



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

JANET MILLS  
GOVERNOR

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COMMISSIONER

February 13, 2024

Senator Rafferty, Senate Chair  
Representative Brennan, House Chair  
Members of the Joint Standing Committee on Education and Cultural Affairs

Senator Rafferty, Representative Brennan, and Distinguished Members of the Education and Cultural Affairs Committee:

LD 2170, An Act to Prioritize School Construction Projects for Schools Affected by Disasters, requires the State Board of Education to approve an emergency school construction project before a school construction project that is not an emergency school construction project. The bill defines "emergency school construction project" as a school construction project requiring the replacement of all or a significant portion of a school facility that is declared uninhabitable by an authorized individual or an authorized local, state or federal agency as a result of an unanticipated and sudden natural or human-made disaster. This is in alignment with the current definition of emergency school construction project.

It is always difficult when natural disaster renders cherished community buildings, such as schools, uninhabitable. In many cases, thankfully, the communities are able to provide an alternate facility for the displaced children. Oftentimes, these alternate facilities have significantly fewer health and safety concerns than other schools on the Major Capital School Construction Program Final Priority List.

The State Board of Education recently completed a revision of Rule Chapter 61: *State Board Of Education Rules For Major Capital School Construction Projects*. As part of this review, the State Board considered the definition of emergency projects as a matter of focus. The Board has proposed an update to this definition that adds clarification that emergency projects must still be considered and evaluated against all other existing school construction needs in the state. As has been the practice, schools with the greatest need are given priority. In these evaluations, need is measured against a combination of factors as outlined in Chapter 61.

The Department of Education defers to the expertise of the State Board of Education on this matter but will be available for the work session regardless.

Sincerely,

DocuSigned by:

*Scott Brown*

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Scott Brown

Director of School Facilities