

**SUMMARY MINUTES OF  
THE COMMISSION FOR ARKANSAS PUBLIC SCHOOL ACADEMIC  
FACILITIES AND TRANSPORTATION**

**MEETING  
November 5, 2013**

**Place: ADE Auditorium**  
**Time: 8:00 a.m.**

**Commission Members in Attendance:**

Dr. Tom Kimbrell, Commissioner, Arkansas Department of Education  
Mr. Richard Weiss, Director, Arkansas Department of Finance and Administration  
Mr. Mac Dodson, President, Arkansas Development Authority

**Others in Attendance:**

Mr. Tony Wood, Deputy Commissioner, Arkansas Department of Education  
Mr. Jeremy Lasiter, General Counsel, Arkansas Department of Education  
Ms. Lori Freno, Assistant General Counsel, Arkansas Department of Education  
Dr. Charles C. Stein, PE, CEF, Director, DPSAFT  
Mr. Terry Granderson, Assistant Director, DPSAFT  
Ms. Carol Bowman, Administrative Analyst, DPSAFT

**Quorum was met.**

**Meeting called to order.**

**Agenda item:**

**1. Summary Meeting Minutes – August 29, 2013**

The Commission approved the meeting minutes for the August 29, 2013, Commission meeting.

**2. Rules Governing the Academic Facilities Partnership Program – Draft Rules**

- Public Comments matrix
- Rule – Draft
- 7100 – Draft
- 7120 – Draft
- 7130 – Draft
- 7140 – Draft
- 7200 – Draft
- POR – Draft

Lori Freno stated that notifications of the public hearings for the rules were posted in the Arkansas Democrat/Gazette newspaper for three days and on both the ADE and Division websites. Two public hearings were held. She indicated the Public Comments were on the matrix, and after reviewing the comments that a decision was made to accept or not accept the changes.

Dr. Kimbrell asked if there were safe room changes, which Lori Freno stated there were not because the rule mirrored the law.

**The rule was approved by the Commission to forward to the Arkansas Legislative Council Administrative Rules and Regulations Subcommittee.**

### **3. Commission Review of District Appeals of Decisions of the Academic Facilities Review Board**

Jeremy Lasiter provided an overview of the procedures, explaining the amount of time for each step of the process, and that the Commission could extend the time. A final written determination is due to the school districts within ten days. The burden of proof is on the school districts.

Dr. Kimbrell recused himself since he had served as the superintendent of the NLRSD, and his children currently attend and his wife works in the Cabot Public Schools.

<b>Tab 3a</b>	<b>Documents</b>
<b>Tab 3a1</b>	<b>Rules Governing Appeals from Determinations of the Arkansas Division of Public School Academic Facilities and Transportation</b>
<b>Tab 3a2</b>	<b>Rules Governing the Academic Facilities Partnership Program</b>
<b>Tab 3a3</b>	<b>2012 Master Plan/Partnership Program Guidelines for 2013-2015 Biennium</b>
<b>Tab 3b</b>	<b>North Little Rock School District</b>
<b>Tab 3b1</b>	<b>Appeal of Written Determination of the Division of Public School Academic Facilities and Transportation Concerning Partnership Program of the North Little Rock School District</b>
<b>Tab 3b2</b>	<b>Response to the North Little Rock School District's Appeal of the Final Determination of the Academic Facilities Review Board</b>
<b>Tab 3b3</b>	<b>Order of the Academic Facilities Review Board</b>
<b>Tab 3b4</b>	<b>Transcript of Hearing on Appeal to Academic Facilities Review Board</b>
<b>Tab 3b5</b>	<b>Exhibits of Hearing on Appeal to Academic Facilities Review Board</b>

Tripp Walter, Staff Attorney of the Arkansas Public School Resource Center, presented for the North Little Rock School District (*NLRSD*). He introduced the individuals with him which were Mr. Howell, Ken Kirspel, Kelly Rogers, Fred Cashaw, and Jennifer Dedmon. Mr. Walter stated the NLRSD was appealing the decision made by the Academic Facilities Review Board to the Commission. The NLRSD's issue was with the decisions regarding the Pike View Elementary School to include the school in the suitability analysis.

After Mr. Walter completed his presentation, Lori Freno responded that the NLRSD made the decision to convert K-5 space into Pre-K, and that Pre-K space is not funded by the State, so since the district made the decision to convert the space, they must accept the consequences. The Division had told the district the project review process several times prior to the application process.

**The Commission voted to uphold and agreed with the decision made by the Academic Facilities Review Board.**

<b>Tab 3c</b>	<b>Cabot Public School District</b>
<b>Tab 3c1</b>	<b>Appeal of Written Determination of the Division of Public School Academic Facilities and Transportation Concerning Partnership Program of the Cabot Public School District</b>
<b>Tab 3c2</b>	<b>Response to the Cabot Public School District's Appeal of the Final Determination of the Academic Facilities Review Board</b>
<b>Tab 3c3</b>	<b>Order of the Academic Facilities Review Board</b>
<b>Tab 3c4</b>	<b>Transcript of Hearing on Appeal to Academic Facilities Review Board</b>
<b>Tab 3c5</b>	<b>Exhibits of Hearing on Appeal to Academic Facilities Review Board</b>

Dr. Tony Thurman, Superintendent, presented for the Cabot Public School District (*Cabot SD*). He introduced Chad Davidson who was with him. Dr. Thurman stated the Cabot SD was appealing the decision made by the Academic Facilities Review Board to the Commission. The Cabot SD's issue was with the decisions regarding the Ward Elementary School dining room. The district agreed that the suitability analysis indicated no suitability, but the dining space did not meet space requirements.

After Dr. Thurman completed his presentation, Lori Freno responded that the law requires consideration of existing space in the suitability analysis and that the rules must be followed.

**The Commission voted to uphold and agreed with the decision made by the Academic Facilities Review Board.**

**Meeting adjourned.**