



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

PAUL R. LEPAGE
GOVERNOR

STEPHEN L. BOWEN
COMMISSIONER

Exhibit #VII.B.

TO: Members of the State Board of Education

FROM: Stephen L. Bowen, Commissioner*

DATE: April 11, 2012

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, 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.

Key aspects of this revision include:

- A Public Manager for each construction project who will represent the State's and Local's best interests and will be funded as a project expense;
- An improved school rating system;
- A strengthening in the Design and Funding approval process; and
- A number of changes to the Finance and Audit sections that clarify the Rule.

The State Board of Education provisionally adopted the proposed amendments to rule on December 14, 2011. The provisionally adopted amendments were considered by the Legislature in the form of Resolve 1766: Resolve, Regarding Legislative Review of Portions of Chapter 61: Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education and the State Board of Education [emergency].

Resolve 1766 was passed by the Legislature as written and signed by the Governor on March 29, 2012, taking effect immediately upon the Governor's signature.

DEPARTMENT RECOMMENDATION

It is recommended by the Department of Education that the State Board of Education finally adopt the attached proposed amendment 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 School Facilities Services unit.