



STATE BOARD OF EDUCATION
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EXHIBIT X.X

TO: Members of the State Board of Education

FROM: Fern Desjardins, Chair, School Construction Committee

DATE: July 17, 2026

SUBJECT: Proposed Amendments to Rule, Chapter 61 – State Board of Education Rules for Major Capital School Construction Projects

STATEMENT OF FACT

On January 30, 2026, the School Construction Committee of the State Board of Education developed plans and a timeline for revisions to Rule, Chapter 61: State Board of Education Rules for Major Capital School Construction Projects. They identified a team of experts to join them in drafting the revisions, which included Department of Education staff and consultants for school facilities, the director of public school finance, and the legislative specialist at the Department.

Ten meetings were originally scheduled from February 27 to June 26. A public release was sent to MSMA, MSSA, and the Maine Department of Education to inform the public about the meetings taking place and to encourage comments in writing to Chair Desjardins of the School Construction Committee or by attending meetings in person or virtually. Agendas and minutes were posted on the State Board's website.

State Board Chair Paulette Bonneau and School Construction Committee Chair Fern Desjardins made a presentation on the Rule, Chapter 61 revision work taking place at the MSSA Executive Committee meeting on May 8, 2026. Desjardins made a similar presentation at the Maine Small Schools Coalition meeting on May 18, 2026 and provided updates to the State Board of Education at workshops on April 9, May 14, and June 11, 2026.

The Chapter 61 Team agreed to schedule additional meetings to complete their work on July 1 and 2, 2026. All public comments received during the review process were taken into consideration by the Team.

Changes being proposed include:

- Section 1 – The inclusion of definitions for “consolidation of schools” and “cost sharing” along with edits to other definitions (e.g., “Career and Technical Education”)
- Section 3 – Changes to the Rating System
- Section 6 – Deletion of Subsection 1 on what constitutes an “adequate education program”
- Section 7 – Clarification on a funding restriction in the Site Selection
- Section 10 – Moveable equipment costs will generally be 3% of the building construction costs rather than the current 4%
- Section 11 – Inclusion of Subsection 4 on Cost Sharing; Clarification on the Investment and Use of Project Funds and the Disposition of Unused Bond Proceeds
- Section 12 – Clarifications and other changes made to the sale of bonds for projects
- Section 15 – Significant changes in moving from an “Integrated Consolidated 9-16 Educational Facility” to a “Regional Integrated Educational Facility”

Of the 15 sections in Rule, Chapter 61, only sections 13 and 14 have no revisions being proposed by the review team.

The School Construction Committee brings the attached proposal of amendments to Rule, Chapter 61 to the State Board of Education for consideration of approval and moving it forward through the Major Substantive Rules process in obtaining rule adoption of the amendments.

SCHOOL CONSTRUCTION COMMITTEE RECOMMENDATION

On July 2, 2026, the School Construction Committee recommended that pursuant to MRS Title 20-A §15905(4) this exhibit be placed on the July 17, 2026 State Board meeting agenda and that the State Board of Education approve the attached proposal of amendments to Rule, Chapter 61, Rules for Major Capital School Construction Projects, and move the proposal forward through the Major Substantive Rules process in obtaining rule adoption of the amendments.