



STATE OF MAINE  
DEPARTMENT OF EDUCATION  
23 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0023

JOHN ELIAS BALDACCI  
GOVERNOR

SUSAN A. GENDRON  
COMMISSIONER

**REVISED**

**Exhibit #IV.A.**

**TO:** Members of the State Board of Education

**FROM:** Susan A. Gendron, Commissioner\*

**DATE:** November 14, 2007

**SUBJECT:** Major Capital School Construction Program; Waiver of the Designated Year to Achieve Concept Approval for Four (4) Major Capital School Construction Projects.

**STATEMENT OF FACT**

State Board of Education rule 05-071 Chapter 61, Section 6(2)(F)(1) requires that all projects on the Approved Projects List be assigned a calendar year within which Concept Approval of each school construction project must be obtained. Failure to obtain Concept Approval within the designated year shall result in removal of the project from the Approved Projects List unless a waiver is obtained from the State Board of Education at least 30 days prior to the expiration of the school administrative unit's assigned year (copy of the rule attached).

Four (4) school systems who are on the Approved Projects List with Concept Approval due in calendar year 2007 will not meet their deadline and all four (4) are requesting a waiver of that deadline requirement. Those school systems are:

SAD #32 (Ashland)  
Machias School Department

Gorham School Department  
Brunswick School Department,

Each of the four (4) school units have been working with the School Facilities Services Team and has developed proposed plans and timelines for obtaining Concept Approval and, if approved by the State Board of Education, will constitute the waiver to continue their projects. Copies of their timelines designating the planning and approval processes are attached. All materials have been reviewed and accepted by the School Facilities Services Team and submitted to the Commissioner.

Exhibit #IV.A.  
Major Capital School Construction  
Program; Waiver of the Designated  
Year to Achieve Concept Approval  
for Four (4) Major Capital School  
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### **RECOMMENDATION**

The Commissioner of Education recommends that the State Board of Education approve the following:

- **SAD #32 (Ashland)** – approve their waiver request;
- **Gorham School Department** - approve their waiver request;
- **Brunswick School Department** - approve their waiver request;
- **Machias School Department** – approve their waiver request contingent upon the governance issues between the Machias School Department and SAD #37 being resolved and their governance structure having been approved by the Machias School Board and the SAD #37 Board of Directors. The terms of the governance agreement must be acceptable to the Commissioner of Education. The agreement must be finalized and in place by March 31, 2008.

\*Prepared by the School Facilities Services Team

## **CHAPTER 61 – RULES FOR MAJOR CAPITAL SCHOOL CONSTRUCTION PROJECTS**

### **SECTION 6. SCHOOL CONSTRUCTION ELIGIBILITY AND APPROVAL PROCESS**

#### **Section 2 – Eligibility for State Funding,**

##### **F – Time Limitations, paragraph (1)**

- F. Time Limitations - The following time limitations apply to all Major Capital School Construction projects.
- (1) Every project placed on the Approved Projects List will be assigned a calendar year within which Concept Approval shall be obtained. Failure to obtain Concept Approval within the designated year shall result in removal from the Approved Projects List unless a waiver is obtained from the State Board at least 30 days prior to the expiration of the school administrative unit's assigned year. To be considered for a waiver, the school administrative unit must present to the State Board a proposed timetable and plan for obtaining Concept Approval. Approval by the State Board of the proposed timetable shall constitute a waiver.