

Exhibit # VII.B.

TO: Members of the State Board of Education

FROM: Stephen L. Bowen, Commissioner*

DATE: December 12, 2012

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 governs the expenditure of millions of Maine taxpayers' dollars for safe and effective schools that support the demands of 21st century education. Extensive needs for improved educational facilities across the state makes it imperative that the rules be kept clear, current and supportive of the state's educational goals. The Department of Education and the Construction Committee of the State Board of Education have worked jointly to propose modifications to Chapter 61.

Brief Summary:

The proposed amendments for Chapter 61, Rules for Major Capital School Construction Projects, which is a State Board of Education rule, makes no significant changes. They are strictly to clarify and bring consistency to the rule. The existing rule has been modified many times over the years by State Board members and Department of Education staff and a thorough review is now necessary.

The proposed changes to the Rule have gone to a Public Hearing. The hearing was held on Monday, November 5, 2012, and no one testified at the hearing.

The public comment deadline was 3 p.m., Friday, November 16th and there were no public comments submitted.

Chapter 61 is a major substantive rule, therefore if provisionally adopted by the State Board it will go before the Legislature, and if approved will come back to the State Board for final adoption.

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CONSTRUCTION COMMITTEE RECOMMENDATION:

The Construction Committee voted unanimously on December 3rd to recommend that the State Board of Education provisionally adopt the changes to Chapter 61, Rules for Major Capital School Construction Projects as presented.

DEPARTMENT RECOMMENDATION:

It is recommended by the Department of Education that the State Board of Education provisionally adopt the attached proposed amendments to Chapter 61, Rules for Major Capital School Construction Projects in accordance with the State of Maine Administrative Procedure Act.

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