



Maine Education Association

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Testimony

Neither for Nor Against

LD 2170: An Act to Prioritize School Construction Projects for Schools Affected by Disasters Before the Committee on Education and Cultural Affairs February 13, 2024

Senator Rafferty, Representative Brennan, and other esteemed members of the Committee on Education and Cultural Affairs,

My name is Jan Kosinski and I have the pleasure of serving as the Director of Government Relations at the Maine Education Association (MEA), which represents around 24,000 educators in our state. On behalf of MEA, I submit this testimony neither for nor against LD 2170, *An Act to Prioritize School Construction Projects for Schools Affected by Disasters*, and LD 2181, *Resolve, Regarding Legislative Review of Portions of Chapter 61: State Board of Education Rules for Major Capital School Construction Projects, a Major Substantive Rule of the Department of Education, State Board of Education*.

We completely understand the reasons and appreciate the desire to pass LD 2170. We have seen a series of both man-made and natural disasters impact school facilities in recent years. In June of 2022, a person set fire to the Dike Newell Elementary School in Bath.¹ In February of 2023, several schools saw frozen pipes and water damage due to the frigid temperatures.² Other examples “of an unanticipated and sudden natural or human-made disaster” around the state can easily be found.

Just last week, the RSU 17 School Committee voted to immediately close the Agnes Gray Elementary School in West Paris “after an inspection report said it was unsafe for its 123 students and the staff.”³ According to the Lewiston Sun Journal:

“The inspection report cited multiple safety failures: lack of adequate fire protection and functional emergency exits; outdated and poorly functioning plumbing and electrical systems; exterior degradation, including the roof that sheds decayed shingles during poor weather; exterior and interior stairwells that are not up to code; and boiler that is years beyond its serviceable life.”⁴

After the vote at the School Committee, students were moved to remote learning as the district prepares to move the students to other nearby schools.

I use this example because while the elementary school in West Paris has been closed due to the structural deficiencies of the building, this building would not meet the definition of an “emergency school construction project” as articulated in LD 2170.

¹ Please see, [Bath resident sentenced to 25 years for arson that burned down elementary school \(pressherald.com\)](https://www.pressherald.com)

² Please see, [Frigid temps lead to frozen pipes and water damage at Maine businesses, schools | WGME](https://www.wgme.com)

³ Please see, [West Paris residents concerned about future of elementary school \(sunjournal.com\)](https://www.sunjournal.com)

⁴ Ibid

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The bigger point is that our state is not doing enough to help more schools meet their capital needs. Whether the emergency is caused by an arsonist, freezing pipes, or failure to regularly update our schools, our schools have significant capital construction needs that our state is not doing enough to mitigate and/or rectify. Allowing one type of project to “jump the line” will certainly help some communities, but others will be disadvantaged. This is akin to “robbing Peter to pay Paul.”

We feel strongly the better approach is to augment the amount of school construction capacity available to help support local communities address their capital construction concerns and to detach the downward pressure school construction currently places on state aid to local schools.

As you are no doubt aware, the debt service set aside to pay for state-approved school construction projects comes right off the top of the general purpose aid (GPA) to local schools. Under our current laws, adding more resources to support school construction would result in less funding going through the essential programs and services (EPS) formula and less state aid to our local schools, year after year. Now that is robbing Peter to pay Paul. We must find a better solution.

We appreciate the discussions in this Committee to look at alternative structures for the state to support school construction following the report called for in LD 1415, *An Act to Expand Access to School Construction Funding*. We are eager to learn more about the forthcoming bill under consideration by this Committee and hope we can find a better path forward that supports construction and renovation of our schools while not further squeezing direct state aid to schools via the EPS formula.

And the longer we wait, the more costly the problem will be to remedy. For example, in testimony before this Committee last year, Dr. Fern Desjardins, the Chair of the State Board of Education, mentioned the escalation of costs for construction.⁵ In 1992, Brunswick built a new high school with a cost of \$19 million. In 2008, RSU 22 in Hampden build a new high school with a cost of \$54 million. And in 2014, Sanford built a new high school with a cost of \$100 million. Now, there are some discrepancies in terms of size, student body population, and certainly including the CTE center in the Sanford project increased costs, but the point remains; school construction is only expected to get more expensive, not less.

Dr. Desjardin’s testimony also helps shed light on the lack of progress in school construction. Her testimony showed the windows of approval for state-supported school construction funding have become less frequent, and the number of approved projects has declined:

“In the three years from 2007 to 2009, the State Board voted favorably on concept approvals for 18 projects. In the following 13 years from 2010 to 2022, the board approved a total of 17 projects, a significant difference.

A look at the number of Major Capital School Construction Program projects approved in the last five rating cycles also helps to summarize data available on school construction:

1999-2000 – 24 projects

2001-2002 – 11 projects

⁵ Please see, getTestimonyDoc.asp (mainelegislature.org)

2004-2005 – 20 projects

2010-2011 – 16 projects

2017-2018 -- 7 schools have moved to the Approved Projects List; 3 of them have received concept approval.⁶

We hope this information only underscores the need to bring more attention and focus to the capital needs of schools and we look forward to working with this Committee to find solutions.

While we are neither for nor against LD 2170 and the rules contained in LD 2181, we would like to point out the proposed rules have a different understanding than the language in the bill, LD 2170. Page 3 proposes an edit to the rule to read: "Priority will be given to school with the greatest needs; therefore, not all disaster situations will receive approval for construction funding." This can be found on page 3 under the definition of "emergency project."

Thank you for your time and your service to the people of Maine. I will do my best to answer any questions you may have.

⁶ Ibid