

REFERENCE TITLE: school facilities; guidelines; projects

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SB 1065

Introduced by
Senators Dial: Ward

AN ACT

AMENDING SECTIONS 15-2011 AND 15-2032, 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 15-2011, Arizona Revised Statutes, is amended to
3 read:

4 15-2011. Minimum school facility adequacy requirements:
5 definition

6 A. The school facilities board, as determined and prescribed in this
7 chapter, shall provide funding to school districts for new construction as
8 the number of pupils in the district fills the existing school facilities and
9 requires more pupil space.

10 B. School buildings in a school district are adequate if all of the
11 following requirements are met:

12 1. The buildings contain sufficient and appropriate space and
13 equipment that comply with the minimum school facility adequacy guidelines
14 established pursuant to subsection F of this section. The state shall not
15 fund facilities for elective courses that require the school district
16 facilities to exceed minimum school facility adequacy requirements. The
17 school facilities board shall determine whether a school building meets the
18 requirements of this paragraph by analyzing the total square footage that is
19 available for each pupil in conjunction with the need for specialized spaces
20 and equipment.

21 2. The buildings are in compliance with federal, state and local
22 building and fire codes and laws that are applicable to the particular
23 building. An existing school building is not required to comply with current
24 requirements for new buildings unless this compliance is specifically
25 mandated by law or by the building or fire code of the jurisdiction where the
26 building is located.

27 3. The building systems, including roofs, plumbing, telephone systems,
28 electrical systems, heating systems and cooling systems, are in working order
29 and are capable of being properly maintained.

30 4. The buildings are structurally sound.

31 C. The standards that shall be used by the school facilities board to
32 determine whether a school building meets the minimum adequate gross square
33 footage requirements are as follows:

34 1. For a school district that provides instruction to pupils in
35 programs for preschool children with disabilities, kindergarten programs and
36 grades one through six, eighty square feet per pupil in programs for
37 preschool children with disabilities, kindergarten programs and grades one
38 through six.

39 2. For a school district that provides instruction to up to eight
40 hundred pupils in grades seven and eight, eighty-four square feet per pupil
41 in grades seven and eight.

42 3. For a school district that provides instruction to more than eight
43 hundred pupils in grades seven and eight, eighty square feet per pupil in
44 grades seven and eight or sixty-seven thousand two hundred square feet,
45 whichever is more.

1 4. For a school district that provides instruction to up to four
2 hundred pupils in grades nine through twelve, one hundred twenty-five square
3 feet per pupil in grades nine through twelve.

4 5. For a school district that provides instruction to more than four
5 hundred and up to one thousand pupils in grades nine through twelve, one
6 hundred twenty square feet per pupil in grades nine through twelve or fifty
7 thousand square feet, whichever is more.

8 6. For a school district that provides instruction to more than one
9 thousand and up to one thousand eight hundred pupils in grades nine through
10 twelve, one hundred twelve square feet per pupil in grades nine through
11 twelve or one hundred twenty thousand square feet, whichever is more.

12 7. For a school district that provides instruction to more than one
13 thousand eight hundred pupils in grades nine through twelve, ninety-four
14 square feet per pupil in grades nine through twelve or two hundred one
15 thousand six hundred square feet, whichever is more.

16 D. The school facilities board may modify the square footage
17 requirements prescribed in subsection C of this section or modify the amount
18 of monies awarded to cure the square footage deficiency pursuant to this
19 section for particular school districts based on extraordinary circumstances
20 for any of the following considerations:

21 1. The number of pupils served by the school district.

22 2. Geographic factors.

23 3. Grade configurations other than those prescribed in subsection C of
24 this section.

25 E. In measuring the square footage per pupil requirements of
26 subsection C of this section, the school facilities board shall:

27 1. Use the most recent one hundredth day average daily membership.

28 2. For each school, use the lesser of either:

29 (a) Total gross square footage.

30 (b) Student capacity multiplied by the appropriate square footage per
31 pupil prescribed by subsection C of this section.

32 3. Consider the total space available in all schools in use in the
33 school district, except that the school facilities board shall allow an
34 exclusion of the square footage for certain schools and the pupils within the
35 schools' boundaries if the school district demonstrates to the board's
36 satisfaction unusual or excessive busing of pupils or unusual attendance
37 boundary changes between schools.

38 4. Compute the gross square footage of all buildings by measuring from
39 exterior wall to exterior wall. Square footage used solely for district
40 administration, storage of vehicles and other nonacademic purposes shall be
41 excluded from the net square footage.

42 5. Include all portable and modular buildings.

43 6. Include in the net square footage new construction funded wholly or
44 partially by the school facilities board based on the square footage funded
45 by the school facilities board. If the new construction is to exceed the

1 square footage funded by the school facilities board, the excess square
2 footage shall not be included in the net square footage if any of the
3 following applies:

4 (a) The excess square footage was constructed before July 1, 2002 or
5 funded by a class B bond, impact aid revenue bond or capital outlay override
6 approved by the voters after August 1, 1998 and before June 30, 2002 or
7 funded from unrestricted capital outlay expended before June 30, 2002.

8 (b) The excess square footage of new school facilities does not exceed
9 twenty-five ~~per-cent~~ PERCENT of the minimum square footage requirements
10 pursuant to subsection C of this section.

11 (c) The excess square footage of expansions to school facilities does
12 not exceed twenty-five ~~per-cent~~ PERCENT of the minimum square footage
13 requirements pursuant to subsection C of this section.

14 7. Exclude square footage built under a developer agreement according
15 to section 15-342, paragraph 33 until the school facilities board provides
16 funding for the square footage under section 15-2041, subsection 0.

17 8. Include square footage that a school district has leased to another
18 entity, including square footage leased to a charter school that is sponsored
19 by a school district pursuant to section 15-183.

20 F. The school facilities board shall adopt rules establishing minimum
21 school facility adequacy guidelines. THE SCHOOL FACILITIES BOARD SHALL
22 REVIEW AND UPDATE THESE GUIDELINES AT LEAST ONCE EVERY THREE YEARS AND SHALL
23 CONSIDER ANY RECOMMENDATIONS SUBMITTED BY A GROUP OF AT LEAST TEN SCHOOL
24 DISTRICTS THAT MAY BE ORGANIZED TO ADVISE THE SCHOOL FACILITIES BOARD ON
25 THESE GUIDELINES. The guidelines shall provide the minimum quality and
26 quantity of school buildings and facilities and equipment necessary and
27 appropriate to enable pupils to achieve the academic standards pursuant to
28 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and
29 15-701.01. At a minimum, the school facilities board shall address all of
30 the following in developing these guidelines:

- 31 1. School sites.
- 32 2. Classrooms.
- 33 3. Libraries and media centers, or both.
- 34 4. Cafeterias.
- 35 5. Auditoriums, multipurpose rooms or other multiuse space.
- 36 6. Technology.
- 37 7. Transportation.
- 38 8. Facilities for science, arts and physical education.
- 39 9. Other facilities and equipment that are necessary and appropriate
40 to achieve the academic standards prescribed pursuant to section 15-203,
41 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.

42 10. Appropriate combinations of facilities or uses listed in this
43 section.

44 G. The board shall consider the facilities and equipment of the
45 schools with the highest academic productivity scores, as prescribed in

1 section 15-2002, subsection A, paragraph 9, subdivision (d), and the highest
2 parent quality ratings in the establishment of the guidelines.

3 H. The school facilities board may consider appropriate combinations
4 of facilities or uses in making assessments of and curing existing
5 deficiencies pursuant to section 15-2002, subsection A, paragraph 1 and in
6 certifying plans for new school facilities pursuant to section 15-2002,
7 subsection A, paragraph 5.

8 I. A child care facility that provides services utilizing the practice
9 of a documented educational philosophy including least restrictive
10 environment pursuant to section 36-883.05 may incorporate the minimum school
11 facility adequacy guidelines pursuant to subsection F of this section when
12 selecting a facility if the guidelines do not conflict with facility
13 requirements established by the department of health services.

14 J. For the purposes of this section, "student capacity" means the
15 capacity adjusted to include any additions to or deletions of space,
16 including modular or portable buildings at the school. The school facilities
17 board shall determine the student capacity for each school in conjunction
18 with each school district, recognizing each school's allocation of space as
19 of July 1, 1998, to achieve the academic standards prescribed pursuant to
20 section 15-203, subsection A, paragraphs 12 and 13 and sections 15-701 and
21 15-701.01.

22 Sec. 2. Section 15-2032, Arizona Revised Statutes, is amended to read:
23 15-2032. School facilities board building renewal grant fund;
24 definitions

25 A. The building renewal grant fund is established consisting of monies
26 appropriated to the fund by the legislature. The school facilities board
27 shall administer the fund and distribute monies to school districts for the
28 purpose of maintaining the adequacy of existing school facilities. Monies in
29 the fund are exempt from the provisions of section 35-190 relating to lapsing
30 of appropriations.

31 B. The school facilities board shall distribute monies from the fund
32 based on grant requests from school districts to fund primary building
33 renewal projects. Project requests shall be prioritized by the school
34 facilities board, with priority given to school districts that have provided
35 routine preventative maintenance on the facility, ~~and to school districts~~
36 ~~that can provide a match of monies provided by the fund.~~ The school
37 facilities board shall approve only projects that will be completed within
38 twelve months, unless similar projects on average take longer to complete.
39 PROJECTS SUBMITTED BY SCHOOL DISTRICTS THAT DO NOT MEET THE REQUIREMENTS OF A
40 PRIMARY BUILDING RENEWAL PROJECT SHALL BE PLACED ON A MEETING AGENDA OF THE
41 SCHOOL FACILITIES BOARD WITH A RECOMMENDATION TO DENY THE PROJECT AND THE
42 REASON OR REASONS FOR THE RECOMMENDATION OF THE DENIAL OF THE PROJECT. THE
43 SCHOOL FACILITIES BOARD SHALL ANNUALLY POST ON ITS WEBSITE NO LATER THAN
44 OCTOBER 15 A LIST OF PROPOSED PROJECTS THAT WERE SUBMITTED DURING THE
45 PREVIOUS FISCAL YEAR AND THAT THE SCHOOL FACILITIES BOARD DENIED BECAUSE THE

1 PROJECT DID NOT MEET THE REQUIREMENTS OF A PRIMARY BUILDING RENEWAL PROJECT.
2 THE SCHOOL FACILITIES BOARD SHALL INCLUDE A SUMMARY OF THIS DENIAL
3 INFORMATION IN THE ANNUAL REPORT SUBMITTED PURSUANT TO SECTION 15-2002,
4 SUBSECTION A, PARAGRAPH 9.

5 C. School districts that receive monies from the fund shall use these
6 monies on projects for buildings or any part of a building in the school
7 facilities board's database for any of the following:

- 8 1. Major renovations and repairs to a building.
- 9 2. Upgrading systems and areas that will maintain or extend the useful
10 life of the building.
- 11 3. Infrastructure costs.

12 D. Monies received from the fund shall not be used for any of the
13 following purposes:

- 14 1. New construction.
- 15 2. Remodeling interior space for aesthetic or preferential reasons.
- 16 3. Exterior beautification.
- 17 4. Demolition.
- 18 5. Routine preventative maintenance.
- 19 6. Any project in a building, or part of a building, that is being
20 leased to another entity, including a charter school that is sponsored by a
21 school district pursuant to section 15-183.

22 E. Accommodation schools are not eligible for monies from the building
23 renewal grant fund.

24 F. If the school facilities board or a court of competent jurisdiction
25 determines that a school district received monies from the building renewal
26 grant fund that must be reimbursed to the school facilities board due to
27 legal action associated with improper construction by a hired contractor, the
28 school district shall reimburse the school facilities board an agreed-on
29 amount for deposit into the building renewal grant fund.

30 G. For the purposes of this section:

31 1. "Primary building renewal projects" means projects that are
32 necessary for buildings owned by school districts that are required to meet
33 the minimum adequacy standards for student capacity and that fall below the
34 minimum school facility adequacy guidelines, as adopted by the school
35 facilities board pursuant to section 15-2011, for school districts that have
36 provided routine preventative maintenance to the school facility.

37 2. "Routine preventative maintenance" means services that are
38 performed on a regular schedule at intervals ranging from four times a year
39 to once every three years, or on the schedule of services recommended by the
40 manufacturer of the specific building system or equipment, AND that are
41 intended to extend the useful life of a building system and reduce the need
42 for major repairs.

43 3. "Student capacity" has the same meaning prescribed in section
44 15-2011.