

School Facilities Board
2021 Notice of Proposed Rulemaking (NPR)
Summary & Recommendations
Articles 1, 2, 3, 5, & 6

Rulemaking Changes Summary

Article 1. Definitions

No changes

Article 2. Minimum School Facility Adequacy Guidelines

R7-6-205. C (Parking) & D School Site

Summary: Adds a section requiring districts to have an emergency response plan on file in accordance with statute.

R-7-6-210 (E) - exterior classroom space issue

Staff Recommendation: Remove Section E of R-7-6-210 to conform with statute which does not allow for exterior classroom space based on the requirements of statute to use interior walls for measurement purposes.

R7-6-211. Classroom Fixtures and Equipment (2)

Staff Recommendation: Adds flexibility to rule so that either a non-digital or digital presentation surface is acceptable in the Minimum School Facility Adequacy Guidelines.

R7-6-213. Classroom Temperature

Staff Recommendation: Evaporative coolers are common in areas below 5,000 ft and replacing any system below that elevation is not a necessary cost. The intent is to maintain classroom temperature.

R7-6-215. Classroom Air Quality

Staff Recommendation: Update the CO₂ parts per million threshold from 800 PPM of CO₂ above outside air to 700 PPM based on most recent update to ASHRAE standards.

R7-6-216. Measuring Classroom Comfort

Staff Recommendation: Rule classifies all modular buildings on a campus as one building which is not applicable per statute and would leave districts or the State with inaccurate information.

R7-6-220. Learning and Technology Center (Minimums on SF)

Staff Recommendation: This rule removes a confusing minimum for learning and technology center sizes. To add clarity, staff recommends removing the requirement for less than 150 students so it is clear that this rule applies to all schools.

R7-6-221. Equipment for Learning and Technology Center

Staff Recommendation: Removes out of date language requiring bookshelves. Removes a confusing qualifier for learning and technology center space for schools under 150 students that is not applicable. Adjusts language to add flexibility from TV to multi-media display. Updates the date required for an almanac, encyclopedia, or atlas from 1997 to 2015.

R7-6-227. Equipment List for Food Service

Staff Recommendation: Clarifying that warming kitchens and similar spaces qualify for adjustment in items required in subsection A of R-7-227.

R7-6-230. Multi-Use Space

Staff Recommendation: Removes duplicative rule around occupancy that is already addressed by the State Fire Marshal. Local or state fire marshalls will set the fire capacity of the building and said capacity must accommodate a third of the school per subsection 1.

R7-6-235. Technology

Staff Recommendation: In the current environment, all students have received or do receive a digital multimedia device (laptop) with internet access to meet digital learning needs. This change would update the ratio from 1 laptop for every 8 students to a one for one ratio.

R7-6-245. Science Facilities (Stakeholder input requested)

Staff Recommendation: Staff could use additional feedback from stakeholders on new online programs.

R7-6-245. Science Facilities (Stakeholder input requested)

Staff Recommendation: Staff could use additional feedback from stakeholders on new online programs.

R7-6-247. Arts Facilities; Career and Technical Education Facilities

Staff Recommendation: All classrooms are expected to have the appropriate acoustical treatment per classroom

R7-6-251. Alternative Delivery Method For Curriculum

Staff Recommendation: Repeals rule. This is not an area of expertise to the SFB nor is it in agency's core responsibilities per statute to determine appropriate instruction methods.

R7-6-258. Administrative Space

Staff Recommendation: Removes maximum may be exceeded for administrative because it is unnecessary.

R7-6-260. Laws and Building Codes

Staff Recommendation: The most current building codes should be prescribed through policy instead of rule to allow more flexibility to projects based on the standards required in the districts region.

R7-6-265. Building Systems

Staff Recommendation: There is no specific method to determining how long a building system will last or if it will last a specific amount of time such as three years. Additionally, staff is proposing additional language to add clarity to what the intent of subsection B is which is not limited to the items included in statute and refers to existing systems.

R7-6-261. Energy Saving Measures

Staff Recommendation: Repeal rule. Energy saving measures are now best practice and the normal practices of all construction projects. Many energy saving measures are now as cost effective as their alternatives if not better.

R7-6-270. Building Structural Soundness

Staff Recommendation: Subsections 1 through 3 are vague and did not require any specific measurements or analysis to determine structural soundness. Staff recommends aligning with best practice and current practice to have the structure assessed by a professional\ who is certified and bonded engineer.

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

Staff Recommendation: There is no perfect or practical method to determining how long a building system will last or if it will last a specific amount of time such as three years.

R7-6-275. Minimum Gross Square Footage

Staff Recommendation: Aligning rule with statute and updating the term 'pupil' and 'children' to 'student' which is now the uniform definition throughout rule.

Article 3. Square Footage Calculations

R7-6-301. Square Footage Calculations

Staff Recommendation: Removes out of date, unspecific language referencing 'unrestricted capital outlay monies' and replaced with local funds which is more specific. Removes statutory language that has since been repealed by the legislature. Lastly, removes language that referenced out of date statutory language regarding 'core facilities'.

Article 5. New School And Land Funding

R7-6-501. Capital Plans

Staff Recommendation: Adds statutory reference for clarity that capital plans are due on September 1 per ARS 15-2041 (C).

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

Staff Recommendation: Aligns language in rule with updated statutory language that is current practice for new construction funding. Removes language regarding energy saving measures that are already a common and best practice for new construction or building renewal projects. Clarifies the Board's process for reviewing construction documents and release of construction funds there after.

ARTICLE 6. CONTINGENCY FUNDS

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

Staff Recommendation: Repeal the entire article. Contingency for new construction projects is not required and only retention is required in order to ensure Minimum School Facility Adequacy Guidelines are met at the end of a project since the legislature appropriates these funds individually. Deficiency correction is no longer a program at SFB and contingency for Building Renewal Grant is not covered under this article. This article is no longer needed and should be at the discretion of agency and district staff.

Detailed Rulemaking Changes With Economic & Fiscal Impact

Article 1. Definitions

No changes

Article 2. Minimum School Facility Adequacy Guidelines

R7-6-205. C (Parking) & D School Site

R7-6-205. School Site

A. A school site shall have safe access, parking, drainage, and security to accommodate a school facility that complies with:

1. The minimum gross square footage requirements established in A.R.S. § 15-2011, for the number of students at the school facility; and
2. This Chapter.

B. A school site provides safe access by having:

1. A student drop-off area; and
2. A pedestrian pathway that allows students to enter the school facility through a designated point of entry without crossing vehicular traffic or by crossing vehicular traffic at a designated crosswalk.

C. A school site provides adequate parking by having an all weather surface area large enough to accommodate one parking space per staff FTE and one visitor parking space per 100

students. A school site that is unable to provide adequate parking **capacity** may have the sufficiency of parking at the school site determined by the Board using the following criteria:

1. Availability of street parking around the school;
2. Availability of any nearby parking lots;
3. Availability of public transit;
4. Number of staff who drive to work on a daily basis; and
5. The average number of visitors on a daily basis.

D. A school site provides adequate drainage if the school site is prepared in a manner consistent with the drainage and floodplain management standards of the jurisdiction in which the school site is located.

E. A school site provides adequate security if there is a fenced or walled, outdoor, play or physical education area for preschool students with disabilities and students in kindergarten through grade six. A school site that is unable to provide adequate security may have the sufficiency of security at the school site determined by the Board using the following criteria:

1. Amount of vehicular traffic near the school site;
2. Existence of hazardous or natural barriers on or near the school site;
3. The amount of animal nuisance near the school site; and
4. Visibility of the outdoor, play or physical education area.

F. All school districts must have an emergency response plan on file in accordance with ARS 15-341 (A) (31).

Summary: Adds a section requiring districts to have an emergency response plan on file in accordance with statute.

Staff Recommendation: To ensure that school districts have included coordination with the Department of Emergency & Military Affairs and the Department Education on an emergency response plan that includes the specific security infrastructure at the existing school site(s).

Economic/Fiscal Impact: None

R-7-6-210 (E) - exterior classroom space issue

~~E. An exterior space may be included in the classroom square footage of a school facility if the exterior space is covered and meets all other standards in this Chapter.~~

Staff Recommendation: Remove Section E of R-7-6-210 to conform with statute which does not allow for exterior classroom space based on the requirements of statute to use interior walls for measurement purposes.

Economic/Fiscal Impact: None

R7-6-211. Classroom Fixtures and Equipment (2)

1. Contain a work surface and seat for each student, teacher, and other individuals regularly assigned to the classroom.

The work surface and seat shall be:

- a. Appropriate for the normal activity of the class conducted in the room, and
 - b. Capable of being moved into different configurations;
2. Have **at least one or more**, non-electronic **or electronic**, mounted or retractable, surfaces, at least three feet by five feet, which fulfill all of the following purposes:
- a. Is erasable,

- b. Is suitable for projection, and
 - c. Is suitable for display;
3. Have storage for classroom materials or conveniently accessible storage; and
 4. Have secure storage for student records or conveniently accessible secure storage. Student records may be stored electronically.

Staff Recommendation: Adds flexibility to rule so that either a non-digital or digital presentation surface is acceptable in the Minimum School Facility Adequacy Guidelines.

Economic/Fiscal Impact: Yes.

Based on the below analysis from past projects completed by the School Facilities Board, a district ordering 50 white/tack boards would currently cost the State and estimated \$12,500. If updated to include projections and/or tvs, the State would see an estimated cost of \$37,500. If the State increased its investment to include Interactive Magnetic Dry Erase Boards or Promethean Board, which are digital projection monitors, it would expect an estimated cost of \$106,00 to \$223,200.

Current Product	Cost (Each Unit)	Updated Product	Updated Cost (Each Unit)	Difference
White/Tack Boards	\$200-250	Projector or TV	\$500-\$1,000	\$300-800
		Interactive Magnetic Dry Erase Board	\$2120	\$1920
		Promethean Board	\$4,464	\$4,200

R7-6-213. Classroom Temperature (Remove B. re: evap coolers)

A. A school facility shall have an HVAC or existing system capable of maintaining a temperature between 68° and 82° F under normal conditions with an occupied classroom.

~~B. Except in areas where the elevation is above 5,000 feet, defective or non-operable air conditioners and evaporative coolers shall be replaced with air conditioning. Non-air conditioned schools with elevations less than 5,000 feet shall be air conditioned.~~

Staff Recommendation: Evaporative coolers are common in areas below 5,000 ft and replacing any system below that elevation is not a necessary cost. The intent is to maintain classroom temperature.

Economic/Fiscal Impact: None. Most if not all districts are replacing these units with modernized HVAC systems.

R7-6-215. Classroom Air Quality

The CO2 level in each general and specialty classroom shall not exceed 700 ~~800-PPM~~ above the ambient CO2 level.

Staff Recommendation: Update PPM threshold based on ASHRAE standards.

Economic/Fiscal Impact: Yes, however, staff would consider this to be a de minimis increase with the efficiencies gained through recent technology and energy efficiency improvements. Many of the units the agency acquires and approves today meet this standard already partially due to the ASHRAE recommendations already in place.

Estimated Savings - Limit CO2 level from 800 ppm to 700 ppm with ambient as a baseline		
<i>Example: 5 Ton unit with CO2 sensor/motorized damper</i>		
Unit Size:	5	Ton
Total cfm (cubic feet per minute)	2000	cfm
Outside Air cfm (assuming 25 kids in 1000 sf classroom space)	370	cfm
Efficiency - SEER (Season Energy Efficiency Ratio)	14	SEER
Energy Efficiency Ratio (EER)	12.25	EER
	0.9795918367	KW/Ton
Estimated Increased Load (Sensible Load only) when CO2 level requirement is reduced by 100 ppm	0.306	Ton
Note: Added Load is due to increase of outside air intake from a minimum of 200 cfm (10%) to 370 cfm		
Estimated Increased Load (Sensible Load only) when CO2 level requirement is reduced by 100 ppm	0.299755102	KW
Estimated Added Energy Usage per year (8hrs a day for 300 days)	719.4122449	KWh
Estimated Added Cost per year (assuming \$0.10 per KWh)	\$71.94	per year

R7-6-216. Measuring Classroom Comfort

To determine whether a school facility complies with the standards in R7-6-212 through R7-6-215:

1. Classroom lighting, temperature, acoustics, and air quality shall be measured at a work surface in the approximate center of a classroom under normal conditions; and
2. Measuring shall be performed for a random sample of 10 percent of the general, science, and art classrooms in each building of the school facility;

~~3. All portable or modular buildings manufactured in the same year and installed at the school facility at the same time are considered a single building.~~

Staff Recommendation: Rule classifies all modular buildings on a campus as one building which is not applicable per statute and would leave districts or the State with inaccurate information.

Economic/Fiscal Impact: None

R7-6-220. Learning and Technology Center (Minimums on SF)

A. A school facility shall have a learning and technology center with space for students to access electronic and hard-copy research and reading materials. The learning and technology

center shall include space for reading, listening, and viewing materials.

B. For an elementary school facility ~~that serves at least 150 students~~, the learning and technology center shall have space equal to ~~less than~~ ~~greater of~~ 1000 square feet or the square footage equal to 20 square feet per student for 10 percent of the student body.

C. For a middle or junior high or high school facility ~~that serves at least 150 students~~, the learning and technology center shall have space equal to ~~less than~~ ~~the greater of~~ 1200 square feet or the square footage equal to 20 square feet per student for 10 percent of the student body.

Staff Recommendation: This rule removes a confusing minimum for learning and technology center sizes. To add clarity, staff recommends removing the requirement for less than 150 students so it is clear that this rule applies to all schools.

Economic/Fiscal Impact: None

R7-6-221. Equipment for Learning and Technology Center

A. The learning and technology center of a school facility shall contain the following minimum equipment:

- ~~1. One linear foot of book shelf space per student;~~
- ~~2. For a school facility of 150 or more students,~~ One work surface and seat for every 20 students with a maximum of 75 surfaces and seats;
3. One ~~tv~~ multi-media display;
4. Projection equipment and projection surface;
5. Ten books per student; and
6. An electronic or hard copy of each of the following:
 - a. Almanac,
 - b. Encyclopedia,
 - c. Atlas, and
 - d. Unabridged dictionary.

B. If a hard-copy almanac, encyclopedia, or atlas is used, each shall have a publication date of 2015 or later.

Staff Recommendation: Removes out of date language regarding bookshelves. Resolves a confusing qualifier for learning and technology center space for schools under 150 students. Adjusts language to add flexibility from TV to multi-media display. Updates the date required for an almanac, encyclopedia, or atlas from 1997 to 2015.

Economic/Fiscal Impact: Yes

Currently, the State typically invests in TVs and projection systems in learning and technology centers. However, technology has evolved to provide additional functionality to educators through more simulated teaching tools. Many of these new tools and educational advancements now require smart boards and provide an additional strategy to interact with students and present material. If the State increased its investment to include Interactive Magnetic Dry Erase Boards or Promethean Board, which are digital projection monitors, it would expect an estimated cost of \$106,00 to \$223,200.

Current Product	Cost (Each Unit)	Updated Product	Updated Cost (Each Unit)	Difference
Projector or TV	\$500-\$1,000	Promethean Board	\$4,464	\$3,500-4,000
		Interactive Magnetic Dry Erase Board	\$2120	\$1920

R7-6-227. Equipment List for Food Service

A. A school facility that receives, stores, prepares, and serves food to students shall have the following fixtures and equipment:

1. One three-compartment sink,
2. One double-stack oven or a warming oven,
3. One dishwasher if reusable dishes and silverware are used,
4. One hot-food holding appliance,
5. One range with hood,
6. One refrigerator,
7. One freezer, and
8. One milk refrigerator.

B. An alternative may be substituted for any item in subsection (A) if the alternative enables the school facility to receive, store, prepare, and serve food to students.

C. A school facility that receives, stores, and serves food prepared off the school site may adjust the items in subsection (A) accordingly [such as the equipment required for a warming kitchen](#).

Staff Recommendation: Clarifying that warming kitchens and similar spaces qualify for adjustment in items required in subsection A of R-7-227.

Economic/Fiscal Impact: None

R7-6-230. Multi-Use Space ([Stakeholder input requested](#))

A school facility shall have a space capable of being used for student assembly. The space shall be:

1. Large enough to accommodate one-third of the student body, [and](#)
2. The same size or larger than an average classroom at the school facility, [and](#)
- ~~3. At least seven square feet multiplied by one-third of the student body in addition to the square footage of open aisle and exiting path space.~~

Staff Recommendation: Removes duplicative rule. Local or state fire marshalls will set the fire capacity of the building and said capacity must accommodate a third of the school per subsection 1 .

Economic/Fiscal Impact: None

R7-6-235. Technology

A school facility shall provide at least one network connected multimedia device, available for student use, for every ~~eight~~ students. A multimedia device is a computer, tablet, or other smart device with internet access capable of presenting multimedia content

Staff Recommendation: In the current environment, all students have received or do receive a digital multimedia device with internet access to meet digital learning needs.

Economic/Fiscal Impact: Yes, currently the School Facilities Oversight Board provides one laptop or computer for each student a new construction project is being built for. This impact would only be seen in the New School Facilities Program. For example, a school that is approved for 800 students will receive funding for 100 laptops or computers for students.

While this presents a fiscal impact to the state, it is reduced by the fact that any surplus funding may be used for capital purposes for one year after completion of the project per A.R.S. 15-2041. Under A.C.C. R-7-235, SFB is authorized to use new school construction funding for technology which includes computers, laptops or other smart devices with internet access capable of presenting multimedia content.

Below is a breakdown of past products purchased by the agency and potential cost increase:

Current Product	Cost (Each Unit)	School Approved for 800 Under Current Rules	Update Updated Rules
ChromeBook 100e	\$220-300	\$22,000	\$177,600
ChromeBook	\$300-400	\$35,000	\$280,000

R7-6-245. Science Facilities (Stakeholder input needed)

A. A school facility with students in grades five through 12 shall have classroom square footage for delivery of practical instruction in science.

1. For grades five through eight, no classroom square footage is required other than as specified in R7-6-210.
2. For grades nine through 12, four square feet per student is required for practical instruction in science. The space shall not be smaller than the average classroom at the facility and may be used for other instruction when not needed for practical instruction in science.

B. Except as specified in R7-6-251, a school facility with students in grades five through 12 shall have the science fixtures and equipment specified in R7-6-246 for delivery of practical instruction in science.

Staff Recommendation: Solicit stakeholder input on the alternative options provided through online or digital courses.

Economic/Fiscal Impact: None

R7-6-246. Equipment List for Science Facilities (Stakeholder input needed)

A. Science facilities for students in grades nine through 12 shall have the following fixtures and equipment:

1. One demonstration table with non-corrosive surface per 250 students;
2. Six laboratory stations with a non-corrosive surface per 250 students;
3. One fume hood;
4. One chemical storage unit per 1,000 students;
5. One eyewash or safety shower station per 250 students;
6. Access to one **dissecting** microscope per 25 students, minimum of 12 microscopes or the number equal to one-half the number of students in grades nine through 12 divided by 25, whichever is fewer; and
7. One refrigerator.

B. Science facilities for students in grades five through 12 shall have the following fixtures and equipment:

1. One sink per 250 students;
2. Access to one **compound** microscope per 25 students, minimum of 12 microscopes or the number equal to one-half the number of students in grades five through 12 divided by 25, whichever is fewer; and
3. One balance per 250 students.

Staff Recommendation: Solicit stakeholder input on the alternative options provided through online or digital courses.

Economic/Fiscal Impact: None

R7-6-247. Arts Facilities; Career and Technical Education Facilities

A. Except as specified in R7-6-251, a school facility with students in grades seven through 12 shall have space to deliver art education programs, including visual, music, and performing arts, and career and technical education programs.

B. A school facility with students in grades seven through 12 shall have four square feet per student of space for art education and/or career and technical education. The space shall not be smaller than the average classroom at the facility and may be used for other instruction when not needed for instruction in the arts or career and technical education.

C. A school facility with students in kindergarten through sixth grade may deliver art education in the classroom square footage specified in R7-6-210. Education in performing arts may be delivered to students in kindergarten through sixth grade in spaces such as a multiuse space, gymnasium, or cafeteria ~~if the spaces have appropriate acoustical treatment.~~

Staff Recommendation: All classrooms are expected to have the appropriate acoustical treatment per

Economic/Fiscal Impact: None

R7-6-251. Alternative Delivery Method

~~A school district may use an alternative method to deliver instruction in art, science, or career and technical education. Before an alternative method is used, the school district shall:~~

- ~~1. Have the school district governing board determine the alternative method is capable of meeting the requirements established in the academic standards prescribed by the State Board of Education for the specific subject; and~~

~~2. Approve use of the alternative method.~~

Staff Recommendation: This is not an area of expertise to the SFB nor is it in the agency's core responsibilities per statute to determine appropriate instruction methods.

Economic/Fiscal Impact: None

R7-6-258. Administrative Space

A. A school facility shall have space for use by the administration of the school. For the school administrator, 150 designated square feet is required. For general administrative purposes, a space between 150 square feet and 1.5 square feet per student, as reasonable for the size of the anticipated student body, is required. ~~The maximum may be exceeded.~~

B. A school facility shall have a space in which to isolate a sick student from the other students. This space shall be accessible to a restroom and large enough to accommodate one cot per 200 students, with a maximum of four cots.

C. A school facility shall have work space available to the faculty that is in addition to any work space in or near a classroom. A space between 150 square feet and one square foot per student, as reasonable for the size of the anticipated student body, is required. The faculty work space may be in multiple locations throughout the school facility and may have more than one function.

Staff Recommendation: Removes maximum may be exceeded because it is unnecessary.

Economic/Fiscal Impact: None

R7-6-260. Laws and Building Codes

~~A. To the extent required by law, school buildings shall be in compliance with federal, state and local building and fire codes and laws that are applicable to the particular building. Existing school buildings are not required to comply with current requirements for new buildings unless this compliance is specifically mandated by law or by the building or fire code of the jurisdiction where the building is located.~~

~~B. At a minimum, the most current 1997 Uniform Building Code (UBC) is required to be met for new school facility construction and, as required, for building renovations in existing schools.~~

Staff Recommendation: The most current building codes should be prescribed through policy instead of rule to allow more flexibility to projects based on the standards required in the districts region.

Economic/Fiscal Impact: None.

R7-6-265. Building Systems

A. As required under A.R.S. § 15-2011(B)(3), building systems in a school facility shall be in working order and capable of being properly maintained. A building system is considered to be in working order and capable of being maintained if:

1. The system is capable of being operated as intended;
2. The system is capable of being maintained according to manufacturer's instructions;
3. Newly manufactured or refurbished replacement parts are available;
- ~~4. The remaining life expectancy of the system is at least three years;~~

5 4. The system is capable of supporting the gross square footage of the school facility;
and

6 5. Components of the system present no imminent danger of personal injury.

B. Building systems required under A.R.S. § 15-2011(B)(3) to be in working order and capable of being maintained **which include, but are not limited to:** roof, plumbing, telephone, electrical, and HVAC systems. Additionally, under this Chapter, the following **existing** building systems shall be in working order and capable of being properly maintained **which include, but are not limited to:** fire alarm, two-way internal communication, network cabling, and security systems.

Staff Recommendation: There is no specific method to determining how long a building system will last or if it will last a specific amount of time such as three years. Additionally, staff is proposing additional language to add clarity to what the intent of subsection B is which is not limited to the items included in statute and refers to existing systems.

Economic/Fiscal Impact: None

R7-6-261. Energy Saving Measures

~~Both construction of a new school facility and renewal of an existing school facility shall include energy conservation measures that will provide dollar savings in excess of the cost of the conservation measure within eight years of the construction or renewal.~~

Staff Recommendation: These measures are now best practice and the normal practices of all construction projects. Many energy saving measures are now as cost effective as their alternatives if not better.

Economic/Fiscal Impact: None

R7-6-270. Building Structural Soundness

As required under A.R.S. § 15-2011(B)(4), all buildings of a school facility shall be structurally sound. A building of a school facility is considered structurally sound if the building **has passed a structural analysis by a professional engineer.**

~~1. Presents no imminent danger of personal harm;~~

~~2. Has no visible signs of major decay or distress, and~~

~~3. Appears to have at least three years of remaining life expectancy~~

Staff Recommendation: Subsections 1 through 3 which vague and did not require any specific measurements or analysis. Staff recommends aligning with best practice and current practice to have the structure assessed by a professional, certified and bonded engineer.

Economic/Fiscal Impact: None, this is current practice.

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

The exterior envelope, interior surfaces, and interior finishes of a school facility shall be safe and capable of being maintained.

1. An exterior envelope is safe and capable of being maintained if:

a. Walls and roof are constructed of materials requiring minimal maintenance, including painting;

b. Walls, roof, doors, and windows are weather tight under normal conditions with routine upkeep; and

c. The building structural systems support the loads imposed on them.

2. An interior surface is safe and capable of being maintained if it is:
 - a. Structurally sound;
 - b. Capable of supporting a finish; and
 - c. Capable of continuing in its intended use, with normal maintenance and repair, ~~for at least three years.~~
3. An interior finish is safe and capable of being maintained if it is:
 - a. Free of exposed lead paint;
 - b. Free of friable asbestos; and
 - c. Capable of continuing in its intended use, with normal maintenance and repair, ~~for at least three years.~~

Staff Recommendation: There is no perfect or practical method to determining how long a building system will last or if it will last a specific amount of time such as three years.

Economic/Fiscal Impact: None

R7-6-275. Minimum Gross Square Footage

Each school district shall have sufficient school facilities, which comply with minimum school facility guidelines established in this Article, to meet the ~~per pupil~~ minimum adequate gross square footage requirements for such district as determined by law. ~~for such district based on number and grade distribution of the students served by the district.~~

Staff Recommendation: Providing clarify by removing out of date language such as pupil which is no longer used or defined and remove additional language that is referenced in statute.

Economic/Fiscal Impact: None

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

- A. Computation of the gross square footage of a school facility may be by ~~physical~~ measurement or by calculation based on architectural plan documents.
- B. The gross square footage of a school facility equals all space within the facility excluding space used for district administrative purposes.
- C. The gross square footage of a district shall equal the sum of the gross square footage of each school facility in the district.
- D. The minimum gross square footage of a district equals the sum of the products of the students in each grade or program for preschool ~~students pupil~~ with disabilities or kindergarten program multiplied by the minimum adequate gross square footage requirements per ~~student pupil~~ ~~pupil~~, applicable to the district for such grade or program.
- E. For the purpose of assessment of minimum gross square footage, the number of ~~students children~~ in all grades and kindergarten shall be evenly distributed across all grades and kindergarten served by the district. [\[Reference kindergarten ADM statute for clarification\]](#)

Staff Recommendation: Aligning rule with statute and updating the definition of pupil and children to 'student'.

Economic/Fiscal Impact: None

Article 3. Square Footage Calculations

R7-6-301. Square Footage Calculations

A. A school district may use Class A bonds to supplement any project funded by the School Facilities Board pursuant to ~~A.R.S. § 15-2021~~ or A.R.S. § 15-2041. Pursuant to A.R.S. § 5-2002(HG), when a school district adds square footage to the district through the construction of a new school using Class A bonds, the School Facilities Board shall not provide funding to supplement the new school construction.

B. When a school district adds square footage to the district through the construction of a new school using either Class B bonds, or ~~unrestricted capital outlay monies~~ other funds, the School Facilities Board shall not include the square footage of the new school in the ~~gross net~~ square footage of the school district for ~~purposes of calculating building renewal distributions pursuant to A.R.S. § 15-2031 and for~~ determining needs for additional square footage pursuant to A.R.S. § 15-2011 and A.R.S. § 15-2041.

C. When a school district adds square footage to the district through the construction of a new school using Class A bonds, the School Facilities Board shall include the square footage of the new school in the ~~gross net~~ square footage of the school district ~~for purposes of calculating building renewal distributions pursuant to A.R.S. § 15-2031 and~~ for determining needs for additional square footage pursuant to A.R.S. § 15-2011 and A.R.S. § 15-2041.

D. A school district that uses Class B bonds and/or ~~unrestricted capital outlay monies~~ other funds to add or replace square footage at existing schools shall have the additional square footage or replacement square footage treated as follows:

1. A school district that adds square footage to an existing school with the use of Class B bonds or ~~unrestricted capital outlay monies~~ other funds 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 ~~Article 2 R7-6-201 through R7-6-285~~.

2. A school district that both removes and adds square footage with the use of Class B bonds or ~~unrestricted capital outlay monies~~ other funds 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 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 ~~Article 2 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.~~

- 4 3. If a ~~portion~~ square footage is replaced at an existing school with the use of Class B bonds or ~~unrestricted capital outlay monies~~ other funds, the student capacity of the facility after completion of the project will be determined in the same manner as it would have been determined prior to the addition. If Class B bonds or ~~unrestricted capital outlay monies~~ other funds are used to construct a complete replacement school, the student capacity of the facility once the project is completed will be based on the provisions of A.R.S. § 15-2011(C).

5 4. For purposes of this Section, replacement square footage is defined as square footage constructed with Class B bonds or ~~unrestricted capital outlay monies~~ other funds that replaces existing square footage.

E. If square footage is added to or replaced at an existing school with the use of Class A bonds, the student capacity of the facility after completion of the project will be determined in the same manner as it would have been determined prior to the addition.

~~F. The method of computing the funding and square footage for any expansion of a core facility previously funded by the School Facilities Board shall follow the same method that was used for computing the original core facility.~~

Staff Recommendation: Removes out of date, unspecific language and replaced with local funds. Removes statutory language that has since been repealed by the legislature. Lastly, removes language that referenced out of date statutory language regarding core facilities.

Economic/Fiscal Impact: None

Article 5. New School And Land Funding

R7-6-501. Capital Plans

If a school district's capital plan, developed pursuant to A.R.S. § 15-2041, indicates a need for a new school or an addition to an existing school within the next four years or a need for land within the next ten years, the school district shall complete the capital plan packet issued by the School Facilities Board and return the packet to the Board by the ~~announced~~ deadline prescribed in A.R.S. § 15-2041(C).

Staff Recommendation: Adds statutory reference for clarity.

Economic/Fiscal Impact: None

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

A. The data submitted by each school district requesting additional square footage under the capital plan shall be reviewed by staff to determine student capacity. Additionally, staff shall review and ~~verify~~ analyze district student population projections and the existing square footage in the district. The staff shall prepare a New Construction Analysis for the district.

B. If the proposed new school facilities are located in territory in the vicinity of a ~~military~~ airport as defined in A.R.S. § 28- 8461, the Board shall provide notice to the ~~military~~ airport of the proposed new school facility construction and seek the ~~military~~ airports comments and analysis concerning compatibility of the proposed school facilities with the high noise or accident potential generated by ~~military~~ airport operations that may have an adverse effect on public health and safety. The Board shall consider and analyze the comments and analysis provided by the ~~military~~ airport prior to making a final determination to fund the new square footage.

C. The Board shall make a decision regarding the number of square feet and students to be funded for the district, the ~~appropriate cost~~ funding per square foot ~~approved by the Legislature~~ and the total budget ~~based on the funding per square foot~~. At the time the Board is making its decision, the New Construction Analysis shall be available to the Board members and the school district. The school district may address the Board at this time.

~~D. A school district that is approved for additional square footage shall have 60 days from the date of notification to officially accept, in writing, funding for the square footage approved by the Board or the approval shall expire.~~ After a school district has ~~accepted a project in writing and has~~ signed the Terms and Conditions for New School Funding, the Board ~~may~~ **shall provide make available** five percent of the monies approved for architectural and engineering fees ~~for projects of \$500,000 or more.~~ The individual school district shall be responsible for establishing the actual A and E amount.

E. A school district that receives approval for additional square footage from the Board shall proceed with the design development plan and specifications for the project. ~~Two~~ **One or more** copies of the proposed ~~educational goals or drawings,~~ specifications and schematic design, with budget estimates are required to be submitted to the ~~Board's~~ staff. The items required to be included in the estimated budget are all elements of new construction, excluding land acquisition. These elements are included, but are not limited to:

1. Architectural and engineering fees;
2. Survey, testing, permits, advertising and printing;
3. Construction costs;
4. Furniture, fixtures and equipment;
5. Any necessary project management; and
6. A ~~five~~ **three** percent ~~contingency~~ **retention** amount **to ensure the completed project meets all Minimum Adequacy Guidelines.** ~~After Board staff review, the school district shall proceed with a preliminary bid package.~~

~~F. If the school district includes reasonable upgrades to the new construction project for energy conservation purposes, the Board shall provide funding upgrades above the formula based award to cover the full amount of the upgrade. Upgrades will only be funded if the upgrade receives pre-approval by the Board staff and the school district architect or engineer certifies that the upgrade will provide dollar savings in excess of the cost of the upgrade within an eight year period.~~

G F. Upon review of the submitted ~~schematic construction~~ **design documents,** budget estimates and ~~preliminary bid procurement~~ package, ~~the Board's~~ staff shall make a recommendation to the Board regarding the appropriateness of the school district to proceed with the additional square footage and the efficiency and effectiveness of the plan. The staff recommendation shall be based on whether the project is within the original scope and Board approved ~~budget (including square footage and number of students),~~ the project meets the minimum adequacy guidelines ~~building adequacy standards,~~ initial comments from the local building authority and whether revised student population projections continue to justify the additional square footage. If the Board approves the project, the school district shall be authorized to proceed with ~~construction the final bid package.~~ ~~Prior to authorization to contract the school district shall document that it has obtained local (city, county or equivalent) building department approval.~~ For projects outside of the original scope and /or Board approved ~~ed budget~~ or that do not meet the minimum adequacy guidelines, the Board may instruct the school district to resubmit the project, or the Board may make an alternative decision. ~~Local~~ **Other** funds may be used by the school district in conjunction with the Board approved funding.

~~H. Upon receipt of bids by the school district, the Executive Director shall authorize the district to proceed with the contract if the school district has documented that it has obtained local (city,~~

~~county or equivalent) building department approval, and the bid is within the original scope and Board-approved budget, and meets the building adequacy standards. The Executive Director may make an alternative recommendation to the full Board.~~

~~I. The Board-approved funding for additional square footage shall be available to the school district for one year from the date of notification. The bid process shall be completed within the one-year period. The Board shall consider requests for an extension beyond the one year and may grant an extension for good reason.~~

~~J G. The Board may modify or waive the requirements of this Section for good cause.~~

Staff Recommendation: Aligns language in rule with updated statutory language that is current practice. Removes language regarding energy saving measures that are not a common and best practice for a new construction or building renewal projects. Clarifies the Board's process for reviewing construction documents and release of construction funds there after.

Economic/Fiscal Impact: None

ARTICLE 6. CONTINGENCY FUNDS

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

~~A. A sum equal to a percentage of the construction cost 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 percent of the base cost for new construction and ten percent of the base cost for renovation of a structure or system replacement to cover these potential costs. Contingency funds are not part of the construction budget and are to be used 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 which are not used may be used by the school district in accordance with A.R.S. § 15-2041.~~

~~B. The mechanism that is used to spend contingency funds during construction is a "change order." There are three types of situations that generally require a change order:~~

- ~~1. An unknown condition that was not determined until after construction was started and that requires a change, deletion or addition to the construction contract.~~
- ~~2. The school district has determined to change the scope of work and add to or delete from the contract.~~
- ~~3. A change is required to correct a discrepancy between what the contractor bid and what the architect and owner intended. This type of change order could be determined as an "error or omission" on the part of the architect. If so, the owner should pursue the architect's error and omissions insurance to recover the costs of the required change.~~

~~G. Change orders can be additive or subtractive to the construction contract and both should be used. All changes in the scope of the contract and the contract documents should be considered potential change orders. Change order should not be used to correct conditions known prior to or discovered during the bid process. These should be addendum items and made part of the bid.~~

~~D. The following conditions apply to the use of all contingency monies allocated to a specific project approved by the School Facilities Board. If the district wishes to issue change orders that do not comply with these rules, the associated costs shall be accounted for separately and not considered part of the approved project. 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 included in the same basic contract. These costs would be paid for using local funds.~~

- ~~1. The school district may use contingency monies only to cover change orders that are to correct unknown conditions:~~
- ~~2. Contingency funds may not be used to cover change orders for the other two types of situations discussed in subsection (B) above: the district has determined to change the scope of work during construction by adding components, or a change is required to correct a discrepancy created by the architect that could be considered an error or omission by the architect.~~
- ~~3. For deficiency correction projects performed pursuant to A.R.S. § 15-2024 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. The Board may modify or waive the requirements of this Section for good cause.~~

Staff Recommendation: Contingency for new construction projects is not required and only retention is required in order to ensure Minimum School Facility Adequacy Guidelines are met at the end of a project since the legislature appropriates these funds individually. Deficiency correction is no longer a program at SFB and contingency for Building Renewal Grant is not covered under this article. This article is no longer needed and should be at the discretion of both agency and district staff.

Economic/Fiscal Impact: None