

GOVERNOR KATIE HOBBS

STATE OF ARIZONA

EXECUTIVE ORDER

Executive Order 2023-15

Establishing a Stakeholder Council to Update the Minimum Adequacy Guidelines for School Facilities

WHEREAS, Article XI, Section 1 of the Arizona Constitution requires the State of Arizona to provide “for the establishment and maintenance of a general and uniform public school system;” and

WHEREAS, the Arizona Supreme Court held in *Hull v. Albrecht*, 192 Ariz. 34 (1998), that the State must establish minimum standards for adequate capital facilities; and

WHEREAS, the legislature enacted legislation requiring the development of Minimum Adequacy Guidelines (the “Guidelines”) in 1998, and such Guidelines were drafted and adopted over 20 years ago; and

WHEREAS, in 2015, the School Facilities Board requested authorization to modernize the Guidelines, which authorization was provided in 2017; and

WHEREAS, during that process, the Board acknowledged that the Guidelines “have become inconsistent with current industry standards and Board practice, technological changes, and best practices regarding education;” and

WHEREAS, a stakeholders committee (the “2019 Committee”) was established that examined how the Guidelines should be modernized; and

WHEREAS, due in part to the exigencies created by the COVID-19 pandemic, the rulemaking process did not proceed as originally scheduled and, as a result, an expedited rulemaking process occurred that was largely technical and could not result in any revisions that could increase the cost of regulatory compliance; and

WHEREAS, it was contemplated that a subsequent rulemaking process would address numerous issues that had been raised by the 2019 Committee, including guidelines pertaining to technology, square footage, safety and security, the appropriateness of evaporative cooling in the modern classroom environment, and other issues; and

WHEREAS, a subsequent rulemaking process addressed certain technology issues and accomplished certain important updates, but there are significant additional issues identified by the previously convened stakeholder committee, including, without limitation, school safety and security, that remain to be addressed; and

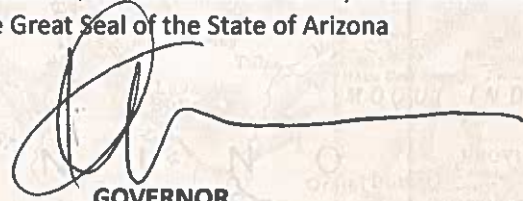
WHEREAS, a child's ability to attend a reasonably safe and secure school should not depend on the property wealth of that child's district or a district's ability to pass bonds and capital overrides; and

WHEREAS, it is important to gain the perspective of a wide variety of stakeholders including rural and urban school districts, teachers, administrators, school architects and contractors, and parents of school children.

NOW, THEREFORE, I, Katie Hobbs, Governor of the State of Arizona, by virtue of the power vested in me by the Arizona Constitution and the laws of this State, hereby order and direct as follows:

1. The Governor's Minimum Adequacy Guidelines Modernization Committee (the "Committee") is created to study and make recommendations for updates to the Guidelines.
2. The Committee shall conduct stakeholder meetings and consult with experts to develop its recommendations, which shall include, without limitation, recommendations for establishing minimum adequacy guidelines for safety and security at all public district schools.
3. In formulating its recommendations, the Committee shall consider the proposals prepared by the 2019 Committee.
4. The Committee shall be chaired by the Governor or her designee(s). The Governor shall designate another member of the Committee as vice-chair.
5. The Committee shall be comprised of the following members appointed by the Governor:
 - a. A representative of an urban school district;
 - b. A representative of a rural school district;
 - c. A representative of a large school district;
 - d. A representative of a small school district;
 - e. An educator from an urban school;
 - f. An educator from a rural school;
 - g. A school architect;
 - h. A contractor or contractors with experience building and/or maintaining public district schools in rural and urban areas;
 - i. One (1) representative or designee from each of the largest associations in the State comprised of members of each of the following: (i) school district governing boards; (ii) teachers; (iii) school administrators; (iv) school business officials; and (v) rural schools; and
 - j. Such other members as the Governor shall determine are appropriate.
6. The Committee shall prepare and submit to the Governor a final report on or before July 1, 2024 or such later date as the Governor shall determine that identifies final recommendations for updates to the Guidelines.
7. The Committee shall be staffed by the School Facilities Division of the Arizona Department of Administration (the "SFD").
8. The Committee shall terminate upon submitting the final report. Upon such submission, the SFD shall facilitate the School Facilities Oversight Board's review and potential adoption of the Committee's recommendations.
9. This Executive Order shall take effect immediately upon signature.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona



GOVERNOR

DONE at the Capitol in Phoenix on this Twenty-Ninth day of June in the Year Two Thousand Twenty-Three and of the independence of the United States of America the Two Hundred and Forty-Seventh.



ATTEST:



SECRETARY OF STATE