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

(Title, enacting clause, etc.)

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

Section 2. [Intent.]
(a) The [General Assembly] recognizes that:
   (1) Intelligence and virtue are the safeguards of liberty and the bulwark of a free and good government;
   (2) The state should provide constitutionally appropriate public school academic facilities for the education of each similarly situated child in the public schools of this state, regardless of where that child resides within the state;
   (3) The state should require all public school academic facilities to meet applicable facilities standards established by this Act;
   (4) It is important to provide that all public school students are educated in facilities that are suitable for teaching in accordance with:
      (A) Standards for accreditation adopted by the [State Board of Education];
      (B) Curriculum frameworks adopted by the [state board]; and
(C) Technology systems, instructional materials, and related academic
equipment necessary to provide the adequate education explicated in this section; and

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

(b) It is the intent of this Act to provide 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.

Section 3, [Definitions.] As used in this Act:
(a) “Academic facility” means 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 [insert citation]. 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 [insert citation] shall not be
considered an academic facility for the purposes of this Act 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 [insert citation]. 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 this Act. 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 this Act;

(b) “Annexation” means the joining of an affected school district or part of the school
district with a receiving district under [insert citation];
(c) “Consolidation” means the joining of [two] or more school districts or parts of the
districts to create a new single school district under [insert citation];
(d) “Custodial activities” means routine and renovation cleaning activities related to
daily operations and upkeep of academic facilities, including related supervisory and
management activities;

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

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

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

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

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

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

(i) “Local resources” means any moneys lawfully 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 of Public School Academic Facilities and Transportation];

(j) “Maintenance, repair, and renovation” means any activity or improvement to an academic facility and, if necessary, related areas, such as the physical plant and grounds, that:

(1) Maintains, conserves, or protects the state of condition or efficiency of the academic facility; or

(2) Brings the state of condition or efficiency of the academic facility up to the facility’s original condition of completeness or efficiency;

(k) (1) “New construction” means 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 original condition of completeness or efficiency;

(l) “New construction” includes additions to existing academic facilities and new academic facilities;

(m) “Project” means an undertaking in which a school district engages in:

(1) Maintenance, repair, and renovation activities with regard to an academic facility;

(2) New construction of an academic facility; or

(3) Any combination of maintenance, repair, and renovation and new construction activities with regard to an academic facility;

(n) “Reconstitution” means 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;

(o) “School district” means a geographic area with an elected board of directors that qualifies as a taxing unit for purposes of ad valorem property taxes under [insert citation] and which board conducts the daily affairs of public schools under the supervisory authority vested in it by the [insert citation]; and

(p) “Space utilization” means the number of gross square feet per student in a public school academic facility adjusted for academic program, school enrollment, grade configuration, and type of public school in accordance with rules promulgated by the [Commission for Public School Academic Facilities and Transportation].

Section 4. [Public School Academic Facilities Program.]

(a) The [Division of Public School Academic Facilities and Transportation] shall develop a comprehensive Public School Academic Facilities Program that includes the following components:

(1) An Academic Facilities Master Plan Program that establishes a process by which:

(A) Each school district develops and submits a facilities master plan for review and approval by the [division]; and

(B) The [division] develops a comprehensive state master plan for managing state financial participation in local academic facilities projects across the state;

(2) 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;

(3) A Public School Academic Facility Manual that contains uniform standards to guide the planning, design, and construction of new public school academic facilities and additions to existing public school academic facilities;

(4) 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
[insert citation]; and

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

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

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

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

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

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

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

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

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

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

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

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

(5) Submit the school 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];
and

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

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

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

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

(3) A schedule of maintenance, repair, and renovation activities for each
academic facility used by a school district;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Provide for efficiency and productivity in the approval process for local academic facilities projects and state financial participation in local projects.
The [division] shall review and approve a school district’s facilities master plan no later than [May 1, 2006] with regard to academic facilities projects for which a school district intends to apply for state financial participation during [fiscal year 2006-2007]. The [division] shall notify a school district no later than [July 1, 2006] that the school district’s application for state financial participation during [fiscal year 2006-2007] in an eligible new construction project has been approved.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(G) Designation of routine duties; and

(H) Designation of renovation cleaning duties.
(c) (1) The Facilities Custodial, Maintenance, Repair, and Renovation Manual shall contain standards for maintenance, repair, and renovation activities related to academic facilities. (2) Standards for maintenance, repair, and renovation activities shall include the following:

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

(i) Scheduling preventive maintenance activities for academic facilities; and

(ii) Preparing and retaining documentation that describes preventive maintenance work related to academic facilities and identifies the completion date of the work;

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

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

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

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

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

(G) Inspection and repair of electrical systems;

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

(I) Inspection and repair of fire alarms;

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

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

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

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

(N) Inspection and repair of plumbing;

(O) Inspection and repair of roofs;

(P) Inspection and repair of stairwell areas;

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

(R) Inspection and repair of doors and windows;

(S) Inspection and repair of floor coverings;

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

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

(V) Inspection and repair of kitchen equipment;

(W) Maintenance of a pest control program;

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

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

(Z) Inspection of playground equipment; and

(AA) Grounds maintenance.

(d) (1) Beginning with the [2005-2006 school year], each school district shall dedicate [nine percent] of its foundation funding exclusively to payment of utilities and custodial, maintenance, repair, and renovation activities and related personnel costs. If any
amount of the dedicated [nine percent] is unspent at the end of the school district’s fiscal year, the funds shall carry over and the school district shall transfer the remaining amount into an academic facilities escrow account to be released only upon approval by the [Division of Public School Academic Facilities and Transportation] for use in conjunction with a local academic facilities project.

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

Section 9. [Public School Academic Facility Manual.]

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

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

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

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

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

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

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

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

(A) Fire and safety;

(B) Roofing;

(C) Structural;

(D) Heating, ventilation, and air conditioning;

(E) Plumbing;

(F) Electrical;

(G) Exterior;

(H) Interior;

(I) Technology; and

(J) Specialties, including equipment and furnishings; and

(K) Repair and construction cost guidelines.

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

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

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

   (ii) Other conditions determined by the [Division of Public School Academic Facilities and Transportation] as warranting a variance from applicable public school academic facility standards.
(B) The variance provision shall address minimum standards for academic facilities that are reasonably expected to close or be replaced within [three] years;

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

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

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

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


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

Section 10. [Public School Academic Equipment Manual.]

(a) The Public School Academic Equipment Manual shall contain 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 [insert citation].

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

(A) Science and Mathematics;
(B) Library Media Center;
(C) English and Language Arts;
(D) Foreign Language;
(E) Social Studies;
(F) Health Education and Physical Education;
(G) Art;
(H) Music;
(I) Guidance and Health Services; and
(J) Workforce education.

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

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

Section 11. [Academic Facilities Distress Program.]

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

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

(A) Material failure to properly maintain academic facilities in accordance with this Act and rules adopted by the [Commission for Public School Academic Facilities and
Transportation]; (B) Material violation of local, state, or federal fire, health, or safety code provisions or laws; (C) Material violation of applicable building code provisions or law; (D) Material failure to provide timely and accurate facilities master plans to the [division]; (E) Material failure to comply with state law governing purchasing or bid requirements in relation to academic facilities projects; or (F) Material default on any school district debt obligation; or (2) Any other condition of an academic facility or facilities in a public school or school district that is determined by the [division] to have a detrimental impact on educational services provided by that public school or school district.

(b) The [division] shall provide written notice, via certified mail, return receipt requested, to the president of the school board and the superintendent of the public school or school district identified as being in facilities distress.

(c) (1) A public school or school district identified as being in facilities distress shall develop a facilities improvement plan within [thirty days] from the date of receipt of the notice and promptly submit the facilities improvement plan to the [division] for review and approval.

(2) A public school or school district shall review and revise its facilities improvement plan on a periodic basis as determined by the [division] and submit the updated facilities improvement plan to the [division] in order for the [division] to determine whether the public school or school district is correcting its deficient areas of practice regarding academic facilities.

(3) A school district shall use facilities improvement plans as necessary to supplement and update its facilities master plan.

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

(1) (A) Provide on-site technical evaluation and assistance and make recommendations to the district superintendent regarding the care and maintenance of any academic facility in the district.

(B) Any school district identified as being in facilities distress status shall accept on-site technical evaluation and assistance from the [division].

(C) The recommendations of the [division] are binding on the district, the superintendent, and the school board.

(2) Require the superintendent to relinquish all administrative authority with respect to the school district;

(3) (A) Appoint an individual in place of the superintendent to administratively operate the school district under the supervision and approval of the [Director of the Division of Public School Academic Facilities and Transportation].

(B) The [division] may direct the school district to compensate from school district funds the individual appointed to operate the school district;

(4) Suspend or remove all of the current board of directors and call for the election of a new school board for the school district, in which case the school district shall reimburse the county board of election commissioners for election costs as otherwise required by law;

(5) Require the school district to operate without a local school board under the supervision of the local superintendent or an individual or panel appointed by the director of the [division];

(6) Return the administration of the school district to the former board or place the
administration of the school district in a newly elected school board;

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

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

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

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

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

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

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

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

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

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

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

Section 12. [Facilities Distress - Student Transfers.]

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

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

(c) The nonresident district shall count the student for average daily membership purposes.
Section 13. [Inspections.]
(a) The [Division of Public School Academic Facilities and Transportation] shall conduct random unannounced on-site inspections of all academic facilities that have been funded wholly or in part by moneys from the state to ensure compliance with the school district’s facilities master plan and, if applicable, the school district’s facilities improvement plan in order to preserve the integrity of and extend the useful life of public school academic facilities and equipment across the state.

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

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

Section 14. [Appealing Determinations of the Division of Public School Academic Facilities and Transportation.]
(a) A school district may appeal any determination of the [Division of Public School Academic Facilities and Transportation] under this Act to the [Commission for Public School Academic Facilities and Transportation] in accordance with procedures developed by the [commission].

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

Section 15. [Standards for School Construction.]
(a) The [State Board of Education] shall establish reasonable minimum standards for schoolhouse construction, and standards may be revised from time to time as educational problems and methods of procedure develop and change.

(b) The standards shall include review and approval by all appropriate and applicable state agencies, boards, and local officials for compliance with, including, but not limited to, the following:
   (1) State Plumbing Code, [insert citation];
   (2) State Heating, Ventilation, Air Conditioning, and Refrigeration (HVACR) Code, [insert citation];
   (3) State Fire Prevention Act, [insert citation];
   (4) State Seismic Code, [insert citation];
   (6) State Architectural Act, [insert citation];
   (7) State Professional Engineers Act, [insert citation], and
   (8) State Public Works Act, [insert citation],
   (c) As used in this section and in section 16 of this Act, “schoolhouse” means any elementary or secondary school district facility that will be used for administrative, educational, or physical education purposes.
   (d) This section shall be repealed as of the effective date of the Public School Academic
Section 16. [Approval of Building Plans.]
(a) No new schoolhouse shall be built except in accordance with the plan finally approved by the [Commission for Public School Academic Facilities and Transportation] for all projects where the [commission] requires its approval.
(b) Where so required by the [commission], a copy of approved plans and specifications of all new schoolhouses or additions shall be filed with and approved by the [commission] before construction shall be commenced.
(c) (1) A copy of final construction documents shall be submitted to the [Architectural Section of the State Building Authority] for review in regard to compliance with the [Americans with Disabilities Act Accessibility Guidelines].
(2) All review comments received from the [State Building Authority] shall be in writing.
(3) Corrected construction documents shall be received and approved by [State Building Authority].
(4) No project shall be released for bidding or construction until the requirements of section 15 of this Act and this section are met.
(d) Review and approval of plans under this section or otherwise shall not be a guarantee of state financial participation in any public school academic facilities project.

Section 17. [Facilities.]
(a) Physical aspects and specifications for buildings, classrooms, and other facilities for, or likely to be used by, children with disabilities shall be approved by a designee of the [Division of Public School Academic Facilities and Transportation] or a designee.
(b) A The [division] or a designee of the [division] is required to review plans for public school construction or remodeling which are designed for children with disabilities to ensure accessibility and usefulness for that purpose.

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

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

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