

# Public School Academic Facilities Program

This Act provides a system of state oversight of public school academic facilities so that school districts have academic facilities that support the opportunity for each public school student in the state to have an adequate education. Specifically, this Act directs the state division of public school academic facilities and transportation to develop a comprehensive Public School Academic Facilities Program that includes the following components:

- An Academic Facilities Master Plan Program that establishes process by which each school district develops and submits a facilities master plan for review and approval by the division and the division develops a comprehensive state master for managing state financial participation in local academic facilities projects across the state;
- An Academic Facilities Custodial, Maintenance, Repair, and Renovation Manual that contains uniform standards to direct custodial, maintenance, repair, and renovation activities in public school academic facilities;
- A Public School Academic Facility Manual that contains uniform standards to guide the planning, design, and construction of new support of academic facilities in each of the school districts in the state;
- A Public School Academic Equipment Manual that contains uniform standards for technology systems, instructional materials, and related academic equipment determined to be necessary for a public school to provide an adequate education as defined in state law; and
- An Academic Facilities Distress Program to assist school districts that are unable to conserve and protect their academic facilities in accordance with this Act.

Submitted as:

Arkansas

[Act 1426](#)

Status: Enacted into law in 2005.

## Suggested State Legislation

1 (Title, enacting clause, etc.)

2

3 Section 1. [*Short Title.*] This Act may be cited as “The “Public School Academic  
4 Facilities Program Act.”

5

6 Section 2. [*Intent.*]

7 (a) The [General Assembly] recognizes that:

8 (1) Intelligence and virtue are the safeguards of liberty and the bulwark of a free  
9 and good government;

10 (2) The state should provide constitutionally appropriate public school academic  
11 facilities for the education of each similarly situated child in the public schools of this state,  
12 regardless of where that child resides within the state;

13 (3) The state should require all public school academic facilities to meet  
14 applicable facilities standards established by this Act;

15 (4) It is important to provide that all public school students are educated in  
16 facilities that are suitable for teaching in accordance with:

17 (A) Standards for accreditation adopted by the [State Board of Education];

18 (B) Curriculum frameworks adopted by the [state board]; and

19 (C) Technology systems, instructional materials, and related academic  
20 equipment necessary to provide the adequate education explicated in this section; and

21 (5) The state should require school districts to conserve and protect their academic  
22 facilities in such a manner that the academic facilities remain adequate.

23 (b) It is the intent of this Act to provide a system of state oversight of public school  
24 academic facilities so that school districts have academic facilities that support the opportunity  
25 for each public school student in the state to have an adequate education.

26  
27 Section 3. [Definitions.] As used in this Act:

28 (a) “Academic facility” means a building or space, including related areas such as the  
29 physical plant and grounds, where public school students receive instruction that is an integral  
30 part of an adequate education as described in [insert citation]. A public school building or space,  
31 including related areas such as the physical plant and grounds, used for an extracurricular  
32 activity or an organized physical activity course as defined in [insert citation] shall not be  
33 considered an academic facility for the purposes of this Act to the extent that the building, space,  
34 or related area is used for extracurricular activities or organized physical activities courses,  
35 except for physical educational training and instruction under [insert citation]. Buildings or  
36 spaces, including related areas such as the physical plant and grounds, used for pre-kindergarten  
37 education shall not be considered academic facilities for purposes of this Act. District  
38 administration buildings and spaces, including related areas such as the physical plant and  
39 grounds, shall not be considered academic facilities for the purpose of this Act;

40 (b) “Annexation” means the joining of an affected school district or part of the school  
41 district with a receiving district under [insert citation];

42 (c) “Consolidation” means the joining of [two] or more school districts or parts of the  
43 districts to create a new single school district under [insert citation];

44 (d) “Custodial activities” means routine and renovation cleaning activities related to  
45 daily operations and upkeep of academic facilities, including related supervisory and  
46 management activities;

47 (e) “Facilities distress status” means a public school district determined by the [Division  
48 of Public School Academic Facilities and Transportation] as being in academic facilities distress  
49 status under this Act;

50 (f) “Facilities improvement plan” means a remedial plan developed by a school district  
51 for a public school or school district identified as being in academic facilities distress that  
52 supplements the school district’s facilities master plan by:

53 (1) Identifying specific interventions and actions the public school or school  
54 district will undertake in order to correct deficient areas of practice with regard to custodial,  
55 maintenance, repair, and renovation activities in the school district; and

56 (2) Describing how the school district will remedy those areas in which the school  
57 district is experiencing facilities distress, including the designation of the time period by which  
58 the school district will correct all deficiencies that placed the school district in facilities distress  
59 status;

60 (g) “Facilities master plan” means a [ten-year plan] developed by a school district that  
61 contains current enrollment projections and details the school district’s strategy for maintaining,  
62 repairing, renovating, and improving through new construction or otherwise the school district’s  
63 academic facilities and equipment;

64 (h) “Foundation funding” shall have the same meaning as in [insert citation];

65 (i) “Local resources” means any moneys lawfully generated by a school district for the  
66 purpose of funding the school district’s share of financial participation in any academic facilities  
67 project for which a school district is eligible to receive state financial participation under

68 priorities established by the [Division of Public School Academic Facilities and Transportation];  
69 (j) "Maintenance, repair, and renovation" means any activity or improvement to an  
70 academic facility and, if necessary, related areas, such as the physical plant and grounds, that:  
71 (1) Maintains, conserves, or protects the state of condition or efficiency of the  
72 academic facility; or  
73 (2) Brings the state of condition or efficiency of the academic facility up to the  
74 facility's original condition of completeness or efficiency;  
75 (k) (1) "New construction" means any improvement to an academic facility and, if  
76 necessary, related areas, such as the physical plant and grounds, that brings the state of condition  
77 or efficiency of the academic facility to a state of condition or efficiency better than the academic  
78 facility's original condition of completeness or efficiency;  
79 (l) "New construction" includes additions to existing academic facilities and new  
80 academic facilities;  
81 (m) "Project" means an undertaking in which a school district engages in:  
82 (1) Maintenance, repair, and renovation activities with regard to an academic  
83 facility;  
84 (2) New construction of an academic facility; or  
85 (3) Any combination of maintenance, repair, and renovation and new construction  
86 activities with regard to an academic facility;  
87 (n) "Reconstitution" means the reorganization of the administrative unit or the governing  
88 school board of a school district, including, but not limited to, the replacement or removal of a  
89 current superintendent, the removal or replacement of a current school board, or both;  
90 (o) "School district" means a geographic area with an elected board of directors that  
91 qualifies as a taxing unit for purposes of ad valorem property taxes under [insert citation] and  
92 which board conducts the daily affairs of public schools under the supervisory authority vested in  
93 it by the [insert citation]; and  
94 (p) "Space utilization" means the number of gross square feet per student in a public  
95 school academic facility adjusted for academic program, school enrollment, grade configuration,  
96 and type of public school in accordance with rules promulgated by the [Commission for Public  
97 School Academic Facilities and Transportation].  
98

99 Section 4. [*Public School Academic Facilities Program.*]

100 (a) The [Division of Public School Academic Facilities and Transportation] shall  
101 develop a comprehensive Public School Academic Facilities Program that includes the following  
102 components:  
103 (1) An Academic Facilities Master Plan Program that establishes a process by  
104 which:  
105 (A) Each school district develops and submits a facilities master plan for  
106 review and approval by the [division]; and  
107 (B) The [division] develops a comprehensive state master plan for  
108 managing state financial participation in local academic facilities projects across the state;  
109 (2) An Academic Facilities Custodial, Maintenance, Repair, and Renovation  
110 Manual that contains uniform standards to direct custodial, maintenance, repair, and renovation  
111 activities in public school academic facilities;  
112 (3) A Public School Academic Facility Manual that contains uniform standards to  
113 guide the planning, design, and construction of new public school academic facilities and  
114 additions to existing public school academic facilities;  
115 (4) A Public School Academic Equipment Manual that contains uniform  
116 standards for technology systems, instructional materials, and related academic equipment

117 determined to be necessary for a public school to provide an adequate education as defined in  
118 [insert citation]; and

119 (5) An Academic Facilities Distress Program to assist school districts that are  
120 unable to conserve and protect their academic facilities in accordance with this Act and rules  
121 adopted by the [Commission for Public School Academic Facilities and Transportation].

122 (b) The [Commission for Public School Academic Facilities and Transportation] shall  
123 promulgate rules necessary to administer the Public School Academic Facilities Program, all its  
124 component and related programs, and the provisions of this Act, which shall promote the intent  
125 and purposes of this Act and assure the prudent and resourceful expenditure of state funds with  
126 regard to public school academic facilities throughout the state.

127

128 Section 5. [*Academic Facilities Master Plan Program - Purpose.*] The purposes of the  
129 Academic Facilities Master Plan Program and this section are to:

130 (1) Establish a mechanism for state supervision of school district activities  
131 impacting academic facilities and equipment;

132 (2) Develop and continually update information critical to identifying academic  
133 facilities needs at the local level and across the state; and

134 (3) Allow the state to manage state financial participation in eligible local  
135 academic facilities projects.

136

137 Section 6. [*Academic Facilities Master Plan Program - School Districts.*]

138 (a) The Academic Facilities Master Plan Program shall require each school district to:

139 (1) Develop a [ten-year] districtwide facilities master plan that shall be approved  
140 by the school district's board of directors for submission to and approval by the [Division of  
141 Public School Academic Facilities and Transportation];

142 (2) Base its facilities master plan on the provisions of the Public School  
143 Academic Facility Manual as adopted by the [Commission for Public School Academic Facilities  
144 and Transportation] and on priorities indicated by statewide assessment and other pertinent data  
145 specific to the needs of the school district with regard to academic facilities and equipment;

146 (3) Present a draft of the school district's facilities master plan in a public hearing  
147 in the same locality as the school district and take public comments;

148 (4) Submit evidence of the school district's insurance coverage to the [division]  
149 by [July 1, 2006], including coverage amounts, types of coverage, identification of buildings  
150 covered, policy renewal dates, and all riders;

151 (5) Submit the school district's facilities master plan with a summary of  
152 comments made at public hearing to the [division] by [February 1 of each even-numbered year];  
153 and

154 (6) Submit a report to the [division] by [February 1 of each odd-numbered year]  
155 that includes a description of all projects completed in the school district since the submission of  
156 the school district's most recent facilities master plan, the school district's current enrollment  
157 projections, new or continuing needs of the school district with regard to academic facilities and  
158 equipment, and an accounting of any changes in the school district's insurance coverage from the  
159 most recent submission.

160 (b) A facilities master plan shall include, at a minimum, the following:

161 (1) A current inventory of all academic facilities, technology systems,  
162 instructional materials, and related academic equipment in the school district;

163 (2) A schedule of custodial activities for each academic facility used by a school  
164 district;

165 (3) A schedule of maintenance, repair, and renovation activities for each

166 academic facility used by a school district;

167 (4) Documentation that describes preventive maintenance work for each  
168 academic facility and identifies the completion date of the work;

169 (5) Annual expenditures of the school district for all custodial, maintenance,  
170 repair, and renovation activities in the school district;

171 (6) A projected replacement schedule for major building systems in each  
172 academic facility;

173 (7) The school district's plan for caring for and maintaining technology systems,  
174 instructional materials, and related academic equipment in each academic facility;

175 (8) A projected replacement schedule for technology systems, instructional  
176 materials, and related academic equipment;

177 (9) Identification of issues with regard to facility and program access to  
178 individuals with disabilities and, if necessary, proposed methods for improving access;

179 (10) Identification of committed projects within the school district that includes,  
180 as applicable, a breakdown of the portion of each project between maintenance, repair, and  
181 renovation and new construction;

182 (11) Annual expenditures of the school district for capital outlay;

183 (12) A description of planned new construction projects with cost estimates for  
184 each academic facility within the school district and needs prioritized as follows:

185 (A) (i) Immediate needs that the school district intends to address  
186 within [three] years following the submission of the facilities master plan.

187 (ii) A school district shall separate the immediate needs described  
188 in the master plan submitted by [insert date] into [two] categories as follows:

189 (aa) Immediate needs that the school district intends to  
190 address during the period from [July 1, 2006 through June 30, 2007]; and

191 (bb) Immediate needs that the school district intends to  
192 address during the [2007-2009] biennium.

193 (13) Short-term needs that the school district intends to address within the [four]  
194 to [six] years following the submission of the facilities master plan; and

195 (14) Long-term needs that the school district intends to address within the [seven]  
196 to [ten] years following the submission of the facilities master plan; and

197 (15) Evidence of the school district's insurance coverage, including coverage  
198 amounts, types of coverage, identification of buildings covered, policy renewal dates, and all  
199 riders.

200 (c) The [division] shall establish procedures and timelines for a school district to submit  
201 a preliminary facilities master plan or a master plan outline to the [division] before the  
202 submission of the school district's final facilities master plan. The preliminary master plan or  
203 master plan outline shall form the basis for a consultation meeting between representatives of the  
204 district and members of the [division]. As soon as practicable after submission of the preliminary  
205 master plan or master plan outline, the [division] shall hold the consultation meeting with the  
206 school district to:

207 (1) Assure understanding of the general goals of this Act and the criteria by  
208 which projects will be evaluated;

209 (2) Discuss ways the facilities master plan may be structured to meet the goals of  
210 this Act;

211 (3) Assist districts to prepare accurate budgets and reasonable project schedules;

212 and

213 (4) Provide for efficiency and productivity in the approval process for local  
214 academic facilities projects and state financial participation in local projects.

215 (d) (1) The [division] shall review and approve a school district's facilities master  
216 plan no later than [May 1, 2006] with regard to academic facilities projects for which a school  
217 district intends to apply for state financial participation during [fiscal year 2006-2007]. The  
218 [division] shall notify a school district no later than [July 1, 2006] that the school district's  
219 application for state financial participation during [fiscal year 2006-2007] in an eligible new  
220 construction project has been approved.

221 (2) Except as provided in subsection (d)(1) of this section, the [division] shall  
222 review and approve a school district's facilities master plan no later than [September 1 of each  
223 even-numbered year] and shall notify a school district no later than [May 1 of each odd-  
224 numbered year] that the school district's application for state financial participation during the  
225 upcoming biennium in an eligible new construction project has been approved.

226  
227 Section 7. [*Academic Facilities Master Plan Program - State Plan.*] The [Division of  
228 Public School Academic Facilities and Transportation] shall develop a comprehensive state  
229 master plan for managing state financial participation in local academic facilities projects across  
230 the state. The state academic facilities master plan shall include:

231 (1) A list of committed projects for public school academic facilities for the  
232 upcoming fiscal year categorized by program and method of state financial participation;

233 (2) The total estimated cost of each committed project and the estimated amount  
234 of state financial participation; and

235 (3) A [four-year rolling forecast] of planned new construction projects related to  
236 public school academic facilities.

237

238 Section 8. [*Custodial, Maintenance, Repair, and Renovation Manual.*]

239 (a) The purposes of the Facilities Custodial, Maintenance, Repair, and Renovation  
240 Manual and this section are to:

241 (1) Provide for the long-term conservation and protection of public school  
242 academic facilities;

243 (2) Eliminate the deterioration of existing and future public school academic  
244 facilities;

245 (3) Provide a safe and healthy environment for students, teachers, administrators,  
246 and staff of the public schools; and

247 (4) Provide for the efficient use of state and local funds in support of academic  
248 facilities in each of the school districts in this state.

249 (b) (1) The Facilities Custodial, Maintenance, Repair, and Renovation Manual shall  
250 contain standards for custodial operations related to academic facilities.

251 (2) Standards for custodial operations in academic facilities shall include the  
252 following:

253 (A) The required contents of a custodial care plan;

254 (B) A suggested schedule for routine care and renovation cleaning;

255 (C) Levels of personnel necessary to perform custodial operations;

256 (D) Training criteria for the use and storage of supplies and equipment,  
257 with emphasis given to chemical right-to-know, indoor air quality, and other applicable  
258 standards;

259 (E) Supplies and equipment necessary to perform custodial operations,  
260 including space standards for the proper storage of supplies and equipment;

261 (F) In-service training opportunities for custodial personnel;

262 (G) Designation of routine duties; and

263 (H) Designation of renovation cleaning duties.

264 (c) (1) The Facilities Custodial, Maintenance, Repair, and Renovation Manual shall  
265 contain standards for maintenance, repair, and renovation activities related to academic facilities.  
266 (2) Standards for maintenance, repair, and renovation activities shall include the  
267 following:

268 (A) The required contents of a preventive maintenance plan, which shall  
269 include guidelines for:

270 (i) Scheduling preventive maintenance activities for academic  
271 facilities; and  
272 (ii) Preparing and retaining documentation that describes  
273 preventive maintenance work related to academic facilities and identifies the completion date of  
274 the work;

275 (B) Development and implementation of a work-request system to allow  
276 others to inform a public school's maintenance department of needs and to allow the responsible  
277 person to prioritize responses;

278 (C) Levels of personnel necessary to perform maintenance operations;

279 (D) Training criteria for maintenance personnel with regard to school  
280 policies, safety procedures, use of specialized equipment, compliance with federal, state, county,  
281 and municipal laws and regulations impacting academic facilities and equipment, and other  
282 applicable areas;

283 (E) In-service training opportunities for maintenance personnel;

284 (F) Inspection, cleaning, servicing, and repair of heating, ventilation, and  
285 air-conditioning systems;

286 (G) Inspection and repair of electrical systems;

287 (H) Inspection and repair of hot water boilers and heaters;

288 (I) Inspection and repair of fire alarms;

289 (J) Inspection and repair and servicing of fire sprinkler systems;

290 (K) Inspection and repair of fire extinguishers and kitchen hood vent  
291 suppression systems;

292 (L) Inspection and repair of emergency lighting and exit light fixtures;

293 (M) Inspection and repair of elevators and wheelchair lifts;

294 (N) Inspection and repair of plumbing;

295 (O) Inspection and repair of roofs;

296 (P) Inspection and repair of stairwell areas;

297 (Q) Inspection and repair of interior and exterior lighting;

298 (R) Inspection and repair of doors and windows;

299 (S) Inspection and repair of floor coverings;

300 (T) Inspection and repair of masonry and concrete buildings' exteriors;

301 (U) Inspection and repair of interior and exterior finishes;

302 (V) Inspection and repair of kitchen equipment;

303 (W) Maintenance of a pest control program;

304 (X) Inspection and repair of sidewalks, driveways, parking areas, and  
305 paved play areas;

306 (Y) Inspection and repair of parking lots, handicap parking spaces,  
307 driveways, fire and emergency vehicle zones, and bus and car loading and unloading areas;

308 (Z) Inspection of playground equipment; and  
309 (AA) Grounds maintenance.

310 (d) (1) Beginning with the [2005-2006 school year], each school district shall  
311 dedicate [nine percent] of its foundation funding exclusively to payment of utilities and  
312 custodial, maintenance, repair, and renovation activities and related personnel costs. If any

313 amount of the dedicated [nine percent] is unspent at the end of the school district's fiscal year,  
314 the funds shall carry over and the school district shall transfer the remaining amount into an  
315 academic facilities escrow account to be released only upon approval by the [Division of Public  
316 School Academic Facilities and Transportation] for use in conjunction with a local academic  
317 facilities project.

318 (2) A school district is not required to use funds in its academic facilities escrow  
319 account for new construction projects. New construction projects shall be funded by local  
320 resources, which may include funds in the school district's academic facilities escrow account if  
321 approved by the [division]. In addition, new construction projects may be eligible for state  
322 financial participation.

323

324 Section 9. [*Public School Academic Facility Manual.*]

325 (a) The Public School Academic Facility Manual shall contain uniform standards to  
326 guide the planning, design, and construction of new public school academic facilities and  
327 additions to existing public school academic facilities.

328 (b) Design and construction standards shall include provisions addressing the following  
329 areas:

330 (1) Planning concepts related to current educational best practices, special  
331 education, workforce development, and program and design capacity;

332 (2) Organizational, facility, program, and service issues, including grade  
333 configuration, school size, and class size;

334 (3) Site selection, including guidelines about site size and site amenities, such as  
335 site access, grading, drainage, drives, parking, walks, fencing, exterior security provisions,  
336 exterior lighting, mechanical yards, electrical yards, site furnishings, play fields, playgrounds,  
337 and landscaping;

338 (4) Standards for size and quantity of instruction and support spaces;

339 (5) Program space guidelines, including necessary features, loose furnishings,  
340 finishes related to identified programs and services;

341 (6) Design standards and guidelines regarding the quality of materials and systems  
342 for the following building systems:

343 (A) Fire and safety;

344 (B) Roofing;

345 (C) Structural;

346 (D) Heating, ventilation, and air conditioning;

347 (E) Plumbing;

348 (F) Electrical;

349 (G) Exterior;

350 (H) Interior;

351 (I) Technology; and

352 (J) Specialties, including equipment and furnishings; and

353 (K) Repair and construction cost guidelines.

354 (c) The manual shall also include provisions addressing the following:

355 (1) (A) A process by which a school district may apply for a variance from  
356 applicable academic facility standards upon presenting evidence of:

357 (i) The existence of conditions that make compliance with  
358 applicable standards impractical or unreasonably burdensome; and

359 (ii) Other conditions determined by the [Division of Public School  
360 Academic Facilities and Transportation] as warranting a variance from applicable public school  
361 academic facility standards.

362 (B) The variance provision shall address minimum standards for academic  
363 facilities that are reasonably expected to close or be replaced within [three] years;

364 (2) Review and approval of all plans and designs for major building systems  
365 related to new construction of academic facilities prior to preparation of final bid or other  
366 applicable procurement documents;

367 (3) Site inspections of all major building and design systems at appropriate stages  
368 of construction;

369 (4) Contingency plans for review and inspection by the [division] if appropriate  
370 state, local, or other officials are unable or unwilling to complete an appropriate plan review or  
371 site inspection;

372 (5) Oversight by the [division] of a project for which the school district does not  
373 use the services of an architect; and

374 (6) The short-term temporary use of premanufactured portable buildings.

375 (d) The [division] shall review and update the Public School Academic Facility Manual  
376 on an annual basis.

377  
378 Section 10. [*Public School Academic Equipment Manual.*]

379 (a) The Public School Academic Equipment Manual shall contain uniform standards for  
380 technology systems, instructional materials, and related academic equipment determined to be  
381 necessary for a public school to provide an adequate education as [insert citation].

382 (b) (1) The standards for technology systems, instructional materials, and related  
383 academic equipment shall address the following areas:

384 (A) Science and Mathematics;

385 (B) Library Media Center;

386 (C) English and Language Arts;

387 (D) Foreign Language;

388 (E) Social Studies;

389 (F) Health Education and Physical Education;

390 (G) Art;

391 (H) Music;

392 (I) Guidance and Health Services; and

393 (J) Workforce education.

394 (2) The standards shall account for variations in a school district's use of and need  
395 for technology systems, instructional materials, and related academic equipment, such as size of  
396 school district, grade configuration of schools with the district, number of course offerings  
397 available, and enrollment levels.

398 (3) The standards shall establish a method for creating, maintaining, and updating  
399 an inventory of public school academic equipment, including, without limitation, technology  
400 systems, instructional materials, and related academic equipment.

401  
402 Section 11. [*Academic Facilities Distress Program.*]

403 (a) The [Division of Public School Academic Facilities and Transportation] shall identify  
404 a public school or school district as being in academic facilities distress if the [division]  
405 determines that the public school or school district has engaged in actions or inactions that result  
406 in any of the following:

407 (1) Any act or violation determined by the [division] to jeopardize any academic  
408 facility used by a public school or school district, including, but not limited to:

409 (A) Material failure to properly maintain academic facilities in accordance  
410 with this Act and rules adopted by the [Commission for Public School Academic Facilities and

411 Transportation];

412 (B) Material violation of local, state, or federal fire, health, or safety code

413 provisions or laws;

414 (C) Material violation of applicable building code provisions or law;

415 (D) Material failure to provide timely and accurate facilities master plans

416 to the [division];

417 (E) Material failure to comply with state law governing purchasing or bid

418 requirements in relation to academic facilities projects; or

419 (F) Material default on any school district debt obligation; or

420 (2) Any other condition of an academic facility or facilities in a public school or

421 school district that is determined by the [division] to have a detrimental impact on educational

422 services provided by that public school or school district.

423 (b) The [division] shall provide written notice, via certified mail, return receipt requested,

424 to the president of the school board and the superintendent of the public school or school district

425 identified as being in facilities distress.

426 (c) (1) A public school or school district identified as being in facilities distress shall

427 develop a facilities improvement plan within [thirty days] from the date of receipt of the notice

428 and promptly submit the facilities improvement plan to the [division] for review and approval.

429 (2) A public school or school district shall review and revise its facilities

430 improvement plan on a periodic basis as determined by the [division] and submit the updated

431 facilities improvement plan to the [division] in order for the [division] to determine whether the

432 public school or school district is correcting its deficient areas of practice regarding academic

433 facilities.

434 (3) A school district shall use facilities improvement plans as necessary to

435 supplement and update its facilities master plan.

436 (d) When a school district is identified by the [division] to be in facilities distress, the

437 [division] may:

438 (1) (A) Provide on-site technical evaluation and assistance and make

439 recommendations to the district superintendent regarding the care and maintenance of any

440 academic facility in the district.

441 (B) Any school district identified as being in facilities distress status shall

442 accept on-site technical evaluation and assistance from the [division].

443 (C) The recommendations of the [division] are binding on the district, the

444 superintendent, and the school board;

445 (2) Require the superintendent to relinquish all administrative authority with

446 respect to the school district;

447 (3) (A) Appoint an individual in place of the superintendent to

448 administratively operate the school district under the supervision and approval of the [Director of

449 the Division of Public School Academic Facilities and Transportation].

450 (B) The [division] may direct the school district to compensate from

451 school district funds the individual appointed to operate the school district;

452 (4) Suspend or remove all of the current board of directors and call for the

453 election of a new school board for the school district, in which case the school district shall

454 reimburse the county board of election commissioners for election costs as otherwise required by

455 law;

456 (5) Require the school district to operate without a local school board under the

457 supervision of the local superintendent or an individual or panel appointed by the director of the

458 [division];

459 (6) Return the administration of the school district to the former board or place the

460 administration of the school district in a newly elected school board;

461 (7) Require school district staff and employees to attend training in areas of  
462 concern for the public school or school district;

463 (8) (A) Require a school district to cease immediately all expenditures related  
464 to activities not described as part of an adequate education in [insert citation] and place money  
465 that would have been spent on the activities into an academic facilities escrow account to be  
466 released only upon approval by the [division] for use in conjunction with a local academic  
467 facilities project.

468 (B) School districts shall include a clause addressing this contingency in  
469 all contracts with personnel who are involved with activities not described as part of an adequate  
470 education;

471 (9) Notify the public school or school district in writing that the deficiencies  
472 regarding academic facilities shall be corrected within a time period designated by the [division];

473 (10) (A) Petition the [state board] at any time for the consolidation, annexation,  
474 or reconstitution of a school district in facilities distress or take other appropriate action as  
475 allowed by this Act in order to secure and protect the best interest of the educational resources of  
476 the state or to provide for the best interests of students in the school district.

477 (B) The [state board] may approve the petition or take other appropriate  
478 action as allowed by this [Act].

479 (C) The [state board] shall consolidate, annex, or reconstitute any school  
480 district that fails to remove itself from the classification of a school district in facilities distress  
481 within [two consecutive school years] of receipt of notice of identification of facilities distress  
482 status by the [division]. A school district may appeal the action of the [state board] to the  
483 [Commission for Public School Academic Facilities and Transportation] in accordance with  
484 procedures developed by the [state board]. The [commission] may reverse the action of the [state  
485 board] if the [commission] finds that the school district could not remove itself from facilities  
486 distress due to impossibility caused by external forces beyond the school district's control; and

487 (11) Take any other action allowed by law that is deemed necessary to assist a  
488 public school or school district in removing criteria of facilities distress.

489 (e) No school district identified by the [division] as being in facilities distress may incur  
490 any debt without the prior written approval of the [commission].

491 (f) A public school or school district in facilities distress may petition the [commission]  
492 for removal from facilities distress status only after the [division] has certified in writing that the  
493 public school or school district has corrected all criteria for being classified as in facilities  
494 distress and has complied with all [division] recommendations and requirements for removal  
495 from facilities distress.

496 (g) The [division] shall submit a written evaluation on the status of each school district in  
497 facilities distress to the [commission] and the [state board] at least once every [six months].

498

499 Section 12. *[Facilities Distress - Student transfers.]*

500 (a) Any student attending a public school district classified as being in facilities distress  
501 shall automatically be eligible and entitled under [insert citation] to transfer to another  
502 geographically contiguous school district not in facilities distress during the time period that a  
503 district is classified as being in facilities distress. The student is not required to file a petition by  
504 [July 1] but shall meet all other requirements and conditions of the [insert citation].

505 (b) The resident district shall pay the cost of transporting the student from the resident  
506 district to the nonresident district.

507 (c) The nonresident district shall count the student for average daily membership  
508 purposes.

509

510 Section 13. *[Inspections.]*

511 (a) The [Division of Public School Academic Facilities and Transportation] shall  
512 conduct random unannounced on-site inspections of all academic facilities that have been funded  
513 wholly or in part by moneys from the state to ensure compliance with the school district's  
514 facilities master plan and, if applicable, the school district's facilities improvement plan in order  
515 to preserve the integrity of and extend the useful life of public school academic facilities and  
516 equipment across the state.

517 (b) The [division] shall submit reports regarding its on-site inspections of academic  
518 facilities to the [Commission for Public School Academic Facilities and Transportation] within  
519 [thirty days] of completion of the on-site inspections.

520 (c) Based on the [division's] on-site inspection or notification by the [division] to the  
521 [commission] that the changes or additions to a school district's facilities master plan or facilities  
522 improvement plan required by the [division] have not been implemented within the time period  
523 prescribed by the [division], the [commission] shall restrict the use of the necessary funds or  
524 otherwise allocate funds from moneys appropriated by the [General Assembly].

525

526 Section 14. *[Appealing Determinations of the Division of Public School Academic*  
527 *Facilities and Transportation.]*

528 (a) A school district may appeal any determination of the [Division of Public School  
529 Academic Facilities and Transportation] under this Act to the [Commission for Public School  
530 Academic Facilities and Transportation] in accordance with procedures developed by the  
531 [commission].

532 (b) All decisions of the [Commission for Public School Academic Facilities and  
533 Transportation] resulting from a school district's appeal of a [division] determination under this  
534 Act shall be final and shall not be subject to further appeal or request for rehearing to the  
535 [commission] or petition for judicial review under [insert citation].

536

537 Section 15. *[Standards for School Construction.]*

538 (a) The [State Board of Education] shall establish reasonable minimum standards for  
539 schoolhouse construction, and standards may be revised from time to time as educational  
540 problems and methods of procedure develop and change.

541 (b) The standards shall include review and approval by all appropriate and applicable  
542 state agencies, boards, and local officials for compliance with, including, but not limited to, the  
543 following:

- 544 (1) State Plumbing Code, [insert citation];  
545 (2) State Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR)  
546 Code, [insert citation];  
547 (3) State Fire Prevention Act, [insert citation];  
548 (4) State Seismic Code, [insert citation];  
549 (5) The Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part  
550 36, Appx. A;  
551 (6) State Architectural Act, [insert citation];  
552 (7) State Professional Engineers Act, [insert citation], and  
553 (8) State Public Works Act, [insert citation],

554 (c) As used in this section and in section 16 of this Act, "schoolhouse" means any  
555 elementary or secondary school district facility that will be used for administrative, educational,  
556 or physical education purposes.

557 (d) This section shall be repealed as of the effective date of the Public School Academic

558 Facility Manual as adopted by the [Commission for Public School Academic Facilities and  
559 Transportation].

560

561 Section 16. [*Approval of Building Plans.*]

562 (a) No new schoolhouse shall be built except in accordance with the plan finally  
563 approved by the [Commission for Public School Academic Facilities and Transportation] for all  
564 projects where the [commission] requires its approval.

565 (b) Where so required by the [commission], a copy of approved plans and specifications  
566 of all new schoolhouses or additions shall be filed with and approved by the [commission] before  
567 construction shall be commenced.

568 (c) (1) A copy of final construction documents shall be submitted to the  
569 [Architectural Section of the State Building Authority] for review in regard to compliance with  
570 the [Americans with Disabilities Act Accessibility Guidelines].

571 (2) All review comments received from the [State Building Authority] shall be in  
572 writing.

573 (3) Corrected construction documents shall be received and approved by [State  
574 Building Authority].

575 (4) No project shall be released for bidding or construction until the requirements  
576 of section 15 of this Act and this section are met.

577 (d) Review and approval of plans under this section or otherwise shall not be a  
578 guarantee of state financial participation in any public school academic facilities project.

579

580 Section 17. [*Facilities.*]

581 (a) Physical aspects and specifications for buildings, classrooms, and other facilities for,  
582 or likely to be used by, children with disabilities shall be approved by a designee of the [Division  
583 of Public School Academic Facilities and Transportation] or a designee.

584 (b) A The [division] or a designee of the [division] is required to review plans for public  
585 school construction or remodeling which are designed for children with disabilities to ensure  
586 accessibility and usefulness for that purpose.

587

588 Section 18. [*Severability.*] [Insert severability clause.]

589

590 Section 19. [*Repealer.*] [Insert repealer clause.]

591

592 Section 20. [*Effective Date.*] [Insert effective date.]