

SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO
SCHOOL FACILITY PLANNING AND CONSTRUCTION REGULATIONS OF
THE DEPARTMENT OF EDUCATION AND EARLY DEVELOPMENT

BRIEF DESCRIPTION: The proposed amendments to the department's school facility capital improvement project regulations in 4 AAC 31 would accomplish needed clean-up work in several areas (e.g. citations for updated publications, etc.), codify current work practices, propose improvements to the capital project administration process, propose limits on funding, and adopt by reference updated versions of three department publications.

These amendments were previously noticed in October and November, 2018, but are re-noticed now to ensure compliance with AS 44.62.190. The proposed changes are the same as those previously noticed. Comments previously submitted will be considered before final adoption and do not need to be resubmitted.

The Department of Education and Early Development proposes to adopt regulation changes in the Alaska Administrative Code dealing with the school facility planning and construction, including the following:

- 1) The proposed changes to 4 AAC 31.022(b), 31.026(d), 31.030(a), 31.040(a), 31.060(i), and 31.220 are clean-up in nature and do not revise current procedures.
- 2) The proposed changes to 4 AAC 31.013, 31.016, 31.020(d), 31.021(f), 31.023(c), 31.061(b)(2), and 31.085(a) conform to current department practices and do not revise current procedures.
- 3) 4 AAC 31.020(a), 31.080(f), and 31.900(2) propose to update references to current versions of department publications *Guidelines for School Equipment Purchases* (2016 edition), *Site Selection Criteria and Evaluation Handbook* (2011 edition), and *Project Delivery Method Handbook* (2017 edition).
- 4) Proposed changes to 4 AAC 31.021(e) and (g), portions of 31.030(a) and 31.040(a), 31.064, 31.065(a), and 31.080(b) and (g) are to improve the process of capital improvement project (CIP) requests and the administration of capital project funding by clarifying requirements at a greater level of detail than currently provided. These proposals are not intended to change or limit project eligibility or funding.
- 5) 4 AAC 31.023(c)(7) and (e) serve to limit funding of indirect and administrative costs that are based on a percentage rate and not supported with detailed accounting.
- 6) Proposed changes to 4 AAC 31.065(d), 31.080(e), and 31.080(i) would limit funding of professional services, construction, and purchase or lease of existing facilities if requirements in the respective sections are not complied with.
- 7) 4 AAC 31.900(21), defining a school capital project, would increase the minimum project cost to \$50,000 for eligibility of state aid in school capital project.

The Department of Education and Early Development invites the public to submit written comments during the written comment period, which begins with the date of this notice and ends on September 9, 2019, at 4:30 p.m. The written comment period closes in advance of the meeting of the State Board of Education and Early Development at which the board will consider the adoption of the proposed regulations. This allows the Department of Education and Early

Development an opportunity to prepare changes based on written comment and to distribute any proposed changes to the board for its consideration prior to the meeting.

You may comment in writing on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to the Commissioner's Office, Department of Education and Early Development, Attn: Regulations Review, 801 West Tenth Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500.

You also may submit written comments by facsimile at (907) 465-4156; by electronic mail to linda.mattson@alaska.gov; and online at the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>. Written comments also may be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link.

All written comments must be received not later than 4:30 p.m. on September 9, 2019.

After the written comment period has ended, you may submit oral comments to the State Board of Education and Early Development at a hearing to be held by the board on September 19, 2019, by audio-conference or in person at the William Egan Room in the Atwood Conference Center, Room 106 located at 550 West Seventh Avenue, Anchorage, AK 99501. The hearing will be held from 8:40 a.m. to 9:40 a.m. but may be extended to accommodate those present before 8:30 a.m. who have not had an opportunity to comment before 9:40 a.m.

You may submit oral comments at this hearing, during this time only, via the Legislative Information Office streaming by calling 1-844-586-9085 if you are outside of Juneau or Anchorage. For participation from Juneau, call 586-9085. For participation from Anchorage, call 563-9085.

You also may submit oral comment by visiting your local Legislative Information Office (LIO). The following LIO's will participate: Anchorage, 716 W 4th Ave., Suite 100; Bethel, 301 Willow St.; Fairbanks, 1292 Sadler Way, Suite 308; Juneau, Room 111 Terry Miller Bldg.; Kenai, 145 Main St. Loop, Suite 217; Ketchikan, 1900 First Ave., Suite 310; Kodiak, 305 center Ave., Suite 1; Mat-Su, 600 E Railroad Ave.; Nome 103 Front St.; Seward, 302 Railway Suite 107; and Sitka, 201 Katlian St., Suite 103.

This meeting will be streamed through the Legislative Information Office over <http://www.akl.tv/> beginning at 9:00 a.m. December 6, 2018 (audio only). You may submit written questions relevant to the proposed action to Linda Mattson at linda.mattson@alaska.gov or the Department of Education and Early Development, Attn: Linda Mattson, 801 West 10th Street, Suite 200, PO Box 110500, Juneau, Alaska 99811-0500. If a question is relevant to the proposed change in the regulations and the question is received by August 30, 2019, which is ten days before the end of the public comment period, the department will make a good-faith effort to answer the question before the end of the public comment period. The Department of Education and Early Development will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska

Online Public Notice System and on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Linda Mattson at 907-465-2802 or linda.mattson@alaska.gov not later than August 30, 2019, to ensure that any necessary accommodation can be provided.

Copies of the proposed regulation changes are available on the Alaska Online Public Notice System, on the website of the Department of Education and Early Development at <https://education.alaska.gov/regs/comment.cfm>, and by contacting Linda Mattson at linda.mattson@alaska.gov or 907-465-2802.

After the public comment period ends, the Department of Education and Early Development will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected.

Statutory authority: AS 14.07.020, AS 14.07.030, AS 14.07.060, AS 14.11.016, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.132

Statutes being implemented, interpreted, or made specific: AS 14.03.150, AS 14.07.030, AS 14.11.008, AS 14.11.011, AS 14.11.013, AS 14.11.015, AS 14.11.016, AS 14.11.017, AS 14.11.020, AS 14.11.100, AS 14.11.102

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.