



JOHN ELIAS BALDACCI
GOVERNOR

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

SUSAN A. GENDRON
COMMISSIONER

Exhibit #IV.A.

TO: Members of the State Board of Education

FROM: Susan A. Gendron, Commissioner*

DATE: May 14, 2008

SUBJECT: Final 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 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.

Exhibit #IV.A.

Adoption of Amendments to State Board Rule Chapter 61

Rules for Major Capital School Construction Projects

May 14, 2008

Page -2-

8. Removing Section 9 subsection 2, A through E, which is the budgetary approach for technology expenditures on projects.
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 was provisionally adopted by the State Board of Education on December 12, 2007. The proposal was considered by the Legislature in the form of L.D. 2123, “Resolve, Regarding Legislative Review of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education.” L.D. 2123 died in non-concurrence. The proposal is now before the State Board of Education for final adoption as proposed.

RECOMMENDATION

It is recommended that the State Board of Education finally adopt the proposed amendments to Chapter 61, *Rules for Major Capital School Construction Projects* as presented this day.

*Prepared by the School Facilities Services Team