

STATE OF ARKANSAS

**DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES and
TRANSPORTATION**

TRANSITIONAL ACADEMIC FACILITIES PROGRAM

GUIDELINES

Arkansas Division of Public School



Academic Facilities & Transportation

SUBMITTAL DEADLINE DECEMBER 2, 2005

Arkansas Division of Public School



Academic Facilities & Transportation

TRANSITIONAL ACADEMIC FACILITIES PROGRAM
POLICY GUIDELINES FOR DISTRIBUTION OF FUNDS

TABLE OF CONTENTS

- I. Overview
 - II. Eligibility for Funding
 - III. Application Process
 - IV. On-Site Inspections
 - V. Criteria for Funding
 - VI. Approval and Allocation of State Funds
 - VII. Appeal Process
- Application Form

DIVISION OF PUBLIC SCHOOL ACADEMIC FACILITIES and
TRANSPORTATION

TRANSITIONAL ACADEMIC FACILITIES PROGRAM

POLICY GUIDELINES FOR FUNDING

I. Overview:

The Arkansas 85th General Assembly, in Act 2206, created the Transitional Academic Facilities Program to provide state financial participation based on a school district's academic facilities wealth index in the form of reimbursement to a school district for eligible new construction projects for which debt is incurred or funds are spent after January 1, 2005, and on or before June 30, 2006.

A school district may proceed with new construction of an academic facility through the expenditure of local resources prior to the district's eligibility for state financial participation and may apply the expenditure of local resources after January 1, 2005, and on or before June 30, 2006, toward meeting the school district's share of financial participation in the cost of the new construction project when, and if, the school district becomes eligible for state participation under the Transitional Academic Facilities Program. Districts have to be prepared to fund the entire project, as there is no guarantee of state funding.

II. Eligibility for Funding:

- A. Only new construction projects of academic facilities for which debt is incurred or funds are spent after January 1, 2005 and on or before June 30, 2006, are eligible.
- B. Maintenance, repair, and renovation projects are not eligible.
- C. "New Construction" is defined as:

1. 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;
 2. An addition to existing academic facilities and new academic facilities.
- D. "Maintenance, repair, and renovation" is defined as any activity of 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.
- E. The district may apply the expenditure of local resources after January 1, 2005 and on or before June 30, 2006, toward meeting the school district's share of financial participation in the cost of the new construction project when, and if, the school district becomes eligible for state financial participation under the Transitional Academic Facilities Program.
- F. No school district may become eligible for state financial participation if the funding used to fund the new construction project resulted from proceeds of debt issued prior to January 1, 2005.
- G. No open-enrollment charter school shall be eligible for state financial participation in this program.
- H. School districts shall make every effort to conform a new construction project to current academic facilities standards, including, without limitation, appropriate space utilization requirements, **unless in the judgment of the Division it is impractical to conform the new construction project to current standards. If the Division determines that it is impractical for a school district to conform to current standards, the Division shall establish which academic facilities standards the school district shall conform to in order to be eligible for state participation under this program.**

III. Application Process

- A. School districts must complete the application forms included in these guidelines, providing all requested information. School districts must complete one Part A for their application and must complete Parts B and C for each project submitted.
- B. All applications for state financial participation under this program shall be postmarked or received, via first class mail return receipt requested or via

stamped receipt of hand delivery, in the Office of the Director of the Division of Public School Academic Facilities and Transportation, 501 Woodlane, Suite 600, Little Rock, Arkansas 72201, no later than 4:30 pm on December 2, 2005.

1. School districts may only submit one application and shall identify all new construction transitional academic facilities projects on the application.
2. School districts may identify and prioritize new construction projects and provide a narrative description of the project(s) including graphic documentation and descriptions.
3. If additional space is required in filling out any part of this application, continuation sheets may be used as attachments.

C. In order to apply for state funding, the school district shall provide evidence of:

1. A new construction project for which debt was incurred or funds were spent after January 1, 2005 and or before June 30, 2006.
2. The total cost of the new construction project. Total cost of new construction will include professional fees for design and construction management.
3. The new construction project's conformance with sound educational practices.
4.
 - a. The new construction project's compliance with current academic facilities standards, including, without limitation, appropriate space utilization of existing academic facilities in the district as determined by the Division. Appropriate space utilization refers to a district's over or under utilization of space based on the number of students within each academic facility in the school district.
 - b. If the Division determines that it is impractical for a school district to conform to current standards, the Division shall establish which academic facilities standards the school district shall conform to in order to be eligible for state participation under this program.
5. The allocation of project costs between new construction activities and maintenance, repair, and renovation activities if the new construction project includes improvements that could be classified as maintenance, repair, and renovation.
6. How the new construction project supports the prudent and resourceful expenditure of state funds and improves the school district's ability to deliver an adequate and equitable education to public school students in the district.

IV. On-Site Inspections:

The Division shall evaluate a school district's application and shall conduct an on-site inspection prior to making a determination of the new construction project's eligibility for reimbursement from the state. During the inspection, the following items may be evaluated:

- A. Student health and safety, including without limitation, critical health and safety needs;
- B. The new construction projects compliance with current academic facilities standards, including without limitation, appropriate space utilization of existing academic facilities in the district;
- C. The new construction project's conformance with sound educational practices;
- D. Curriculum improvement and diversification, including without limitation, the use of instructional technology, distance learning, and access to advanced courses in science, mathematics, language arts, and social studies;
- E. Multi-school, multi-district, and regional planning to achieve the most effective and efficient instructional system;
- F. Reasonable travel time and practical means of addressing other demographic considerations; and
- G. Regularly scheduled maintenance, repair, and renovation.

V. Criteria for Funding:

The Division will prioritize new construction project applications on a competitive basis using a point system to score each project with 0 to 100 points possible. Points will be awarded based on the following criteria:

- A. (50 points) The Division's evaluation of the application and all supporting evidence and documentation.
- B. (10 Points) The Division's evaluation of the on-site inspection.
- C. (20 points) The academic facilities wealth index of the school district.
- D. (20 points) The prudent and resourceful expenditure of state funds with regard to public school academic facilities.

VI. Approval Process/ Allocation of State Funds:

A. If a school district qualifies for state financial participation through the Transitional Academic Facilities Program, the Division shall certify the amount of state financial participation to the Commission on Public School Academic Facilities and Transportation for oversight purposes in the following manner:

1. Funding will be calculated by the formula of \$90.00 or the actual contract dollar amount (whichever is the lesser amount) per square foot times the square feet of the project times the difference of one hundred percent (100%) minus the facility wealth index for that district.

2. The Commission shall certify the amount to the Department of Education for payment.

3. The Division shall provide written notice to the superintendent of the school district of the Division's determination via return receipt mail at the mailing address of the administrative office of the school district.

B. For tracking purposes, the school district shall account for the funds received as state financial participation under this section as restricted funds and shall account for the funds in accordance with provisions of law, including without limitation, the Arkansas Educational Financial Accounting and Reporting Act of 2005, 6-20-2201 et seq. and rules established by the State Board of Education and the Commission.

C. The Division and Commission shall have the right in its discretion to deny application funding approval in whole or in part when the Division or Commission determines denial of application for funding is prudent and in the best interest of the resourceful expenditures of state funds with regard to public school district academic facilities.

D. If a school district which received application approval pursuant to these rules cannot show documentation of substantially beginning the project by June 30, 2006, the state's approved financial participation may be rescinded and otherwise applied as in the best interest of resourceful expenditures of state funds with regard to public school district academic facilities. The Division may review approved projects on a case-by-case basis to assess project start up activities to include initiation of construction or other evidence of substantial initiation of the project.

VII. Appeal Process

A. A school district may appeal any determination of the Division to the Commission as follows:

1. A school district may request and the Division shall provide upon request a written determination of any appealable issue by the Division.
2. After receipt of a written determination from the Division, the school district shall file its written appeal within ten (10) calendar days via first class mail, return receipt requested, in the Office of the Director of the Division of Public School Academic Facilities and Transportation, 501 Woodlane St., Suite 600, Little Rock, Arkansas 72201, no later than 4:30 pm on the tenth calendar day from receipt of the Division's written determination. The Division shall within thirty (30) calendar days receipt of the appeal schedule the appeal for the Commission's consideration and determination.
3. The school district shall provide in clear express terms a detailed explanation of why, beyond any reasonable doubt, the Division's decision was clearly erroneous or outside the legal authority vested in the division.
4. The school district shall have the burden to establish a *prima facia* case, unless the Commission shall decide to hear the appeal *sua sponte*.
5. The school district shall not be entitled to a hearing before the Commission unless the Commission should indicate in writing that it desires to hear the appeal and provides notice of the time and location of the hearing.
6. Any appeal hearing shall be conducted pursuant to the hearing policy established by the Commission.
7. Provided the Commission determines the school district has established a *prima facia* case or the Commission *sua sponte* decides to hear an appeal, the Commission shall render a decision to approve or deny the appeal within sixty (60) calendar days of receipt of the appeal by the Commission from the Division.

B. All decisions of the Commission regarding a school district's appeal of a Division determination shall be final and shall not be subject to any right of further appeal or request for rehearing to the Commission or subject to right to petition for judicial review under the Arkansas Administrative Procedures Act, §25-201 *et seq.*



TRANSITIONAL ACADEMIC FACILITIES PROGRAM

Application Form

Note: In accordance with Section 4.04 of the Rules Governing the Transitional Academic Facilities Program, “School districts may only submit one application and shall identify all new construction transitional academic facilities projects on the application.”

Date Prepared: _____

Part A: District Contact Information

District Name: _____ District LEA: _____

Address: _____

County: _____ Number of Projects: _____

List of Projects: Please place in order of priority (1 is the highest priority)

1. _____ 2. _____

3. _____ 4. _____

(If more than four, please attach separate sheet(s))

Superintendent: _____

Superintendent Phone #: _____ Email: _____

Contact person other than Superintendent:

Name: _____ Title: _____

Phone #: _____ Email: _____

TRANSITIONAL ACADEMIC FACILITIES PROGRAM

Part B: Project General Information

(Please make separate copies and complete Part B for each project)

Please Check All That Apply:

- New facility**
(If applicable, name of existing facility that new facility will replace - _____)
- Addition to new or existing facility**
- Improvement to an existing facility (exceeds original condition)**
- Includes maintenance, repair or renovation (to original condition)**

Project Information:

Name of School District: _____ District LEA: _____

Name of School and Address: _____

Type of Facility: _____ Site Size: _____

Project Title as listed in Part A: _____

Original Construction Date: _____ Years of Addition(s): _____

Current Square Footage: _____ Square Footage after project Completion: _____

Grades Served: _____ FCI (of existing facility): _____ Square feet/Student: _____

Current School Enrollment: _____ Projected Enrollment: _____

Description of Project: _____

TRANSITIONAL ACADEMIC FACILITIES PROGRAM

Part C: Project Funding Criteria

(Please make copies and complete Part C for each project)

School District: _____

Project: _____

In order to apply for state funding, the school district shall provide evidence of:

1. A new construction project for which debt was incurred or funds were spent after January 1, 2005, and on or before June 30, 2006;

Date New Construction Began (or Scheduled to Begin): _____

Date Construction Completed (or Scheduled Completion Date) : _____

Date Debt was Incurred (Provide Documentation): _____

Type of Debt Incurred (Provide Documentation): _____

Date(s) and Amounts of Funds Expended: _____

Expected Project Status on June 30, 2006: _____

2. The total cost of the new construction project, including design fees.

Total project Cost: _____ Design Fees: _____

3. The allocation of project costs between new construction activities and maintenance, repair, and renovation activities if the new construction project includes improvements that could be classified as maintenance, repair, and renovation.

New Construction Costs: _____

Maintenance, Repair, Renovation Costs: _____

4. The new construction project's conformance with sound educational practices.

5. The new construction project's compliance with current academic facilities standards, including, without limitation, appropriate space utilization of existing academic facilities in the district. Please indicate if the project exceeds current standards and complies with new standards as contained in the Arkansas School Facility Manual.

6. How the new construction project supports the prudent and resourceful expenditure of state funds and improves the school district's ability to deliver an adequate and equitable education to public school students in the district.

7. The new construction project's improvements to health and safety needs, including the addressing of critical health and safety needs.

8. The new construction project's affect on curriculum improvement and diversification, including the use of instructional technology, distance learning, and access to advanced courses in science mathematics, language arts, and social studies.

9. The school district's multi-school, multi-district and regional planning to achieve the most effective and efficient instructional delivery system.

10. The new construction project's impacts on reasonable travel time and practical means of addressing other demographic considerations.

11. The school district's regularly scheduled maintenance, repair, and renovation program.

Part D: Submission Requirements

1. All applications for state financial participation under this program shall be postmarked or received, via first class mail return receipt requested or via stamped receipt of hand delivery, in the Office of the Director of The Division of Public School Academic Facilities and Transportation, 501 Woodlane St., Suite 600, Little Rock, Arkansas 72201, no later than 4:30 pm on December 2, 2005.
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4. If additional space is required in filling out any part of this application, continuation sheets may be used as attachments.

Revised 10-06-05 (8:50am)