

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.)

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

3

4

Section 2. [*Intent.*]

5

(a) The [General Assembly] recognizes that:

6

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

8

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

11

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

13

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

15

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

16

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

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

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

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

24
25 Section 3. [*Definitions.*] As used in this Act:

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

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

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

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

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

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

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

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

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

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

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

66 priorities established by the [Division of Public School Academic Facilities and Transportation];

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

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

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

73 (k) (1) "New construction" means any improvement to an academic facility and, if
74 necessary, related areas, such as the physical plant and grounds, that brings the state of condition
75 or efficiency of the academic facility to a state of condition or efficiency better than the academic
76 facility's original condition of completeness or efficiency;

77 (l) "New construction" includes additions to existing academic facilities and new
78 academic facilities;

79 (m) "Project" means an undertaking in which a school district engages in:

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

82 (2) New construction of an academic facility; or

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

85 (n) "Reconstitution" means the reorganization of the administrative unit or the governing
86 school board of a school district, including, but not limited to, the replacement or removal of a
87 current superintendent, the removal or replacement of a current school board, or both;

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

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

96
97 Section 4. [*Public School Academic Facilities Program.*]

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

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

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

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

107 (2) An Academic Facilities Custodial, Maintenance, Repair, and Renovation
108 Manual that contains uniform standards to direct custodial, maintenance, repair, and renovation
109 activities in public school academic facilities;

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

113 (4) A Public School Academic Equipment Manual that contains uniform
114 standards for technology systems, instructional materials, and related academic equipment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

164 academic facility used by a school district;

165 (4) Documentation that describes preventive maintenance work for each

166 academic facility and identifies the completion date of the work;

167 (5) Annual expenditures of the school district for all custodial, maintenance,

168 repair, and renovation activities in the school district;

169 (6) A projected replacement schedule for major building systems in each

170 academic facility;

171 (7) The school district's plan for caring for and maintaining technology systems,

172 instructional materials, and related academic equipment in each academic facility;

173 (8) A projected replacement schedule for technology systems, instructional

174 materials, and related academic equipment;

175 (9) Identification of issues with regard to facility and program access to

176 individuals with disabilities and, if necessary, proposed methods for improving access;

177 (10) Identification of committed projects within the school district that includes,

178 as applicable, a breakdown of the portion of each project between maintenance, repair, and

179 renovation and new construction;

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

181 (12) A description of planned new construction projects with cost estimates for

182 each academic facility within the school district and needs prioritized as follows:

183 (A) (i) Immediate needs that the school district intends to address

184 within [three] years following the submission of the facilities master plan.

185 (ii) A school district shall separate the immediate needs described

186 in the master plan submitted by [insert date] into [two] categories as follows:

187 (aa) Immediate needs that the school district intends to

188 address during the period from [July 1, 2006 through June 30, 2007]; and

189 (bb) Immediate needs that the school district intends to

190 address during the [2007-2009] biennium.

191 (13) Short-term needs that the school district intends to address within the [four]

192 to [six] years following the submission of the facilities master plan; and

193 (14) Long-term needs that the school district intends to address within the [seven]

194 to [ten] years following the submission of the facilities master plan; and

195 (15) Evidence of the school district's insurance coverage, including coverage

196 amounts, types of coverage, identification of buildings covered, policy renewal dates, and all

197 riders.

198 (c) The [division] shall establish procedures and timelines for a school district to submit

199 a preliminary facilities master plan or a master plan outline to the [division] before the

200 submission of the school district's final facilities master plan. The preliminary master plan or

201 master plan outline shall form the basis for a consultation meeting between representatives of the

202 district and members of the [division]. As soon as practicable after submission of the preliminary

203 master plan or master plan outline, the [division] shall hold the consultation meeting with the

204 school district to:

205 (1) Assure understanding of the general goals of this Act and the criteria by

206 which projects will be evaluated;

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

208 this Act;

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

210 and

211 (4) Provide for efficiency and productivity in the approval process for local

212 academic facilities projects and state financial participation in local projects.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

260 (G) Designation of routine duties; and

261 (H) Designation of renovation cleaning duties.

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

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

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

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

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

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

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

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

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

284 (G) Inspection and repair of electrical systems;

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

286 (I) Inspection and repair of fire alarms;

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

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

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

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

292 (N) Inspection and repair of plumbing;

293 (O) Inspection and repair of roofs;

294 (P) Inspection and repair of stairwell areas;

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

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

297 (S) Inspection and repair of floor coverings;

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

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

300 (V) Inspection and repair of kitchen equipment;

301 (W) Maintenance of a pest control program;

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

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

306 (Z) Inspection of playground equipment; and

307 (AA) Grounds maintenance.

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

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

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

321

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

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

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

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

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

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

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

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

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

341 (A) Fire and safety;

342 (B) Roofing;

343 (C) Structural;

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

345 (E) Plumbing;

346 (F) Electrical;

347 (G) Exterior;

348 (H) Interior;

349 (I) Technology; and

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

351 (K) Repair and construction cost guidelines.

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

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

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

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

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

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

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

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

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

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

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

375
376 Section 10. [*Public School Academic Equipment Manual.*]

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

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

382 (A) Science and Mathematics;

383 (B) Library Media Center;

384 (C) English and Language Arts;

385 (D) Foreign Language;

386 (E) Social Studies;

387 (F) Health Education and Physical Education;

388 (G) Art;

389 (H) Music;

390 (I) Guidance and Health Services; and

391 (J) Workforce education.

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

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

399
400 Section 11. [*Academic Facilities Distress Program.*]

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

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

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

409 Transportation];

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

411 provisions or laws;

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

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

414 to the [division];

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

416 requirements in relation to academic facilities projects; or

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

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

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

420 services provided by that public school or school district.

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

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

423 identified as being in facilities distress.

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

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

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

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

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

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

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

431 facilities.

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

433 supplement and update its facilities master plan.

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

435 [division] may:

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

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

438 academic facility in the district.

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

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

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

442 superintendent, and the school board;

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

444 respect to the school district;

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

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

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

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

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

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

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

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

453 law;

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

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

456 [division];

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

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

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

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

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

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

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

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

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

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

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

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

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

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497 Section 12. *[Facilities Distress - Student Transfers.]*

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

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

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

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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];
- (5) The Americans with Disabilities Act Accessibility Guidelines, 28 C.F.R. Part 36, Appx. A;
- (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

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

558

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

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

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

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

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

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

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

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

577

578 Section 17. [*Facilities.*]

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

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

585

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

587

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

589

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