

VI. Emergency Projects

Per ARS ~~§~~41-1091 B: This substantive policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona ~~administrative~~ ~~Administrative procedure~~ ~~Procedure~~ ~~act~~ Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under ~~Arizona Revised Statutes section~~ ~~ARS~~§41-1033 for a review of the statement.

Per ARS§15-2022, school districts may be eligible for monies from the Emergency Deficiencies Correction Fund (“Emergency Fund”) when the school district can prove that its situation meets the statutory definition of “emergency ” which is “a serious need for materials, services or construction or expenses in excess of the districts adopted budget for the current fiscal year and that seriously threaten the functioning of the school district, the preservation or protection of property or public health, welfare or safety.”

Applications

If a school district believes its circumstances meet the statutory definition of emergency, it shall submit a request for monies from the Emergency Fund to SFB staff. The request shall be on an application developed by SFB staff that requests at least the following information:

Contact Information

- District Name
- Superintendent Name
- Contact Person
- Contact Number

Justification

- Description of the problem
- Any completed professional studies
- Any citations or reports from government entities
- Recommended solution
- Estimated cost including backup documentation

Funding

- Building renewal expenditures for the current fiscal year
- Planned expenditures of building renewal funds for the balance of the current fiscal year
- Current balance of unrestricted capital funds
- Associated insurance coverage including why insurance cannot cover the expense

If the school district is unable to provide the required information, the school district may submit an incomplete application and ask SFB staff for assistance in developing the information required.

Investigation

If the Executive Director determines that the circumstances described by the school district in its application require professional evaluation to determine either the scope of the problem or potential solutions, the Executive Director may authorize expenditures not to exceed \$30,000 for the required evaluation. If the Executive Director authorizes an evaluation, the Executive Director will present the application for approval at the next regularly scheduled Board meeting. If the Board votes to not authorize funding, the Executive Director will not authorize any additional expenditures.

The Board may authorize additional investigation funds as necessary.

Funding

Once the investigation is complete, SFB staff will present a recommended solution and an estimated project cost to the Board for approval. The Executive Director may determine whether the SFB staff or the applying school district will contract for services to implement the approved project.

If the school district is the contractor, the school district shall submit requests for funding with appropriate invoices to receive awarded funds. If there are any unspent funds at the conclusion of the project, these funds shall be remitted to the Emergency Fund.

Insufficient Funds

Based on the recommended solution and the estimated project cost, the Board may determine that there are insufficient funds in the Emergency Fund to correct the approved emergency. Under those circumstances, the school district may correct the emergency pursuant to ARS§15-907.

~~15-2022. Emergency deficiencies correction fund; definition~~

~~A. An emergency deficiencies correction fund is established consisting of monies transferred from the deficiencies correction fund established by section 15-2021 or the new school facilities fund established by section 15-2041. The school facilities board shall administer the fund and distribute monies in accordance with the rules of the school facilities board to school districts for emergency purposes. The school facilities board shall not transfer monies from the deficiencies correction fund and the new school facilities fund if the transfer will affect, interfere with, disrupt or reduce any capital projects that the school facilities board has approved pursuant to sections 15-2021 and 15-2041. The school facilities board shall transfer to the emergency deficiencies correction fund the amount necessary each fiscal year to fulfill the requirements of this section. Monies in the fund are continuously appropriated and are exempt from the provisions of section 35-190 relating to lapsing of appropriations.~~

~~B. If the school facilities board determines that there are insufficient monies in the emergency deficiencies correction fund to correct an emergency, the school district may correct the emergency pursuant to section 15-907.~~

~~C. If a school district has an emergency, the school district shall apply to the school facilities board for funding for the emergency. The school district's application shall disclose any insurance or building renewal monies available to the school district to pay for the emergency.~~

~~D. The school facilities board staff shall notify the school district of the staff's recommendation within five business days of receiving the application. The school facilities board shall decide on the staff's recommendation for funding at the next scheduled school facilities board meeting.~~

~~E. For the purposes of this section, "emergency" means a serious need for materials, services or construction or expenses in excess of the district's adopted budget for the current fiscal year and that seriously threaten the functioning of the school district, the preservation or protection of property or public health, welfare or safety.~~