

## ***XIX. Portable Building Policy***

Per A.R.S. §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 Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. §41-1033 for a review of the statement.

The Division recognizes that school districts have broad authority to carry out their activities and programs, including the expenditure of funds on portable classrooms. This policy is to provide clarity on the use of portables as instructional spaces, temporary buildings, and disposal thereof.

### **A. Definitions**

Portable buildings, also referred to as modulars, ~~manufactured buildings, prefabricated buildings,~~ relocatable buildings, detached classroom structures, etc., are defined as portable classrooms, a school building of modular design and construction that can be relocated without the separation of the roof or floor from the building.

### **B. Instructional Space**

Portable classrooms shall comply with Minimum Adequacy Guidelines, A.A.C. Title 7, sections R7-6-101 through R7-6-276 . Portables identified as instructional space in the building inventory meeting eligibility criteria may apply for Building Renewal Grants (BRG) A.R.S. §41-5731 . They are not eligible for replacement or New School Facilities (NSF), or Emergency Deficiencies Corrections (EDC) funds.

### **C. Excluded Space**

Portable classrooms shall comply with Minimum Adequacy Guidelines , A.A.C. Title 7, sections R7-6-101 through R7-6-276. Portables identified as excluded space in the building inventory meeting the full definition of emergency in A.R.S. §41-5721 which is defined as “ a serious need for materials, services or construction or expenses in excess of the district’s adopted

budget for the current fiscal year that seriously threatens the functioning of the school district, the preservation or protection of property or public health, welfare or safety” may be eligible to apply for Emergency Deficiencies Corrections (EDC) funds. They are not eligible for replacement, BRG, or NSF funds.

### **C. Portables and Temporary Buildings, New Construction**

When building a new school using NSF funds, the rental, lease, purchase, or installation, and removal of portables or other temporary buildings are the sole responsibility of the school district. The Division does not fund space to accommodate students while a state funded school is under design or construction, this includes temporary space, portable buildings, or manufactured buildings. A district student accommodation plan is strongly advised.

### **D. Disposal of Portables**

Districts may determine the condition of portables renders them obsolete, beyond repurposing, or transferral and districts may dispose of portables with district funds. Disposal of portables is not eligible for BRG funding. Disposal of portables is not eligible for EDC funding unless it meets the full definition of emergency in A.R.S. §41-5721.

Districts are required to report all disposed portables in required annual reports. A reduction of square footage requires approval of the School Facilities Oversight Board per A.R.S. 15-341, G.