

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

**BRIEF DESCRIPTION:** The proposed amendments implement requirements for facility commissioning on certain school capital projects eligible for state aid.

*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) 4 AAC 31.013, providing criteria for a preventive maintenance program of a school district eligible for state aid for school construction and major maintenance, is proposed to add periodic evaluation of the commissioning of existing facilities to a qualifying energy management plan.
- 2) Proposed changes to 4 AAC 31.065 add commissioning as a professional service subject to requirements for open, competitive selection when above the \$50,000 threshold.
- 3) The proposed amendment to 4 AAC 31.080 specifies commissioning as an allowable school construction project cost and provides a requirement for commissioning based on the type, size, and complexity of the school capital project.
- 4) 4 AAC 31.900 provides necessary definitions of the terms “commissioning” and “commissioning agent.”

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](mailto: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 8:30 a.m. September 19, 2019 (audio only). You may submit written questions relevant to the proposed action to Linda Mattson at [linda.mattson@alaska.gov](mailto: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](mailto: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](mailto: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 14.07.060, AS 14.11.020, AS 14.11.100, AS 14.11.132

**Statutes being implemented, interpreted, or made specific:** AS 14.11.011, AS 14.11.013, AS 14.11.015, 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.