

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

LITTLE ROCK SCHOOL DISTRICT

PLAINTIFF

V.

NO. 4:82-cv-866-DPM

**PULASKI COUNTY SPECIAL SCHOOL
DISTRICT NO. 1, ET AL.**

DEFENDANTS

EMILY McCLENDON, ET AL.

INTERVENORS

FACILITIES PLAN AND UPDATE

Pulaski County Special School District, for its Facilities Plan and Facilities Update, submits the following.

I. Introduction

On May 6, 2021, the Court ordered PCSSD to develop a proposal for facilities work to be done at Mills University Studies High School to “comply ... and square up” the inequity between Mills University Studies High School and Robinson Middle School (the “Mills-Robinson Inequity”). *Doc. 5730, p. 30*. PCSSD submitted a proposal to the Court (the “Proposal”), *Doc. 5736*, and the Court issued a general approval of the Proposal. *Doc. 5776*. However, the Court ordered PCSSD to “refine its proposal into a firm plan” and the Court ordered PCSSD to “file the plan by 1 July 2022.” *Doc. 5776, p. 3*. The Court later extended that deadline to 15 August 2022. *Doc. 5794*. As ordered, PCSSD hereby submits this facilities plan (the “Plan”). A drawing of the entire Plan can be found attached hereto as *Exhibit 5*.

II. Timeline

PCSSD has engaged architects and has been working with stakeholders to distill the facilities proposal into a firm plan. The design phase of the work is ongoing, and will remain

ongoing until January 13, 2023, at which point final blueprints will be complete. Between January 20, 2023 and February 20, 2023, PCSSD will seek review and approval from the controlling state agency. Thereafter, bidding for the work is anticipated to commence on February 20, 2023, and is expected to be complete by March 23, 2023. Once bids are reviewed and the contractor selected, construction is expected to commence on April 3, 2023, and continue for an estimated 502 days until August 16, 2024. PCSSD anticipates that it can begin moving into the new spaces on July 29, 2024, to be completed by August 19, 2024. Under this anticipated schedule, the new spaces would be complete for use in the 2024-2025 school year.

III. Addition of Classrooms

A schematic of the additional classroom can be found attached to this Plan as *Exhibit 1*. The first floor of the classroom space is pictured in the bottom right hand corner of page 1 of Exhibit 1. The second floor of the classroom space is pictured in the bottom right hand corner of page 2 of Exhibit 1. Note that the white (not shaded) portion of the classroom space on the second floor of the building is open to the first floor space, meaning that that the indoor space is two stories tall. A rough sketch of the outdoor view of this additional classroom space can be found attached to this Plan as *Exhibit 2*. To place this part of the Plan with the rest of the campus, please see Exhibit 5.

Much of the Proposal regarding classroom space has been solidified and adopted here. For the most part, the Plan tracks the Proposal, but with a few deviations. There had previously been some back-and-forth between PCSSD and Intervenorors about whether this additional classroom space would be attached or detached. Intervenorors had a strong preference for the classrooms to be attached. In large part due to this feedback from the Intervenorors, and now after consultation with architects, the Plan presented here is for the classroom space to be attached.

PCSSD's plan includes increasing the capacity of Mills University Studies High School as originally proposed, *Doc. 5736, p. 8*, but with a slight adjustment in the number and type of classrooms. The Proposal was previously submitted envisioning 10 classrooms. *Doc. 5736, p. 8*. The Proposal includes 6 standard rectangular classrooms; 3 on the first floor, and 3 directly above them on the second floor. *Compare* pages 1 and 2 of *Exhibit 1*. These 6 classrooms will meet the itemized criteria set out in the Proposal. *Doc. 5736, p. 8*.

The remaining space devoted to academics is the functional equivalent of 4 more classrooms. On the first floor of the new space, page 1 of Exhibit 1 shows a possible layout of the space with the furniture envisioned to be in place. Close review of that space shows 3 or 4 distinct academic spaces, although they are not "classrooms" in the strictest and most conventional sense. On the first floor of the new space, page 1 of Exhibit 1 also shows an internal smaller room, also with envisioned furniture, which is yet another academic space. Moving to the second floor of the new building, although envisioned furniture is not drawn in on every possible part of page 2 of Exhibit 1, there are other large spaces that could be used for academic needs.

All of this demonstrates that while the spirit of the Proposal is met in the instant Plan, the itemized criteria of the Proposal are not necessarily met for every single academic space. *Doc. 5736, p. 8* (bullet points). This is by design. The Proposal is a modern technologically enabled open concept academic space. What it lacks in internal walls and convention, it makes up for in versatility and adaptability. True to the name Mills University Studies High School, these academic spaces will feel more like a university and less like the traditional four walls of a high school classroom. This will help to meet the needs of the students and their educators, will enable the utilization of pedagogical best practices, and will be an academic space that can be best adapted to remediate pandemic learning loss.

For the functional equivalent of these other 4 classrooms, PCSSD specifically discloses that the Plan will not rigidly meet the itemized criteria of the Proposal, but will fulfill the vision of the Proposal in that it increases the capacity of Mills University Studies High School, while giving the students a unique and modern space that will be best suited to the needs of this school. Such flexibility is urged here, and submitted alongside PCSSD's previous arguments that it should not be forced to build modern high school classrooms identical to those at a middle school that were built in a pre-pandemic learning environment. PCSSD again draws on the element of practicability, and again urges the Court to not adhere to a strict standard of equality, when equity would be best suited for the needs here. *Doc. 5736, pp. 5-7.*

IV. Multi-Purpose Arena

A schematic of the multi-purpose arena can be found attached to this Plan as *Exhibit 1*. The first floor of the arena is pictured in the upper right hand corner of page 1 of Exhibit 1. The second floor of the arena is pictured in the upper right hand corner of page 2 of Exhibit 1. PCSSD specifically reports here that the arena space meets the itemized criteria listed out in the Proposal. *Doc. 5736, pp. 11-13.* Thus, there are no subtractions, additions, or changes to disclose. To place this part of the Plan with the rest of the campus, please see Exhibit 5.

V. Softball Field

A schematic of the softball field can be found attached to this Plan as *Exhibit 3*. Also on Exhibit 3 you can see where the arena and the classroom space is located in relation to the rest of the school. A rough sketch of a view of the softball field can be found attached to this Plan as *Exhibit 4*. PCSSD specifically reports here that the softball field meets the itemized criteria listed out in the Proposal. *Doc. 5736, p. 11.* Thus, there are no subtractions, additions, or changes to disclose. To place this part of the Plan with the rest of the campus, please see Exhibit 5.

VI. ROTC

PCSSD specifically reports here that the alterations planned to the ROTC space meet the itemized criteria listed out in the Proposal. *Doc. 5736, pp. 9-11*. Thus, there are no subtractions, additions, or changes to disclose. To place this part of the Plan with the rest of the campus, please see Exhibit 5.

VII. Funding

Previously, PCSSD reported that this project would cost a total of \$19 million. *Doc. 5736, p. 13*. That was in July 2021. Over the past year, inflation, skyrocketing oil prices, supply chain issues, and other macroeconomic forces have substantially driven up construction costs. For example, an artificial turf softball field made primarily out of petroleum has fluctuated astronomically with the price of its input components. No one could have predicted the effect that an invasion halfway around the world would have on work done at Mills University Studies High School. PCSSD is working diligently to control costs and finalize construction plans in the face of these formidable cost challenges.

If the past year has taught society anything in the economic sphere, it is that it is difficult to be certain about what lies ahead. PCSSD is still on track to complete this Plan, but things have become much more challenging. In the future, if these macroeconomic forces come to bear on this Plan in significant problematic ways, PCSSD will update the Court accordingly. PCSSD sincerely hopes this does not happen, but PCSSD cannot predict the future of the economy and how this may impact things in the district. As mentioned above in discussing the timeline, bidding for this work is anticipated to commence on February 20, 2023, and is expected to be complete by March 23, 2023. Until the bidding is complete and contracts are signed, the cost is still a moving target.

Another potential issue has developed with the State of Arkansas. PCSSD previously reported that it would use approximately \$4 million of ARP funds to complete the academic space construction at Mills University Studies High School. *Doc. 5736, p. 13, fn. 8*. After PCSSD published these plans to use ARP funds in a way that would have an impact on its desegregation efforts through this case, the State of Arkansas has now taken steps that may have complicated and may ultimately frustrate these efforts. PCSSD is still working through some newly created barriers that the State has set up, and is attempting to resolve this issue with the State without seeking Court intervention.

On a more positive note, PCSSD previously disclosed to the Court a campaign to restructure or extend existing bonds. *Doc. 5736, p. 14*. This funding proposal was presented to, and approved by, the voters. This was not a change in the millage rate, and did not result in a tax hike. However, it did make an alternative and more favorable funding source available to PCSSD to fund the work at Mills University Studies High School.

By way of update and erring on the side of over-disclosure, PCSSD also informs the Court that this successful bond restructuring campaign made funds available to also do some additional facilities work in the district, anticipated at Maumelle High School, Sylvan Hills High School, Harris Elementary School, College Station Elementary School, Robinson High School, and Baker Elementary School. While some of these other campuses and other projects had historically been a part of this litigation, the Court's May 2021 order narrowed down the focus to a comparison between Mills University Studies High School and Robinson Middle School. *Doc. 5730, pp. 30-31*. Thus, those other projects are mentioned here not because they are within the scope of this case, but just to disclose to the Court that the work at Mills University Studies High School is not the only facilities work being done in the district.

VIII. Update on Public Meetings

PCSSD held a community meeting on May 12, 2022 at 6 pm utilizing virtual and in-person means. PCSSD heard from community members on the Proposal, and PCSSD used this input in further refining the Proposal into this Plan. PCSSD has another community meeting scheduled for August 30, 2022, once again utilizing virtual and in-person means, to further update the community and stakeholders on the Proposal now turned Plan, and further solicit feedback on the ongoing construction plans.

IX. Index of Exhibits

	<i>Exhibit</i>
Schematic Plan of Classrooms & Arena	1
Outdoor Rough Sketch of New Classrooms	2
Schematic of Softball Field	3
Outdoor Rough Sketch of Softball Field	4
Overview of Entire Project	5

X. Conclusion

WHEREFORE, the Pulaski County Special School District prays that the Court approve this facilities Plan.

Devin R. Bates (2016184)
M. Samuel Jones III (76060)
MITCHELL, WILLIAMS, SELIG,
GATES & WOODYARD, P.L.L.C.
425 West Capitol Avenue, Suite 1800
Little Rock, Arkansas 72201
Telephone: (501) 688-8800
Facsimile: (501) 688-8807
dbates@mwlaw.com
sjones@mwlaw.com

and

Jay Bequette
Cody Kees
Bequette Billingsley & Kees, P.A.
425 West Capitol Ave., Suite 3200
Little Rock, Arkansas 72201
Telephone: (501) 374-1107
Facsimile: (501) 374-5092
Mobile: (501) 590-4500
jbequette@bbpalaw.com
ckees@bbpalaw.com

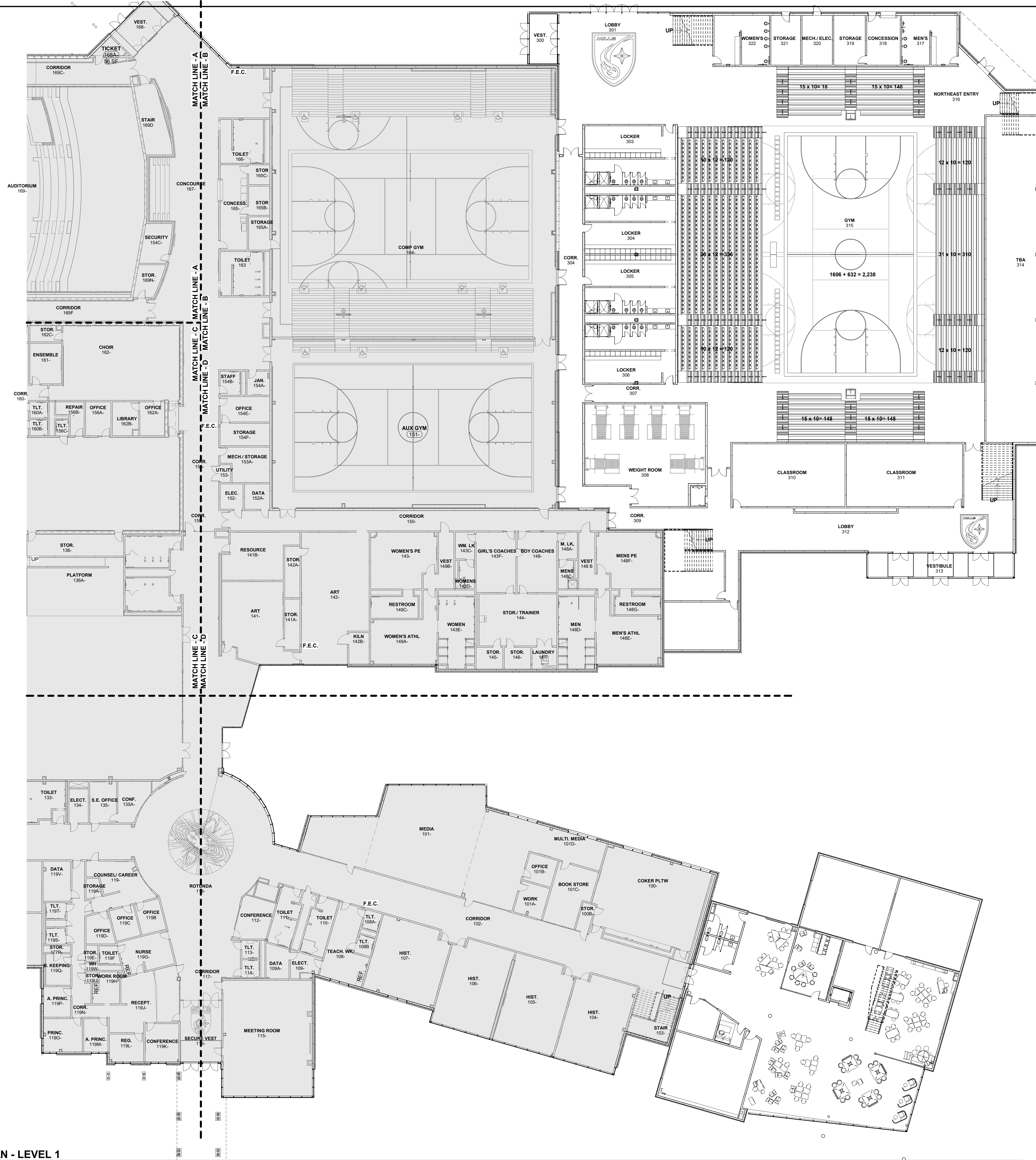
***Attorneys for Pulaski County Special
School District***

FLOOR PLAN - LEVEL ONE

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8/12/22		
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SD		
A1.01		

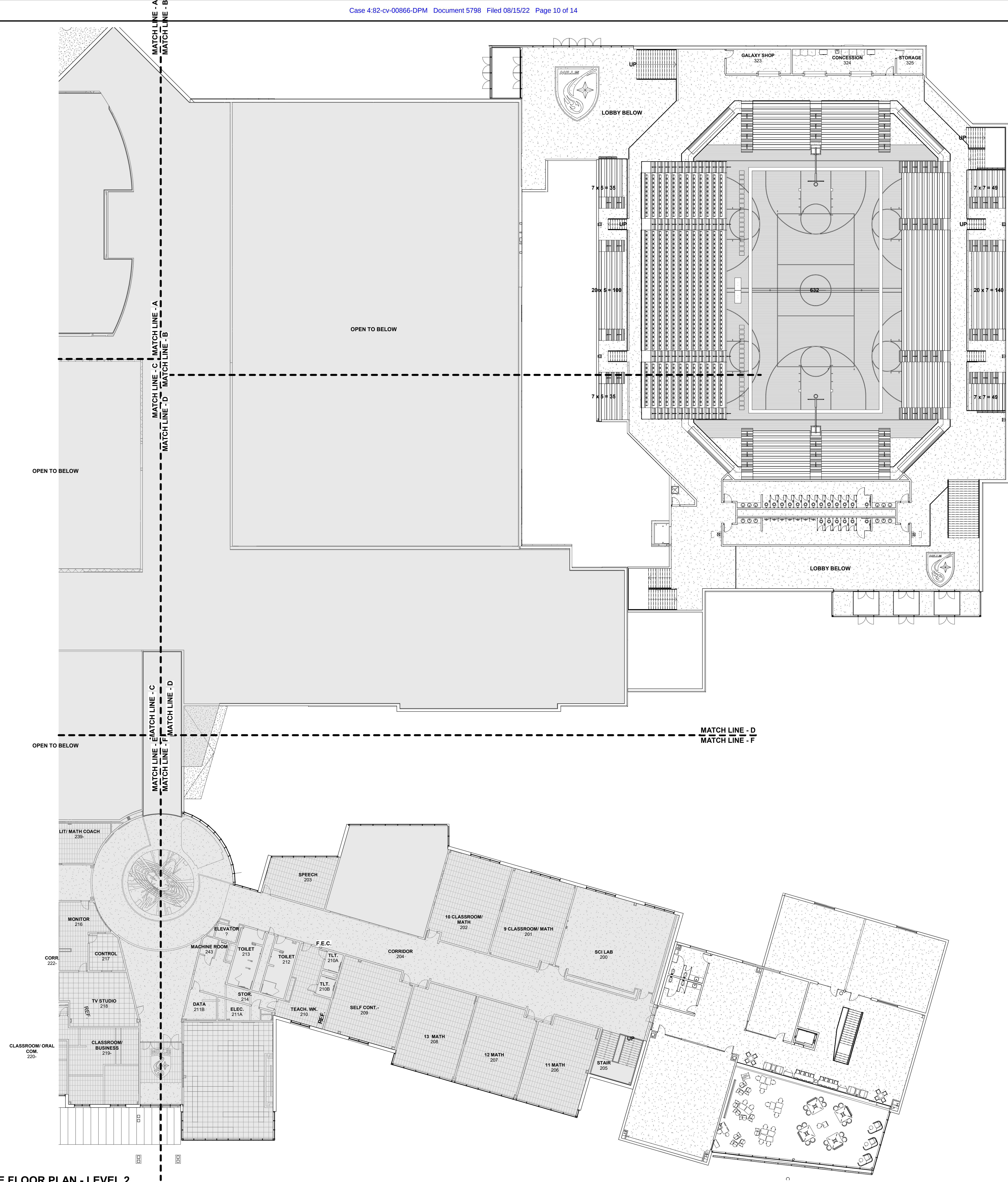
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1 COMPOSITE FLOOR PLAN - LEVEL 1
1/16" = 1'-0"



FLOOR PLAN - LEVEL TWO

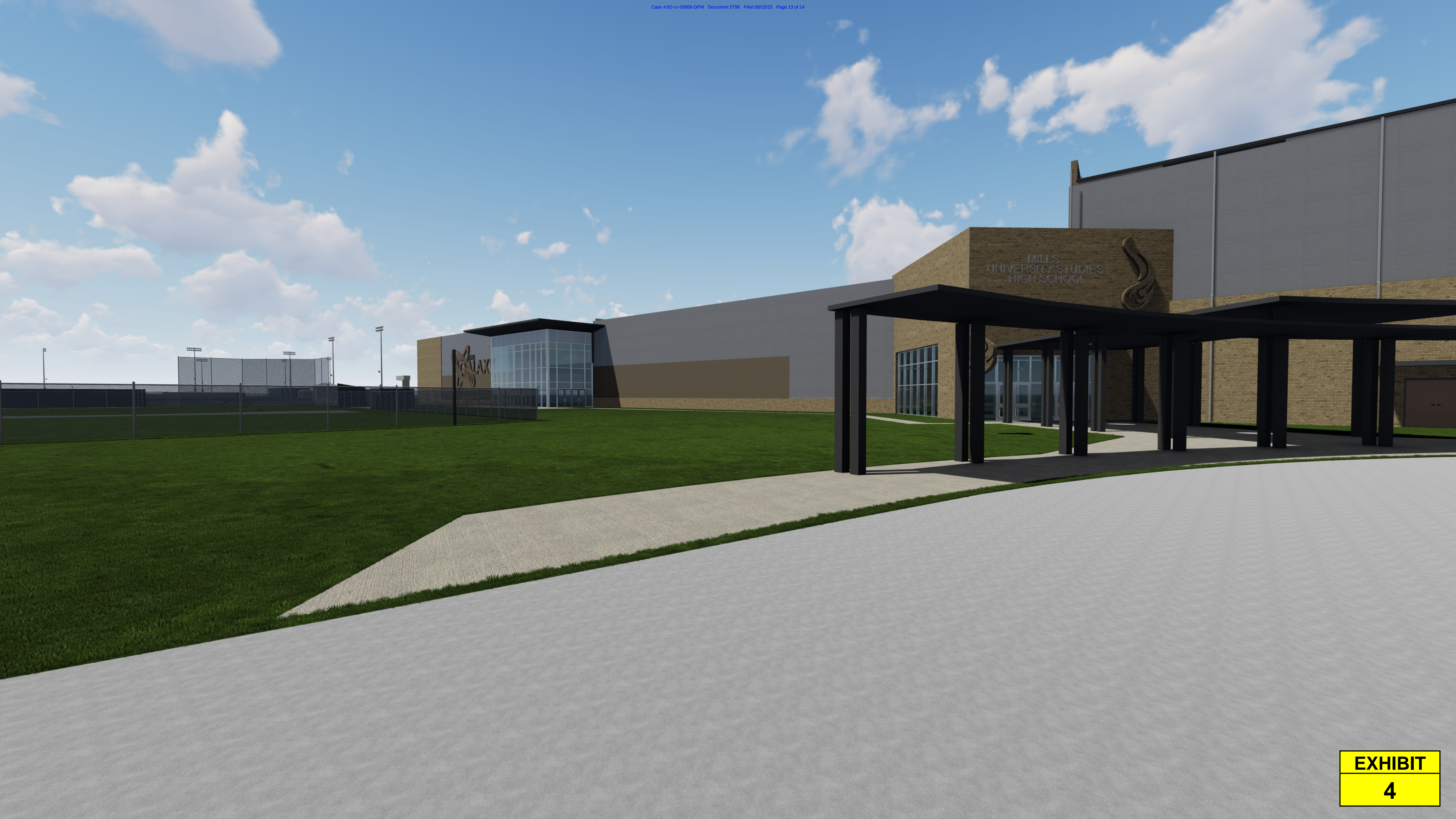
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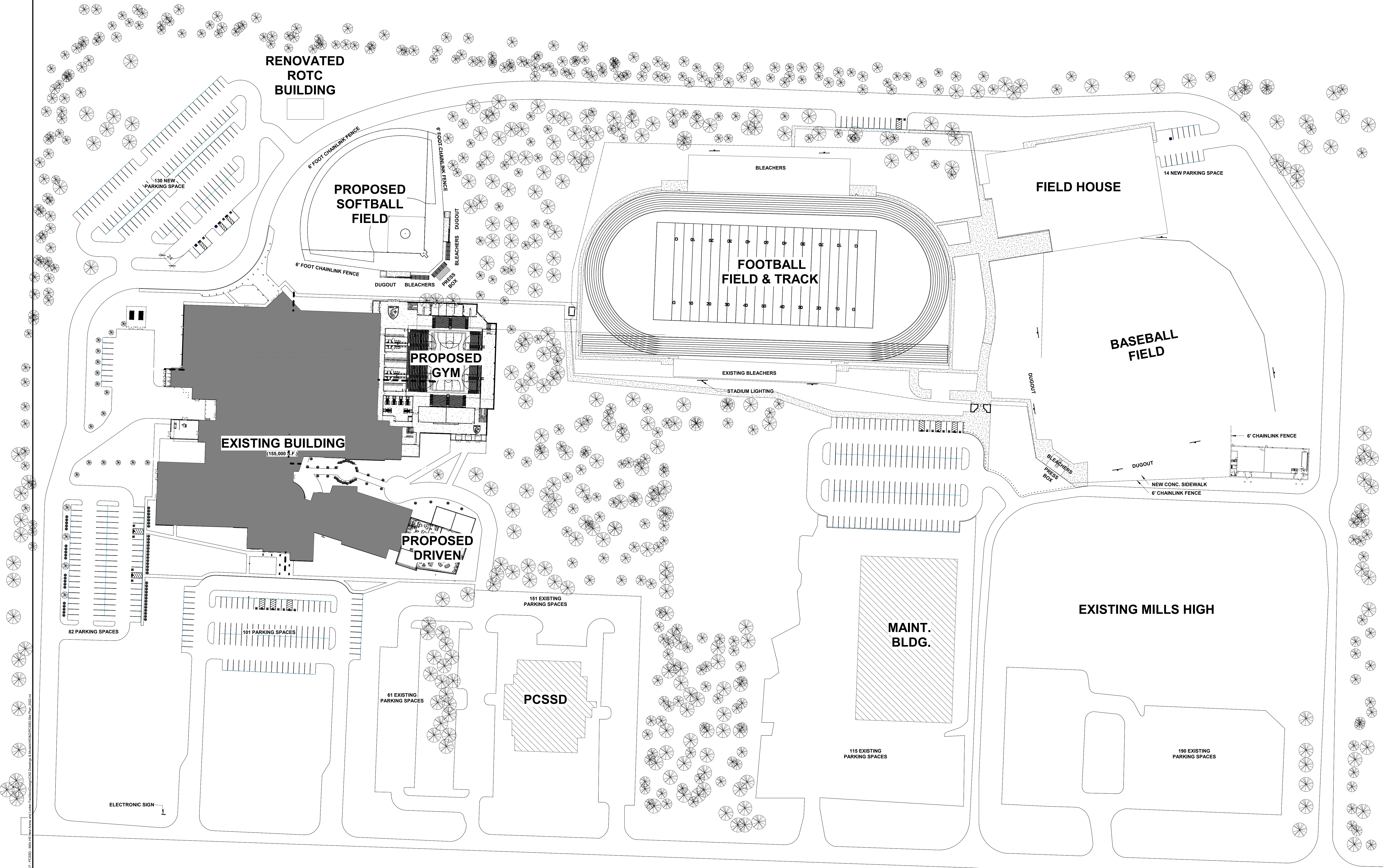


1 COMPOSITE FLOOR PLAN - LEVEL 2
1/16" = 1'-0"



3





1 SITE PLAN
1" = 60'-0"

EXHIBIT
5