

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

CHAPTER 35
SENATE BILL 1077

AN ACT

AMENDING SECTIONS 15-2011 AND 36-883.05, ARIZONA REVISED STATUTES; RELATING
TO CHILD CARE FACILITIES.

(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
46 square footage funded by the school facilities board, the excess square

1 footage shall not be included in the net square footage if any of the
2 following applies:

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

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

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

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

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

19 F. The school facilities board shall adopt rules establishing minimum
20 school facility adequacy guidelines. The guidelines shall provide the
21 minimum quality and quantity of school buildings and facilities and equipment
22 necessary and appropriate to enable pupils to achieve the academic standards
23 pursuant to section 15-203, subsection A, paragraphs 12 and 13 and sections
24 15-701 and 15-701.01. At a minimum, the school facilities board shall
25 address all of the following in developing these guidelines:

- 26 1. School sites.
- 27 2. Classrooms.
- 28 3. Libraries and media centers, or both.
- 29 4. Cafeterias.
- 30 5. Auditoriums, multipurpose rooms or other multiuse space.
- 31 6. Technology.
- 32 7. Transportation.
- 33 8. Facilities for science, arts and physical education.
- 34 9. Other facilities and equipment that are necessary and appropriate

35 to achieve the academic standards prescribed pursuant to section 15-203,
36 subsection A, paragraphs 12 and 13 and sections 15-701 and 15-701.01.

37 10. Appropriate combinations of facilities or uses listed in this
38 section.

39 G. The board shall consider the facilities and equipment of the
40 schools with the highest academic productivity scores, as prescribed in
41 section 15-2002, subsection A, paragraph 9, subdivision (d), and the highest
42 parent quality ratings in the establishment of the guidelines.

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

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

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

20 Sec. 2. Section 36-883.05, Arizona Revised Statutes, is amended to
21 read:

22 36-883.05. Child care facilities; infants; floor bedding;
23 requirements; emergency evacuation; notice;
24 definitions

25 A. A child care facility that provides child care services utilizing
26 the practice of a documented educational philosophy including least
27 restrictive environment for infants and meets the requirements of this
28 section may use floor bedding in the facility instead of cribs.

29 B. Floor bedding pursuant to subsection A of this section must meet
30 all of the following requirements:

31 1. Be a mat that meets the following dimensions:

32 (a) Is not less than two inches and not more than three inches thick.

33 (b) Is not less than three feet and not more than four feet long.

34 (c) Is not less than two feet and not more than three feet wide.

35 2. Not be elevated or raised in any way.

36 3. Be covered with a waterproof and washable mattress pad, a washable
37 zip cover and an individually assigned sheet.

38 4. Be assigned to an individual infant and not shared with another
39 infant.

40 5. Be turned over at least once a week.

41 6. Be placed at least eighteen inches apart, eighteen inches from any
42 wall and two feet from any other object.

43 7. Be placed on a floor that is vacuumed and sanitized every day and,
44 if the floor is carpeted, is shampooed at least twice a month.

45 C. The ratio of staff members to resting infants in the resting area
46 must be at least one staff member to every four infants. A staff member in

1 the resting area must be supervised for the first ninety days of employment
2 to ensure the staff member's proper use of the floor bedding pursuant to this
3 section. Any staff member in the resting area shall have current
4 certification in cardiopulmonary resuscitation and first aid.

5 D. If an emergency requiring evacuation occurs, the infant nursery
6 staff shall place the infants in an evacuation crib and move the infants in
7 the crib to a designated evacuation assembly area. Evacuation cribs must be
8 stored not more than ten feet from the exterior exit. If stored on the
9 outside of the building, an evacuation crib must be protected from weather.
10 On arrival at the designated evacuation assembly area, all infants must be
11 physically accounted for against the sign-in log and the results reported to
12 the director of the child care facility immediately. The infant nursery
13 supervisor is responsible for bringing all attendance sheets, child rosters
14 and information sheets to the evacuation assembly area. The child care
15 facility staff shall take appropriate supplies during the evacuation to
16 protect the children, if possible, during inclement weather.

17 E. A facility shall provide the department written notice thirty days
18 before implementing the use of floor bedding pursuant to this section.

19 F. If a licensed facility does not comply with the requirements of
20 this section, the department may require the installation of cribs.

21 ~~G. A child care facility that provides services utilizing the practice
22 of a documented educational philosophy including least restrictive
23 environment may incorporate the minimum school facility adequacy guidelines
24 pursuant to section 15-2011 when selecting a facility if the guidelines do
25 not conflict with facility requirements established by the Arizona department
26 of health services.~~

27 ~~H.~~ G. For the purposes of this section:

28 1. "Infant" means either:

29 (a) A child WHO IS twelve months or younger.

30 (b) A child WHO IS eighteen months or younger if not walking.

31 2. "Resting area" means a space within the classroom THAT IS separate
32 from the activity area AND that contains only the floor bedding, infants and
33 staff members.

APPROVED BY THE GOVERNOR MARCH 23, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 23, 2015.