Model Policies in Support of High Performance School Buildings for All Children

October 2006

BEST
Building Educational Success Together

In 2001, led by the 21st Century School Fund, and supported by the Ford Foundation, a group of experienced school facility and community-based groups came together in a collaboration called BEST (Building Educational Success Together). BEST is a community of practice that engages in research, policy reform and advocacy in support of all children attending school in high quality public school facilities.

The BEST partners are:

- 21st Century School Fund
  Washington, DC
- Center for Cities and Schools; University of California, Berkeley
  Berkeley, CA
- Education Law Center
  Newark, NJ
- KnowledgeWorks Foundation
  Cincinnati, OH
- National Clearinghouse for Educational Facilities
  Washington, DC
- New Visions for Public Schools
  New York, NY
- Save our Schools
  New Orleans, LA

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Preface

The condition, design and utilization of public school facilities have an impact on education quality for *all* students and on the vitality of neighborhoods in *all* communities. Yet too many school districts with high percentages of children from low income families and too many communities where there are concentrations of poverty have inadequate public school facilities. The Building Educational Success Together (BEST) report Growth and Disparity: 10 Years of U.S. Public School Construction (October 2006) shows that even during a period of major public school investment, children from poor districts and neighborhoods were likely to have only half as much investment in school construction as their most affluent counterparts.

It is the responsibility of each state to ensure that every child has access to a quality education. In many states, the courts have determined that school facilities that provide educational settings suited to the state's determined curriculum are a significant part of this responsibility. However, school facility management and construction have traditionally been entirely the responsibility of the school district.

From our work we know that where there is state investment, such as in Ohio, California, and New Jersey, that there is greater state involvement in local school construction—but not always in ways that support quality or efficiency. In the last decade, many states, particularly those that have increased their funding to local school districts are putting in place policies, procedures, technical assistance and funding for public school facilities. But these requirements are not necessarily adding the value that they could to the facility planning, design, utilization or construction processes.

There needs to be effective and creative practice in public school facilities planning, design, construction, utilization and financing. But when this happens it is too often done in spite of state laws and regulation, rather than because of them.

This report identifies the key areas needing attention and supplies policy guidance to states. The implementation of policies that result in high quality, high-performing, well designed and maintained school facilities have a direct and indirect impact on teaching and learning. Effective facilities management can contribute to the success of every student in every school in the United States.

Introduction

The objective of this report: Model Policies in Support of High Performance School Buildings for All Children is to begin to create a coherent and comprehensive set of state policies that will provide the governmental infrastructure for effective and creative practice in facility management. There are examples of good policy in many states, but no state has a coherent set of policies designed to intentionally support the planning, design, construction, utilization, and management of high performance public school buildings—so they are the educational and neighborhood assets that they need to be, as well as environmentally and fiscally responsible.

The purpose of this paper is to provide policy guidance and recommendations to elected and appointed officials and administrators at the State, local, and school district level to improve facilities management in order to support and enhance the delivery of educational programs and services for students and teachers.

The BEST partners developed a four-part policy agenda:

1. Increase the coordination of school district and municipal planning and ensure there is public participation in the planning process;
2. Create and support schools as centers of community that offer school-based supports to children to eliminate barriers to success and serve the broader community;
3. Improve facilities management, including maintenance and capital improvement programs; and
4. Secure adequate and equitable facilities funding.

In each section we have summarized the challenge in the policy area, what the objective of new or reformed policy is and its rationale. Then we include model school facility policies and legislative examples, where they existed in 2005. We are currently developing model policies in a fifth area associated with the connections between educational outcomes and school facilities. This policy area includes such subjects as school size; classroom size; the support for small learning communities; and special space standards for specialized educational programs. We are also updating examples of policy on our new BEST website, at www.bestschoolfacilities.org which will go live in June, 2007.

State policy reform is one tool for affecting the planning, design, construction, maintenance and funding practices and processes at the state and local school district levels. However, state level standards and control must be carefully developed and applied, so that creativity, public participation, and local priorities can drive the facility planning and design outcomes. We suggest using these model school facilities policies to:

- Assess your state and local policies;
- Facilitate a discussion among teachers, parents, students, principals, facility managers, community and business leaders, about any policy barriers to well-maintained, educationally adequate school facilities;
- Identify policy or funding incentives that can be adopted to support high quality educational facilities for all children;
- Build consensus for state level mandates that require local school districts to engage in best practice for school facility condition, design and utilization.

We invite comments, critique and additions to this work. It is an ongoing effort. We are especially interested in how policy is being translated into practice, so we hope that we will receive accounts of successes or failures in using or implementing the policies or elements at the state or local levels.

Section 1: School Facility and Community Planning

The Challenges

Too many school districts do not do regular and comprehensive facility planning, rather their facility management is crisis driven. When schools become severely overcrowded or when building systems fail, the public demands remedies and so they respond. In school districts where district level and site specific planning is done, the school district administrators and/or the consultants hired by them seldom use local and school communities effectively when determining district or project level plans, design or scope.

In addition, most municipalities do not include the needs and assets of public schools in their comprehensive plan or in transportation or community development planning, for examples. The silo planning and development is costly. It leaves school districts with inadequate public land for growth or with underutilized assets that might be used for other public purposes.

Policy Objective

To ensure that school district undertakes regular public educational facility planning and that it is coordinated with municipal land use and community planning and that it is done with broad public participation.

Policy Rationale

States should do more to manage their responsibility, risk and exposure associated with poor public school facility conditions and crowding, especially since courts are regularly ruling that adequate facilities is one part of their obligation to provide adequate education to the students of their state. States can create incentives, impose mandates, and free districts of barriers to collaborative planning among school districts and municipalities.

Educational Facility Planning and its coordination with other comprehensive and related public agency planning result in the most efficient and cost effective use of taxpayer dollars. School facility planning assures that public schools fit into the overall growth and zoning plans and projects for the neighborhood and/or community. Developing a dialogue between the various planning entities can provide for the exchange of information and data so that comprehensive plans address all of the needs and requirements of the constituents. Integrating school facility planning into municipal plans and municipal plans into educational facility plans can reduce or eliminate the many negative effects of independent and isolated planning that can lead to such problems as overcrowded schools, underutilized schools, sprawl, and increased costs for public infrastructure.

Integrating school facility planning creates opportunities for establishing the school building as a focal point in the neighborhood or community and for developing a sense of pride and identity. Cooperative planning enables communities to be creative in building and land utilization, which could for example, economically combine some of the multiple needs and requirements for schools, recreation, daycare, senior citizens, health and social services, and libraries.

Broad-community involvement in school facility planning means an open, regular, public process, which can help identify educational and community needs and create solutions for school building and other neighborhood and community problems. It also can increase long-term community support for schools, which yields positive benefits for the community and for students. This type of planning also recognizes that there is generally an increasing population that does not have a direct relationship with the public schools and that these citizens have needs for services that can be provided within or adjacent to the public school building.

Model Planning Policies

Policy 1.1 Educational Facilities Master Planning

The State should require all school districts to prepare a long range educational facilities master plan, with annual revisions and/or updates that follow an established format or outline. The Facilities Master Plan should be developed with public input and reviewed, commented upon, and approved by the State Department of Education and the state & local planning offices.

An educational facilities master plan is a long-range plan, often established as a plan for at least a ten-year period. It should include information on the following:

1. Educational vision, philosophy, mission, goals, standards, and guidelines;
2. Educational instructional programs and services;
3. Historical and projected enrollment data;
4. The enrollment capacity of existing schools and their utilization;
5. Community analysis, including current and projected demographics, land usage, transportation plans, residential and commercial development, private schools, plans for water and sewage service expansion and/or redevelopment,
6. An educational facility inventory and an assessment of the building conditions;
7. An analysis of the facility needs and requirements of the district (based upon the data);
8. The consideration of options for addressing the needs and requirements;
9. Identified potential sources of funding for implementation; and
10. A facility master plan, once adopted or approved, will be the basis for the development of a capital improvement program for the school district.

School building improvements and new construction have a major impact on education of the students and the community. Therefore, each school project should be carefully planned and coordinated in relationship to other school projects and the larger community. Educational facility master planning should be pro-active, not reactive. The development and submission of an EFMP can assure the community that the school district is well prepared for the future and the potential changes that may impact the condition and utilization of their school buildings. Coordination should be encouraged between the different local government agencies and the school district in order to facilitate effective educational facility planning.

Policy 1.2 Capital Improvement Planning

The State should require school districts to prepare a Capital Improvement Plan (CIP) and budget that is aligned with the long-range Educational Facility Master Plan, comprehensive municipal plans, and the district's maintenance plans.

A Capital Improvement Program (CIP) should be based upon accurate and reliable data and information presented in an approved educational facility master plan, comprehensive municipal plans, and the CMP. It should also be prepared with consideration given to the various competing needs and requirements of the district and the municipality. Careful implementation of the plan must distribute resources equitably within the school district to the highest priority projects with consideration being given to the condition and needs of the existing facilities and the possible socio-economic differences between and among the school attendance areas within the district.

The CIP once adopted and/or approved by the fiscal authorities, with community input and participation, should become the basis for moving forward with specific planning activities that will result in expenditures for the capital improvements. In the absence of this type of support, the plan is a just a document that has little hope or likelihood of implementation. With the support of the fiscal authorities however, educational facility plans, municipal plans, and maintenance plans can be brought to completion.

Capital Improvement Plans that are based upon sound and responsible plans and realistic budgets can garner wide support that will result in improved facilities to serve the community. Although it can be politically expeditious to plan for facilities that the community cannot afford, these plans do not address the real needs and only postpone facing budget constraints and adverse community reactions and disappointment.

The capital improvement plan needs to be accompanied by solid estimates of the future fiscal capacity of the community. Its master plan needs to be achievable with plans to pay for the planned facilities and improvements. The CIP needs to recognize and consider the hard and soft costs of each project. This could include (but is not limited to) project, design and engineering fees, construction costs, inspection fees, permits, site acquisition, legal services, bond counsel and bond sale expenses, demolition costs, fees for disposing of

demolished and waste materials, reasonable inflation estimates, movable furniture and equipment, and a contingency for unforeseen conditions.

The Capital Improvement Plan (CIP) could include projects for major renovations, additions, renovations combined with additions, new schools to accommodate or provide for consolidations and/or school closures, school replacements, replacement of building systems and/or components, acquisition of future school sites, and purchase or lease of relocate-able classrooms. The CIP sets priorities, establishes timelines and the sequence of the projects, cost estimates for each project, and the potential sources of funding.

Policy 1.3 Coordinated Municipal & School District Planning

The State should require school districts to coordinate school district facility planning with comprehensive community plans and require that comprehensive plans coordinate with educational facility plans.

School districts rely heavily on accurate and reliable information from local governments for critical data and information to prepare an EFMP. The methods and procedures that they establish to coordinate the activities and the flow of information and mutual support can greatly improve the process and the eventual product.

It should also be noted that the goals and objectives included in municipal (town, township, or city), county, and/or state community comprehensive planning should include and recognize the importance of the public school district and its contributions to the quality of life in the community. As school districts develop an open dialogue and share information with these entities, they will be able to (a) obtain valuable information to assist them in their efforts to develop and update their EFMP, and (b) provide the planners at all levels of government with school district related information that will assist them in their community and neighborhood planning.

Community planning for such services as transportation, parks and recreation, senior citizen outreach and programming, and health care often takes place in different spheres that do not communicate well with one another.

This is often complicated further by different budget cycles and/or requirements to segregate funding sources. However, it is clear that these community plans can have a major impact on the community as a whole and the well planned rehabilitation or placement of a school can contribute to a vibrant and successful community. When various factors, like bus routes and walk-ability, availability of parks and recreation spaces, proximity to libraries and shopping, are considered, the ability to develop a successful neighborhood or community that includes a public school as a point of pride is more likely.

Coordinating and sharing information pertaining to plans for residential development and/or redevelopment, for example, could result in a public school's renovation or development that is well-timed for the new residential community's student population.

This type of coordination might improve the efficiency and effectiveness of the expenditure of taxpayer funds for the benefit of all citizens. Redevelopment could also be directed to utilize existing infrastructure rather than expenditures for new infrastructure (schools, other municipal buildings, water and sewage service, and roads) and save the limited undeveloped areas in or adjacent to the community.

Most current school districts and municipalities have officials working and planning independently. There are instances where the municipality and/or the school district were unaware of the other project. Projects to benefit both the school and municipality can be planned and operated. Sometimes funding for specific projects create barriers to cooperation among government agencies and the combining or alignments of resources, but these barriers need to be eliminated and incentives should be created. Collaboration among government divisions should be promoted where facilities can contribute to the successful operations and delivery of programs and services to their constituents. Cooperative planning enables communities to be creative in building and land utilization while meeting multiple needs for community schools, recreation, health and human services, libraries, and social services, and the like.

Policy 1.4 Public Engagement in School Facility Planning and Design

The State should require school districts to utilize an open, public process when making decisions related to school renovations, school additions, school replacements, new schools, school closings and consolidation, the disposition of surplus schools and/or property, site selection, and school design features and components.

Proposals or plans for changes to programs, services, and/or projects that affect a neighborhood and its families can either be disruptive and upsetting or a source of community pride and cohesion. Perhaps no planning example is more demonstrative of this than school facility planning.

School facilities are a public asset to communities and neighborhoods.
As well as offering educational programs and services, they are often landmarks with historical and architectural value. The local school community and neighborhood have a vested interest in decisions made about their school.

In addition, public support is easier if the public is well informed and brought along as the options are considered and the eventual decisions are made in public with a rationale and documentation of public participation in the process. Parents and neighbors alike have strong beliefs regarding the site, design, programs, and amenities for public school facilities in their community. They have a special perspective that comes from first-hand knowledge

of the students, the school facility, the neighborhood, and the school's place in the larger community. They also know the needs and aspirations of the students and the community. If included in the planning process, these stakeholders can relate this important information to the planners.

An open community process is especially important when school redistricting, school consolidation and/or school closures are discussed. The possible shifting of students to another school or the removal of a school building that has served the community will bring parents and citizens together with high levels of interest and concern. This could include their concern for the impact on their students as well as the impact on their property values. The school district should examine and include in its analysis, in addition to the fiscal impact, the impact on (a) the educational programs and services, (b) the students, teachers, and parents, (c) the neighborhood and the community, including the business community, and (d) other agencies and entities.

Section 2: Schools as Centers of Communities

The Challenges

Neighborhoods change. In stable communities, which once may have had young families, the children grow up and move out, leaving a neighborhood which once supported thriving schools with low enrollment until there is turnover from one generation to the next. In many urban communities housing policy once favored a concentration of public housing for low income residents—resulting in entire housing stock of public and privately owned housing serving primarily low income rental communities. In many urban communities these neighborhoods have been or are being transformed into lower density, mixed income communities, leading to massive decline in public school enrollment. In rural and small town communities, the same dynamics apply, although over more extended geographical areas.

Schools are needed to anchor changing and stable communities. However, there are policy and practice barriers to shared use of public schools with non-school entities. In addition, there is little legal or policy guidance for developing or utilizing school land or buildings with dedicated space made available to a non-school tenant or developer.

Policy Objective

To create incentives and eliminate barriers for school districts to intensify the use of public school buildings and grounds in support of broad school and community needs.

Policy Rationale

School facilities are powerful indicators of community values and aspirations. They not only support the academic needs of the students they serve, but can also address the social, educational, recreational, and personal needs of the members of the broader community. Schools should be a resource to the community at-large. When school facilities are perceived this way, value is created for the school and for the community, since families can be strengthened and communities can realize added vitality.

The concept of schools as centers of community includes: (a) extensive and innovative community use of the public school facility; (b) schools where community partnerships support high quality education, and contribute to life-long learning; (c) co-location with local government agencies and/or community organizations resulting in creative program service delivery and more efficient utilization of public land and buildings; and (d) opportunities for new and/or additional sources of funds for financing building improvements and program delivery.

Very often old and historic schools in particular have served as community anchors for generations. Restoring and modernizing these buildings to support a 21st century learning environment enables them to serve as high quality educational centers while retaining an important link to a neighborhood's past. These buildings can be used as models to promote similar restoration projects, and to new schools as "centers of community." In situations where a school, especially a historic school building, is already closed, it could become an alternative school as part of an adaptive re-use plan or it could be used by another government entity and thereby continue to be a location that provides services to the citizens of the community, or it could be a facility that includes some shared uses.

Revitalizing school buildings as centers of community requires shared vision and shared leadership. In some communities, school planning is proceeding in a cooperative and shared planning process and vision that examines and considers the educational and other community needs. Although school districts are usually autonomous bodies, there are significant benefits to planning for and designing school facilities within the larger municipal planning framework with maximum joint planning and/or provisions for shared use. The school building as well as the activities that take place in it and on the school site during and after school hours are important components of community development or redevelopment and can also have an economic impact in the community.

Part of the challenge in some communities is keeping neighborhood school buildings open. In many large cities and rural areas across the country, scores of schools are at risk of closing or consolidating due to declining enrollments. When deciding whether to retain or close a public school building, school districts rarely factor in the growing body of research showing that schools with smaller enrollments (small schools) increase the academic success of children, especially children from low-income families. New studies have shown the health benefits of walking to school, and neighborhood schools provide students and their families with access to the school's athletic fields and facilities after school hours and on weekends.

Additionally, school buildings play an important role as community anchors. In many neighborhoods, and some rural communities, public schools are one of the only public facilities that can serve as meeting places, recreation centers, and sources of ongoing educational opportunities. Many communities use schools to house health and social services, municipal programs and libraries. In rural areas, healthcare is not always readily available because it is difficult to attract and keep medical care providers. In these instances, co-locating health clinics within schools can save money and provide easy access.

Model School as Community Center Policies

Policy 2.1 Site Selection for New School Construction

The State should establish criteria for site selection, planning and development to support and enhance neighborhoods and communities.

Schools that function as centers of their communities must be accessible. Sites should be positioned to take advantage of other infrastructure. Some states have established site selection criteria that encourage access to public water and sewage services, located in close proximity to public resources, located near residential development for walk-ability and reduced transportation, located near public transportation, and to promote joint use of parks, libraries, museums and other public services.

As school systems begin the process of selecting a site for a new school they should consider the following: (a) the proximity to the student population that will be served and the schools that will be relieved of the overcrowding, (b) the ability to maximize walking to the school by students, (c) the ability to maximize walk-ability to the school and site by the entire community, (d) the relationship between the site and other public facilities, (e) the availability of public water and sewer service, (f) the condition of the existing roads to serve the school site, and (g) the potential relationship between the school and the neighborhood and community.

The process of selecting school sites within existing communities for enrollment growth and/or the replacement of an obsolete school should consider combined public functions to minimize the site requirements. These could take the form of cooperative arrangements where the site for the school might be smaller than typically required, but where other programs can be accommodated on an adjacent non-school site.

Policy 2.2 Site Size Standards

The State should eliminate minimum site size standards for evaluating existing or new school sites.

Some states have arbitrary site size standards that support new school construction outside of established communities, while discouraging the renovation and reuse of school facilities or older buildings as schools. A typical example of these arbitrary site size standards: (a) Elementary School: 10 acres +1 acre for every 100 students; (b) Middle School: 20 acres +1 acre for every 100 students; and (c) High School: 30 acres +1 acre for every 100 students. Eliminating these policy barriers and encouraging standards that allow for more flexible criteria will enable school districts to fully realize the potential of existing facilities and continue to serve the students and citizens in the community.

Although many states have inflexible standards that require schools to be sited with minimum acreage requirements, a growing number of states have become more realistic and more flexible. The standards (some established in the 1950's) have been widely recognized as obstacles to the preservation and use of older/historic schools or urban schools and as deterrents to the sensible, economically conservative use of land and public utilities in both urban and rural areas. School districts need to have the flexibility to assess local needs and to site schools accordingly.

The recent edition of the educational facility planning guide that helps set policy and direction in this field has dropped the arbitrary acreage requirements. In its place is a recommendation for a flexible approach to site selection that studies the school's functions and program requirements to determine the site size requirements.

Policy 2.3 Shared Use of Public School Facilities and Grounds

The State should facilitate and encourage community use of public schools.

In order to demonstrate the state's commitment to schools as centers of community, a few states have enacted legislation that encourages, supports, and/or authorizes school districts to take the necessary actions or enter into agreements at the local level. State and local laws enabling and supporting joint use of school facilities allow school districts to partner with organizations to serve the needs of the community. At a minimum, such community schools legislation should include the following elements: (a) the duties and responsibilities of the state board of education and the local boards of education; (b) the authority for jurisdictions to establish community schools advisory councils; (c) the authority to employ and fund community schools coordinators; (d) joint powers clauses that permit governmental agencies to use their appropriated funds to work cooperatively with other agencies; (e) the authority to enter into agreements and to set fees and conditions; and (f) establish special funding and/or direct funding or incentives to support planning and implementation of co-location or joint use for community school facilities.

Policy 2.4 Joint Development of Public School Buildings & Grounds

The State should establish a process to support joint development between school districts and other public entities such as libraries, parks, senior centers, health clinics and public charter schools, for examples; that supports the planning, design and construction or modification of buildings for the ongoing shared use of public school facilities with other public government entities.

There is always competition for the capital funds for public schools to renovate and improve existing schools and funds for new schools for increasing enrollments. Public school districts generally do not have unlimited resources, but rather have a list of projects in their capital plan that far exceed the funding capabilities. In most communities, other

municipal agencies also have needs for land and capital projects to support their specific program requirements. Through joint planning efforts the school district and the municipal entity can develop a project to utilize land and funds more efficiently. There are savings to be realized for both entities when there is shared use of a facility and site. These possible savings include site acquisition, design fees, construction or renovation costs, operating expenses, and maintenance costs.

There are decisions that must be made as these cooperative arrangements are explored and developed. A determination will need to be made regarding which entity will take the lead and be the contracting body for the design and construction or renovation of the facility. A written agreement for these aspects of the project, as well as the operation and maintenance should be formalized. It may be beneficial for one entity to have primary responsibility during the design and construction phase and another entity to have primary responsibility for operation and maintenance once the project is completed.

Review and coordination timelines as well as budget submittals must be high on the agenda as the agreement is being developed. Very often the funding source for the various programs is the same and with joint support from both entities the potential budget problems can be resolved. It is extremely helpful if the individuals that are to have decision-making authority for the project are designated, made public, and recorded in the written agreement.

Well-planned school facilities must support the teaching and learning process and activities, as well as meet the specific needs of different communities. Because community needs and requirements vary based upon the specific programs and/or services offered, any program or facility standards established as part of a funding formula must be flexible enough to accommodate these different requirements. It is imperative that a variety of approaches that will support the approved community programs and services be permitted. This means that square footage needs and relationships between spaces should be determined and driven by programs. Requirements based on functional needs should be accepted rather than prescriptive programs and standards that require certain locations for functions or that dictate pre-established gross square footages (one-size-fits-all). Prescriptive standards present obstacles to communities anxious to meet community needs for co-location or multiple uses.

Planning and design for such facilities should consider flexible configurations for multiple users and permit shared use of overlapping spaces. Attention to these issues will ensure that facilities continue to meet educational and community goals as they change and evolve. Furthermore, when school sites are selected, districts should be encouraged to select locations that use existing public resources such as libraries, parking, and/or athletic facilities.

Many states and localities lack a culture of communication and/or cooperation. In some cases, the existing policies often discourage governments or agencies from working

together. In addition, local decisions about the use of school facilities can create obstacles to fulfilling community wishes to co-locate and enhance services at school facilities. State legislation can provide the vehicle and support for communities to pursue cooperative uses or co-location of services.

When the need for funds for community needs and requirements is added, the competition can intensify. However, in some states, specialized sources of funds for these community needs or cooperative arrangements exist and can ease the tension. In some cases, the joint use provider can offset long-term costs, such as maintenance, that the school district would otherwise have to bear. In other cases, the joint use provider can contribute to the construction costs by diverting funds that might otherwise have been spent on a separate new facility.

Policy 2.5 Historic Schools and Significant Existing Buildings

The State should encourage and support the continued use and adaptive reuse of older or historic schools.

States should gather data and information pertaining to historic schools or soon to be eligible historic schools in the state. In most cases, buildings are eligible for historic status when they reach 50 years of age. States should look at 40 year-old schools and document their history, current usage, and anticipated use during the next ten-twenty years. This will help proactively inform communities about the costs and benefits of different options when decisions about renovation versus new construction arise.

The continued use of existing older schools faces three major obstacles. These obstacles are site standards, funding formulas to ? that have arbitrary and antiquated requirements, and the interpretation and application of the current building codes. Many schools that have served as centers of community are disappearing from our neighborhoods and particularly from rural communities. Every reasonable effort should be made to continue use of older and historic schools as public school buildings.

Frequently, older schools are smaller and are therefore pressured to consolidate with other schools to create new schools, often on new sites, and on larger sites out of the center of the town. Communities need to evaluate the impact of this action, socially, economically and educationally. Some factors to consider are that (a) smaller schools have been shown to provide a more effective environment for learning, (b) neighborhood or community schools are often walk-able or are accessible by bike or public transportation, (c) local schools can serve the community during and after school hours, d) school funding bring life to residential and retail areas.

It should be asserted that benefits are not always financial. The history and architecture of a school building, and its value to a community is a benefit. The ability to walk or take

public transportation is a benefit. Adjacency to public libraries and other services is a benefit.

In cases where existing school buildings become unsuitable or unavailable, other older and/or historic non-educational community buildings should be considered. Reuse (a) is fiscally conservative since it reuses existing municipal or community infrastructure; (b) often encourages investment in presently underdeveloped areas; and (c) retains community history by reusing older structures.

Policy 2.6 Maintaining Public Schools in Existing Communities

The State should create incentives to maintain public schools within existing communities.

Some states and communities, particularly those with high growth rates and declining open space, have decided to direct development to areas identified through a public planning process. They have determined that the cost of building new developments in areas with no existing or planned municipal services simply places too large of a burden on taxpayers. Instead, they focus scarce dollars on supporting areas where they can concentrate resources such as public water, sewers, roads, and police and fire stations. This approach often gives residents near-by access to such amenities as shops, parks, transportation corridors, and post offices. In-fill and more concentrated housing development often results from these decisions. Therefore, new schools, where necessary, should be built in existing and expanding communities. In dense urban areas, a new or renovated school can mean new life for a neighborhood. A school can attract new residents while providing quality service to existing neighbors.

Rural areas have somewhat different issues but many of the same considerations apply. Consolidation of small schools is a major threat in rural areas. Consolidation often means that smaller schools or schools located near small populations will be abandoned in favor of larger schools located on large previously undeveloped parcels. In many cases, these schools are far from existing communities. This adversely affects both the community that lost the original school and the students who are required to commute to school. Consolidation requires long bus rides for children and disassociates the public school from its community.

In urban areas, older and historic schools were built to serve the adjacent neighborhoods. Communities should consider the benefits of walk-ability, public transit, and community access when weighing options about renovation or new construction. In urban areas where a school does not exist, the community should consider placing a school in an under-utilized neighborhood structure to preserve adjacency benefits.

Section 3: Public School Facilities Management

The Challenges

The primary responsibility of school districts, which is educating children, is managed by administrators who are likely to be unsophisticated and un-schooled in the demands and opportunities afforded by a well managed facility department. At its best, facilities management at the district level operates, maintains and improves school buildings, but is likely to do so apart from the educational planning for the schools. At its worst, facilities management is crisis driven and ad hoc, without good information, standards, planning, oversight, project management, or services.

The state, as the body ultimately responsible for public education, is too often indifferent to the management of school facilities in local districts. It should add to the ability of local districts to manage facilities, without creating merely compliance requirements that may constrain or limit the local district's ability to deliver or operate high quality school facilities in a quality and cost efficient manner.

Policy Intent

To ensure that public school facilities are managed so that they meet adequate standards for health, safety, instruction, services, environmental responsibility, and efficiency.

Policy Rationale

It is the legal and moral responsibility of each state to ensure that every child has access to a quality education. In many states, the courts have determined that the ability of school facilities to meet a standard of educational adequacy, that is to provide an educational setting that allows the state's determined curriculum to be taught, is a significant part of this responsibility.

To meet this goal, each state needs to know the condition of their school facilities, and the elements and determining factors in meeting the state's educational curriculum or outcomes. The state should measure these factors against one another to determine each facility's education adequacy. It should then ensure that facilities that do not meet these standards are brought up to an acceptable level. Districts or localities without the financial resources to bring their school facilities up to the state standard should be assisted so that the standard is consistently met across the state. This requires a significant amount of managerial skill and coordination between and among the state and the districts or localities.

Even when substantial public investment is made in facilities, routine and preventative maintenance and upkeep are needed. The maintenance ensures that facilities will have long and productive lives. Expenditures for preventative and routine maintenance extend the useful life of facilities and reduce more significant future taxpayer investments, which would be required in the absence of maintenance expenditures. Therefore, states, on behalf of the public, have an interest in monitoring maintenance plans and their implementation at the local level.

Citizens are generally concerned that capital funds be well spent and independently monitored. In some states, this oversight is a function of the department of education. In other states, a separate agency, department, or authority has been established. Some school districts have entered into contracts with private sector architectural, engineering, program management, and/or construction management firms to monitor and assist in the implementation of school construction projects. Taxpayer dollars are being spent (state and/or local) making accountability to the public of the utmost importance.

Existing models of facility management and oversight should be reviewed to determine their effectiveness. Additionally, transparency in all aspects of the construction, modernization, and maintenance process is critical, and the community should be granted the opportunity to be involved in oversight of these activities. Disclosing important facility information to the public helps school districts build or rebuild public confidence in their management abilities. The public can make sure that plans are based on accurate, unbiased assessments of the data, rather than politically expedient short-cuts. As the final users of these facilities, teachers, staff, and students should also have a role in evaluating the school projects, from a functional perspective, once completed. They also could be called upon to review and monitor how school buildings are operated and maintained.

Model Facility Management Policies

Policy 3.1 Public School Facility Database

The State Department of Education should maintain a statewide facility database with basic building information on the condition, design, utilization and expenditures of all public school facilities, including public charter schools.

Very few states maintain publicly accessible statewide inventory of public school facilities. The states that do collect and provide this information have a much better understanding of the school buildings and sites utilized by their school districts. In some instances, the information and data are used when requests are submitted for state funding. It also helps states respond to inquiries from private citizens and the media. The facility inventory in some states is accessible on-line, although the type and depth of information varies among states. Updating the information is an ongoing task and, in some states, it is the responsibility of the school district to enter the data annually. Information pertaining to

the condition of the facility as well as previous expenditures can provide valuable information as decisions are being made for future projects at the school.

A statewide database is not useful unless the data elements, the collection methodology, the accuracy, and the timeliness of the information are maintained. In order for the information to be consistent, it needs centralized direction, training for data entry, and funding to maintain the system. States can collect the data themselves, hire contractors to collect it, or utilize staff at local school district levels. The latter may be the cost effective approach, and relies on those who have the most internal knowledge of the facilities. However, using local districts does require that the state provide training and funding, when necessary, so that the information reported is consistent from area to area and so that local districts are not burdened by data collection requirements.

Establishing a set of data elements for a survey is a difficult task. It requires consistent collection and processing of data as well as data sufficient to present a true and complete picture of school facility conditions. A minimum number of elements with simple and explicit directions will result in the most reliable data. Attempting to serve too many purposes or too many programs with the same survey may present problems. Testing the forms and procedures with a small sample group is a cost-effective way to avoid problems and pitfalls, debug the system, and make required adjustments.

Standards for consistent and comparable data require a centralized process and a clear definition of terms, particularly as they relate to the condition rating of the building. There is also the need for training, testing, and verification prior to full implementation.

The development of detailed guidelines for completing the facility inventory, including some examples, is recommended. As a means of follow-up, a procedure included in the process for the state to verify the data and information on a periodic basis should be established.

Making information about school facility conditions public has a three-fold purpose. First, it informs parents and children about the condition of structures in their community. Secondly, it provides valuable information to the community about the condition of public assets that are taxpayer supported. And thirdly, it holds public officials accountable for their management and maintenance of the public school facilities.

Policy 3.2 School Building Space Standards

The State Department of Education should establish adequate space standards for school facilities, including public charter schools, that are flexible enough to meet the diverse educational program and service needs of students, teachers, and the community.

States that provide funding to support capital improvements in their public schools use a variety of measures to determine need. These existing measures have generally resulted from historical policies and practices, and are often based upon discussion and/or

negotiations among the parties representing various stakeholders, the legislature, and/or the administration in the state. In most cases, an attempt to evaluate projects based on a combination of objective and subjective criteria has been made. These include such factors as projected enrollment above capacity, the number of un-housed students, overcrowded schools, age of school and its condition, age of building system and/or components, number of square feet in the building and proposed scope of work, level of maintenance performed by the district to protect taxpayer investment, relative wealth of the school district, property values, and willingness of the district to raise revenue for capital projects.

Even states that do not provide funding, should establish educational facility standards for instructional and support programs and services, including minimum square footages, environmental condition, and health and safety requirements.

These should reflect the state's minimum requirements for the delivery of educational programs and services so that school districts have targets as they make decisions related to capital improvements. This assists in prioritizing projects to address needs while achieving equity within districts.

States should establish methods to distribute information and train school district personnel in evaluating and assessing existing school buildings, collecting and reporting data. This process should be initiated with broad involvement of all stakeholders, and recognition of existing workloads, staff time, and financial resources necessary. Assessments should then be scheduled on a mutually agreed upon periodic basis.

States that do provide funding for school construction and capital improvement projects should include these educational facility related factors in the criteria used for evaluating and funding school construction and capital improvement projects. Applicants are much better off being made aware of these criteria as they are in a better position to select and prioritize projects.

Some states have established square footage standards that are applied to projected enrollments setting the scope and budget for specific projects. Flexibility is essential when using these formulas to account for unique educational programs and/or services, specific needs or requirements for the student population, community or non-educational requirements, inefficient older existing school buildings, and other special situations. These standards or guidelines should be used to achieve the most effective and efficient school building to serve the needs of the school district and community.

Policy 3.3 Environmental Design and Construction Standards

The State Department of Education should establish and support school design and construction standards that incorporate environmental goals.

Every new school building, renovation project, and a project to replace existing building systems and/or components presents an opportunity to design and implement an environmentally responsible capital improvement project. States have the ability to set environmental goals, standards, and/or guidelines. These could relate to anticipated energy usage (a) when selecting equipment, (b) required to produce the school construction building products and equipment, (c) required to deliver and install the products and equipment, and (d) necessary for the disposal of the packaging and waste from the construction site. Site selection and decisions to reuse existing structures rather than build replacement schools has an impact on the environment. Site development for a new site or redevelopment of an existing site enables school districts and their design teams to develop environmentally friendly and practical design solutions. Significant improvements in the design and manufacture of electrical and mechanical equipment for public schools have been made in the last 10-15 years. Certain new equipment uses less energy when properly designed, installed and maintained. The initial low cost for acquisition and installation of equipment is important, however the cost of operation and maintenance over time are also important factors to consider.

Public school buildings can be designed, constructed or renovated, operated, and maintained using "high performance schools," "green building," or "sustainable design" concepts. These concepts focus on improved educational environments for learning, both in the building and on the site, and the impact of school buildings on the environment. The main components of high performance school buildings include the following (alphabetically): acoustic comfort, commissioning, day-lighting, energy analysis, energy efficient building shell, environmentally preferable materials and products, environmentally responsive site planning, high performance HVAC, high performance electrical lighting, life cycle cost analysis, renewable energy, safety and security, site selection, superior indoor air quality, thermal comfort, visual comfort, and water efficiency.

In addition to environmental benefits, high performance schools can provide additional benefits that include: better student performance, increased average daily attendance, increased teacher satisfaction and retention, reduced operating costs, reduced liability exposure, increased opportunities to utilize the school building itself as a teaching tool, and educate students about the importance of caring for the environment.

Furthermore, the development of plans for an effective renovation project can reduce waste intended for landfills, decrease air pollution, and save dwindling natural resources. When the basic structural components of a school (brick, block, steel, concrete, and stone) have decades of useful life remaining, they should be reused through renovation projects rather than be demolished. The replacement school will still require the manufacture and installation of new products which use natural limited resources and require energy to produce, ship, and install. It is estimated that for every square foot of non-residential building demolition, approximately 155 pounds of solid waste is added to landfills. If a 100,000 square foot school were demolished, over 15 million pounds or almost 8,000 tons of construction waste would be added to a landfill.

In addition, significant positive environmental impact can be made in both renovation and new construction with the use of "green" building materials. While these products often come from renewable resources, they also have the added benefit of being healthier for those using the buildings, and recyclable at the end of their useful life.

Reuse of existing facilities generates some of the greatest environmental savings. Every school should meet program requirements and the intent of building codes that are designed to ensure structural, fire and health needs. However, there are many, acceptable ways of meeting the requirements and intent of the building codes. Currently many states require that building renovation work must comply with building codes suited for new construction. In the renovation of older and historic structures, some states have adopted more flexible approaches to code compliance by allowing building owners to propose alternate solutions to code issues while meeting structural, fire, and health rules. These alternate codes require approval by the appropriate code officials while preserving the historic characteristics that make the building a community asset. States should allow qualified historic schools to use the state historic building code or an applicable historic building code.

Policy 3.4 Energy Management Planning

The state should require and assist school districts develop and implement energy management plans that will ensure responsible and efficient use of natural resources.

Energy costs are a major and rising expense of school districts. Many school districts have put in place various cost saving measures as part of their overall operations. However, energy management should be a deliberate part of responsible fiscal and facility management. The state can contribute to savings at the district level by working with local districts on energy management planning, standards, and utilization. Capital projects should be encouraged that offer long term savings on operating and maintenance costs.

Policy 3.5 Maintenance Planning

The State should require school districts to develop a comprehensive maintenance plan with annual revisions and/or updates, and the department of education should verify that these plans are being implemented.

Public school districts invest taxpayer resources to develop and operate public school facilities within the district. They have a responsibility and obligation to protect and maintain that investment. They can best achieve this objective through properly maintaining public buildings and land. the development and implementation of a Comprehensive Maintenance Plan (CMP). The CMP is a plan that recognizes that the proper maintenance of public school buildings can:

- Help maintain a positive learning environment
- Maintain the asset value of the property
- Eliminate or reduce the number of fires, accidents, and other safety related hazards in or on the property
- Provide buildings that function efficiently
- Enable the continuous use of the school building without disruption to educational programs and services
- Conserve energy

The CMP generally includes information pertaining to:

- Staffing and their respective activities and responsibilities
- Services provided by school district staff and those that are per formed under contract;
- An inventory of the facilities and their condition
- A schedule for preventative maintenance for various building systems and/or components as well as a schedule for potential replacement
- The process and procedure for unscheduled maintenance and the handling of work orders
- A description of scheduled and/or unscheduled maintenance work that has been deferred due to lack of funds or personnel and/or changes in priorities
- Budget information for the overall operation of the maintenance department and the implementation of the plan
- A description of the process, procedure, and timeline for community participation in the development of the plan

The state department of education should establish procedures for monitoring and verifying that the CMP are being implemented. This assures taxpayers at the local school system level and those responsible for the allocation of state funds, where provided, that the investments are being properly cared for. It makes good business sense and practice to protect capital investments that have a long life expectancy so that resources are not wasted or misused.

Policy 3.6 Maintenance Standards

The State Department of Education should establish criteria or indicators for evaluating the condition and level of maintenance of public school facilities, including public charter schools, on a regular basis to ensure the health and safety of children and adults in schools and on school grounds.

While routine maintenance is the key to cost-effective long-term utilization of buildings and the proper operation of the building systems, few states have legislation that assures the protection of the public's investment in public school facilities. Many states have some general language that refers to the responsibility of various parties to provide safe and

secure places for children, but perhaps only a brief comment about properly maintained schools.

It is of the utmost importance that public school buildings be properly maintained. Districts have an obligation to provide healthy and safe environments for students, teachers, and all other school building employees. Furthermore, districts have a fiduciary responsibility to their citizens and taxpayers to protect their investments in the educational infrastructure. All schools within the same district should be maintained at the same high level, regardless of the economic circumstances of the school's attendance area.

Although sound school district business practice suggests that the public school building and site be surveyed and evaluated at least once a year, some aspects of the facility (such as the roof) should be inspected at least twice per year. This could be carried out by staff from within the district if the personnel with appropriate training, experience, and skills are available.

States should develop on-site survey procedures for evaluating the condition of each public school from a maintenance perspective. This could include the development of an evaluation instrument, the definition of terms, the time intervals between surveys, the training of personnel conducting the survey, the reporting mechanism, procedures for reporting anticipated corrective action, and procedures for reporting the actual implementation of that action.

States should also conduct periodic reviews of the educational facilities to determine whether or not the facilities are being properly maintained. This could feasibly be completed by surveying a sample of schools each year. Another approach might include self-inspections with state review and sampling, or state contracted services for spot checks of the inspections. Where deficiencies are found, the school district should indicate what and when corrective action will be taken. In some cases, the work cannot be corrected immediately and may require that funds be budgeted to implement the correction. This might require placing a request in a capital improvement program and securing the necessary funding at a later date.

States should review their districts' budgets and trends in funding for maintenance, as well as the implementation of the Comprehensive Maintenance Plan mentioned earlier. States should have the authority to take appropriate action when the necessary funding for maintenance of schools is not provided and/or persistent problems continue to exist. Some states that do provide funding for capital improvements have provisions to withhold funding if school buildings are not properly maintained. Some states set funding levels for maintenance as a requirement in their districts' operating budgets.

Deferred maintenance, which results from the postponement of preventative, scheduled, unscheduled, or emergency work, produces delays. These delays can contribute to further problems and lead to more extensive and more costly solutions. Students and teachers

have to continue to endure under the adverse conditions until the corrective action is taken. Some states have established separate or special programs to fund capital improvements addressing work that is considered maintenance. This includes projects to replace, repair or improve mechanical systems or equipment, lighting, plumbing, exterior windows and doors, roofs and elevators. In addition, funding sources for other projects that include carpeting and floor tiles, wall surfaces, ceiling tiles, gymnasium floors, bleachers, painting, exterior site work, and the removal of hazardous materials may exist. In some states there are provisions for loans to school districts for critical maintenance problems.

Policy 3.7 Technical Assistance

The State should provide technical assistance to school districts in developing plans and implementation procedures and processes to effectively and efficiently plan, design, construct, operate, and maintain the public school sites and buildings within their jurisdiction and sphere of responsibility.

Very often most decisions in the school facility planning and design process are considered the domain of school administrators, professional planners, architects, and engineers, with local school constituents and community involvement included at the end of the process. Many school board members, superintendents, and school district operating officers, in addition to community stakeholders, are not trained or experienced in school facilities planning or management. In many older urban communities, school renovation and construction have been absent from the public agenda for so long that communities are unfamiliar with the processes, concepts and requirements for democratic action regarding school planning, design and construction. This is also true for smaller school districts where capital improvements are only undertaken when the building has outlived its useful life, deferred maintenance has mounted to the point of requiring a major renovation or a replacement school project, or there are significant changes in demographics of the community (increasing or declining enrollments).

Most schools districts have not engaged in the comprehensive planning processes outlined above. As a result, these districts would benefit greatly from technical assistance provided by the staff of the state department of education or outside consultants (directly under the guidance and supervision of the department) on a wide variety of subjects, specifically the implementation of the policies recommended above.

Some districts are very small and do not have staff with the expertise or experience to undertake these activities without some outside assistance. The staff of the district may also be embarking on a project that is new to them and might be able to avoid potential pitfalls with guidance and assistance from a third party. Even larger districts may not have the proper staffing to undertake some extensive or diverse projects that have not been accomplished by them in the past.

Policy 3.8 School Facilities Oversight

The State should establish and enforce policies and procedures that protect public investment in school facility construction, operation, and maintenance.

States should adopt or develop policies and administrative procedures to assure taxpayers that funds are being utilized effectively, efficiently, and legally. Every public official, whether elected or appointed, and every individual in an administrative position with responsibility for any aspect public school facilities should exhibit the highest level of professionalism and integrity. There should never be any doubt about the ethical and moral values of individuals entrusted with these responsibilities. Policies and procedures that clearly define and provide guidance for all decision makers and staff should exist. These policies should cover ethics, standards of conduct and should address waste, fraud and abuse, reporting mechanisms and consequences.

Accurate and timely reporting on expenditures, the status of on-going and completed projects, and progress made in addressing school facility needs are essential to the accountability owed to taxpayers and for taxpayers to understand the scope of accomplishments and future needs.

School districts should be required by the state to have both financial and compliance audits performed annually by outside independent financial management or auditing firms. These should include financial transactions, appropriate and timely approvals, adherence to advertising and bidding requirement, appropriate reviews and timely payment to contractors, and timely requisitions of funding from outside sources. Copies of school district audits should be forwarded to the department for review and comments.

Departments of education should also have the authority to conduct their own audits of school district operations if state funds are provided. These audits take on added importance when significant state funding is provided for school construction projects and capital improvements. These should be performed every two years to assure that any potential problem is identified and corrective action taken to prevent further mismanagement or abuse.

All state departments of education and/or independent agencies responsible for any phase of school construction, operation, and/or maintenance should be subject to legislative audits or audits by outside independent financial management or auditing firms. Any and all problems identified should be promptly addressed by the department or agency. There is no room for any actual or perceived impropriety. Maintaining the confidence of the general public is of the utmost importance to the successful support of funding for school facilities.

Section 4: Public School Facilities Funding

The Challenges

The pressure to adequately fund publicly education is intense. The work of school based teachers and staff is so demanding due to the increase in enrollment in many communities and high educational standards required by states and the federal government, the increase in services needed by many children for special education, and social and psychological services that school districts' first priority for funds are instruction and administration. School districts struggle with the books versus bricks tension in all but the most affluent communities. The result of this is often that maintenance is deferred until there is a crisis—no heat, roof collapse, unsafe conditions—or in many schools, a quiet decline that eventually reduces parental and teacher satisfaction with the school, sending parents and staff to other schools or communities to live and work.

While some school districts are able to adequately fund their educational programs and their facilities, this is not true in districts with large numbers and proportions of children from low income families. Within states, there are districts with adequate funding and those without. Disparity creates great inequity in the state's provision of public education.

Policy Intent

To ensure that there are stable and sufficient funds for public school facilities and that they are allocated equitably and efficiently.

Policy Rationale

The unprecedented economic growth of the last ten years made increased spending on school-facilities improvements possible, and some significant progress has been made in the quality of public school facilities. However, many students in many districts still do not have access to safe and healthy schools with appropriate learning environments. Recent fluctuations in the economy along with the uncertainty of consistent funding levels make planning for the necessary and required capital improvements challenging.

Whether there is an economic downturn or an economic expansion, demands for public funds for public school improvements offer legitimate and competing claims on the governments' borrowing capacities. School facilities maintenance competes with other priorities in a school districts' operating budgets, including teacher and staff compensation, new technology, new textbooks, and special education. Without adequate operating funds, districts defer maintenance, cannot relieve overcrowding, and are unable to modify classrooms to support the desired educational practices to achieve needed academic outcomes. When districts fail to address critical facility maintenance and construction needs, they limit the effectiveness of their academic programs, hinder attempts to

revitalize neighborhoods and communities, and preclude students from access to high quality programs and services.

Most school districts rely on property taxes to fund the operating and capital budgets for their public schools. This financial dynamic can create inequities of spending per student based on the place of residency. Students in more affluent districts, based upon the assessable base per student, can access more educational and enrichment opportunities than students living in less affluent school districts. Several court cases have examined this issue, including questions about comparable school facilities, and have required legislative action to remedy inequitable situations. Other states have long histories of financial support for public school construction and capital improvement projects. Not all states, however, have these programs and where they do exist, the programs vary in type and level of financial support provided.

To ensure that equitable public school facilities exist in every district, states must take a proactive role. States that currently have programs should initiate a review process to determine how successful they are in achieving comparable facilities in all districts and within districts. States that do not have programs should explore their options and develop school construction and capital improvement programs that provide equitable facilities and educational opportunities statewide.

While education is a state responsibility, significant support and desire for local control exists broadly. Improvements to existing programs and/or development of new programs at the state level do not necessarily have to diminish elements of local control. As states proceed with equitable public school funding programs, it is of utmost importance that all stakeholders be included.

Model State Funding Policies

Policy 4.1 Capital Outlay Funding

The State should ensure that there are adequate stable sources of funding to support planning, design, construction, operation, and maintenance of public school facilities.

As states develop plans and programs, operational policies and procedures, as well as the funding levels and sources, need to be addressed. States need to establish and implement plans to ensure long-range and stable funding streams or mechanism that will support the needs of the school districts. The facility needs and requirements should be identified in each school district's Educational Master Plan, Comprehensive Maintenance Plan, and Capital Improvement Program (discussed and described in Section 1: School Facility Planning). Consideration should also be given to results obtained from any statewide needs assessments or compilation of data pertaining to the conditions of schools when applying the minimum adequacy standards.

Finding funding sources to meet the ongoing fiscal requirements for an effective statewide school construction and capital improvement program is a significant challenge. For example, economic conditions change; existing schools age and need repair, renovation, and/or rehabilitation; educational programs change and as a result, facilities need to be changed; residential development or redevelopment changes; enrollments fluctuate; and as economic conditions change, funding sources are not always reliable over extended periods of time. Most states should, however, be in a position to clearly understand the particulars of their educational facility needs, the anticipated levels of funding required, and the ability of the various funding approaches to meet these needs. With this information in hand, the state has a responsibility to provide the funds necessary to meet these needs and requirements on a continuing basis. However, given the competition for state capital funds, it is not always possible to meet all the educational facilities needs in any one given year. But the reliance upon a funding stream that meets the majority of these needs each year moves the state and the school districts closer to providing equitable facilities throughout the state. Every attempt should be made at the state level so that districts or school facilities provide appropriate educational settings and environments that support required educational programs and services.

Every attempt should also be made to establish a "guaranteed source of funding" at the state level for school construction and capital improvement programs. This type of commitment enables school districts to prepare their plans with some assurance that there will be state support for implementation. It is enormously frustrating for school districts and communities to invest time, energy, community enthusiasm, and financial resources in a planning process, only to have it end up on the shelf, unfunded and therefore not implemented. With predictable funding sources and annual levels of funding, school districts can effectively plan for the future and prioritize projects over - at least - a five-year period. Of course, unforeseen circumstances often interfere with the implementation of state funding plans and expectations. For example, funds from anticipated sources can be diverted to other more urgent needs, or dedicated revenue sources might not be sufficient to meet the school construction needs and requirements in a given year or over a period of years.

The necessity for reliable sources and levels of funding cannot be overemphasized. The school construction process takes time and includes the following activities: (a) planning, (b) procurement of funds and engaging an architect or other design consultants, (c) preparing drawings at the various design phases, (d) obtaining funding for the actual project, (e) preparing the final plans and specifications for bidding, and (f) obtaining the required approvals and/or permits prior to initiating the actual work.

The timing and availability of state funds impacts school districts in which communities must raise local funds in order to complete portions of the facilities work or help fund actual facilities projects. In most cases, the ability to rely upon state funds allows these districts to proceed with certain projects that would otherwise go unfunded. Since time is such an important factor, state programs must acknowledge that "market place costs" are not held

constant. There should be mechanisms to adjust or account for changing market conditions as close to the time of actual bidding as possible.

The program for the distribution of state funds should recognize the differences between the capabilities of the school districts and their staff to prepare the materials necessary for submitting a successful application for funding. Technical assistance should be available to all districts and especially to those that might need additional help and guidance. In recognizing these disparities, the program will be more equitable if all applications for a specific program are due at the same time. This allows the state to evaluate all applications simultaneously rather than approving projects on a "fist-come-first serve basis" in which wealthier districts (with more staff or other resources) might submit more applications or submit them earlier and thereby exhaust the majority of the funding available. It should be noted that in 2002, 44 States had either grants or loan programs that could be used for school construction and capital improvement projects. Forty states had annual state appropriations. Matching funds were required in most instances and the local match ranged from 2 percent to ninety-eight percent. The states use a variety of sources for these loans and grants. The sources include: state general fund, state general obligation bonds, dedicated sales tax, lottery income or gambling revenue, the tobacco settlement, and some smaller specialized sources. Many states will guarantee local bonds or will issue state bonds, which require repayment by the locality. At least one state has a revolving loan fund for maintenance and renovation projects and another state provides full funding for smaller maintenance and renovation projects. Some states repay a portion of the debt service for bonds issued by the school district for school construction and capital improvement projects. A few states approve the issuance of a large state general obligation bond and then district apply for the funds as their projects proceed through the approval process.

Some states provide their funding at the beginning of the project, while others provide partial payments during the construction phase, and others wait until the project is complete to proffer the financial aid. In most cases, it is preferable to have state funding provided during the construction phase to keep pace with monthly requests for payment from the contractors. This is especially helpful to smaller or less wealthy districts that would otherwise have to borrow the money for the state share during the construction phase and then seek reimbursement from the state. This could result in added expenses for districts that can least afford the extra cost. Most contracts require payment within a specified period of time before additional interest charges are assessed against the owner (the school district) as a late payment fee.

Policy 4.2 Facility Funding According to Need

The State should define the scope and form of the funding relationship between the State and the local school district that is based on what is fair and equitable and accounts for the fiscal effort and fiscal capacity of the local school district.

While the specific policies, programs, and procedures that states utilize may vary considerably, they each have established relationships with their school districts that facilitate the funding of school construction and capital improvement projects. Although there are differences, states generally attempt to recognize the individual needs, requirements, fiscal ability, and fiscal capacity of each school district. An important factor to consider is the financial capability (or lack thereof) of the locality, which should weigh heavily when evaluating applicants for assistance or when determining the state and local share. In the interest of equity and fairness, the districts with the greatest need in terms of school facilities and financial assistance should receive a larger proportion of financial assistance.

To address this disparity, many states have established a sliding scale for state aid and the required "match funds" for school construction projects. This could apply to state aid either in the form of grants, loans or other financial support. This enables states to spread their resources further by providing more resources to poorer districts and fewer resources to wealthier districts. This concept recognizes that districts with lower assessable bases have to raise taxes to a higher rate to achieve the same revenue that wealthier districts can raise (higher assessable base) at a lower rate.

In special situations, consideration could be given to provide for waivers of the matching funds. This would benefit students living in the poorest districts where even the minimum amount of matching funds would very difficult, if not impossible, to raise. If all students are to be afforded equal access to educational programs and services, then the facilities in which they learn and study should be equal or comparable within districts and states.

In some cases, states have established emergency grant or loan funds to assist localities with urgent repairs that they do not have funds to address. This can be particularly helpful when there are natural disasters or accidents that prevent students and teachers from occupying their schools. A lengthy process to obtain the necessary funding, in addition to any funds from insurance claims, could prolong the interruption to the educational process.

Because "need" is difficult to define, most states use measures that can be objectively evaluated such as, student enrollment, and district income/ wealth. A few use building assessments or age and building square footage in combination with one or more of the preceding factors. One state uses cooperation between districts as an incentive. Some have much more complicated combinations of factors including the type of space needed, a review of prior state funding, state and local priorities, community use, estimated project cost, and the schedule for the proposed project.

Fairness should be the primary consideration. There should also be some subjective judgment in the final decision making process. It is extremely difficult to review several hundred projects and assign a rank order to them for funding purposes. This is particularly true when comparing the need for new schools in districts experiencing rapid enrollment increases with other districts with older buildings in need of major renovations. Some

projects more easily rise to the top. However, an established written process that is clearly stated needs to be made available to all applicants and used to evaluate the applications and make the final decisions. Clearly, poorer districts with serious, urgent problems in meeting the educational adequacy goal should receive funds for their projects on an equitable basis. The subjective aspect of the evaluation requires knowledge of individual districts and knowledge of their facilities. It may also require an independent evaluation of the proposals for adequacy and completeness. Perhaps separate projects submitted for the same school should be considered as a package rather than as discrete projects, which making these projects more economical and less disruptive at the school.

State programs should provide a mechanism for appeals to resolve questions and/or concerns related to school construction requests. This could include specific decisions regarding the approval and funding of projects, the scope of work eligible for state financial assistance, and the level or percentage of state assistance for a specific project. Resolving matters in a timely fashion should be of the utmost importance to states and school districts. Delays in moving projects forward often result in higher costs to all parties.

Policy 4.3 Flexible School Facility Procurement and Financing

The State should examine and review alternative design, construction, and/or financing methods and offer guidance and assistance to school districts in the implementation of these alternatives.

Although almost all school construction and capital improvement projects in school districts across the nation follow a design-bid-construction sequence, there are alternatives that have been proven successful. Some of these alternative methods have required state legislation to permit their use by a public body. Some of the alternative methods include design-build, construction management at-risk, construction management agency (with multiple prime contractors), performance based contracting, competitive sealed proposals, job order contracting, lease-lease-back, and sale-lease-back. There are a significant number of school districts that have examined and utilized these alternative methods to accomplish capital improvements over the past several years and the number of districts investigating this method is increasing.

In addition to these project delivery and financing alternatives, there are also alternative funding sources that should be considered. Some of these may also require permissive state legislation before school districts can utilize them. These alternative financing methods could include public-private partnerships, public-public partnerships, impact fees, excise taxes, transfer taxes, payments-in-lieu-of taxes, tax incremental financing, private activity bonds, qualified zone academy bonds, alternative energy and energy rebates, and donations and grants. States should provide information and guidance about these alternative methods. To determine the feasibility of employing these alternative methods, states should gather information from other states and interested parties, determine the existing interest from within their school districts, convene committees or working groups

to examine these alternatives more fully as applicable to current projects, and issue or distribute recommendations and possible sequences of events. For alternatives that can be implemented without legislation, states should provide assistance to school districts desirous of moving ahead. Where legislation is required, the state should take a leadership role in obtaining passage of the laws necessary for proceeding with the alternative method(s).

Many of these alternatives are becoming more common and popular. States should encourage policy makers, politicians, administrators, boards, and commissions to carefully examine these options and then make decisions based upon their evaluation and application to their specific circumstances.

A few states or localities have established clear guidelines and/or standards for proceeding with the implementation of one or more of these alternative methods. For example, states could clearly define the procedures for private-public partnerships: project submissions, project characteristics, project and team qualification standards, financing, review process, timeline, and selection criteria.

Additional opportunities for public-public partnerships may exist. Local governmental entities have separate funding sources, time frames, procedures and missions. Cooperating on public building planning, design, construction and financing requires explicit policies and budget instruments.

Some public agencies are prohibited from spending funds in cooperation with other public entities even when such cooperation will result in a savings for taxpayers and the resulting facility will be more effective in providing services. It may be possible to resolve this problem if both government entities are interested in a cooperative venture that will benefit the public. In some cases, legislation maybe required.

Policy 4.4 Project Budgeting for Existing Buildings

Eliminate bias toward new construction over the reuse and modernization of existing buildings.

In some states, detrimental funding biases exist that are based upon old formulas and different objectives, and that support demolishing existing schools and then building a new facility. These formulas and/or funding criteria prevent the development of an unbiased feasibility study that considers renovating existing schools. Renovation is often a feasible option, and can be achieved at a cost savings over new construction. This preference for new construction is usually expressed through what is often referred to as the "two-thirds rule" or some variation of it. In other words, if the cost of renovating an existing school exceeds a certain percentage – 2/3, 50%, 60%, or some other percentage of the cost of building a new school – the state requires (or encourages) the local school district to build a new school or forfeit state financial aid. In some cases, school districts have adopted

these same standards even when state funding and/or approval is not involved under the assumption that they are acting in a prudent and fiscally responsible manner.

In another state, the state share of funding is provided based upon the following percentages of the cost of building a new school for a renovation project: (a) 100% of the cost if the school is over 40 years of age, (b) 85% of the cost if the school is 31-39 years of age, (c) 75% of the cost if the school is 26-30 years of age, and (d) 60% of the cost if the school is 21-25 years of age.

In some states, all options must be reasonably evaluated before a decision is made. This requires a thorough examination of building costs and the commitment to only fund new construction in the event that renovation is not cost effective, is not in the public's interest and does not meet the educational program needs. The state department of education should have the authority and responsibility to review and approve or disapprove the feasibility studies that are prepared by the school district before they are authorized to proceed with any replacement school project. This will help assure that the study is performed without a predetermined solution, particularly to replace the existing neighborhood school.

Examples of State Legislation

The following are examples of state legislation in our four policy areas which were collected by the National Trust for Historic Preservation in 2004. They are not necessarily examples of the model policies laid out above, but rather offer examples of state actions and legislative language that may prove useful in crafting new state policies based on the above recommended model policies.

Policy Area 1: School Facility and Community Planning

Florida: The legislature enacted a bill that encouraged and authorized cooperation among district school boards, local governments, and private interests to provide "timely construction and maintenance of school facilities…." (Florida statutes Title XLVII, K-20 Education Code, Chapter 1013, Educational Facilities, Section 1013.355, Educational Facilities benefit districts - www.flsenate.gov)

Maryland: The State of Maryland Public School Construction Program Administrative Procedures Guide clearly defines the process for establishing and maintaining an education facilities master plan. (www.pscp.state.md.us)

West Virginia: The West Virginia School Building Authority has required, since 1990, that each school district have a Comprehensive Educational Facility plan. Each county is required to have access to an architect and a Recognized Educational Facility Professional, and must work with a local planning committee. The goal is to accurately reflect the condition and need of the district and its children. Annual updates are required. State funds are not allocated in the absence of such a plan. (www.wvs.state.wv.us)

Proposed National Standards: Growing Smart Legislative Guidebook, 2002 Edition published by the American Planning Association; Sections 6-202 and 7-201, 202

Policy Area 2: Schools as Centers of Communities

Arizona: The state allows school districts to enter into agreements, as well as enter into leases, set fees, permit uncompensated use, and expend public monies. (Arizona Statue Title 15-364 - www.azleg.state.az.us)

California: The state calls for site size to be determined by an additive or functional method, which calculates the amount of space needed to support each programmatic requirement (The CEFPI Guide for Educational Facility Planning). The site size based on this functional method can be adjusted due to a variety of circumstances. For example, there may be insufficient available land due to urban or suburban development or sufficient land is available but it is not located near the student population. It should also be noted

that California encourages school sites to be within walking distance of the student population. (Guide to School Site Analysis and Development 2000; also see Division 1, Chapter 13, Subchapter 1, Article 2. School Sites, § 14010. Standards for School Site Selection - www.cde.ca.gov)

California: The state has established standards for school site selection. The criteria established for school sites encourages schools to locate near public resources. A school site should be selected to promote joint use of parks, libraries, museums and other public services. (Title 5, California Code of Regulations, Division 1, Chapter 13, Subchapter1 - www.cde.ca.gov/ls)

Iowa: The state allows any public agency to enter into an agreement with any other public or private agency for joint or co-operative actions. (Title 1, Subtitle 10, 28E.3 - www.legis.state.ia.us/IACODE/1999SUPPLEMENT)

Maryland: The Maryland State Public School Construction Program recommends that school projects should be located in developed areas, or in designated growth areas, be served by existing infrastructure and not encourage development in previously undeveloped areas. (State of Maryland Public School Construction Program Administrative Procedures Guide - www.pscp.state.md.us)

Massachusetts: The state shall approve and fund new school construction projects only where the feasibility and cost of renovating an existing school building, or of acquiring an existing building or buildings which are structurally sound, available within the community, and adaptable for school purposes, has been studied and the applicant demonstrates that the proposed new construction is the best available alternative to meet the projected need based upon the educational program to be housed, total cost effectiveness, and the public interest. (Massachusetts Building Code Chapter 34 - www.mass.gov; Massachusetts Education Laws and Regulations 603 CMR 38.03.10 - www.doe.mass.edu/lawsregs)

North Carolina: The state has enabling legislation in their Community Schools Act (Chapter 115C-204 through 209) "…to encourage greater community involvement in the public schools and greater community use of public school facilities." (Chapter 115C-204 through 209 - www.ncga.state.nc.us/Statutes/GeneralStatutes)

South Carolina: The state prohibits the requirement that public schools be constructed on a lot or parcel of a certain minimum size. School districts must receive approval from the South Carolina Department of Education prior to property acquisition or additions on existing properties. (www.scstatehouse.net)

Washington: In order to receive state funding for new school construction, the school district must also survey suitable school facilities in contiguous school districts that are unused or underutilized. (WAC 180-25-070 - www.leg.wa.gov)

Policy Area 3: Public School Facilities Management

Arizona: Arizona has established "adequacy" requirements for school facilities. The first section of these definitions includes guidance on facility standards and on minimally adequate maintenance funding for gross square footage. Additionally, the state has established a "deficiencies correction fund" to correct specific issues identified in the legislation. The legislation says the funds are to be used "…for the purpose of maintaining the adequacy of existing school facilities." (Arizona statutes Title 15-2011. Minimum school facility adequacy requirements; definition - www.azleg.state.az.us)

Arizona: If the school district is found to have inadequately maintained a school facility the school district must use the building renewal funds for preventative maintenance until the district is in compliance. (Arizona statutes: 15-2021. Deficiencies correction fund. B.2 - http://azleg.state.az.us)

Arizona: The "Students First" legislation directed the school facilities board to inventory and inspect all school buildings in the state and to enter them into a database on an annual basis. Much of the information reflects school facility assessments conducted by a private firm. In addition, the Arizona school facilities board may "review or audit" the information and it has the obligation to "randomly select twenty school districts every thirty months and inspect them…." (Title15-2031 (B).Building renewal fund; definitions - www.azleg.state.az.us)

California: Before a district can receive state funding, the school district must establish a restricted maintenance fund, and it must agree to place 3% of the total general funds expenditures into this account for a period of 20 years after the state funds have been received. (California Statutes Section 1859.100 Restricted and On-going Major Maintenance Fund and Section 17170.75 - www.opsc.dgs.ca.gov)

California: In lease-purchase arrangements, California law requires that the local school district make repairs to maintain their school buildings and that the school district must provide the funds for this purpose. (California Statutes. Maintenance Plan and Education Code 17014 - www.opsc.dgs.ca.gov)

Connecticut: Connecticut collects data annually on school facility conditions. This database is maintained by the state's School Facilities Unit. The Division of Grants Management, a unit of the Connecticut State Department of Education, maintains the searchable database on the characteristics of public schools in the state. (Annual Reports on the Condition of Connecticut's Public School Facilities - www.state.ct.us)

Connecticut: The School Facilities Unit with the Department of Education's Division of Grants Management provides detailed information on the state's construction grant process, educational specifications, school construction priority list and current school projects and architect listing. (www.state.ct.us)

Florida: Florida maintains the Florida Inventory of School Houses (FISH) on the condition and characteristics of public schools. The data are updated yearly and there are detailed directions for schools or school districts to complete the inventory of the school facilities. In addition, the Department of Education compiles the information from the school districts educational plant surveys which are conducted every 5 years. In order to ensure accuracy, the state conducts an on-site review of five percent of the facilities reported for each school district. (Florida Code Title XLVII, K-20 Educational Code. Chapter 1013.31 - www.firn.edu)

Hawaii: The Hawaii State Department of Education maintains and periodically updates a database on school facility conditions. (www.capitol.hawaii.gov)

Maine: Maine identifies in statute the type of information that is to be collected by the state which is updated every three years via a survey sent to each public school principal for the purpose of inventorying every school facility. (Title 20-A: Education. Part 7: School Finance. Chapter 609. Section 15917. School Facilities Inventory - http://janus.state.me.us)

Maine: Maine suggests that school districts annually invest 2% of the current replacement value of their schools in a fund for future renewal. (www.state.me.us)

Maryland: The state directs counties to determine the capacity of each school looking forward five years. As a result the county will know the projected student enrollment and be able to assess facility needs. This information is required to plan for new school facilities. (Senate Bill 389 - http://mlis.state.md.us)

Massachusetts: The state will not fund a project for any school district which, in the year preceding the application, fails to spend at least 50% of the district's "calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses…." (Massachusetts Statutes: Part 1, Administration of the Government. Title XII. Education. Chapter 70B. School Building Assistance Program. Section 8. Order of Priorities for approval of school projects and reimbursements; defer of approval or disapproval of project applications – www.state.ma.us)

New Jersey: A district may design, at its discretion, the educational and other spaces to be included within the school facilities project. The design of the project may eliminate spaces in the facilities efficiency standards, include spaces not in the facilities efficiency standards, or size spaces differently than in the facilities efficiency standards upon demonstration of the adequacy of the school facilities project to deliver the core curriculum content standard pursuant to paragraph (2) of subsection g. of section 5 of this act. (Educational Facilities Construction and Financing Act, Title 18A-7G4h)

North Carolina: The North Carolina Public School Insurance Fund, a unit of the Department of Public Instruction, maintains the state database on the characteristics of

public schools in the state. They are directed by statute to make the information public by March 15 of each year. (North Carolina General Statutes: Chapter 115C, Elementary and Secondary Education, Section 115C-12(9) c.3 - www.ncpublicschools.org)

Ohio: Ohio has a half million levy for maintenance. The school district must track these funds and must establish a separate maintenance fund. (Ohio Statutes: Section 3318.35 O.R.C. - www.osfc.state.oh.us)

Washington: The state legislates a database and the contents of the facility inventory. The inventory is to be conducted by the superintendent of public instruction with the cooperation of the local school district. (Washington State Statute: WAC 180-27-405 - www.leg.wa.gov)

Wisconsin: The state superintendent of schools conducts the study of the physical condition of the schools and reports to the legislature. In 1999, the Wisconsin Department of Public Instruction (DPI) collected data on the existing conditions of Wisconsin K-12 public schools through a comprehensive survey. With 85.1% of state K-12 public schools reporting, the data collected included ratings of various physical and mechanical features, school safety issues, and educational appropriateness. (Wisconsin statute 115.33(4) - www.dpi.state.wi.us)

Policy Area 4: Public School Facilities Funding

Alaska: In 2002, Alaska voters authorized the issuance of state general obligation bonds of $236.8 million to pay for the cost of design, construction and major maintenance of education and museum facilities. In 2004, however, the legislature declined to pass a general obligation bill, instead appropriating $5.8 million to the education department for specific projects. (HB 2002, enacted, 2002 - www.legis.state.ak.us)

Arizona: Student's FIRST legislation, enacted in 1996, established three funds: the deficiency corrections fund, the building renewal fund, and the new school facilities fund. The program is funded from dedicated revenue (0.6 cent increase) from the state's sales tax and bonds. No match is required. No further legislative action is required for funds to be allocated, and the funds do not lapse. The legislature has recently over-ridden its own legislative mandates, and has not distributed the funds for new construction and for the building renewal fund. (Title 15-Sections: 2021, 2022, 2031 - www.azleg.state.az.us)

California: California has a state-controlled school finance system, but school districts are responsible for managing the funds. "Funds for the School Facility Program (SFP) may be from any funding source made available to the SAB [State Allocation Board.] This includes proceeds from the sale of State General Obligation Bonds and the State General Fund. In addition, districts are required to provide a portion of the cost of a project from funds available to the school district. This may include, among other sources, local general obligation bonds, developer fees, general fund, etc." In March 2004, California voters

passed Proposition 55, a $12.3 billion bond measure for the construction and modernization of public elementary, secondary, and higher education facilities. This is the second in a two-part bond measure following Proposition 47, which passed in November 2002 and provided $13.05 billion for the same purposes. (An Overview of the State School Facility Programs - http://www.opsc.dgs.ca.gov/Resources/Default.htm; also see www.edsource.org/edu_fin.cfm)

California: The Prompt Payment Act requires State agencies to pay properly submitted, undisputed invoices within 45 calendar days of initial receipt. If the requirement is not met, State agencies must automatically calculate the appropriate late payment penalties as specified in Government Code section 927, et seq. (www.pd.dgs.ca.gov/promptpay)

Connecticut: The state provides state matching grants and covers 20% to 80% of project costs based on property tax base and equalized income. Certain centers -- inter district magnets, regional vocational centers and special education centers -- can receive 100% funding. (Connecticut Statutes, Chapter 173, Public School Building Projects, Cited. 195 C. 24, 30. Sec. 10-285a. Percentage determination for school building project grants)

Florida: The Florida Senate provides a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by laws that create, amend, or repeal statutory material. (Title XLVIII, Chapter 1013.355.1 addresses Educational Facilities - www.flsenate.gov)

Iowa: Iowa encourages state and local governments to make "efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage." Iowa includes this in state statutes with sections relating to joint exercise of powers, agreements with other agencies and shared use of facilities. (Iowa Statutes, Title I State Sovereignty and Management, Subtitle 10 Joint Governmental Activity 28E - www.legis.state.ia.us)

Kentucky: Kentucky authorizes joint exercise of power by State agencies with other public agencies. (Section 65. 240 - www.lrc.state.ky.us)

Maine: Maine has a revolving fund for maintenance and renovation. Districts can borrow money from the fund. The state forgives between 30% and 50% of a school's loan and requires that the remainder be repaid within five to ten years. (http://janus.state.me.us/legis/statutes/30-A/title30-Asec5953-E.html)

Maryland: Maryland provides 50% to 97% of approved project costs based upon local fiscal capacity. Its Aging School Program authorized in 1997 does not require any local matching funds. (Maryland Code/Education/Title 5. Financing/Subtitle 3. State Aid for School Construction/Section 5-301 - http://mlis.state.md.us/cgi-win/web_statutes.exe?ged&5-301)

Maryland: There are two school facility construction programs in Maryland. One is the Public School Construction Program. It is funded primarily with bonds. In FY2003, $156.5 million was made available for projects already planned and approved as part of a long-range plan. Local matching share ranges from 20% to 50%. The other funding source is the Aging School Program. It was established in 1997 for five years and has no matching share requirement. These funds are distributed on the basis of the school's age and size. (Maryland Statutes Education, Title 5, Financing - http://www.msa.md.gov/msa/mdmanual/html/mmtoc.html)

New Jersey: The legislature authorized the New Jersey Economic Development Authority to issue bonds in the amount of $100 million for the state share of county vocational school district facility projects, $8.5 billion for the state share of Abbott district school facilities, and $2.5 billion for the state share of costs for school facilities projects in other districts. (Title18A:7G-14 - www.njleg.state.nj.us; also see www.edlawcenter.org)

New York: In FY2000 and FY2001, the New York legislature appropriated a total of $195 million for Rebuilding Schools to Uphold Education (RESCUE.) However, the money has been slow to be disbursed and more money went to less needy school districts than it did to needy ones. The Building Aid account covers debt service costs for districts or direct costs if they have not borrowed money. The money is distributed based on a formula that relies on property taxes, although changes have modified the formula through the years and there is no reliable method to project future funding levels. In 2004, Governor Pataki proposed an increase of State school aid to $14.6 billion and a reform package. The funding increase is to come primarily from lottery receipts. The legislature added $506 million to the General Fund, resulting an increase of $751 over the prior year. The legislature did not pass the proposed reforms, perhaps in expectation of the report of a panel of three Special Masters appointed by the NY Court of Appeals regarding school finance and the NY City schools. (http://stateaid.nysed.gov/build/building_info.htm; www.budget.state.ny.us)

North Carolina: In 1995, the legislature approved a referendum for $1.8 billion for the construction of school facilities. The money goes into the Public Schools Building Bonds Fund. The funds were divided (after a small set-aside for small systems with special problems) by a formula based on average daily attendance, ability to pay and growth rate. The other major source of school facility funds is the Public School Building Capital Fund. This fund is supported by a percentage of the state's corporate income tax revenue. The money is allocated according to a county's average daily membership. The fund was frozen by the Legislature in 2002-2003 because of state budget shortfalls. (Public School Building Capital Fund North Carolina G.S. 115C-546.2(b); North Carolina General Assembly 1995 Session - Chapter 631 H. B. 1100. "Public School Building Bond Act of 1996")

Ohio: In 1999, Governor Taft proposed a 12 year school facilities program at an estimated cost of $10 billion. The money was to be spent in the Classroom Facilities Assistance Program, several special programs to address the specific needs of urban areas, and emergency repairs. Special provision was made for projects that had funds ready to

expend. The money was to come from bonds ($5.9 B), general funds ($1.8 B) and tobacco settlement funds ($2.5 B.) There was also proposed a permanent trust fund for school facilities improvements. This fund has an endowment of $2.1 billion from tobacco settlements. The districts have to raise a matching share based on the wealth of the school district. (www.osfc.state.oh.us)

Ohio: Ohio School Facilities Commission has a Financial Hardship Loan Program that enables districts to borrow funds to address critical issues for a period of five years, renewable for 5 additional years. They also have a definition of "undue hardship." (Ohio Revised Code Section 3318.042; also see the Ohio School Facilities Commission Financial Hardship Loan Program)

Utah: The state has a Capital Outlay Foundation program that requires a local tax levy for capital outlay and debt service. It also has a loan program with a similar requirement. (Rule R277-451, The State School Building Program - http://rules.utah.gov/publicat/code; Utah School Bond Guaranty Act Title 53, Chapter 28)

Utah: Utah has a finite amount appropriated by the legislature. It is distributed to the school districts based on property tax yield per average daily membership. Often, all districts do not receive funds. (Utah Administrative Code R277-451, The State School Building Program - www.rules.utah.gov)

Vermont: The state established a single statewide property tax. The income from the statewide property tax and other taxes are distributed by the state as block grants to each school district in the amount of $5,010 per student. Communities can spend more than this by raising or setting aside taxes but if they do so then they must donate a portion for poorer towns. (Act 60, June 1997, Section 4025, Education Fund - http://www.leg.state.vt.us/DOCS/1998/ACTS/ACT060.HTM)

Vermont: Vermont pays 30% of projects approved by the state Board of Education. The Board uses enrollment growth, space per student and building condition to rank the projects. (Title 16 Education, Chapter 123: State Aid for Capital Construction Costs, Section 3448. Approval & funding of school construction projects; renewable energy - http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=16&Chapter=123)

Virginia: In response to the Public-Private Education and Infrastructure Facilities Act of 2002 (PPEA), Virginia developed instructions and a process for the review and approval of public-private partnerships. (http://dls.state.va.us/ppea.htm; Virginia Statutes Title 56, Chapter 22.1, Section56-575.1 at http://leg1.state.va.us)

West Virginia: The School Building Authority (SBA) of West Virginia, created in 1990, distributes the state's capital improvement funds based on each district's ten year plan, called a Comprehensive Educational Facility Plan (CEFP). The SBA has the authority to issue revenue bonds or general obligation bonds, and to accept and expend money appropriated

by the legislature. (WVA Code 18-9I-15 - http://www.legis.state.wv.us/WVCODE/masterfrm3Banner.cfm)