Summary</u>			
	<u>Phase I</u>	<u>Phase II</u>	<u>Totals</u>
Staff	\$439,323	\$1,053,646	\$1,492,696
Sub-Consultants	\$380,000	\$415,000	\$795,000
Total Program Manager Fees	\$819,323	\$1,468,646	\$2,287,969
Expenses	\$107,365	\$194,110	\$301,475
Equipment	\$95,000	\$99,990	\$194,990
Total Equipment & Expenses	\$202,365	\$294,100	\$496,465
GIS Development	\$25,000	\$100,000	\$125,000
Design Manual	\$0	\$200,000	\$200,000
Total Optional Additional Services	\$25,000	\$300,000	\$325,000
Assessment	\$0	\$6,400,000	\$6,400,000
Total Assessment	\$0	\$6,400,000	\$6,400,000
Task Force Contingency	\$50,000	\$440,000	\$490,566
Total Project Budget	\$1,096,688	\$8,903,312	\$10,000,000

Technology:

In November 2003, the Task Force presented a plan for determining the condition and availability of technical structural elements required to meet proposed educational technology standards¹¹. The plan was approved by the Joint Committee in December 2003 and will be included in the statewide school facilities assessment. The specification concentrates the assessment on those technology components that are considered an integral part of the school facility infrastructure and enable the instructional and school management applications to function effectively. The seven technology categories to be included in the facilities assessment are:

1. Assess the electrical power system based on the National Electric Code (NEC).
2. Assess the Local Area Network (LAN).
3. Assess the Wide Area Network (WAN).
4. Assess the Video System.
5. Assess the Campus Voice System.
6. Assess the Compressed Video Conferencing System.
7. Assess the On-Sight Technical Support.

A separate Technology Task Force has been given the responsibility to determine all requirements for obtaining and maintaining adequate and equitable technology access for all Arkansas' school children.

¹¹ Educational Technology Standards

Custodial/Maintenance:

In November 2003, the Task Force has incorporated an interim recommendation for the continuing custodial/maintenance standards¹² that are to be adopted and practiced by each school district in Arkansas. During the Second Extraordinary Session of the 84th General Assembly of 2003, these interim standards were adopted in Act 87 of 2003¹³. These standards include national best practice models that shall be employed as each facility's interim maintenance program. An interim cost estimate is supplied to provide an initial focus on the budgetary impact of ongoing custodial/maintenance expenses for each facility. According to the 32nd Annual Maintenance and Operation Study conducted by "*American School and University Magazine*", the estimated cost to address the custodial/maintenance procedures in Arkansas is approximately nine percent (9%) of the state's educational budget.

The Task Force will expand and further develop the standards adopted in the Interim Custodial / Maintenance Plan and include cost projections as well as accountability measures required for maintaining facilities adequacy of existing facilities.

Affidavit to the Supreme Court of the State of Arkansas:

In late February 2004 Scott Copas, Chairman of the Task Force to the Joint Committee on Educational Facilities, submitted an affidavit to the Supreme Court of the State of Arkansas describing the responsibilities of the Task Force and its intent to provide all data and recommendations required to the Task Force by the Joint Committee on or before December 1, 2004 and to continue to assist the Joint Committee and the 85th General Assembly in promulgating new laws and funding to meet their mandates set forth by the Lake View III decision¹⁴.

Conclusion:

The Task Force recognizes that the definition of educational facilities adequacy is a dynamic issue that will change as new research confirms how improvements to facilities can significantly advance the learning environment. The assessment as proposed will provide a baseline cost for upgrading facilities to comply with minimum educational facilities standards, e.g. current building codes, current technology support system requirements and educational operating standards. In addition, the final report will indicate supplementary costs that might be required to meet potentially higher national consensus standards that promote healthier, sustainable, and more productive environments that are conducive to the physical and intellectual needs of Arkansas' children. The additional standards that will be considered include, but are not limited to, the emerging acoustic standards of ANSI/ASA S12.60-2002, the LEED™ Green Building Rating System for New Construction and Existing Buildings as defined by the U.S. Green Building Council, and compliance with emerging American with Disabilities Act revisions. The final assessment report will be

¹² Loc. Cit.

¹³ Act 87 – Custodial and Maintenance Care for Public School Facilities

¹⁴ Affidavit to the Supreme Court of Arkansas

necessary to support local school district and state level decisions, legislative appropriations and empowerments, and confirmation of the future costs of making Arkansas' educational facilities both adequate and substantially equal for delivering an efficient and high quality public education. The resources listed above are necessary to execute the assessment defined in this report through Phase I and Phase II and in advance of the commencement of the 85th General Assembly in January 2005.

As residents of the State of Arkansas, the members of the Task Force realize the opportunity that now exists to offer the children of the State of Arkansas sound, safe, and adequate facilities that are conducive to learning and meet, and continue to meet, all the educational needs required for the challenges and opportunities that lie ahead for them.

As taxpayers, we also understand the enormous sacrifice that the citizens of Arkansas will bear to correct decades of neglect. To that end, the Task Force intends to work closely with the Division of Public Academic Facilities under the State Board of Education, which was created by Act 90¹⁵ to create rigid accountability standards for expenditures on all new or renovated facilities, capital improvements, equipment, and infrastructure upgrades, operational costs and custodial / maintenance costs to assure the taxpayers of the State of Arkansas that the condition of our educational facilities remains adequate and substantially equal from this point forward.

The Task Force is extremely proud of our members who have given their time and personal resources to provide this service to the people of the State of Arkansas. We encourage your comments and hope that you will take the opportunity to express your appreciation for their sacrifice¹⁶.

The Executive Committee
Task Force to the Joint Committee on Educational Facilities
May 1, 2004

¹⁵ Act 90 – Create the Division of Public School Academic Facilities

¹⁶ Task Force to Joint Committee on Educational Facilities Roster

Bibliography

Note: All referenced documents are available on the [Documents Tab](#) of the Facilities Assessment website;

< <http://www.arkansasfacilities.com> >

1. Arkansas Public Education – Constitutional History
2. 84th General Assembly – Act 1181 of 2003
AN ACT TO CREATE THE JOINT COMMITTEE ON EDUCATIONAL FACILITIES;
AND FOR OTHER PURPOSES.
3. Task Force to Joint Committee on Educational facilities
GENERAL SCOPE OF WORK FOR FACILITIES ADEQUACY ASSESSMENT
FY 2003 – 2005
4. Task Force to Joint Committee on Educational facilities
GENERAL SCOPE OF WORK FOR FACILITIES ADEQUACY ASSESSMENT
FY 2003 – 2005
5. Task Force to Joint Committee on Educational facilities
SPECIFIC SCOPE OF WORK FOR FACILITIES ADEQUACY ASSESSMENT
FY 2003 – 2005
6. Request for Qualifications – Program Manager
7. State Contract with the Program Manager – DeJONG, Inc.
8. Second Extraordinary Session of 2002 - Act 84
AN ACT FOR THE BUREAU OF LEGISLATIVE RESEARCH DISBURSING OFFICER
JOINT COMMITTEE ON EDUCATIONAL FACILITIES SUPPLEMENTAL
APPROPRIATION
9. Second Extraordinary Session of 2002 - Act 85
AN ACT TO TRANSFER FUNDS TO PROVIDE TEACHERS IN SPECIAL SETTINGS
A ONE-TIME BONUS AND TO ASSESS PUBLIC SCHOOL FACILITIES
10. 84th General Assembly – Act 1181 of 2003
AN ACT TO CREATE THE JOINT COMMITTEE ON EDUCATIONAL FACILITIES;
AND FOR OTHER PURPOSES.
11. Educational Technology Standards
12. Custodial and Maintenance Programs Recommendations (10-21-2003)

13. Second Extraordinary Session of 2002 - Act 87
AN ACT TO PROVIDE FOR CUSTODIAL AND MAINTENANCE CARE FOR
SCHOOL FACILITIES
14. Affidavit to the Supreme Court of the State of Arkansas
15. Second Extraordinary Session of 2002 - Act 90
AN ACT TO CREATE THE DIVISION OF PUBLIC SCHOOL ACCOUNTABILITY
AND THE DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES; TO REQUIRE
THE REALIGNMENT OF THE DEPARTMENT OF EDUCATION
16. Task Force to Joint Committee on Educational Facilities Roster