

REFERENCE TITLE: **SFB; preventative maintenance guidelines**

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HB 2760

Introduced by
Representatives Waters, Young Wright: Campbell CH, Court, Fleming, Meyer,
Schapira

AN ACT

AMENDING SECTION 15-2002, ARIZONA REVISED STATUTES; RELATING TO THE SCHOOL FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-2002, Arizona Revised Statutes, is amended to
3 read:
4 15-2002. Powers and duties; executive director; staffing;
5 report
6 A. The school facilities board shall:
7 1. Make assessments of school facilities and equipment deficiencies
8 and approve the distribution of grants as appropriate.
9 2. Develop a database for administering the building renewal formula
10 prescribed in section 15-2031 and administer the distribution of monies to
11 school districts for building renewal.
12 3. Inspect school buildings at least once every five years to ensure
13 compliance with the building adequacy standards prescribed in section 15-2011
14 and routine preventative maintenance guidelines as prescribed in this section
15 with respect to construction of new buildings and maintenance of existing
16 buildings. The school facilities board shall randomly select twenty school
17 districts every thirty months and inspect them pursuant to this paragraph.
18 4. Review and approve student population projections submitted by
19 school districts to determine to what extent school districts are entitled to
20 monies to construct new facilities pursuant to section 15-2041. The board
21 shall make a final determination within six months of the receipt of an
22 application by a school district for monies from the new school facilities
23 fund.
24 5. Certify that plans for new school facilities meet the building
25 adequacy standards prescribed in section 15-2011.
26 6. Develop prototypical elementary and high school designs. The board
27 shall review the design differences between the schools with the highest
28 academic productivity scores and the schools with the lowest academic
29 productivity scores. The board shall also review the results of a valid and
30 reliable survey of parent quality rating in the highest performing schools
31 and the lowest performing schools in this state. The survey of parent
32 quality rating shall be administered by the department of education. The
33 board shall consider the design elements of the schools with the highest
34 academic productivity scores and parent quality ratings in the development of
35 elementary and high school designs. The board shall develop separate school
36 designs for elementary, middle and high schools with varying pupil
37 capacities.
38 7. Develop application forms, reporting forms and procedures to carry
39 out the requirements of this article.
40 8. Review and approve or reject requests submitted by school districts
41 to take actions pursuant to section 15-341, subsection G.
42 9. Submit electronically an annual report by December 15 to the
43 speaker of the house of representatives, the president of the senate, the
44 superintendent of public instruction, the director of the Arizona state

1 library, archives and public records and the governor that includes the
2 following information:

3 (a) A detailed description of the amount of monies distributed by the
4 school facilities board in the previous fiscal year.

5 (b) A list of each capital project that received monies from the
6 school facilities board during the previous fiscal year, a brief description
7 of each project that was funded and a summary of the board's reasons for the
8 distribution of monies for the project.

9 (c) A summary of the findings and conclusions of the building
10 maintenance inspections conducted pursuant to this article during the
11 previous fiscal year.

12 (d) A summary of the findings of common design elements and
13 characteristics of the highest performing schools and the lowest performing
14 schools based on academic productivity, including the results of the parent
15 quality rating survey. For the purposes of this subdivision, "academic
16 productivity" means academic year advancement per calendar year as measured
17 with student-level data using the statewide nationally standardized
18 norm-referenced achievement test.

19 10. By December 1 of each year, report electronically to the joint
20 committee on capital review the amounts necessary to fulfill the requirements
21 of sections 15-2022, 15-2031 and 15-2041 for the following fiscal year and
22 the estimated amounts necessary to fulfill the requirements of sections
23 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal
24 year. The board shall provide copies of the report to the president of the
25 senate, the speaker of the house of representatives and the governor.

26 11. Adopt minimum school facility adequacy guidelines to provide the
27 minimum quality and quantity of school buildings and the facilities and
28 equipment necessary and appropriate to enable pupils to achieve the
29 educational goals of the Arizona state schools for the deaf and the blind.
30 The school facilities board shall establish minimum school facility adequacy
31 guidelines applicable to the Arizona state schools for the deaf and the
32 blind.

33 12. In each even-numbered year, report electronically to the joint
34 committee on capital review the amounts necessary to fulfill the requirements
35 of sections 15-2031 and 15-2041 for the Arizona state schools for the deaf
36 and the blind for the following two fiscal years. The Arizona state schools
37 for the deaf and the blind shall incorporate the findings of the report in
38 any request for building renewal monies and new school facilities monies.
39 Any monies provided to the Arizona state schools for the deaf and the blind
40 for building renewal and for new school facilities are subject to legislative
41 appropriation.

42 13. By June 15 of each year, submit electronically detailed information
43 regarding demographic assumptions, a proposed construction schedule and new
44 school construction cost estimates for individual projects approved in the
45 current fiscal year and expected project approvals for the upcoming fiscal

1 year to the joint committee on capital review for its review. A copy of the
2 report shall also be submitted electronically to the governor's office of
3 strategic planning and budgeting. The joint legislative budget committee
4 staff, the governor's office of strategic planning and budgeting staff and
5 the school facilities board staff shall agree on the format of the report.

6 14. Every two years, provide school districts with information on
7 improving and maintaining the indoor environmental quality in school
8 buildings.

9 B. The school facilities board may contract for the following services
10 in compliance with the procurement practices prescribed in title 41,
11 chapter 23:

12 1. Private services.

13 2. Construction project management services.

14 3. Assessments for school buildings to determine if ~~they~~ THE BUILDINGS
15 have outlived their useful life pursuant to section 15-2041, subsection G.

16 4. Services related to land acquisition and development of a school
17 site.

18 C. The governor shall appoint an executive director of the school
19 facilities board pursuant to section 38-211. The executive director is
20 eligible to receive compensation as determined pursuant to section 38-611 and
21 may hire and fire necessary staff as approved by the legislature in the
22 budget. The executive director shall have demonstrated competency in school
23 finance, facilities design or facilities management, either in private
24 business or government service. The executive director serves at the
25 pleasure of the governor. The staff of the school facilities board is exempt
26 from title 41, chapter 4, articles 5 and 6. The executive director:

27 1. Shall analyze applications for monies submitted to the board by
28 school districts.

29 2. Shall assist the board in developing forms and procedures for the
30 distribution and review of applications and the distribution of monies to
31 school districts.

32 3. May review or audit, or both, the expenditure of monies by a school
33 district for deficiencies corrections, building renewal and new school
34 facilities.

35 4. Shall assist the board in the preparation of the board's annual
36 report.

37 5. Shall research and provide reports on issues of general interest to
38 the board.

39 6. May aid school districts in the development of reasonable and
40 cost-effective school designs in order to avoid statewide duplicated efforts
41 and unwarranted expenditures in the area of school design.

42 7. May assist school districts in facilitating the development of
43 multijurisdictional facilities.

44 8. Shall assist the board in any other appropriate matter or method as
45 directed by the members of the board.

1 9. Shall establish procedures to ensure compliance with the notice and
2 hearing requirements prescribed in section 15-905. The notice and hearing
3 procedures adopted by the board shall include the requirement, with respect
4 to the board's consideration of any application filed after July 1, 2001 or
5 after December 31 of the year in which the property becomes territory in the
6 vicinity of a military airport or ancillary military facility as defined in
7 section 28-8461 for monies to fund the construction of new school facilities
8 proposed to be located in territory in the vicinity of a military airport or
9 ancillary military facility, that the military airport receive notification
10 of the application by first class mail at least thirty days before any
11 hearing concerning the application.

12 10. May expedite any request for monies in which the local match was
13 not obtained for a project that received preliminary approval by the state
14 board for school capital facilities.

15 11. Shall expedite any request for monies in which the school district
16 governing board submits an application that shows an immediate need for a new
17 school facility.

18 12. Shall make a determination as to administrative completion within
19 one month after the receipt of an application by a school district for monies
20 from the new school facilities fund.

21 13. Shall provide technical support to school districts as requested by
22 school districts in connection with the construction of new school facilities
23 and the maintenance of existing school facilities and may contract directly
24 with construction project managers pursuant to subsection B of this section.
25 This paragraph does not restrict a school district from contracting with a
26 construction project manager using district or state resources.

27 D. When appropriate, the school facilities board shall review and use
28 the statewide school facilities inventory and needs assessment conducted by
29 the joint committee on capital review and issued in July, 1995.

30 E. The school facilities board shall contract with one or more private
31 building inspectors to complete an initial assessment of school facilities
32 and equipment and shall inspect each school building in this state at least
33 once every five years to ensure compliance with section 15-2011. A copy of
34 the inspection report, together with any recommendations for building
35 maintenance, shall be provided to the school facilities board and the
36 governing board of the school district.

37 F. The school facilities board may consider appropriate combinations
38 of facilities or uses in making assessments of and curing deficiencies
39 pursuant to subsection A, paragraph 1 of this section and in certifying plans
40 for new school facilities pursuant to subsection A, paragraph 5 of this
41 section.

42 G. The board shall not award any monies to fund new facilities that
43 are financed by class A bonds that are issued by the school district.

1 H. The board shall not distribute monies to a school district for
2 replacement or repair of facilities if the costs associated with the
3 replacement or repair are covered by insurance or a performance or payment
4 bond.

5 I. The board may contract for construction services and materials that
6 are necessary to correct existing deficiencies in school district facilities.
7 The board may procure the construction services necessary pursuant to this
8 subsection by any method, including construction-manager-at-risk,
9 design-build, design-bid-build or job-order-contracting as provided by title
10 41, chapter 23. The construction planning and services performed pursuant to
11 this subsection are exempt from section 41-791.01.

12 J. The school facilities board may enter into agreements with school
13 districts to allow school facilities board staff and contractors access to
14 school property for the purposes of performing the construction services
15 necessary pursuant to subsection I of this section.

16 K. Each school district shall develop routine preventative maintenance
17 guidelines for its facilities. THE GUIDELINES SHALL INCLUDE PLUMBING
18 SYSTEMS, ELECTRICAL SYSTEMS, HEATING, VENTILATION AND AIR CONDITIONING
19 SYSTEMS, SPECIAL EQUIPMENT AND OTHER SYSTEMS AND FOR ROOFING SYSTEMS SHALL
20 RECOMMEND INSPECTIONS FOR SIGNS OF STRUCTURAL STRESS AND WEAKNESS. The
21 guidelines shall be submitted to the school facilities board for review and
22 approval. If ~~upon~~ ON inspection by the school facilities board it is
23 determined that a school district facility was inadequately maintained
24 pursuant to the school district's routine preventative maintenance
25 guidelines, the school district shall use building renewal monies pursuant to
26 section 15-2031, subsection L to return the building to compliance with the
27 school district's routine preventative maintenance guidelines. Once the
28 district is in compliance, it no longer is required to use building renewal
29 monies for preventative maintenance. THE SCHOOL FACILITIES BOARD IS IMMUNE
30 FROM CIVIL LIABILITY WITH RESPECT TO ALL DECISIONS MADE AND ACTIONS TAKEN
31 PURSUANT TO THIS SUBSECTION. THE ROOFING SYSTEMS GUIDELINES SHALL REQUIRE
32 ROOF INSPECTIONS TO BE CONDUCTED BY A REGISTERED CONTRACTOR IF A SCHOOL
33 FACILITY REQUIRES ANY OF THE FOLLOWING:

- 34 1. ROOF REPLACEMENT.
- 35 2. ROOF RESTORATION, INCLUDING THE REMOVAL AND REPLACEMENT OF ROOF
36 LAYERS.
- 37 3. THE REPLACEMENT OR MOVEMENT OF OR ADDITIONS TO ROOF EQUIPMENT,
38 WHETHER ABOVE OR BELOW THE ROOF DECK.
- 39 4. ANY OTHER ACTION THAT CHANGES THE LOAD ON A ROOF.

40 L. The school facilities board may temporarily transfer monies between
41 the capital reserve fund established by section 15-2003, the emergency
42 deficiencies correction fund established by section 15-2022, the building
43 renewal fund established by section 15-2031 and the new school facilities
44 fund established by section 15-2041 if all of the following conditions are
45 met:

1 1. The transfer is necessary to avoid a temporary shortfall in the
2 fund into which the monies are transferred.

3 2. The transferred monies are restored to the fund where the monies
4 originated as soon as practicable after the temporary shortfall in the other
5 fund has been addressed.

6 3. The school facilities board reports to the joint committee on
7 capital review the amount of and the reason for any monies transferred.

8 M. After notifying each school district, and if a written objection
9 from the school district is not received by the school facilities board
10 within thirty days of the notification, the school facilities board may
11 access public utility company records of power, water, natural gas, telephone
12 and broadband usage to assemble consistent and accurate data on utility
13 consumption at school facilities to determine the effectiveness of facility
14 design, operation and maintenance measures intended to reduce energy and
15 water consumption and costs. Any public utility that provides service to a
16 school district in this state shall provide the data requested by the school
17 facilities board pursuant to this subsection.