COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION
RULES GOVERNING THE FACILITIES MASTER PLAN
~~June 2012~~

1.00 REGULATORY AUTHORITY

1.01 The Commission for Arkansas Public School Academic Facilities and Transportation's enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-21-114, 6-21-801 et seq., and 25-15-201 et seq.

2.00 PURPOSE

2.01 The purpose of these Rules is to establish a program and process for establishing a format for districts to begin creating facilities master plans in accordance with State legislation, in an ongoing effort to remediate deficiencies in academic facilities.

3.00 DEFINITIONS

For the purposes of these Rules, the following terms mean:

3.01 Academic facility – a building or space, including related areas such as the physical plant and grounds, where public school students receive instruction that is an integral part of an adequate education as described in Ark. Code Ann. § 6-20-2302.

3.01.1 A public school building or space, including related areas such as the physical plant and grounds, used for an extracurricular activity or an organized physical activity course as defined in Ark. Code Ann. § 6-16-137 shall not be considered an academic facility for the purposes of this rule to the extent that the building, space, or related area is used for extracurricular activities or organized physical activities courses, except for physical educational training and instruction under Ark. Code Ann. § 6-16-132;

3.01.2 The Division of Public School Academic Facilities and Transportation shall determine the extent to which a building, space, or related area is used for extracurricular activities or organized physical activities courses based on information supplied by the school district and, if necessary, on-site inspection.

3.01.3 Buildings or spaces, including related areas such as the physical plant and grounds, used for pre-kindergarten education shall not be considered academic facilities for purposes of these Rules; and

3.01.4 District administration buildings and spaces, including related areas such as the physical plant and grounds, shall not be considered academic facilities for the purpose of these Rules.

3.02 Amended Facilities Master Plan - A revised Facilities Master Plan, submitted at any time during the six-year cycle if a district has encountered one of the following conditions:

3.02.1 A major enrollment change; or

3.02.2 A major disaster; or

3.02.3 A major curriculum change; or

3.02.4 An unforeseen occurrence.

3.02.5 The format for submission will be as outlined in the most current Master Plan Guidelines.

3.03 Annexation – the joining of an affected school district or part of the school district with a receiving district under Ark. Code Ann. §§ 6-13-1401 et seq.

3.04 Appendix – A shortened amendment to an approved Master Plan submitted if a district has begun or completed a self-funded project over which the Division has only review authority, but which was omitted from the Master Plan submittal. The format for submission will be as outlined in the most current Master Plan Guidelines.

3.05 Building Value – A percentage value reflecting the depreciated value of an academic facility with an assumed depreciation of two per cent (2%) per year. Building Value does not consider improvements that may have been made to the facility.

3.05.1 Building value is calculated by multiplying two (2) times the age of the academic facility, and subtracting that product from one hundred (100) (Value = 100 – (2 x Age)). The output of this equation may be a positive or negative percentage.

3.05.2 For the purpose of this calculation, an academic facility's age is calculated as the difference between the master plan year and the year of the facility's construction completion.

3.05.3 When an academic facility has multiple additions constructed at different times, a building value may be computed for each addition.

3.05.4 Building value will be used to develop the Division's state-wide needs priority list per A.C.A. § 6-21-112 (f) (18).

3.05.5 Districts are not required to replace an academic facility when the building value is at or below zero percent (0%).

3.0~~5~~6 CMMS (Computerized Maintenance Management System) – The computerized software system purchased by the Division at no cost to the districts to track maintenance work orders and preventative maintenance work.

3.0~~6~~7 Consolidation - the joining of two (2) or more school districts or parts of the districts to create a new single school district under Ark. Code Ann. §§ 6-13-1401 et seq.

3.08 "Conversion Project" – (1) A new construction project that converts existing academic or non-academic space into a missing academic core, special education or student dining component of the Program of Requirements (POR) and the conversion project is part of an add-on project for which the district has applied for partnership assistance; or (2) A new construction project that converts existing academic or non-academic space into a missing academic core space only and is in compliance with the POR space requirements. Conversion projects are subject to the criteria and restrictions set forth in the Commission for Arkansas Public School Academic Facilities and Transportation Rules Governing the Academic Facilities Partnership Program.

3.0~~7~~9 Custodial activities – routine and renovation cleaning activities related to daily operations and upkeep of a public school facility, including related supervisory and management activities.

3.1~~0~~8 Division – The Division of Public School Academic Facilities and Transportation.

3.~~09~~11 Facility Condition Index - that particular index obtained by dividing the existing condition costs (that cost to bring a public school academic facility up to current standards) by the facility's replacement cost, using data for such costs available in 2004 or later data if the Division has such data available.

3.1~~0~~2 Facilities distress status – a public school district determined by the Commission for Public School Academic Facilities and Transportation as being in academic facilities distress status.

3.1~~1~~3 Facilities master plan – a six (6) year plan developed by a school district that contains:

3.1~~1~~3.1 Enrollment projections for ten (10) years from the date of the plan;

3.1~~1~~3.2 The school district's strategy for maintaining, repairing, renovating, and improving through new construction or otherwise the school district's academic facilities and equipment; and

3.1~~1~~3.3 Other information required by law.

3.1~~2~~4 Foundation funding – shall have the same meaning as in Ark. Code Ann. § 6-20-2303.

3.1~~3~~5 Local resources – any moneys generated by a school district for the purpose of funding the school district's share of financial participation in any academic facilities project for which a school district is eligible to receive state financial participation under priorities established by the Division. Also referred to as "raised funds" for the purpose of self-funded projects.

3.1~~4~~6 Maintenance, repair, and renovation – any activity or improvement to a public school facility and, if necessary, related areas, such as the physical plant and grounds, that maintains, conserves, or protects the state, condition or efficiency of the public school facility.

3.1~~5~~7 Master Plan Guidelines – Formatting and submission instructions published by the Division for the purpose of submitting master plans. They are found on the Division web site (www.arkansasfacilities.com).

3.1~~6~~8 New construction – any improvement to an academic facility and, if necessary, related areas, such as the physical plant and grounds, that brings the state of condition or efficiency of the academic facility to a state of condition or efficiency better than the academic facility's current condition of completeness or efficiency. New construction includes a new addition to an existing academic facility and construction of a new academic facility.

3.18.1 No state financial participation will be provided for improvements that could be classified as maintenance, repair, and renovation, other than a total renovation project. That portion of a new construction project that consists of maintenance, repair, or renovation will not be considered in calculating state financial participation in a new construction project, nor in prioritization of a new construction project.

3.1~~7~~9 Project – an undertaking in which a school district engages in:

3.1~~7~~9.1 Maintenance, repair, and renovation activities with regard to an academic facility;

3.1~~7~~9.2 New construction of an academic facility; or

3.1~~7~~9.3 Any combination of maintenance, repair, and renovation activities with regard to an academic facility and new construction activities with regard to an academic facility.

3.~~18~~20 Public School Facility – any public school building or space, including related areas such as the physical plant and grounds, that is used for any purpose, including, without limitation:

3.~~18~~20.1 An extracurricular activity;

3.~~18~~20.2 An organized physical activity course defined in Ark. Code Ann. § 6-16-137;

3.~~18~~20.3 Pre-kindergarten education;

3.~~18~~20.4 District administration; or

3.~~18~~20.5 Delivery of instruction to public school students that is an integral part of an adequate education as described in Ark. Code Ann. § 6-20-2302.

3.~~19~~21 Public School Facilities Custodial, Maintenance, Repair and Renovation Manual - a document which contains uniform standards to direct custodial, maintenance, repair and renovation activities in public school facilities, and which is hereby incorporated into and made part of these rules, as "Appendix C" to these rules, as if the Manual was fully set forth herein.

3.2~~0~~2 Public School Academic Facilities Manual – a document which contains uniform standards to guide the planning, design and construction of new academic facilities and additions to existing academic facilities, and which is hereby incorporated into and made a part of these Rules, as "Appendix B" to these Rules, as if the Manual was fully set forth herein.

3.2~~0~~2.1 Variances to the Arkansas Public School Academic Facilities Manual standards may be granted by the Division upon the presentation of evidence of:

3.2~~0~~2.1.1 Existing conditions that makes compliance with applicable standards impractical or unreasonably burdensome; or

3.2~~0~~2.1.2 Other conditions determined by the Division as warranting a variance from applicable public school academic facility standards.

3.2~~1~~3 Reconstitution – the reorganization of the administrative unit or the governing school board of a school district, including, but not limited to, the replacement or removal of a current superintendent, the removal or replacement of a current school board, or both.

3.2~~2~~4 School district – a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem property taxes under Title 26 of the Arkansas Code and which board conducts the daily affairs of public schools under the supervisory authority vested in it by the General Assembly and Title 6 of the Arkansas Code.

3.2~~3~~5 Self-Funded Project - a project that is one hundred percent (100%) raised and funded by the school District, that shall be submitted to and approved by the Division upon compliance with state codes and standards. It will be submitted as an Appendix to the most current school district Master Plan.

3.2~~4~~6 Work Order – an approved work request that will be tracked using the CMMS.

3.2~~5~~7 Work Request – the initial identification of a perceived maintenance need to the maintenance department of a public school. A work request may or may not be identified by a designated official to be a work order.

4.00 ACADEMIC FACILITIES MASTER PLAN PROGRAM – PURPOSE

4.01 The purpose of the Academic Facilities Master Plan Program is to:

4.01.1 Establish a mechanism for state supervision of school district activities impacting academic facilities and equipment;

4.01.2 Develop and continually update information critical to identifying academic facilities needs at the local level across the state; and

4.01.3 Allow the state to manage state financial participation in eligible local academic facilities projects.

4.02 The Academic Facilities Master Plan Program shall require each school district to:

4.02.1 Develop a six (6) year district wide facilities master plan that shall be approved by the school district's board of directors for submission to and approval by the Division; and

4.02.2 Base its facilities plan on:

4.02.2.1 Provisions of the Arkansas Public School Academic Facility Manual as adopted by the Commission for Public School Academic Facilities and Transportation;

4.02.2.2 Priorities indicated by statewide assessment;

4.02.2.3 Priorities established by the Division's statewide facility needs priority list; and

4.02.2.4 Other pertinent data specific to the needs of the school district with regard to academic facilities and equipment.

4.03 The district wide facilities master plan shall include, at a minimum, the following:

4.03.1 A schedule of custodial activities for each public school facility used by a school district;

4.03.2 A schedule of maintenance, repair, and renovation for each academic public school facility used by a school district. The schedule shall distinguish between work associated with academic facilities and work associated with nonacademic public school facilities;

4.03.2.1 School districts shall participate in the state-level computerized maintenance management system (CMMS) to track maintenance, repair, and renovation work orders.

4.03.2.2 School districts are encouraged to implement a work-request system that allows certified staff and classified staff working primarily in a public school facility to utilize the CMMS to inform a public school's maintenance department of needs and to allow the responsible person to prioritize responses and establish work orders.

4.03.2.3 A school district's maintenance work orders should reflect the designated work categories and should be documented upon completion.

4.03.3 Documentation that describes preventive maintenance work for each public school facility and identifies the completion date of the work. The documentation shall distinguish between preventative maintenance work associated with academic facilities and preventative maintenance work associated with nonacademic public facilities;

4.03.3.1 School districts shall participate in the CMMS to track preventative maintenance work.

4.03.3.2 School districts should enter preventative maintenance schedules into the CMMS for the systems existing in all academic and non-academic facilities.

4.03.3.3 School districts should document completed preventative maintenance work orders in the CMMS.

4.03.3.4 School districts should schedule state-mandated inspections required in Ark. Code Ann. § 6-21-813(e) in the CMMS. Only one schedule per system per district is required.

4.03.4 Annual expenditures of the school district for all custodial, maintenance, repair, and renovation activities in the school district. The section of the facilities master plan pertaining to annual expenditures shall distinguish between expenditures associated with

academic facilities and expenditures associated with non– academic public school facilities;

4.03.5 A projected replacement schedule for major building systems in each public school facility;

4.03.6 Identification of issues with regard to public school facility and program access to individuals with disabilities and, if necessary, proposed methods for improving access;

4.03.7 Identification of committed projects within the district that includes, as applicable, a breakdown of the portion of each project between maintenance, repair, and renovation activities and new construction activities;

4.03.7.1 The portion of a committed project pertaining to maintenance, repair and renovation activities shall identify, as applicable activities associated with academic facilities and activities associated with nonacademic public school facilities;

4.03.8 Annual expenditures of the school district for capital outlay;

4.03.9 Description of planned new construction projects with cost estimates for each public school facility, and needs prioritized as set forth in § 4.05 below; and

4.03.10 Narrative analysis of facility needs and response plans to address the overall district strategy of providing suitable, adequate and maintained public school facilities.

4.04 Districts shall submit a master plan to identify prioritized needs of the district as follows:

4.04.1 The district's Master Plan shall be submitted to the Division by February 1 of each even numbered year with the following needs to be addressed:

4.04.1.1 Immediate needs that the school district intends to address within three (3) years following the submission of the facilities master plan; and

4.04.1.2 Long term needs that the school district intends to address within the four (4) to six (6) years following the submission of the facilities master plan.

4.04.2 The district's Master Plan shall address all academic facilities with a building value of zero percent (0%) or less.

4.04.2.1 Each academic facility with a building value of zero percent (0%) or less shall be discussed in the narrative analysis per Section 4.03.10 of these Rules.

4.04.2.2 Planned new construction projects to replace or totally renovate academic facilities with a building value of zero percent (0%) or less should be described per Section 4.03.9 of these Rules.

4.04.2.3 Districts are not required to replace an academic facility when the building value is at or below zero percent (0%).

4.05 In addition, as part of and at the same time of the submission of the facilities master plan, the school district shall provide evidence of the following:

4.05.1 Public comments from public hearings regarding the district's facilities master plan; which must be held in the same locality as the school district; and

4.05.2 Evidence of current student enrollment projections for a period of ten (10) years beginning with the first year of the master plan submission.

5.00 SUBMISSION PROCESS

Each school district in the state shall, in accordance with applicable state law, these Rules, and the guidelines published by the Division:

5.01 Submit the district's facilities master plan, with a summary of comments made at public hearing, to the Division by February 1 of each even numbered year.

5.02 Submit a report to the Division by February 1 of each odd-numbered year that includes:

5.02.1 An automated update of all completed projects since the most recent submission;

5.02.2 Current enrollment projections;

5.02.3 New or continuing needs of the district with regard to academic facilities; and

5.02.4 An accounting of any changes to the district's insurance coverage from the most recent submission.

5.03 Submit evidence of the school district's insurance coverage, including coverage amounts, types of coverage, identification of buildings covered,

policy renewal dates, and all riders, to the Division no later than February 1 of each even numbered year

5.04 A school district which has encountered one of the conditions listed in Section 3.01.2 of these Rules may submit an Amended Master Plan to the Division out of the regular even-numbered year cycle.

6.00 DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES AND TRANSPORTATION RESPONSIBILITIES

The Division shall:

6.01 Establish procedures (guidelines) and timelines for submittals of preliminary master plans, master plan outlines, and master plans;

6.02 Hold consultation meetings with districts regarding preliminary master plans, master plan outlines, and master plans to:

6.02.1 Assure understanding of the general goals of the master plans and reports, and the criteria by which projects will be evaluated;

6.02.2 Discuss ways the master plan may be structured to meet said goals;

6.02.3 Assist districts in preparing accurate budgets and reasonable projects schedules; and

6.02.4 Provide efficiency and productivity in the approval process as to both local academic facilities projects and state financial participation in local projects.

7.00 APPROVAL PROCESS

The Division shall:

7.01 Review, and upon all requirements being met, approve master plans no later than September 1 of each even numbered year; and

7.02 Notify a district no later than May 1 of each odd-numbered year whether the district's application for state financial participation for the upcoming biennium has been approved.

8.00 APPEAL PROCESS

8.01 Appeals of Division determinations are governed by the Commission For Arkansas Public School Academic Facilities And Transportation Rules Governing Appeals From Determinations Of The Arkansas Division Of Public School Academic Facilities And Transportation.