

State of Maine  
STATE BOARD OF EDUCATION

Testimony of Fern Desjardins, Chair of the Maine State Board of Education

Against: L.D. 2170

An Act to Prioritize School Construction Projects for Schools Affected by Disasters

Before the Joint Standing Committee on Education and Cultural Affairs

Sponsored by: Senator Vitelli

Date: February 13, 2024

Senator Rafferty, Representative Brennan, and Honorable Members of the Joint Standing Committee on Education and Cultural Affairs:

My name is Fern Desjardins, Chair of the Maine State Board of Education. I am here to speak against L.D. 2170, An Act to Prioritize School Construction Projects for Schools Affected by Disasters.

After the fires that destroyed the Dr. Levesque Elementary School in Frenchville on July 25, 2021 and destroyed 60% of the Dike Newell School in Bath in June 2022, the School Construction Committee of the State Board of Education began a study of past practice to determine how to move forward with the requests from both school systems. The study, which led to a recommendation to the State Board on July 12, 2023, included:

- Past Practice with projects designated as “emergency projects”
- Fact Sheet developed by the School Construction Committee in collaboration with RSU 1 and RSU 33/MSAD 33
- Communications of interested parties with the School Construction Committee
- 2017-2018 Major Capital School Construction Program Final Priority List
- Chapter 61 – Rules for Major Capital School Construction Projects

The Summary of Findings included the following:

1. The process for approving major capital school construction projects outlined in Chapter 61 has worked.
2. There is a favorable response from School Administrative Units (SAUs) approved for school construction projects to consolidate schools within their SAUs after consideration of their facility assessments and projected enrollment data.
3. It is cost effective to do what is right for the long-term within SAUs by building schools that communities can afford to insure, maintain, and meet projected enrollment needs.
4. There are a number of significant initiatives that could impact the future of school construction projects and they should be considered in moving forward:
  - L.D. 1415 - Researching and identifying alternative pathways or revenue sources to finance school construction needs in the State.
  - Anticipated revisions to Chapter 61 in the 131st Maine Legislature.

5. The health and safety of students is paramount in decision-making on which schools should be moved to the Approved Priority List or approved for school construction.
6. There is much support for exploring the acceleration of the next rating cycle Priority List. Moving the timeline forward would accommodate those who want to apply and the SAUs that had fires destroying their schools. It would be a positive response to this past Legislative session and to meeting the needs expressed by superintendents and the Department of Education in School Construction Committee meetings of the State Board of Education and the Maine School Superintendents Association.

By a unanimous vote at its July 12, 2023 meeting, the State Board adopted the motion “that the State Board of Education work with the Department of Education in moving forward the timeline, by at least six months, for establishing a new rating cycle for the Major Capital School Construction Program; that the Dike Newell School and Dr. Levesque Elementary School which were partially and completely, respectively, destroyed by fires apply for school construction under the new rating cycle; that the State Board follow the protocol in place in honoring the existing priority list; and that revisions to Chapter 61 be initiated for the new rating cycle.”

Since that vote, action was taken in three areas. First, following a school finance and debt service update from Paula Gravelle, Director of School Finance, the last two school approvals were made from the 2017-2018 rating cycle on December 13, 2024. Second, applications for the 2024-2025 rating cycle were posted on the MDOE website on January 24, 2024 along with a Maine DOE Priority Notice going out that day. SAUs were informed that they could apply for state support to undertake a major capital construction project. Third, a public hearing for L.D. 2181, Resolve, Regarding Legislative Review of Portions of Chapter 61 is scheduled with your committee today.

The Committee may want to consider the following in making a decision on L.D. 2170:

1. The Resolve for L.D. 2181 awaiting Legislative Review of proposed changes in Chapter 61.
2. Prioritizing a school for state support under the Major Capital School Construction program based solely on “an unanticipated and sudden natural or human-made disaster” versus taking into consideration many factors such as enrollment, options available within a SAU, comparisons of the condition of schools to which students have been relocated with the condition of other schools on the Priority List, etc.
3. Past practice in the use of the “Emergency Project” clause was simply “the replacement of all or a significant portion of a school facility”. A review of the projects approved by the State Board under the emergency provision since 1980 indicated “alterations” (Solon), “renovations” (Allagash), “addition” and “renovations” (Brunswick), and “new project” in Wilton, Washburn and Litchfield.

On the other hand, school construction projects approved by the State Board in recent years have included consolidation – the closing of some schools and construction of a new school to meet the needs of multiple schools in the SAU. Enrollments and the condition of many schools built prior to the 1970s drove those decisions. Data from the MDOE indicates that 370 of the 609 schools, or 61% of the schools at the time of the inventory, were built prior to the 1970s.

4. If the State builds a school for a SAU, what is the SAUs responsibility to adequately insure the state's investment in those communities so a replacement can be made should a natural or human-made disaster occur?
5. **That the health and safety of students is paramount in decision-making on which schools should be moved to the Approved Priority List or approved for school construction.**

For the reasons above, the State Board of Education is Against L.D. 2170 An Act to Prioritize School Construction Projects for Schools Affected by Disasters.

Thank you for this opportunity to comment.

I would be happy to answer any questions the Committee may have. The State Board will be available for work sessions on this bill.