

REFERENCE TITLE: school facilities board; project managers

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2242

Introduced by
Representative Lujan, Senator Gray L: Representative Anderson

AN ACT

AMENDING SECTIONS 15-2002 AND 15-2041, ARIZONA REVISED STATUTES; RELATING TO
THE SCHOOL FACILITIES BOARD.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 15-2002, Arizona Revised Statutes, is amended to
3 read:
4 15-2002. Powers and duties; executive director; staffing;
5 report
6 A. The school facilities board shall:
7 1. Make assessments of school facilities and equipment deficiencies
8 ~~pursuant to section 15-2021~~ and approve the distribution of grants as
9 appropriate.
10 2. Develop a database for administering the building renewal formula
11 prescribed in section 15-2031 and administer the distribution of monies to
12 school districts for building renewal.
13 3. Inspect school buildings at least once every five years to ensure
14 compliance with the building adequacy standards prescribed in section 15-2011
15 and routine preventative maintenance guidelines as prescribed in this section
16 with respect to construction of new buildings and maintenance of existing
17 buildings. The school facilities board shall randomly select twenty school
18 districts every thirty months and inspect them pursuant to this paragraph.
19 4. Review and approve student population projections submitted by
20 school districts to determine to what extent school districts are entitled to
21 monies to construct new facilities pursuant to section 15-2041. The board
22 shall make a final determination within six months of the receipt of an
23 application by a school district for monies from the new school facilities
24 fund.
25 5. Certify that plans for new school facilities meet the building
26 adequacy standards prescribed in section 15-2011.
27 6. Develop prototypical elementary and high school designs. The board
28 shall review the design differences between the schools with the highest
29 academic productivity scores and the schools with the lowest academic
30 productivity scores. The board shall also review the results of a valid and
31 reliable survey of parent quality rating in the highest performing schools
32 and the lowest performing schools in this state. The survey of parent
33 quality rating shall be administered by the department of education. The
34 board shall consider the design elements of the schools with the highest
35 academic productivity scores and parent quality ratings in the development of
36 elementary and high school designs. The board shall develop separate school
37 designs for elementary, middle and high schools with varying pupil
38 capacities.
39 7. Develop application forms, reporting forms and procedures to carry
40 out the requirements of this article.
41 8. Review and approve or reject requests submitted by school districts
42 to take actions pursuant to section 15-341, subsection F.
43 9. Submit an annual report by December 15 to the speaker of the house
44 of representatives, the president of the senate, the superintendent of public

1 instruction, the director of the Arizona state library, archives and public
2 records and the governor that includes the following information:

3 (a) A detailed description of the amount of monies distributed by the
4 school facilities board in the previous fiscal year.

5 (b) A list of each capital project that received monies from the
6 school facilities board during the previous fiscal year, a brief description
7 of each project that was funded and a summary of the board's reasons for the
8 distribution of monies for the project.

9 (c) A summary of the findings and conclusions of the building
10 maintenance inspections conducted pursuant to this article during the
11 previous fiscal year.

12 (d) A summary of the findings of common design elements and
13 characteristics of the highest performing schools and the lowest performing
14 schools based on academic productivity, including the results of the parent
15 quality rating survey. For the purposes of this ~~paragraph~~ SUBDIVISION,
16 "academic productivity" means academic year advancement per calendar year as
17 measured with student-level data using the statewide nationally standardized
18 norm-referenced achievement test.

19 10. By December 1 of each year, report to the joint committee on
20 capital review the amounts necessary to fulfill the requirements of sections
21 ~~15-2021~~, 15-2022, 15-2031 and 15-2041 for the following fiscal year and the
22 estimated amounts necessary to fulfill the requirements of sections ~~15-2021~~,
23 15-2022, 15-2031 and 15-2041 for the fiscal year following the next fiscal
24 year. The board shall provide copies of the report to the president of the
25 senate, the speaker of the house of representatives and the governor.

26 11. Adopt minimum school facility adequacy guidelines to provide the
27 minimum quality and quantity of school buildings and the facilities and
28 equipment necessary and appropriate to enable pupils to achieve the
29 educational goals of the Arizona state schools for the deaf and the
30 blind. The school facilities board shall establish minimum school facility
31 adequacy guidelines applicable to the Arizona state schools for the deaf and
32 the blind ~~by December 31, 2000~~.

33 12. ~~Beginning August 15, 2004, and~~ IN each even-numbered year
34 ~~thereafter~~, report to the joint committee on capital review the amounts
35 necessary to fulfill the requirements of sections 15-2031 and 15-2041 for the
36 Arizona state schools for the deaf and the blind for the following two fiscal
37 years. The Arizona state schools for the deaf and the blind shall
38 incorporate the findings of the report in any request for building renewal
39 monies and new school facilities monies. Any monies provided to the Arizona
40 state schools for the deaf and the blind for building renewal and for new
41 school facilities are subject to legislative appropriation.

42 13. By October 15 of each year, submit information regarding
43 demographic assumptions, a proposed construction schedule and new school
44 construction cost estimates for the following fiscal year to the joint
45 committee on capital review for its review.

1 14. Every two years, provide school districts with information on
2 improving and maintaining the indoor environmental quality in school
3 buildings.

4 B. The school facilities board may contract for private services in
5 compliance with the procurement practices prescribed in title 41, chapter 23.

6 C. The governor shall appoint an executive director of the school
7 facilities board pursuant to section 38-211. The executive director is
8 eligible to receive compensation as determined pursuant to section 38-611 and
9 may hire and fire necessary staff as approved by the legislature in the
10 budget. The executive director shall have demonstrated competency in school
11 finance, facilities design or facilities management, either in private
12 business or government service. The executive director serves at the
13 pleasure of the governor. The staff of the school facilities board is exempt
14 from title 41, chapter 4, articles 5 and 6. The executive director:

15 1. Shall analyze applications for monies submitted to the board by
16 school districts.

17 2. Shall assist the board in developing forms and procedures for the
18 distribution and review of applications and the distribution of monies to
19 school districts.

20 3. May review or audit, or both, the expenditure of monies by a school
21 district for deficiencies corrections, building renewal and new school
22 facilities.

23 4. Shall assist the board in the preparation of the board's annual
24 report.

25 5. Shall research and provide reports on issues of general interest to
26 the board.

27 6. May aid school districts in the development of reasonable and
28 cost-effective school designs in order to avoid statewide duplicated efforts
29 and unwarranted expenditures in the area of school design.

30 7. May assist school districts in facilitating the development of
31 multijurisdictional facilities.

32 8. Shall assist the board in any other appropriate matter or method as
33 directed by the members of the board.

34 9. Shall establish procedures to ensure compliance with the notice and
35 hearing requirements prescribed in section 15-905. The notice and hearing
36 procedures adopted by the board shall include the requirement, with respect
37 to the board's consideration of any application filed after July 1, 2001 or
38 after December 31 of the year in which the property becomes territory in the
39 vicinity of a military airport or ancillary military facility as defined in
40 section 28-8461 for monies to fund the construction of new school facilities
41 proposed to be located in territory in the vicinity of a military airport or
42 ancillary military facility, that the military airport receive notification
43 of the application by first class mail at least thirty days before any
44 hearing concerning the application.

1 10. May expedite any request for ~~funds~~ MONIES in which the local match
2 was not obtained for a project that received preliminary approval by the
3 state board for school capital facilities.

4 11. Shall expedite any request for ~~funds~~ MONIES in which the school
5 district governing board submits an application that shows an immediate need
6 for a new school facility.

7 12. Shall make a determination as to administrative completion within
8 one month after the receipt of an application by a school district for monies
9 from the new school facilities fund.

10 13. Shall provide technical support to school districts as requested by
11 school districts in connection with the construction of new school facilities
12 and the maintenance of existing school facilities **AND MAY CONTRACT DIRECTLY**
13 **WITH CONSTRUCTION PROJECT MANAGERS.**

14 D. When appropriate, the school facilities board shall review and use
15 the statewide school facilities inventory and needs assessment conducted by
16 the joint committee on capital review and issued in July, 1995.

17 E. The school facilities board shall contract with one or more private
18 building inspectors to complete an initial assessment of school facilities
19 and equipment ~~provided in section 15-2021~~ and shall inspect each school
20 building in this state at least once every five years to ensure compliance
21 with section 15-2011. A copy of the inspection report, together with any
22 recommendations for building maintenance, shall be provided to the school
23 facilities board and the governing board of the school district.

24 F. The school facilities board may consider appropriate combinations
25 of facilities or uses in making assessments of and curing deficiencies
26 pursuant to subsection A, paragraph 1 of this section and in certifying plans
27 for new school facilities pursuant to subsection A, paragraph 5 of this
28 section.

29 G. The board shall not award any monies to fund new facilities that
30 are financed by class A bonds that are issued by the school district.

31 H. The board shall not distribute monies to a school district for
32 replacement or repair of facilities if the costs associated with the
33 replacement or repair are covered by insurance or a performance or payment
34 bond.

35 I. The board may contract for construction services and materials that
36 are necessary to correct existing deficiencies in school district facilities
37 ~~as determined pursuant to section 15-2021~~. The board may procure the
38 construction services necessary pursuant to this subsection by any method,
39 including construction-manager-at-risk, design-build, design-bid-build or
40 job-order-contracting as provided by title 41, chapter 23. The construction
41 planning and services performed pursuant to this subsection are exempt from
42 section 41-791.01.

43 J. The school facilities board may enter into agreements with school
44 districts to allow school facilities board staff and contractors access to

1 school property for the purposes of performing the construction services
2 necessary pursuant to subsection I of this section.

3 K. ~~By October 1, 2002,~~ Each school district shall develop routine
4 preventative maintenance guidelines for its facilities. The guidelines shall
5 be submitted to the school facilities board for review and approval ~~by~~
6 ~~February 1, 2003.~~ If upon inspection by the school facilities board it is
7 determined that a school district facility was inadequately maintained
8 pursuant to the school district's routine preventative maintenance
9 guidelines, the school district shall use building renewal monies pursuant to
10 section 15-2031, subsection J to return the building to compliance with the
11 school district's routine preventative maintenance guidelines. Once the
12 district is in compliance, it no longer is required to use building renewal
13 monies for preventative maintenance.

14 L. The school facilities board may temporarily transfer monies between
15 the capital reserve fund established by section 15-2003, ~~the deficiencies~~
16 ~~correction fund established by section 15-2021,~~ the emergency deficiencies
17 correction fund established by section 15-2022, the building renewal fund
18 established by section 15-2031 and the new school facilities fund established
19 by section 15-2041 if all of the following conditions are met:

20 1. The transfer is necessary to avoid a temporary shortfall in the
21 fund into which the monies are transferred.

22 2. The transferred monies are restored to the fund where the monies
23 originated as soon as practicable after the temporary shortfall in the other
24 fund has been addressed.

25 3. The school facilities board reports to the joint committee on
26 capital review the amount of and the reason for any monies transferred.

27 Sec. 2. Section 15-2041, Arizona Revised Statutes, is amended to read:
28 15-2041. New school facilities fund; capital plan; report

29 A. A new school facilities fund is established consisting of monies
30 appropriated by the legislature and monies credited to the fund pursuant to
31 section 37-221. The school facilities board shall administer the fund and
32 distribute monies, as a continuing appropriation, to school districts for the
33 purpose of constructing new school facilities **AND MAY USE MONIES TO PAY FOR**
34 **CONSTRUCTION PROJECT MANAGEMENT SERVICES THAT ARE DIRECTLY CONTRACTED FOR**
35 **PURSUANT TO SECTION 15-2002, SUBSECTION C, PARAGRAPH 13.** On June 30 of each
36 fiscal year, any unobligated contract monies in the new school facilities
37 fund shall be transferred to the capital reserve fund established by section
38 15-2003.

39 B. The school facilities board shall prescribe a uniform format for
40 use by the school district governing board in developing and annually
41 updating a capital plan that consists of each of the following:

42 1. Enrollment projections for the next five years for elementary
43 schools and eight years for middle and high schools, including a description
44 of the methods used to make the projections.

1 2. A description of new schools or additions to existing schools
2 needed to meet the building adequacy standards prescribed in section 15-2011.
3 The description shall include:
4 (a) The grade levels and the total number of pupils that the school or
5 addition is intended to serve.
6 (b) The year in which it is necessary for the school or addition to
7 begin operations.
8 (c) A timeline that shows the planning and construction process for
9 the school or addition.
10 3. Long-term projections of the need for land for new schools.
11 4. Any other necessary information required by the school facilities
12 board to evaluate a school district's capital plan.
13 5. If a school district pays tuition for all or a portion of the
14 school district's high school pupils to another school district, the capital
15 plan shall indicate the number of pupils for which the district pays tuition
16 to another district. If a school district accepts pupils from another school
17 district pursuant to section 15-824, subsection A, the school district shall
18 indicate the projections for this population separately. This paragraph does
19 not apply to a small isolated school district as defined in section 15-901.
20 C. If the capital plan indicates a need for a new school or an
21 addition to an existing school within the next four years or a need for land
22 within the next ten years, the school district shall submit its plan to the
23 school facilities board by September 1 and shall request monies from the new
24 school facilities fund for the new construction or land. Monies provided for
25 land shall be in addition to any monies provided pursuant to subsection D of
26 this section.
27 D. The school facilities board shall distribute monies from the new
28 school facilities fund as follows:
29 1. The school facilities board shall review and evaluate the
30 enrollment projections and either approve the projections as submitted or
31 revise the projections. In determining new construction requirements, the
32 school facilities board shall determine the net new growth of pupils that
33 will require additional square footage that exceeds the building adequacy
34 standards prescribed in section 15-2011. If the projected growth and the
35 existing number of pupils ~~exceeds~~ EXCEED three hundred fifty pupils who are
36 served in a school district other than the pupil's resident school district,
37 the school facilities board, the receiving school district and the resident
38 school district shall develop a capital facilities plan on how to best serve
39 those pupils. A small isolated school district as defined in section 15-901
40 is not required to develop a capital facilities plan pursuant to this
41 paragraph.
42 2. If the approved projections indicate that additional space will not
43 be needed within the next two years for elementary schools or three years for
44 middle or high schools in order to meet the building adequacy standards
45 prescribed in section 15-2011, the request shall be held for consideration by

1 the school facilities board for possible future funding and the school
2 district shall annually submit an updated plan until the additional space is
3 needed.

4 3. If the approved projections indicate that additional space will be
5 needed within the next two years for elementary schools or three years for
6 middle or high schools in order to meet the building adequacy standards
7 prescribed in section 15-2011, the school facilities board shall provide an
8 amount as follows:

9 (a) Determine the number of pupils requiring additional square footage
10 to meet building adequacy standards. This amount for elementary schools
11 shall not be less than the number of new pupils for whom space will be needed
12 in the next year and shall not exceed the number of new pupils for whom space
13 will be needed in the next five years. This amount for middle and high
14 schools shall not be less than the number of new pupils for whom space will
15 be needed in the next four years and shall not exceed the number of new
16 pupils for whom space will be needed in the next eight years.

17 (b) Multiply the number of pupils determined in subdivision (a) of
18 this paragraph by the square footage per pupil. The square footage per pupil
19 is ninety square feet per pupil for preschool children with disabilities,
20 kindergarten programs and grades one through six, one hundred square feet for
21 grades seven and eight, one hundred thirty-four square feet for a school
22 district that provides instruction in grades nine through twelve for fewer
23 than one thousand eight hundred pupils and one hundred twenty-five square
24 feet for a school district that provides instruction in grades nine through
25 twelve for at least one thousand eight hundred pupils. The total number of
26 pupils in grades nine through twelve in the district shall determine the
27 square footage factor to use for net new pupils. The school facilities board
28 may modify the square footage requirements prescribed in this subdivision for
29 particular schools based on any of the following factors:

30 (i) The number of pupils served or projected to be served by the
31 school district.

32 (ii) Geographic factors.

33 (iii) Grade configurations other than those prescribed in this
34 subdivision.

35 (iv) Compliance with minimum school facility adequacy requirements
36 established pursuant to section 15-2011.

37 (c) Multiply the product obtained in subdivision (b) of this paragraph
38 by the cost per square foot. The cost per square foot is ninety dollars for
39 preschool children with disabilities, kindergarten programs and grades one
40 through six, ninety-five dollars for grades seven and eight and one hundred
41 ten dollars for grades nine through twelve. The cost per square foot shall
42 be adjusted annually for construction market considerations based on an index
43 identified or developed by the joint legislative budget committee as
44 necessary but not less than once each year. The school facilities board
45 shall multiply the cost per square foot by 1.05 for any school district

1 located in a rural area. The school facilities board may modify the base
2 cost per square foot prescribed in this subdivision for particular schools
3 based on geographic conditions or site conditions. For the purposes of this
4 subdivision, "rural area" means an area outside a thirty-five mile radius of
5 a boundary of a municipality with a population of more than fifty thousand
6 persons.

7 (d) Once the school district governing board obtains approval from the
8 school facilities board for new facility construction funds, additional
9 portable or modular square footage created for the express purpose of
10 providing temporary space for pupils until the completion of the new facility
11 shall not be included by the school facilities board for the purpose of new
12 construction funding calculations. On completion of the new facility
13 construction project, if the portable or modular facilities continue in use,
14 the portable or modular facilities shall be included as prescribed by this
15 chapter, unless the school facilities board approves their continued use for
16 the purpose of providing temporary space for pupils until the completion of
17 the next new facility that has been approved for funding from the new school
18 facilities fund.

19 4. For projects approved after December 31, 2001, and notwithstanding
20 paragraph 3 of this subsection, a unified school district that does not have
21 a high school is not eligible to receive high school space as prescribed by
22 section 15-2011 and this section unless the unified district qualifies for
23 geographic factors prescribed by paragraph 3, subdivision (b), item (ii) of
24 this subsection.

25 E. Monies for architectural and engineering fees, project management
26 services and preconstruction services shall be distributed on the completion
27 of the analysis by the school facilities board of the school district's
28 request. After receiving monies pursuant to this subsection, the school
29 district shall submit a design development plan for the school or addition to
30 the school facilities board before any monies for construction are
31 distributed. If the school district's request meets the building adequacy
32 standards, the school facilities board may review and comment on the
33 district's plan with respect to the efficiency and effectiveness of the plan
34 in meeting state square footage and facility standards before distributing
35 the remainder of the monies. If the school facilities board modifies the
36 cost per square foot as prescribed in subsection D, paragraph 3, subdivision
37 (c) **OF THIS SECTION**, the school facilities board may deduct the cost of
38 project management services and preconstruction services from the required
39 cost per square foot. The school facilities board may decline to fund the
40 project if the square footage is no longer required due to revised enrollment
41 projections.

42 F. The school facilities board shall distribute the monies needed for
43 land for new schools so that land may be purchased at a price that is less
44 than or equal to fair market value and in advance of the construction of the
45 new school. If necessary, the school facilities board may distribute monies

1 for land to be leased for new schools if the duration of the lease exceeds
 2 the life expectancy of the school facility by at least fifty per cent. The
 3 proceeds derived through the sale of any land purchased or partially
 4 purchased with monies provided by the school facilities board shall be
 5 returned to the state fund from which it was appropriated and to any other
 6 participating entity on a proportional basis. Except as provided in section
 7 15-342, paragraph 33, if a school district acquires real property by donation
 8 at an appropriate school site approved by the school facilities board, the
 9 school facilities board shall distribute an amount equal to twenty per cent
 10 of the fair market value of the donated real property that can be used for
 11 academic purposes. The school district shall place the monies in the
 12 unrestricted capital outlay fund and increase the unrestricted capital budget
 13 limit by the amount of monies placed in the fund. Monies distributed under
 14 this subsection shall be distributed from the new school facilities fund. A
 15 school district that receives monies from the new school facilities fund for
 16 a donation of land pursuant to section 15-342, paragraph 33 shall not receive
 17 monies from the school facilities board for the donation of real property
 18 pursuant to this subsection. A school district shall not pay a consultant a
 19 percentage of the value of any of the following:

20 1. Donations of real property, services or cash from any of the
 21 following:

22 (a) Entities that have offered to provide construction services to the
 23 school district.

24 (b) Entities that have been contracted to provide construction
 25 services to the school district.

26 (c) Entities that build residential units in that school district.

27 (d) Entities that develop land for residential use in that school
 28 district.

29 2. Monies received from the school facilities board on behalf of the
 30 school district.

31 3. Monies paid by the school facilities board on behalf of the school
 32 district.

33 G. In addition to distributions to school districts based on pupil
 34 growth projections, a school district may submit an application to the school
 35 facilities board for monies from the new school facilities fund if one or
 36 more school buildings have outlived their useful life. If the school
 37 facilities board determines that the school district needs to build a new
 38 school building for these reasons, the school facilities board shall remove
 39 the square footage computations that represent the building from the
 40 computation of the school district's total square footage for purposes of
 41 this section. If the square footage recomputation reflects that the school
 42 district no longer meets building adequacy standards, the school district
 43 qualifies for a distribution of monies from the new school construction
 44 formula in an amount determined pursuant to subsection D of this
 45 section. Buildings removed from a school district's total square footage

1 pursuant to this subsection shall not be included in the computation of
2 monies from the building renewal fund established by section 15-2031. The
3 school facilities board may modify the base cost per square foot prescribed
4 in this subsection under extraordinary circumstances for geographic factors
5 or site conditions.

6 H. School districts that receive monies from the new school facilities
7 fund shall establish a district new school facilities fund and shall use the
8 monies in the district new school facilities fund only for the purposes
9 prescribed in this section. By October 15 of each year, each school district
10 shall report to the school facilities board the projects funded at each
11 school in the previous fiscal year with monies from the district new school
12 facilities fund and shall provide an accounting of the monies remaining in
13 the new school facilities fund at the end of the previous fiscal year.

14 I. If a school district has surplus monies received from the new
15 school facilities fund, the school district may use the surplus monies only
16 for capital purposes for the project for up to one year after completion of
17 the project. If the school district possesses surplus monies from the new
18 school construction project that have not been expended within one year of
19 the completion of the project, the school district shall return the surplus
20 monies to the school facilities board for deposit in the new school
21 facilities fund.

22 J. The board's consideration of any application filed after July 1,
23 2001 or after December 31 of the year in which the property becomes territory
24 in the vicinity of a military airport or ancillary military facility as
25 defined in section 28-8461 for monies to fund the construction of new school
26 facilities proposed to be located in territory in the vicinity of a military
27 airport or ancillary military facility shall include, if after notice is
28 transmitted to the military airport pursuant to section 15-2002 and before
29 the public hearing the military airport provides comments and analysis
30 concerning compatibility of the proposed school facilities with the high
31 noise or accident potential generated by military airport or ancillary
32 military facility operations that may have an adverse effect on public health
33 and safety, consideration and analysis of the comments and analysis provided
34 by the military airport before making a final determination.

35 K. If a school district uses its own project manager for new school
36 construction, the members of the school district governing board and the
37 project manager shall sign an affidavit stating that the members and the
38 project manager understand and will follow the minimum adequacy requirements
39 prescribed in section 15-2011.

40 L. The school facilities board shall establish a separate account in
41 the new school facilities fund designated as the litigation account to pay
42 attorney fees, expert witness fees and other costs associated with litigation
43 in which the school facilities board pursues the recovery of damages for
44 deficiencies correction that resulted from alleged construction defects or
45 design defects that the school facilities board believes caused or

1 contributed to a failure of the school building to conform to the building
 2 adequacy requirements prescribed in section 15-2011. Attorney fees paid
 3 pursuant to this subsection shall not exceed the market rate for similar
 4 types of litigation. Monies recovered as damages pursuant to this subsection
 5 shall be used to offset debt service on the correction of existing
 6 deficiencies ~~as prescribed by section 15-2021~~. The joint committee on
 7 capital review shall conduct an annual review of the litigation account,
 8 including the costs associated with current and potential litigation.

9 M. Until the state board of education and the auditor general adopt
 10 rules pursuant to section 15-213, subsection I, the school facilities board
 11 may allow school districts to contract for construction services and
 12 materials through the qualified select bidders list method of project
 13 delivery for new school facilities pursuant to this section.

14 N. The school facilities board shall submit a report on project
 15 management services and preconstruction services to the governor, the
 16 president of the senate and the speaker of the house of representatives by
 17 December 31 of each year. The report shall compare projects that use project
 18 management and preconstruction services with those that do not. The report
 19 shall address cost, schedule and other measurable components of a
 20 construction project. School districts, construction manager at risk firms
 21 and project management firms that participate in a school facilities board
 22 funded project shall provide the information required by the school
 23 facilities board in relation to this report.

24 O. If a school district constructs new square footage according to
 25 section 15-342, paragraph 33, the school facilities board shall review **THE**
 26 design plans and location of any new school facility submitted by school
 27 districts and another party to determine whether the design plans comply with
 28 the adequacy standards prescribed in section 15-2011 and the square footage
 29 per pupil requirements pursuant to subsection D, paragraph 3, subdivision (b)
 30 of this section. When the school district qualifies for a distribution of
 31 monies from the new school facilities fund according to this section, the
 32 school facilities board shall distribute monies to the school district from
 33 the new school facilities fund for the square footage constructed under
 34 section 15-342, paragraph 33 at the same cost per square foot established by
 35 this section that was in effect at the time of the beginning of the
 36 construction of the school facility. Before the school facilities board
 37 distributes any monies pursuant to this subsection, the school district shall
 38 demonstrate to the school facilities board that the facilities to be funded
 39 pursuant to this section meet the minimum adequacy standards prescribed in
 40 section 15-2011. The agreement entered into pursuant to section 15-342,
 41 paragraph 33 shall set forth the procedures for the allocation of these funds
 42 to the parties that participated in the agreement.