



STATE OF MAINE
DEPARTMENT OF EDUCATION
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Exhibit #IV.B.

TO: Members of the State Board of Education

FROM: Susan A. Gendron, Commissioner*

DATE: December 12, 2007

SUBJECT: Provisional Adoption of Amendments to State Board Rule Chapter 61 – Rules for Major Capital School Construction Projects.

STATEMENT OF FACT

Chapter 61, Rules for Major Capital School Construction Projects, govern the expenditure of millions of Maine taxpayers' dollars in support of the provision of safe schools that support the demands of 21st century education. Extensive needs for improved education facilities across the state make it imperative that the rules be kept clear, current and supportive of the state's education goals. To this end, the Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61. Key aspects of this revision include:

1. Defining "Non-Conforming School" as a "school in a school administrative unit where that school system has neither joined a Regional School Unit nor has an approved alternative plan as specified under the provisions of 20-A M.R.S.A. Chapter 103-A."
2. Eliminating the definitions of "Learning Technology Equipment" and "Non-Learning Equipment."
3. Adding additional points for inefficient energy building systems.
4. Altering the program points for CTE centers and regions to fairly evaluate CTE programs.
5. Requiring all projects to meet a conservation standard that will be developed by the Department of Education's School Facilities Team.
6. Clarifying the protocol by which the rating team may report schools that appear to be unsafe.
7. Requiring that consideration be given to providing the minimum travel distance for the maximum number of students when considering a new school site.
8. Removing Section 9 subsection 2, A through E, which is the budgetary approach for technology expenditures on projects.

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9. Clarifying the language in Section 10 (4) (A) “Budget Requirements;” to increase the allocation for moveable equipment.
10. Requiring that non-conforming schools be penalized 10 points on their rating score and 10% of the total State/Local funding portion of their Major Capital School Construction project budget.

Chapter 61 is a major substantive rule that, if provisionally adopted by the State Board of Education, will meet the time constraints that honor Legislative review and approval in accordance with the Administrative Procedure Act.

A Public Hearing was held at the Burton Cross Office Building in Augusta on Wednesday, October 25, 2007. The hearing was also made available via ATM at Greely High School, Bangor High School, and Presque Isle High School. One person attended at the Augusta location. He offered his comments both orally and in writing. The deadline for submission of written comments was Friday, November 9, 2007. In addition to the written comments from the attendee at the public hearing, one other person submitted comments by the deadline. One comment noted a clerical error that has been corrected in the final draft.

CONSTRUCTION COMMITTEE RECOMMENDATION

The Construction Committee recommends that the State Board of Education provisionally adopt the amendments to Chapter 61, Rules for Major Capital School Construction Projects.

DEPARTMENT RECOMMENDATION

The Commissioner recommends that the State Board of Education provisionally adopt the proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects. The amended rule and the Summary of Comments and Responses are included with this exhibit.

*Prepared by the staff of the School Facilities Services unit.