



STATE OF MAINE
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STEPHEN L. BOWEN
COMMISSIONER

Exhibit #VII.B.

TO: Members of the State Board of Education

FROM: Stephen L. Bowen, Commissioner*

DATE: December 14, 2011

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.

Key aspects of this revision include:

- A Public Manager for each construction project who will represent the State and Local best interests and 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 proposed changes to the Rule have gone to a Public Hearing. The hearing was held on Tuesday, November 15, 2011, and no one testified at the hearing.

During the period reserved for public comments statements were received from four commentators. The comments have been considered and included in the Rule where appropriate. A copy of the Summary of Comments and Responses is attached. In addition to the Public Hearing, the Rule has been submitted to the appropriate State entities in accordance with the Administrative Procedure Act.

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CONSTRUCTION COMMITTEE RECOMMENDATION

The Construction Committee voted unanimously 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 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.