

**05-071 STATE BOARD OF EDUCATION**

**Chapter 60: NEW SCHOOL SITING APPROVAL**

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**Summary:** This rule governs State Board of Education action in the siting of new school construction projects, not including additions to existing schools, that receive state funding.

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**1. Applicability**

This rule applies to the siting of all new school construction projects that receive state funding, including major capital improvement projects as defined in Maine Department of Education Reg. 61 (April 4, 2000) if the major capital improvement projects are not additions to existing schools and are projects that receive state funding.

**2. Request for Site Approval**

School administrative units requesting site approval must submit the application materials described in Maine Department of Education Reg. 61, Rules for School Construction Projects, Section 4 no later than one month prior to the meeting of the State Board of Education at which the request is scheduled to be considered.

**3. Considerations**

When reviewing a request for site approval, the State Board of Education must consider the following:

- A. the adequacy of the site to provide for the long-term educational program space needs and playfield requirements of the school administrative unit;
- B. the comprehensive enrollment analysis for the school administrative unit;
- C. a comprehensive and complete “Renovation-vs.-New-Analysis” of the existing building and site;
- D. community involvement in the selection process;
- E. site development costs, both on and off the primary location of the project;
- F. the impact on student transportation, vehicular traffic and student safety;
- G. the allowance for future expansion;
- H. the proximity to power, water, and sewerage facilities;
- I. subsurface analyses of soils and ledge;

- J. the survey of the site for wetlands; and
- K. the environmental issues related to the site.

#### **4. Additional Considerations Required for Requests for New Schools on New Sites**

- A. When a school administrative unit's request for site approval specifies that a new school on a new site is the school administrative unit's preference, the State Board of Education must consider the preferred areas for school siting defined below in addition to the considerations listed in (3), above:
  - i. a locally designated growth area identified in the municipality's comprehensive plan adopted pursuant to the Maine Revised Statutes, 30-A, chapter 187, subchapter II; and
  - ii. in the absence of a comprehensive plan:
    - a. an area that, if served by a public sewer system, has the capacity for the school construction project;
    - b. an area identified by the latest Federal Decennial Census as a census-designated place; or
    - c. a compact area of an urban compact municipality.
- B. When a site is requested that is not a preferred area as defined in (4)(A)(i) or (4)(A)(ii), above, the school administrative unit must provide a written explanation of its site selection for State Board of Education consideration prior to the meeting scheduled by the State Board of Education for review of the school administrative unit's request for site approval.

#### **5. Review and Decision**

- A. The Construction Subcommittee of the State Board of Education must consider all the factors listed in (3) and (4), above, before forwarding its recommendation regarding the request for site approval to the State Board of Education.
- B. When site approval for a new school on a new site that is not a preferred area as defined in (4)(A)(i) or (4)(A)(ii), above, is recommended by the Construction Subcommittee of the State Board of Education, the Sub-committee must provide written justification for its recommendation to the State Board of Education. The written justification must include any and all considerations that provide the basis for recommending a location that is not in a preferred area as defined in (4)(A)(i) or (4)(A)(ii) and must be made a part of the written record of the State Board of Education.
- C. The State Board of Education must consider requests for site approval no later than two (2) regularly scheduled State Board of Education meetings prior to the State Board of Education's consideration of concept approval for the same project as defined in Maine Department of Education Reg. 61, Rules for School Construction Projects, Section 1(A)(1).

- D. When considering a request for site approval, the State Board of Education will involve all appropriate federal, state and local agencies. However, the decision regarding final site approval rests entirely with the State Board of Education.

**6. Other Considerations**

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.

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**STATUTORY AUTHORITY:**

P.L. 1999 c. 776 §21

**EFFECTIVE DATE:**

August 12, 2001 - 2001-256 filed July 13, 2001 (Final adoption, major substantive)r

**NON-SUBSTANTIVE CORRECTIONS:**

February 1, 2007

**AMENDED (EFFECTIVE DATE):**

June 10, 2022 – 2022-089 filed May 11, 2022 (Final adoption, major substantive)