



School Facilities Board

5 Year Rules Report

to the

Governor's Regulatory Review Council
concerning

A.A.C. Title 7, Chapter 6

December 2015

Arizona School Facilities Board
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Information that is Identical within Groups of Rules

This report summarizes the result of a review of the rules at the Arizona Administrative Code, Title 7, Chapter 6, under which the Arizona School Facilities Board (SFB) operates. Rules relative to the facilities requirements for schools operated by the Arizona Schools for the Deaf and Blind are also part of the Arizona Administrative Code, Chapter 6, Article 7. That Article is administered by the SFB.

In accord with A.A.C. R1-6-301(A), the following information is discussed only once because it is identical for each rule:

1. General Statute Authorizing the Rules:

All of the existing rules promulgated by the SFB are generally authorized by Arizona Revised Statutes (A.R.S.) § 41-1001.01; § 41-1003; § 15-2002.(A.)(7.); § 15-2002.(A.)(11.); and § 15-2022.

With respect to those rules specifically authorizing minimum school facility adequacy guidelines, A.R.S. § 15-2011(F) provides that authority to the SFB for establishing and administering those guidelines for all Arizona public school district school buildings and also for the Arizona State Schools for the Deaf and Blind (ASDB).

2. Objective of the Rule:

The objective of each rule is addressed in the "Analysis of Published Rules" portion of this report.

3. Effectiveness of the Rules in Achieving their Objectives:

The rules in Articles 1 through 7 effectively achieve their objectives. These rules pertain to the Arizona School Facilities Board and the Arizona State Schools for the Deaf and Blind.

4. Consistency of the Rules with State and Federal Statutes and Rules:

The rules in Articles 1 through 7 are consistent with the Administrative Procedures Act. Federal statutes and rules do not directly affect these rules.

5. Agency Enforcement Policy:

The Board enforces the following rules as they are written:

All of Article 1. **Definitions**

All of Article 2. **Minimum School Facility Guidelines**

All of Article 3. **Square Footage Calculations**

Some subsections of Article 5. **New School and Land Funding**, and of Article 6. **Contingency Funds**, are not in complete alignment with accepted agency practice. Those incongruities have been identified by the rulemaking packages that were attempted over the past 10 years but have not been made. The need for the amendments contained in those prior rulemaking packages still exists.

Article 7. **Minimum School Facility Guidelines for the Arizona State Schools for the Deaf and Blind** (ASDB) was enforced by the SFB as written, in partnership with the ASDB, during the design and construction of the new Phoenix Day School for the Deaf (grades 7-12), completed in August of 2008. The operating agency's ability to meet its statutory and budgetary requirements was not impaired by the enforcement of the sections within this Article 7.

6. Clarity, Conciseness, and Understandability of the Rules:

All of the rules within A.A.C. Title 7, Chapter 6 are generally clear, concise, and understandable.

7. Summary of Written Criticisms:

The Board has not received written criticisms of any specific rule within A.A.C. Title 7, Chapter 6. However, one comment received dealt only with rule R7-6-221, Equipment for Libraries and Media Centers/Research Area. The comment came from a unified school district and was really a request for an exemption to this rule which sets the minimum number of books per student in the school library/media center (10 books per student). The SFB considered this concern, but felt that the minimum set was reasonable for a school library, even in the digital age. A second set of comments was received May 23, 2005, addressing the above rule, as well as 27 other rules or sections of rules not identified for change by the Board, or not proposed for change in the same manner. The comments ranged from lack of definition for a term, to updating terminology or date specific guidelines, to more substantive interpretation changes. This set of concerns has been considered, and in some cases those concerns are reflected in the proposed rule package. General oral criticisms that have been made to the SFB have related not to the rules themselves, but to the limited appropriation levels made to the various funds administered by the SFB that prevent the standards and measures in the rules from being fully carried out.

8. Economic, Small Business and Consumer Impact:

Prior to December 31, 2001, the Board's rulemaking authority was exempt from the provisions of Title 41, Chapter 6 (Laws 2001, Chapter 11). In general, the rules within A.A.C. Title 7, Chapter 6 are not the type of rules that impose fees or regulations in the conduct of business for small companies or on the consumption of goods or services on the part of

individual citizens. In general, these rules provide guidance to the Board on its administration of the new school facilities fund and the minimum adequacy standards for schools. While the optimum distribution of these funds is prescribed in statute, the available funding levels are subject to annual appropriations. These rules ensure consistent and impartial administration of those funds as they fluctuate based on the annual appropriation made to each of the funds.

All of these funds benefit the state economy because they provide the revenue streams necessary to build new schools as they are needed and augment maintenance reserves of the individual school districts to properly maintain existing school buildings at a level that will extend their useful lives and ensure the minimum standard of facility quality to house Arizona's public educational programs. Most of the work associated with these funds is done by private local construction and specialty sub-contract companies. The economic impact on these local businesses is not the result of these rules. Rather, the economic impact on these local businesses is affected by the funding levels of the annual appropriations provided to accomplish that work.

9. Analysis of the Rule's Impact on Business Competitiveness:

The SFB has not received any analysis by another person regarding the rule's impact on the state's business competitiveness as compared to the competitiveness of businesses in other states.

10. Completion of Course of Action:

None of the proposed changes in the SFB's 2010 Rules Report were implemented. This item is not applicable.

11. Analysis of Benefit of the Rules Compared to Cost:

In general, the rules within A.A.C. Title 7, Chapter 6 provide guidance to the Board on its administration of the new school facilities fund and the minimum adequacy standards for schools. They ensure consistent and impartial administration of those funds as they fluctuate based on the annual appropriation made to each of the funds and establish a minimum requirement for school facilities. The Board believes that these benefits of the rules outweigh the probable costs of the rules. These rules are intended to impose the least burden and costs on the public.

12. Analysis of corresponding Federal Law:

An analysis of federal statutes and rules for correspondence with the rules within A.A.C. Title 7, Chapter 6 has not been performed. This item is not applicable.

13. Adoption of Rules After July 29, 2010:

The SFB has not adopted any rules after July 29, 2010. This item is not applicable.

14. Proposed Course of Action:

The SFB anticipates correcting the identified shortcomings in its rules as described below in the "Analysis of Published Rules" portion of this report by June 30, 2016.

Analysis of Published Rules

NOTE: the following inaccuracies have been noticed in both the online version of the Arizona Administrative Code and the printed version in West's Arizona Education Code 2014-2015 Edition.

At the Table of Contents for Title 7. Education, Chapter 6. School Facilities Board, the following Section headings are incorrect because they do not correspond to the respective headings included in the body of the published rule. The correct headings follow the incorrect headings shown as stricken through:

<i>R7-6-210.</i>	<i>Reserved</i>	<i>Academic Classroom Space</i>
<i>R7-6-211.</i>	<i>Classroom Light</i>	<i>Classroom Fixtures and Equipment</i>
<i>R7-6-212.</i>	<i>Reserved</i>	<i>Classroom Lighting</i>

*In the body of the published Article 3. **Square Footage Calculations** within section R7-6-301. Square Footage Calculations in subsection A., on the second line of that subsection, a misprint occurs in both versions where they reference a citation to 'A.R.S. § 5-2002(H.)'*

*There is no A.R.S. § 5-2002.(H.) in Title 5. Amusements and Sports.
The correct citation should be "A.R.S. § 15-2002.(G.)"*

Title 7. Education. Chapter 6. School Facilities Board of the Arizona Administrative Code begins with the following Editor's Notes:

Editor's Note: This Chapter contains rules which were adopted, amended, repealed, or renumbered under an exemption from the Arizona Administrative Procedure Act (A.R.S. Title 41, Chapter 6), pursuant to Laws 1998, 5th Special Session, Chapter 1, section 55, as amended by Laws 1999, Chapter 299, section 39. Because this Chapter contains rules which are exempt from the regular rulemaking process, it is printed on blue paper.

Title 7, Chapter 6, adopted by exempt rulemaking at 6 A.A.R. 597, effective April 30, 1999, filed in the Office of the Secretary of State January 13, 2000 (Supp. 00-1).

Article 1. Definitions

R7-6-101. Definitions

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the meaning of key terms used by the Board regarding facilities.

R7-6-102. Repealed effective June 7, 2001 [Supp. 01-4].

Article 2. Minimum School Facility Guidelines

R7-6-201. Applications

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the situations in which the minimum school facility guidelines are a requirement.

R7-6-202. through R7-6-204. Reserved

R7-6-205. School Site

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the minimum guidelines relative to school sites.

R7-6-206. through R7-6-209. Reserved

R7-6-210. Academic Classroom Space

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the various square footage criteria requirements by grade configuration.

R7-6-211. Classroom Fixtures and Equipment

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the various general requirements related to seating, desk surfaces, and storage in general classrooms and specialty classrooms.

R7-6-212. Classroom Lighting

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirements relative to lighting levels and how the measurement of those levels is to be made.

R7-6-213. Classroom Temperature

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs the local school districts and public of the general requirements relative to acceptable temperature ranges and how those measurements are to be made.

R7-6-214. Classroom Acoustics

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirements relative to background sound levels and how the measurement of those levels is to be made.

R7-6-215. Classroom Air Quality

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirements relative to maximum allowable carbon dioxide levels and how the measurement of those levels is to be made.

R7-6-216. Education Classroom Facilities for Disabled Students

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirements related to space and access to space for disabled students.

R7-6-217. through R7-6-219. Reserved

R7-6-220. Library and Media Centers/Research Area

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the specific requirements related to the minimum adequacy guidelines for equipment, books, and furniture.

R7-6-221. Equipment for Libraries and Media Centers/Research Area

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the minimum adequacy standards for equipment, books, and other resources required for school libraries and Media Centers.

Proposed Course of Action: R7-6-221.(A.)(4.) requires an amendment striking the reference to "VCR" equipment to "VIDEO DISPLAY" to reflect the newer generation of video play-back technologies. R7-6-221.(A.)(6.) requires a typographical correction, so that it reads: "Ten books per student *{singular}*." R7-6-221.(B.) should be stricken because of its reference to encyclopedia and atlas publication dates of 2000 or later. Printed encyclopedia and atlas references have been largely replaced by access to online references that are up-to-date. However, the SFB has determined that the minimum number of library books currently set by this rule was reasonable for a school library, even in the digital age.

R7-6-222. through R7-6-224. Reserved

R7-6-225. Cafeterias

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirement for space available on a regular basis where students can eat within the school site.

R7-6-226. Food Service

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general criteria and functional requirements for food service activities.

R7-6-227. Equipment List for Food Service

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the specific fixture and equipment requirements for food service.

R7-6-228. and R7-6-229. Reserved

R7-6-230. Auditoriums, Multipurpose rooms, or Other Multiuse Space

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general requirements related to student assembly space and how the measurement of that space is to be made.

R7-6-235. Technology

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general minimum adequacy requirements relative to information technology equipment and software.

Proposed Course of Action: Currently designated subsection C. of this rule should be stricken because it refers to a deadline of June 30, 2005, before which time each district was to have had "an application services provider", coupled with an adequate variety of instructional software. This will require the re-numbering of the current subsection D. to R7-6-235. (C.)

R7-6-236. through R7-6-239. Reserved

R7-6-240. Transportation

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the replacement standards for pupil transportation vehicles.

R7-6-241. through R7-6-244. Reserved

R7-6-245. Science Facilities

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general square footage minimum requirements for space devoted to practical science instruction.

R7-6-246. Equipment List for Science Facilities

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of minimum adequacy requirements relative to specific fixtures and equipment necessary for practical science instruction.

R7-6-247. Art Facilities

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general and specific minimum adequacy square footage requirements for space devoted to art education programs.

R7-6-248. Vocational Education Facilities

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general and specific square footage requirements to provide space for vocational education programs.

R7-6-249. Physical Education and Comprehensive Health Program Facilities

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general and specific square footage requirements for space devoted to physical education and comprehensive health programs.

R7-6-250. Equipment List for Physical Education

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the specific fixture and equipment requirements for physical education.

R7-6-251. Alternate Delivery Method

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the local governing board approval requirements relative to the use of alternate delivery methods of instruction in art, science, or vocational education.

R7-6-252. through 254. Reserved

R7-6-255. Parent Work Space

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general and specific square footage requirements when providing for parent work space.

Proposed Course of Action: R7-6-255.(A.) should be amended by striking the clause "If parents are invited to assist with school activities," making the balance of the rule a simple declarative sentence.

R7-6-256. Two-way Internal Communication System

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the minimum adequacy requirements for an internal communication system.

R7-6-257. Fire Alarm

Authorization: A.R.S. § 15-2011.(B.)

Objective: This rule informs local school districts and the public of the requirement to provide a fire alarm system that is approved by the State Fire Marshal.

R7-6-258. Administrative Space

Authorization: A.R.S. § 15-2011.(F.)

Objective: This rule informs local school districts and the public of the general and specific requirements for providing various types of administrative space in school facilities.

Proposed Course of Action: Subsection A of this section requires a typographical correction in the following sentence: "For general administrative purposes ~~and~~ AN additional 1.5 square feet per student is required." Subsection C. of this section requires an amendment to correct a typographical error and to simplify its syntax, as indicated here:

"C. A school facility shall have work space available to the faculty, ~~CONSISTING OF ONE SQUARE FOOT PER STUDENT WITH A MINIMUM OF 150 SQUARE FEET AND A MAXIMUM OF 800 SQUARE FEET.~~ This space is in addition to any work area available to a teacher, ~~that is~~ in or near a classroom. ~~One square foot per student with a maximum of 150 square feet and a maximum of 800 square feet is required.~~ The maximum may be exceeded. The space may be divided into more than one room. This space may have more than one function."

R7-6-259. Reserved

R7-6-260. Laws and Building Codes

Authorization: A.R.S. § 15-2011.(B.)

Objective: This rule informs local school districts and the public of the general requirement to conform to applicable laws and building codes, and specifies the 1997 Uniform Building Code (UBC) as the minimum code compliance level.

Proposed Course of Action: The following amendment to this section is desirable in order to update the reference to the most up-to-date applicable codes.

"A." No change.

"B. ~~At a minimum, the 1997 Uniform Building Code (UBC) is required to be met for new school facility construction and, as required, for building renovations in existing schools.~~ NEW SCHOOL FACILITY CONSTRUCTION SHALL, AT A MINIMUM, MEET THE REQUIREMENTS ESTABLISHED BY THE BUILDING CODE ADOPTED AND ENFORCED BY THE MUNICIPAL JURISDICTION IN WHICH THE SCHOOL SITE RESIDES. IN THE EVENT THE SCHOOL SITE IS OUTSIDE OF THE CORPORATE LIMITS OF A MUNICIPALITY, THE REQUIREMENTS OF THE BUILDING CODE ADOPTED BY THE LARGEST CITY IN THE COUNTY WITHIN WHICH THE SCHOOL SITE RESIDES, SHALL APPLY. REFERENCE A.R.S. §34-461"

R7-6-261. Energy Saving Measures

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.(F.) and A.R.S. § 15-2022.(A.)

Objective: This rule informs local school districts and the public of the ability to provide energy conservation upgrades under certain conditions.

R7-6-262. through R7-6-264. Reserved

R7-6-265. Building Systems

Authorization: A.R.S. § 15-2011.(B.)

Objective: This rule informs local school districts and the public of the qualities for a building system to be considered in working order and capable of being maintained.

R7-6-266. through R7-6-269. Reserved

R7-6-270. Building Structural Soundness

Authorization: A.R.S. § 15-2011.(B.)

Objective: This rule informs local school districts and the public of the qualities required of a building's structural systems for it to be considered structurally sound.

R7-6-271. Exterior Envelope, Interior Surfaces and Interior Finishes

Authorization: A.R.S. § 15-2011.(B.)

Objective: This rule informs local school districts and the public of the qualities for the exterior envelope, interior surfaces, and finishes to be considered safe and capable of being maintained.

R7-6-272. through R7-6-274. Reserved

R7-6-275. Minimum Gross Square Footage

Authorization: A.R.S. § 15-2011.(C.)

Objective: This rule informs local school districts and the public of the general requirement to provide minimum adequate gross square footage by school district.

R7-6-276. Assessment of Minimum Gross Square Footage

Authorization: A.R.S. § 15-2011.(C.)

Objective: This rule informs local school districts and the public of the specific requirements to provide per pupil square footage according to various grade configurations.

Proposed Course of Action: The following two amendments are proposed to correct grammar: Subsections R7-6-276. "A." through "D." No Change. Subsection R7-6-276.(E.) "For the purpose of assessment of THE minimum gross square footage REQUIREMENT, the number of children in all grades and kindergarten shall be evenly distributed across all grades and kindergarten served by the district."

R7-6-277. through R7-6-284. Reserved

R7-6-285. Guidelines Exception

Authorization: A.R.S. § 15-2011.(H.)

Objective: This rule informs local school districts and the public of the ability of the Board to grant an exception that will still meet guideline requirements.

Article 3. Square Footage Calculations

R7-6-301. Square Footage Calculations

Authorization: A.R.S. § 15-2041.(D.)

Objective: This rule informs local school districts and the public of the calculation methodology to be used to determine SFB funding levels in those cases where school districts have either Class A or Class B bond funding available.

Proposed Course of Action: A.R.S. §15-2011 provides sufficient detail, making subsection B. of this section of rules unnecessary. Striking R7-6-301.(B.) will require the renumbering of the subsequent sub-sections.

In order for renumbered R7-6-C (formerly subsection D.), to read more clearly, it shall be amended thus: "~~D.~~ C. A school district that uses Class B bonds and/or unrestricted capital outlay monies to add or replace square footage at existing schools shall have the additional square footage or replacement square footage treated as follows:

~~"1. When A a school district that adds square footage to an existing school with the use of Class B bonds or unrestricted capital outlay monies, shall not have the additional square footage included in the determination of minimum adequate square footage pursuant to A.R.S. § 15-2011(C), but the School Facilities Board shall consider the additional square footage for purposes of determining adequacy of the functional components of the school as specified in the Minimum School Facilities Guidelines set forth in R7-6-201 through R7-6-285.~~

~~"2. When A a school district that both removes and adds square footage with the use of Class B bonds or unrestricted capital outlay monies shall not have the net additional square footage included in the determination of minimum adequate square footage pursuant to A.R.S. § 15-2011(C), but IF THAT SPACE MEETS THE REQUIREMENTS ENUMERATED AT A.R.S. §15-2011.(D.) AND A.R.S. § 15-2991. (E.), the School Facilities Board shall consider the net additional square footage for purposes of determining adequacy of the functional components of the school as specified in the Minimum School Facilities Guidelines set forth in R7-6-201 through R7-6-285.~~

~~"3. For purposes of calculating building renewal pursuant to A.R.S. § 15-2031, replacement square footage constructed with Class B bonds or unrestricted capital outlay monies shall be included, but net additional square footage shall be excluded.~~

Subsection 3 above shall be struck because A.R.S. §15-2031 has been repealed (Laws 2013, 1st S.S., Ch. 3, § 42).

R7-6-301. E. shall be renumbered to R7-6-301.(D.), but otherwise not changed.

R7-6-301. (F.) Explains the methodology for expansion of core facilities. Subsection F. shall be struck, because the SFB no longer funds core facilities.

R7-6-302. Modification of Square Footage for Geographic Factors

Authorization: A.R.S. § 15-2041.(D.)

Objective: This rule informs local school districts and the public of the specific requirements to provide per pupil square footage according to various grade configurations.

Article 4. Expired effective June 30, 2005 [05-3].

Article 5. New School and Land Funding

R7-6-501. Capital Plans

Authorization: A.R.S. § 15-2041.(C.)

Objective: This rule informs school districts that the SFB requires them to submit a capital plan to show their need for a new school, or for an addition to an existing school, or for additional land within the prescribed time horizons for each of those scenarios.

R7-6-502. Funding for New Schools or Additional Square Footage

Authorization: A.R.S. § 15-2041(C.), (D.), (E.), (F.), and (J.)

Objective: This rule informs school districts and the public of the process and requirements for receiving funding for new schools or additional square footage to existing school facilities.

Proposed Course of Action: Under subsection (B.), the rule will be clarified to reflect "site" rather than "square footage", since the public comments solicited from the military airport are utilized at the beginning of the process for site selection, rather than the point at which determination is made for school funding. Under (D.), a school district's acceptance of a project is indicated by its acceptance of the Terms and Conditions, therefore the phrase "has accepted a project in writing and" is redundant and will be struck. Also under subsection (D.), the phrase "shall be made available" will be inserted before "for architectural and engineering fees" to clarify that five percent of the approved project monies are made available, rather than five percent of the architectural and engineering fees. Under subsection (E.), "the word "five" will be replaced by "three" to indicate the actual amount required as a contingency in the estimated budget. Under subsection (G.), the phrase "construction documents" will be substituted for "schematic design", and the word "final" will be substituted for "preliminary", to reflect actual practice. Also under subsection (G.), the phrase "to the Board" will be struck to reflect the actual practice that review of construction documents, budget estimates, and bid package are staff level functions. Under subsection (H.), the word "full" will be struck. Under subsection I., the multiple references to "one year" will be changed to "three year" to reflect actual practice.

R7-6-503. Funding for Land

Authorization: A.R.S. § 15-2041.(C.)

Objective: This rule informs local school districts and the public of the specific steps involved in the approval and payment for land purchases for new school sites.

R7-6-504. Donations of Real Property

Authorization: A.R.S. § 15-2041.(F.)

Objective: This rule informs local school districts and the public of the specific steps involved in the approval of and compensation for land donations for new school sites.

Proposed Course of Action: In order for this section to more closely reflect SFB policy and current practice the following amendments are proposed:

"R7-6-504. Donations of Real Property

"Subsections "A." through "C." No change.

"D. If the Board approves the district request to accept the donation, the Board staff shall notify the district. The BOARD'S STAFF SHALL DISTRIBUTE ~~distribution~~ of 20 percent of the BOARD APPROVED FAIR MARKET value of the accepted donation pursuant to A.R.S. § 15-2041.(F.) ~~shall be awarded to the school district upon notification to the Board that the donation has been accepted by the district~~ AT THE START OF CONSTRUCTION. The district shall submit documentation of its governing board action and documentation that the property title has been transferred to the district. ~~Upon receipt of this documentation Board staff shall be authorized to distribute the approved 20 percent amount.~~

"E." No change.

"F. In determining whether the real property proposed for donation is at an appropriate school site, the School Facilities Board Staff analysis shall be based on the following:

1. Location of the proposed donation of real property.
2. District needs for additional student capacity.
3. District needs for additional land (for site donations only).
4. Usable acres proposed for donation, taking into consideration School Facilities Board adopted usable acreage requirements.
5. The ability of a proposed site donation to accommodate a school facility that meets the minimum adequacy guidelines (for site donations only), or the adequacy of a proposed school facility donation.
6. Estimated site development costs.
7. Age and condition of the real property (for facility donation only).
8. Portion of real property that can be used for academic purposes.
9. THE FAIR MARKET VALUE OF THE PROPERTY THAT IS USABLE FOR ACADEMIC PURPOSES.

"Subsections "G." and "H." No change.

R7-6-505. Constructing Bond-Funded Schools on Land Funded by the
School Facilities Board

Authorization: A.R.S. § 15-2041.(F.)

Objective: This rule informs local school districts and the public of the ability and requirements of the Board to provide funding for land used as sites for Class A and Class B bond funded schools.

Proposed Course of Action: An amendment to R7-6-505.(B.) is proposed to clarify and emphasize the requirement contained in statute concerning

the circumstance described by this section. That amendment would simply add the following phrase to the last sentence of R7-6-505.(B.) "... EXCEPT AS MAY BE REQUIRED BY A.R.S. §15-2011."

R7-6-506. Providing Technical Assistance in the Form of Project Management

Authorization: A.R.S. §§ 15-2002.(B.)(2.) and 15-2002.(C.)

Objective: This rule informs local school districts and the public of the ability and requirements of the Board in providing funding for project management.

Proposed Course of Action: Additional language is proposed at R7-6-506.(C.) to clarify the process to be used to apply for additional funding, and the constraints of the current appropriations. The proposed additional language will be developed prior to the initiation of our proposed rulemaking.

R7-6-507. through R7-6-511. Reserved

Article 6. Contingency Funds

R7-6-601. Allocation and Use of Contingency Monies

Authorization: A.R.S. § 15-2041.(A.)

Objective: This rule informs local school districts and the public of the requirement and steps for utilization of contingency monies in new school and deficiencies correction construction.

Proposed Course of Action: The following amendments to this section are proposed to more closely reflect the policy and accepted practice by the SFB in the control of contingency monies:

~~"A. A sum equal to a percentage of the construction bid shall be set aside as a contingency fund to cover the cost of unknown conditions that could arise during construction. The School Facilities Board shall set aside an amount equal to five-THREE percent of the base cost for new construction TO COVER THE COST OF UNKNOWN CONDITIONS THAT COULD ARISE DURING CONSTRUCTION. and ten percent of the base cost for renovation of a structure or system replacement to cover these potential costs. Contingency funds MONIES are not part of the construction budget and SHALL NOT BE are to be used UNLESS only if needed. For deficiency corrections projects, any contingency funds which are not used shall be returned to the deficiency corrections fund. For projects funded by the new school facilities fund, any contingency funds MONIES which THAT are not used may be used by the school district in accordance with A.R.S. § 15-2041."~~

"B. " No change.

"C." No change.

"D. The following conditions apply to the use of all contingency monies allocated to a specific project approved by the School Facilities Board.

1. If the district wishes to issue change orders that do not comply with THIS SUBSECTION ~~these rules~~, the associated costs shall be:

a. accounted for separately,

b. ~~and~~ not considered part of the approved project, and

c. ~~In other words, they would need to be paid out of separate monies and would not be considered part of the approved project, even though they might be IF included in the same basic contract. These costs would be paid for using local funds.~~

1.2. The school district may use contingency monies only to cover change orders that are to correct unknown conditions.

2.3. A school district shall not use contingency funds MONIES may not be used to cover change orders for the other two types of situations discussed in subsection (B) above WHERE: A. the district has determined to change the scope of work during construction by adding components AS DISCUSSED UNDER SUBSECTION (B)(2); or B. a change is required to correct a discrepancy created by the architect that could be considered an error or omission by the architect AS DISCUSSED UNDER SUBSECTION (B)(3).

3. ~~For deficiency correction projects performed pursuant to A.R.S. § 15-2021 only, the Executive Director shall have the discretion to authorize the use of contingency funds for expansion of scope, to accommodate low budget estimates, and for all other project related costs.~~

4. Contingency monies shall not be used to pay for "bid add alternates." These items are not part of the final approved project.

~~"E. A school district whose deficiency correction projects are combined with the deficiency correction projects of one or more additional school districts pursuant to R7-6-401 shall have the contingency amount included as a percentage of the overall set of projects that have been grouped together for such purposes. The Executive Director shall have the discretion to use, transfer, and/or combine the contingency amounts for any projects within such a group to any other project within the group of projects. The Executive Director's adjustment authority pursuant to R7-6-401 shall be considered as a percentage or sum of the overall group of projects.~~

~~"F. E. The Board may modify or waive the requirements of this section for good cause."~~

Article 7. Minimum School Facility Guidelines for the Arizona State Schools for the Deaf and Blind (ASDB)

R7-6-701. Applications

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public that there are separate minimum facility guidelines for the Arizona State Schools for the Deaf and Blind, and deficiency corrections projects are subject to legislative funding.

R7-6-702. through R7-6-705. Reserved

R7-6-705. School Site

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the criteria required as a minimum guideline related to physical siting.

R7-6-706. through R7-6-709. Reserved

R7-6-710. Academic Classroom Space

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the various square footage criteria requirements by grade configuration.

R7-6-711. Classroom Fixtures and Equipment

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the various general requirements related to seating, writing surfaces, storage, and specialty equipment for general and specialty classrooms.

R7-6-712. Classroom Lighting

Authorization: A.R.S. §15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to light levels and how the measurement of those levels is to be made.

R7-6-713. Classroom Temperature

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to temperature range and how the measurement of that range is to be made.

R7-6-714. Classroom Acoustics

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to background sound level and how the measurement of that level is to be made.

R7-6-715. Classroom Air Quality

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to maximum carbon dioxide level and how the measurement of that level is to be made.

R7-6-716. Education Classroom Facilities for Disabled Students

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to space or access to space for disabled students.

R7-6-717. through R7-6-719. Reserved

R7-6-720. Library and Media Centers/Research Area

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the specific requirements related to equipment, books, and furniture as a minimum guideline.

R7-6-721. Equipment for Libraries and Media Centers/Research Area

Authorization: See the A.A.R. Editor's Notes at the beginning of A.A.C. Title 7, Chapter 6. Also, this rule is generally authorized by A.R.S. § 15-2011.F. and A.R.S. § 15-2022.(A.)

Objective: This rule informs the ASDB and the public of the minimum adequacy standards for equipment, books, and other resources required for school libraries and Media Centers.

Proposed Course of Action: R7-6-221.(A.)(4.) requires an amendment striking the reference to "VCR" equipment to "VIDEO DISPLAY" to reflect the newer generation of video play-back technologies. R7-6-221.(B.) should be stricken because of its reference to encyclopedia and atlas publication dates of 2000 or later. Printed encyclopedia and atlas references have been largely replaced by access to online references that are up-to-date.

R7-6-722. through R7-6-724. Reserved

R7-6-725. Cafeterias

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirement to provide space for students to eat within the school site.

R7-6-726. Food Service

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general criteria and functions required for food service activities.

R7-6-727. Equipment List for Food Service

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the specific fixture and equipment requirements for food service.

R7-6-728. through R7-6-729. Reserved

R7-6-730. Auditoriums, Multipurpose rooms, or Other Multiuse Space

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to student assembly space and how the measurement of that space is to be made.

R7-6-731. through R7-6-734. Reserved

R7-6-735. Technology

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirements related to information technology equipment and software.

R7-6-736. through R7-6-739. Reserved

R7-6-740. Transportation

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the replacement standards for pupil transportation vehicles.

R7-6-741. through R7-6-744. Reserved

R7-6-745. Science Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general square footage requirements to provide space for practical science instruction.

R7-6-746. Equipment List for Science Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the specific fixture and equipment requirements for practical science instruction.

R7-6-747. Art Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific square footage requirements to provide space for art education programs.

R7-6-748. Vocational Education Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific square footage requirements to provide space for vocational education programs.

R7-6-749. Physical Education and Comprehensive Health Program Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific square footage requirements to provide space for a comprehensive health program.

R7-6-750. Equipment List for Physical Education

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the specific fixture and equipment requirements for physical education.

R7-6-751. Alternate Delivery Method

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the approval requirements related to alternate delivery methods of instruction.

R7-6-752. through R7-6-754. Reserved

R7-6-755. Parent Work Space

Authorization: A.R.S. § 15-2002.(A.) and A.R.S. § 15-2011.(F.)

Objective: This rule informs the ASDB and the public of the general and specific square footage requirements when providing for parent work space.

Proposed Course of Action: R7-6-755.(A.) should be amended by striking the clause "If parents are invited to assist with school activities," making the balance of the rule a simple declarative sentence.

R7-6-756. Two-way Internal Communication System

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general requirement to provide an internal communication system.

R7-6-757. Fire Alarm

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the requirement to provide an approved fire alarm system.

R7-6-758. Administrative Space

Authorization: A.R.S. § 15-2002 (A)

Objective: This rule informs the ASDB and the public of the general and specific requirements to provide for various types of school administrative space.

Proposed Course of Action: R7-6-758.(A.) of this section requires a typographical correction in the following sentence: "For general administrative purposes ~~and~~ AN additional 7.5 square feet per student is required."

There are several grammatical mistakes in R7-6-758.C. The following proposed amendment corrects them and simplified its syntax:
"C. A school facility shall have work space available to the faculty, CONSISTING OF ONE SQUARE FOOT PER STUDENT WITH A MINIMUM OF 150 SQUARE FEET AND A MAXIMUM OF 800 SQUARE FEET. This space is in addition to any work area available to a teacher, ~~that is in or near a classroom.~~ ~~One square foot per student with a maximum of 150 square feet and a maximum of 800 square feet is required.~~ The maximum may be exceeded. The space may be divided into more than one room. This space may have more than one function."

R7-6-759. Reserved

R7-6-760. Laws and Building Codes

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general requirement to conform to applicable laws and building codes, and specifies a minimum code level.

Proposed Course of Action: The following amendment to this section is desirable in order to update the reference to the most up-to-date applicable codes.

"A." No change.

"B. ~~At a minimum, the 1997 Uniform Building Code (UBC) is required to be met for new school facility construction and, as required, for building renovations in existing schools.~~ NEW SCHOOL FACILITY CONSTRUCTION SHALL, AT A MINIMUM, MEET THE REQUIREMENTS ESTABLISHED BY THE BUILDING CODE ADOPTED AND ENFORCED BY THE MUNICIPAL JURISDICTION IN WHICH THE SCHOOL SITE RESIDES. IN THE EVENT THE SCHOOL SITE IS OUTSIDE OF THE CORPORATE LIMITS OF A MUNICIPALITY, THE REQUIREMENTS OF THE LARGEST CITY IN THE COUNTY WITHIN WHICH THE SCHOOL SITE RESIDES, SHALL APPLY. REFERENCE A.R..S §34-461"

R7-6-761. Energy Saving Measures

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the ability to provide energy conservation upgrades under certain conditions. However, this rule does not address the statutory prohibition (A.R.S. §15-2041.(D).(3).(c)), at which allows modification to the base cost per square foot only for geographic or site conditions.

Proposed Course of Action: Prior comments about this section suggest that it is in conflict with A.R.S. §15-2041.(D).(3).(c). Another observation was made that its requirement of an 8 year pay-back period is inconsistent with the allowable twenty-five year pay-back period specified at A.R.S. §15-213.01.(B.) relating to energy cost saving measures paid through a

guaranteed energy cost savings contract (a performance contract) with a qualified provider. Upon closer review, it becomes evident that this rule is not in conflict with either of these statutory provisions. These are two different and distinct circumstances and are not conflicting.

R7-6-762. through R7-6-764. Reserved

R7-6-765. Building Systems

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the qualities for a building system to be considered in working order and capable of being maintained.

R7-6-766. through R7-6-769. Reserved

R7-6-770. Building Structural Soundness

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the qualities for a building system to be considered structurally sound.

Proposed Course of Action: Laws 2010, Ch. 39 (HB2760) add a specific reference to the structural condition of school facilities roof systems to the existing requirement for school districts to develop routine preventative maintenance checklist guidelines (guidelines) for its facilities and to submit the guidelines to the SFB for review and approval.

R7-6-771. Exterior Envelope, Interior Surfaces and Interior Finishes

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the qualities for the exterior envelope, interior surfaces and finishes to be considered safe and capable of being maintained.

R7-6-772 . through R7-6-774. Reserved

R7-6-775. Minimum Gross Square Footage

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general requirement to provide minimum adequate gross square footage by school district.

R7-6-776. Assessment of Minimum Gross Square Footage

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the specific requirements to provide per pupil square footage according to various grade configurations.

R7-6-777. Through R7-6-779. Reserved

R7-6-780. Student Boarding Space

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific requirements to provide student boarding for resident ASDB students.

R7-6-781. ASDB Program Requirement Facilities

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific requirements to provide certain specialized program facilities for particular student populations.

R7-6-782. Student Health Center

Authorization: A.R.S. § 15-2002 .(A.)

Objective: This rule informs the ASDB and the public of the general and specific requirements to house a student health center.

R7-6-783. Parent Outreach Program

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the general and specific requirements to house a parent outreach program at each campus.

R7-6-784. through R7-6-789. Reserved

R7-6-790. Guidelines Exception

Authorization: A.R.S. § 15-2002.(A.)

Objective: This rule informs the ASDB and the public of the ability of the School Facilities Board to grant an exception that will still meet guideline requirements.

Article 8. through Article 16. Repealed by exempt rulemaking at A.A.R. 287, effective June 7, 2001 (Supp. 01-4).

Exhibit A. Repealed by exempt rulemaking at A.A.R. 287, effective June 7, 2001 (Supp. 01-4).