revised 8-2019

Rulemaking Fact Sheet

*(5 MRSA §8057-A)*

AGENCY: State Board of Education and Department of Education

NAME, ADDRESS, PHONE NUMBER, EMAIL OF AGENCY CONTACT PERSON:

Jaci Holmes, 23 State House Station, Augusta, Maine 04333, 207-831-3168, jaci.holmes@maine.gov

CHAPTER NUMBER AND RULE TITLE: Chapter 60: New School Siting Approval; Chapter 61: Rules for Major Capital School Construction Projects ; Chapter 125: Basic Approval Standards (Joint Rule with Maine Department of Education)

TYPE OF RULE *(check one)*:  Routine Technical x Major Substantive

STATUTORY AUTHORITY: Chapter 60 – PL 1999 C.776, §21;

Chapter 61 - 20-A M.R.S.A. §3

20-A M.R.S.A. §405(3)(J)

20-A M.R.S.A. §15905, sub-§4

P.L. 2001, c. 439, Part 0000, §0000-3

P.L. 2007, c. 240, Part MM, Chapter 103-A

P.L. 2008, c.223

Chapter 125 – 20-A §4504(3)

DATE, TIME AND PLACE OF PUBLIC HEARING: None

COMMENT DEADLINE: October 29, 2021

PRINCIPAL REASON(S) OR PURPOSE FOR PROPOSING THIS RULE: [*see* §8057-A(1)(A)&(C)]

As the result of Resolve 2021, Chapter 114, the State Board of Education is required to amend rule Chapter 60, 61 and 125 to require standards governing air quality and ventilation for all public schools including schools with mechanical and non-mechanical ventilation systems. Therefore, the State Board will propose in a targeted rulemaking for Chapter 60 to (Insert) New “SECTION 6. Other Considerations”  (on page 3) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

Therefore, the State Board will propose in a targeted rulemaking for Chapter 61 to in

SECTION 6 SCHOOL CONSTRUCTION ELIGIBILITY AND APPROVAL PROCESS

2. Eligibility for State Funding

(insert) “I.  Ventilation Requirements”  (page 15) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

Therefore, the State Board and the Department of Education will propose in a targeted rulemaking for Chapter 125 to in SECTION 5 OTHER MINIMUM REQUIREMENTS

5.10 Health, Sanitation, and Safety Requirements

D.  Air Quality  (page 14) (insert) that states “The school administrative unit will utilize the best- available practice national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.”

IS MATERIAL INCORPORATED BY REFERENCE IN THE RULE? x YES NO [§8056(1)(B)]

ANALYSIS AND EXPECTED OPERATION OF THE RULE: [*see* §8057-A(1)(B)&(D)]

See Summary above.

BRIEF SUMMARY OF RELEVANT INFORMATION CONSIDERED DURING DEVELOPMENT OF THE RULE (including up to 3 primary sources relied upon) [*see* §§8057-A(1)(E) & 8063-B]

To address the requirements of Resolve 2021, Chapter 114 which became law without Governor signature on July 15, 2021.

ESTIMATED FISCAL IMPACT OF THE RULE: [*see* §8057-A(1)(C)]

Under Maine statute the school administrative units are to follow national standards of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) for inspection, maintenance, ventilation and filtration.

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| ***FOR EXISTING RULES WITH FISCAL IMPACT OF $1 MILLION OR MORE, ALSO INCLUDE:*** ECONOMIC IMPACT, WHETHER OR NOT QUANTIFIABLE IN MONETARY TERMS: [*see* §8057-A(2)(A)]   INDIVIDUALS, MAJOR INTEREST GROUPS AND TYPES OF BUSINESSES AFFECTED AND HOW THEY WILL BE AFFECTED: [*see* §8057-A(2)(B)]    BENEFITS OF THE RULE: [*see* §8057-A(2)(C)]  |

*Note: If necessary, additional pages may be used.*