

Committee Report

CONSENT CALENDAR

February 5, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Education to which was referred HB
175,**

**AN ACT relative to the requirements for school building
aid grants. Having considered the same, report the same
with the following amendment, and the recommendation
that the bill OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Education
Bill Number:	HB 175
Title:	relative to the requirements for school building aid grants.
Date:	February 5, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2019-0191h

STATEMENT OF INTENT

This bill, as amended, establishes a revised timeline for school districts to apply for building aid grants: 1) a letter of intent to seek funding for a renovation or new construction project must be filed with the Department of Education 18 months prior to the beginning of the biennium in which school building aid grants are to be disbursed; 2) the complete building application must be submitted to the Department no later than July 1 of the year prior to the biennium in which grants are to be disbursed; 3) by December 1, the School Building Authority shall verify the Department's preliminary ranking of projects and submit a list of prioritized projects in descending order to the State Board of Education for approval. If the ranking submitted by the School Building Authority differs from that of the preliminary list received from the Department, the School Building Authority shall justify the new ranking using the same criteria as that used by the Department and as stated in rule; and 4) the State Board shall approve and publish the final list of approved projects by January 15. This bill also clarifies information to be provided in the building aid applications, provides for emergency projects, and requires an on-site clerk of the works to represent the owner of the property (the district/ municipality).

Vote 20-0.

Rep. Rick Ladd
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Education

HB 175, relative to the requirements for school building aid grants. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Rick Ladd for Education. This bill, as amended, establishes a revised timeline for school districts to apply for building aid grants: 1) a letter of intent to seek funding for a renovation or new construction project must be filed with the Department of Education 18 months prior to the beginning of the biennium in which school building aid grants are to be disbursed; 2) the complete building application must be submitted to the Department no later than July 1 of the year prior to the biennium in which grants are to be disbursed; 3) by December 1, the School Building Authority shall verify the Department's preliminary ranking of projects and submit a list of prioritized projects in descending order to the State Board of Education for approval. If the ranking submitted by the School Building Authority differs from that of the preliminary list received from the Department, the School Building Authority shall justify the new ranking using the same criteria as that used by the Department and as stated in rule; and 4) the State Board shall approve and publish the final list of approved projects by January 15. This bill also clarifies information to be provided in the building aid applications, provides for emergency projects, and requires an on-site clerk of the works to represent the owner of the property (the district/ municipality). **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

Blurb HB 175

This bill as amended establishes a revised timeline for school districts to apply for building aid grants: 1.) a letter of intent to seek funding for a renovation or new construction projects must be filed with the department of education 18 months prior to the beginning of the biennium in which school building aid grants are to be disbursed, 2.) the complete building application must be submitted to the department no later than July 1 of the year prior to the biennium in which grants are to be disbursed, 3.) by December 1 the school building authority shall verify the department's preliminary ranking of projects and submit a list of prioritized projects in descending order to the state board of education for approval. If the ranking submitted by the school building authority differs from that of the preliminary list received from the department, the school building authority shall justify the new ranking using the same criteria as that used by the department and as stated in rule, and 4.) the state board shall approve and publish the final list of approved projects by January 15. This bill also clarifies information to be provided in the building aid applications, provides for emergency projects, and requires an on-site clerk of the works to represent the owner of the property (the district/municipality).

COMMITTEE REPORT

LADD

COMMITTEE: Education

BILL NUMBER: HB 175

TITLE: Relative to the requirements for school building aid grants.

DATE: 2-5-19 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No. <u>01914</u>

STATEMENT OF INTENT:

See Attachment

COMMITTEE VOTE: 20-0

RESPECTFULLY SUBMITTED,

Rep. [Signature]

For the Committee

- Copy to Committee Bill File
- Use Another Report for Minority Report

Amendment to HB 175

1 Amend the bill by replacing section 1 with the following:

2

3 1 School Building Aid; Plans, Specifications, and Costs. Amend RSA 198:15-c to read as follows:

4 I.(a) A school district maintaining approved schools, desiring to avail itself of the grants
5 herein provided shall have the plans, specifications, and cost estimates for school plant construction
6 or proposals for the purchase of school buildings, or both, and the costs for them approved by the
7 department of education prior to the start of construction. For this purpose the district shall submit
8 its plans, specifications, cost, and purchase estimates in writing to the department of education on
9 such forms as the department prescribes. *A letter of intent shall be submitted to the*
10 *department no later than 18 months prior to the beginning of the biennium in which*
11 *school building aid grants are to be disbursed. The commissioner may waive the letter of*
12 *intent or submittal deadline for good cause. The letter of intent shall include a facilities*
13 *analysis describing any deficiencies in the facilities of the existing school building,*
14 *including but not be limited to:*

15 (1) *Building components that are inadequate to provide programs required*
16 *by state or federal law, rule, or regulation.*

17 (2) *Deterioration of existing buildings.*

18 (3) *Conditions that are unsafe or that threaten the security or health of*
19 *students or employees.*

20 (4) *Operational systems that have excessive operational costs and are*
21 *energy inefficient due to age or design characteristics.*

22 (5) *Alternatives with costs that have been considered.*

23 (6) *Any other items required by the department.*

24 (b) *The letter of intent shall be submitted on a form provided by the*
25 *department. To be considered for a school construction grant in either the first or second*
26 *year of the biennium, the complete building aid application shall be submitted no later*
27 *than July 1 of the year prior to the biennium in which school building aid grants are to be*
28 *disbursed. The building aid application shall include detailed drawings, cost estimates,*
29 *funding sources, preliminary design documents, maintenance impact analysis, proof of*
30 *good maintenance, and other documentation as required by the department and*
31 *identified in the department's school building construction rules. A school district shall also*
32 *submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The*
33 *department of education shall coordinate with the public utilities commission to ensure that eligible*

1 school districts have submitted applications for funding reimbursement and technical assistance as
2 available from energy utility companies to promote indoor air quality and energy efficiency in public
3 schools. [~~Applications for school building aid grants shall be submitted before September 1 of each~~
4 ~~year in order to be eligible for school building aid grants in the fiscal year following the year of~~
5 ~~submittal.~~]

6 *(c) As deemed appropriate, emergency projects that are recommended by the*
7 *commissioner of education and the school building authority shall be addressed on a case-*
8 *by-case basis by the state board of education at any time during the school year. A school*
9 *construction project requiring the replacement of all or a significant portion of a school*
10 *facility which is declared uninhabitable or is identified as an imminent danger or*
11 *substantial risk by the state fire marshal or a state or federal agency, and which results*
12 *from an unanticipated and sudden natural or human disaster, shall qualify as an*
13 *emergency project.*

14 *(d) Project proposals shall be funded to the extent of available appropriations*
15 *in the fiscal year. School districts with projects for which there is insufficient state grant*
16 *funding during the biennial budget may resubmit those projects to the department for*
17 *future consideration in the next biennial budget cycle.*

18 II.(a) The commissioner shall accept school building aid grant applications based upon
19 completeness and submit a preliminary school building aid grant list, *with applications ranked*
20 *in accordance with subparagraph II(b) and rules of the department*, to the school building
21 authority established pursuant to RSA 195-C. By [~~January 15~~] *December 1* of the fiscal year prior
22 to the biennium in which school building aid grants are to be disbursed, the school building
23 authority shall [~~develop a rank ordered list of all school building construction and renovation~~
24 ~~proposals submitted by school districts and shall categorize each proposal based on school building~~
25 ~~and site criteria in descending order. The school building authority shall recommend prioritized~~
26 ~~proposals to be funded in descending rank order to the state board of education for approval~~] *verify*
27 *the ranking submitted by the commissioner and submit a list in descending rank order to*
28 *the state board of education for approval. If the ranking submitted to the school building*
29 *authority differs from the preliminary school building aid grant list, the school building*
30 *authority shall justify the new ranking using the same criteria in subparagraph II(b) and*
31 *in rules of the department. The state board of education shall approve and publish the*
32 *descending rank order list of approved projects by January 15 of the fiscal year prior to*
33 *the biennium in which school building aid grants are distributed.* School districts which
34 have projects approved for funding shall be notified by the department of education of the projected
35 amount to be funded within 10 days of approval. The project rating system and criteria used to rate
36 project applications which shall include an administrative review process for appeal of a school
37 district's project point rating, shall be developed by the department of education and approved by

1 the state board of education. The department of education, after review by the house finance
2 committee, the house special committee on education funding reform, and any senate committee
3 designated by the senate president, shall propose interim rules pursuant to RSA 541-A no later
4 than November 1, 2012, and final rules pursuant to RSA 541-A no later than April 30, 2013, relative
5 to the criteria set forth in this paragraph and the procedures necessary to implement this
6 paragraph.

7 (b) The commissioner of the department of education shall accept school building
8 construction proposals based upon completeness. The department of education shall consider and
9 score each proposal based on the following criteria:

10 (1) Unsafe conditions.

11 (2) Facilities not in compliance with the Americans With Disabilities Act, or
12 obsolete, inefficient, or unsuitable facilities or mechanical and building systems.

13 (3) Overcrowding and associated influences to instructional areas and
14 programming.

15 (4) Enrollment projections and population shifts.

16 (5) Whether a school district has made a reasonable attempt to accommodate
17 maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations,
18 enhancements to buildings, and preventive maintenance necessary to achieve the design life
19 expectancy of building systems and components. *School districts shall be required to provide*
20 *maintenance records and other documentation, if necessary, concerning maintenance*
21 *program activities for scheduled and unscheduled repairs, upkeep, minor alterations, and*
22 *enhancements of district buildings.*

23 (6) A school district's fiscal capacity based on measurable criteria such as the
24 percentage of pupils eligible for free and reduced price meals.

25 (7) School security design and integration of security systems.

26 (8) A school district which initiated and completed a locally *or state grant* funded
27 school renovation project to remedy [~~a safety~~] *an imminent danger, substantial risk, or*
28 *security infrastructure* condition identified by the state fire marshal *or the department of*
29 *safety, division of homeland security and emergency management*, on or before June 30,
30 [~~2017~~] *2019* shall be eligible to include any *such* corrected [~~safety~~] condition in a subsequent
31 application for school building aid submitted by the school district [~~after June 30, 2017~~]. This
32 subparagraph shall [~~not apply to a school district or a school that received state emergency funding~~
33 ~~or other state aid to remedy the safety condition on or before June 30, 2017~~] *enable a school*
34 *district having remedied an imminent danger, substantial risk, or security condition*
35 *prior to June 30, 2019 to receive application point credit, but such district shall not be*
36 *eligible to receive additional school construction grant funding for the remedied*
37 *condition.*

1 (9) The project contributes to operational cost efficiencies, consolidation, or reduced
2 property taxes.

3 (10) *High performance of design that provides environments that are energy*
4 *and resource efficient. Energy and resource efficient designs are those that improve*
5 *indoor air quality, air temperature, or water quality; reduce heating costs; provide better*
6 *lighting; and increase average attendance.*

7 (11) Any other criteria that the state board of education may determine are
8 necessary.

9 (c) ~~[The school building authority shall recommend those proposals to be funded in~~
10 ~~descending rank order to the state board of education for approval. The state board of education~~
11 ~~shall publish the list by January 15 of each year. Those proposals not approved shall be considered~~
12 ~~for approval in the next biennial budget. Project proposals shall be funded to the extent of available~~
13 ~~appropriations in the fiscal year.~~

14 (d) A school district, a city maintaining a school department within its corporate
15 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
16 area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from
17 one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA
18 194:22, with projects for which there is insufficient state grant funding may resubmit those projects
19 to the department pursuant to the provisions of this section.

20 III. Necessary costs of the purchase of school buildings may be determined by any
21 recognized method of real estate appraisal with appropriate adjustments for remodeling or other
22 expenditures. Upon approval of the construction or purchase, or both, by the department of
23 education, the school district shall be entitled to receive a grant as provided herein.

24 IV. *A school district that accepts school building aid for construction shall engage*
25 *a clerk of the works as the owner's on-site representative, unless the commissioner waives*
26 *such requirement as unnecessary. The owner shall specifically define the authority of the*
27 *clerk of the works in writing. The clerk of the works shall have an understanding of all*
28 *aspects of construction; however, technical skill in any particular construction trade is*
29 *not necessary. The clerk of the works shall either have his or her own general*
30 *comprehensive liability and accident insurance or be covered by the owner's insurance.*

2019-0191h

AMENDED ANALYSIS

This bill:

- I. Establishes a timeline for school districts to apply for building aid grants.
- II. Clarifies information to be provided in building aid applications.
- III. Provides for emergency projects.
- IV. Requires an on-site clerk of the works to represent the owner of the property.

Voting Sheets

HOUSE COMMITTEE ON EDUCATION

EXECUTIVE SESSION on HB 175

BILL TITLE: relative to the requirements for school building aid grants.

DATE: February 5, 2019

LOB ROOM: 207

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Ladd

Seconded by Rep. Boehm

AM Vote: 20-0

Amendment # 2019-0191h

Moved by Rep. Ladd

Seconded by Rep. Shaw

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Linda Tanner".

Rep Linda Tanner, Clerk

HOUSE COMMITTEE ON EDUCATION

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BILL TITLE: relative to the requirements for school building aid grants.

DATE: 2-5-2019

LOB ROOM: 207

MOTION: (Please check one box)

[X] OTP [] ITL [] Retain (1st year) [] Adoption of Amendment # (if offered)

Moved by Rep. Ladd Secoded by Rep. Boehm Vote: 20-0

MOTION: (Please check one box)

[] OTP [] OTP/A [] ITL [] Retain (1st year) [X] Adoption of Amendment # 0191h (if offered)

Moved by Rep. LADD Secoded by Rep. SHAW Vote: 20-0

MOTION: (Please check one box)

[] OTP [] OTP/A [] ITL [] Retain (1st year) [] Adoption of Amendment # (if offered)

Moved by Rep. Secoded by Rep. Vote:

MOTION: (Please check one box)

[] OTP [] OTP/A [] ITL [] Retain (1st year) [] Adoption of Amendment # (if offered)

Moved by Rep. Secoded by Rep. Vote:

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: Motion

Respectfully submitted: Linda Tanner, Clerk



2019 SESSION

Education

2-5-19

Bill #: HB 175 Motion: OTP-A AM #: 0191h Exec Session Date: 2-5-19

Relative to the requirements for school building aid grants.

Members

YEAS

Nays

NV

Myler, Mel Chairman

20

Luneau, David J. Vice Chairman

1

Shaw, Barbara E.

2

Cornell, Patricia

3

Doherty, David B.

4

Le, Tamara N.

5

Tanner, Linda L. Clerk

6

Ellison, Arthur S.

7

Mullen, Sue M.

8

Riel, Cole J.

9

Vallone, Mark

10

Woodcock, Stephen L.

11

Ladd, Rick M.

12

Cordelli, Glenn

13

Elliott, Robert J.

14

Boehm, Ralph G.

15

Wolf, Dan H.

16

Allard, James C.

17

Forsythe, Robert L.

18

Lekas, Alicia D.

19

TOTAL VOTE:

26

0

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28 aspects of construction; however, technical skill in any particular construction trade is
29 not necessary. The clerk of the works shall either have his or her own general
30 comprehensive liability and accident insurance or be covered by the owner's insurance.*

2019-0191h

AMENDED ANALYSIS

This bill:

- I. Establishes a timeline for school districts to apply for building aid grants.
- II. Clarifies information to be provided in building aid applications.
- III. Provides for emergency projects.
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Hearing Minutes

HOUSE COMMITTEE ON EDUCATION

PUBLIC HEARING ON HB 175

BILL TITLE: relative to the requirements for school building aid grants.

DATE: January 17, 2019

LOB ROOM: 207 **Time Public Hearing Called to Order:** 10:03 a. m.

Time Adjourned: 10:35 a. m.

Committee Members: Reps. Myler, Luneau, Tanner, Shaw, Cornell, Doherty, Le, Ellison, Mullen, Riel, Vallone, Woodcock, Ladd, Cordelli, Elliott, Boehm, Allard, Forsythe and A. Lekas

Bill Sponsors:

Rep. Ladd

Rep. Morrison

Rep. Lang

Rep. Wolf

Rep. Shaw

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

(1.) Rep. Rick Ladd - Sponsor - Supports

- Why - process now have five applications
- *Issues time line initial application in by July 1st of preceding year.
- Final application is due in September to Department of Education (DOE)
- Final decision by January 15th DOE
- School building authority is pushed to meet deadlines
- This bill extends time line
- Looking at application and procedures
- High performance - efficiencies
- One submittal date
- Rules conflict with statute - put statutes in order
- Emergency is defined - can apply anytime
- Must show maintenance.

(2.) Rep. Gregg Hill - Chair of School Board Authority - Supports

- 5 projects just finishing up passed onto DOE
- Process is a sorting and weeding process
- Rank order project
- Building Authority - DOE - House Finance
- School Board Authority has specialists on authority
- What we need is expansion of process - site visits critical
- School plans goes to School Board then goes to voters
- On condition of Building Aid
- Application comes before voters approve project - needs to be looked at - timing and dates
- March is voting. If project application came to state May 1st it would help.

Question: How do you use same order?

Ans: Rules not clear in statute. Clear definition from DOE.

Question: Voters approve before coming to you?

Ans: Yes

(2.) Rep. Gregg Hill, Chair of School Building Authority (Continued from Page One)

Question: What happens if plan is approved, but need change?

Ans: Letter of intent in bill. Off year (2nd year of term) - come back in the 1st year - they don't grant dollars, they rank.

Question: DOE is final arbiter of the ranking?

Ans: Yes

Question: Confusion on whether voters understand the dollars may not be approved?

Ans: Not our area of concern.

(3.) Amy Clark - NH DOE - School Safety and Management - Supports

- 2019 - stopped building aid - 2013 legislation in place
- Letter of intent is a "heads -up" we have a project coming
- Building aid is for large construction project
- 4 year process usually for major construction
- Bill clears up a lot.

Question: Are credits for ranking in rules of statutes?

Ans: In both - but don't line up.

Question: What average age of School Buildings in New Hampshire?

Ans: Will get that information.

Question: Charter Schools eligible?

Ans: Give a flat rate 30%.

Respectfully submitted:



Rep. Linda Tanner, Clerk

175

① Ladd

- why - process now have 5 applications that
have

* issues ^{initial application} timeline in by July 1 of preceding
year

final application is due in Sept to DOE

final decision by Jan 15 DOE

School Building Authority is pushed to meet deadlines

- This Bill ~~to~~ extends timeline

- looking at applications + procedures

- high performance - efficiencies

- one submittal date

Rules conflict with statute - put statutes in order

Emergency is defined - can apply any time

- must show maintenance

#2

Greg Hill Chair of School Bldg. Auth

- 5 projects just finishing up passed onto DOE

- process is a sorting and weeding process

- rank order project

- Bld. Authority → DOE → ^{House} Finance

School Bld. Authority has specialists on authority

What we need is expansion of process - site visits critical

School plans goes to school board ~~then~~ then goes to voters

- on condition of Building aid - application comes before

voters approve project - needs to be looked at - financing
and dates

March is voting. if project application come to state May 1st it would help.

- ? How do you use rank order ANS rules not clear in statute
Clear definition from DOE
- ? Voters approve before coming to you ANS yes
What happens if plan is approved but need changes - ANS
letter of intent in Bill - off year (2nd yr of term) - come back
in the 1st yr. - they don't grant \$ they rank
- ? DOE is final arbiter of the ranking ANS yes
- ? Confusion on whether voters understand the \$ may not be
approved - ans - not our area of concern

#3 Amy Clark - School Safety + Management -

~~Needs to answer questions~~

2009 - stopped building and 2013 regulations in place

- * letter of intent is a "heads-up" we have a project coming
- * building and is for large construction project
4 yr process usually for major construction
Bill cleans up a lot

- ? Are credits for ranking in rules & statutes - ANS in
both - but don't line up.
- ? What avg. age of school Bldgs in NH - ANS will get that info
- ? Charter schools eligible - ANS yes give a flat rate 30%

Testimony

4/17
Representative Rick Ladd, Haverhill, NH
House Education Committee Testimony: HB 175
Requirements for School Building Aid Grants
January 17, 2019

HB 175 Purpose

The purpose of this bill is to better clarify the process, timelines, and application requirements associated with school building aid:

1. **Establishing a letter of intent:**
 - o Providing DOE 14 months notice prior to the biennium in which funds distributed,
 - o Containing project information as required by the department,
 - o Alternatives to be considered, i.e., consolidation, renovation, tuition option, etc.
 - o Other items that may be required by the department
2. Identifying a **timeline** more supportive of DOE and the School Building Authority
 - o Application submission date from September 1 to July 1 of the year prior to biennium disbursement.
3. **Application shall include:** 1.) detailed drawings, 2.) cost estimates, 3.) funding sources, 4.) preliminary design documents, 5.) maintenance impact analysis, 6.) proof of good maintenance, 7.) other documentation required by the department and identified in DOE construction rules.
4. School construction grant **applications** for either the 1st or 2nd year of the biennium in which funding is provided **must be submitted NO LATER THAN July 1** of the year prior to the 1st fiscal year of the biennium.
5. **Emergency projects** recommended by the Commissioner and School Building Authority will be considered on a **case-by-case basis** at any time and **defines** "emergency:"
 - o School declared uninhabitable
 - o Imminent danger or substantial risk (id'd by Fire Marshal or Federal Agency and
 - o Results from unanticipated and sudden natural or human disaster = emergency
6. Clarifies: **Projects not funded** due to lack of grant \$'s, will be required to re-submit. No automatic placement at the top of the list for the next biennium consideration.
7. School Building Authority **submit** rank ordered list to the State Board by **December 1**.
8. The State Board shall **publish** approved projects by **January 15**.
9. **Maintenance Records and other documentation** may be required by DOE
10. Imminent danger, substantial risk or security infrastructure work completed by and paid by the district prior to June 30, 2019 to remediate a building condition will be **counted/included toward application points**, but not funded/ reimbursed.
11. **High Performance of design provision** added as an application criteria that contributes to total point rating system.

Wording is confusing:

ED 321.23 Steps in the Procedure for Approval of School Building Aid

(e) Applications shall be received by the department not later than September 1 of each year to be considered for a school building aid grant in the following year.

Statute: RSA 198:15-c

Applications for school building aid grants shall be submitted before September 1 of each year in order to be eligible for school building aid grants in the fiscal year following the year of submittal.

ED 321.23 (c)

Preliminary applications shall be received not later than July 1 of each year to be considered for a school building aid grant in the following fiscal year.

ED 321.23 (l) (2)

An application that was on the prioritized list in the previous year and approved by the district's legislative body, but did not receive a grant due to insufficient funds in the previous year, shall be ranked ahead of any application that was not on the list in the previous year and receives fewer life-safety points in the current year

ED 321.23 (h) (6)

Historical preservation, possible addition of up to 10 points.

Bill as
Introduced

HB 175 - AS INTRODUCED

2019 SESSION

19-0124
06/05

HOUSE BILL **175**

AN ACT relative to the requirements for school building aid grants.

SPONSORS: Rep. Ladd, Graf. 4; Rep. Morrison, Rock. 9; Rep. Lang, Belk. 4; Rep. Wolf, Merr.
5; Rep. Shaw, Hills. 16

COMMITTEE: Education

ANALYSIS

This bill:

- I. Establishes a timeline for school districts to apply for building aid grants.
- II. Clarifies information to be provided in building aid applications.
- III. Provides for emergency projects.

Explanation: Matter added to current law appears in *bold italics*.
Matter removed from current law appears [~~in brackets and struck through~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT relative to the requirements for school building aid grants.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 School Building Aid; Plans, Specifications, and Costs. Amend RSA 198:15-cto read as follows:
2 198:15-c Approval of Plans, Specifications, and Costs of Construction or Purchase.

3 I.(a) A school district maintaining approved schools, desiring to avail itself of the grants
4 herein provided shall have the plans, specifications, and cost estimates for school plant construction
5 or proposals for the purchase of school buildings, or both, and the costs for them approved by the
6 department of education prior to the start of construction. For this purpose the district shall submit
7 its plans, specifications, cost, and purchase estimates in writing to the department of education on
8 such forms as the department prescribes. *A letter of intent shall be submitted to the*
9 *department no later than 14 months prior to the beginning of the biennium in which*
10 *school building aid grants are to be disbursed. The letter of intent shall include project*
11 *information, alternatives to be considered, costs of alternatives, and any items required by*
12 *the department. The building aid application shall be submitted no later than July 1 of*
13 *the year prior to the biennium in which school building aid grants are to be disbursed.*
14 *The building aid application shall include items such as detailed drawings, cost*
15 *estimates, funding sources, preliminary design documents, maintenance impact analysis,*
16 *proof of good maintenance, and other documentation as required by the department and*
17 *identified in the department's school building construction rules.* A school district shall also
18 submit a copy of any application for energy efficiency reimbursement under RSA 374-F. The
19 department of education shall coordinate with the public utilities commission to ensure that eligible
20 school districts have submitted applications for funding reimbursement and technical assistance as
21 available from energy utility companies to promote indoor air quality and energy efficiency in public
22 schools. [~~Applications for school building aid grants shall be submitted before September 1 of each~~
23 ~~year in order to be eligible for school building aid grants in the fiscal year following the year of~~
24 ~~submittal.] *School construction grant applications for either the first or second year of the*
25 *biennial budget shall be submitted to the commissioner of education no later than July 1*
26 *of the year prior to the first fiscal year of the biennium in order to be eligible for school*
27 *building aid grants.*~~

28 (b) *As deemed appropriate, emergency projects that are recommended by the*
29 *commissioner of education and the school building authority shall be addressed on a case-*
30 *by-case basis by the state board of education at any time during the school year. A school*
31 *construction project requiring the replacement of all or a significant portion of a school*

1 *facility which is declared uninhabitable or is identified as an imminent danger or*
 2 *substantial risk by the state fire marshal or a state or federal agency, and which results*
 3 *from an unanticipated and sudden natural or human disaster, shall qualify as an*
 4 *emergency project.*

5 (c) *School districts with projects for which there is insufficient state grant*
 6 *funding during the biennial budget may resubmit those projects to the department for*
 7 *future consideration in the next biennial budget cycle. Project proposals shall be funded*
 8 *to the extent of available appropriations in the fiscal year.*

9 II.(a) The commissioner shall accept school building aid grant applications based upon
 10 completeness and submit a preliminary school building aid grant list to the school building
 11 authority established pursuant to RSA 195-C. By [~~January 15~~] *December 1* of the fiscal year prior
 12 to the biennium in which school building aid grants are to be disbursed, the school building
 13 authority shall develop a rank ordered list of all school building construction and renovation
 14 proposals submitted by school districts and shall categorize each proposal based on school building
 15 and site criteria in descending order. The school building authority shall recommend prioritized
 16 proposals to be funded in descending rank order to the state board of education for approval. *The*
 17 *state board of education shall publish the list of approved projects by January 15 of the*
 18 *fiscal year prior to the biennium in which school building aid grants are distributed.*
 19 School districts which have projects approved for funding shall be notified by the department of
 20 education of the projected amount to be funded within 10 days of approval. The project rating
 21 system and criteria used to rate project applications which shall include an administrative review
 22 process for appeal of a school district's project point rating, shall be developed by the department of
 23 education and approved by the state board of education. The department of education, after review
 24 by the house finance committee, the house special committee on education funding reform, and any
 25 senate committee designated by the senate president, shall propose interim rules pursuant to RSA
 26 541-A no later than November 1, 2012, and final rules pursuant to RSA 541-A no later than April
 27 30, 2013, relative to the criteria set forth in this paragraph and the procedures necessary to
 28 implement this paragraph.

29 (b) The commissioner of the department of education shall accept school building
 30 construction proposals based upon completeness. The department of education shall consider and
 31 score each proposal based on the following criteria:

- 32 (1) Unsafe conditions.
 33 (2) Facilities not in compliance with the Americans With Disabilities Act, or
 34 obsolete, inefficient, or unsuitable facilities or mechanical and building systems.
 35 (3) Overcrowding and associated influences to instructional areas and
 36 programming.
 37 (4) Enrollment projections and population shifts.
 38 (5) Whether a school district has made a reasonable attempt to accommodate

1 maintenance activities including scheduled and unscheduled repairs, upkeep, minor alterations,
 2 enhancements to buildings, and preventive maintenance necessary to achieve the design life
 3 expectancy of building systems and components. *School districts shall be required to provide*
 4 *maintenance records and other documentation, if necessary, concerning maintenance*
 5 *program activities for scheduled and unscheduled repairs, upkeep, minor alterations, and*
 6 *enhancements of district buildings.*

7 (6) A school district's fiscal capacity based on measurable criteria such as the
 8 percentage of pupils eligible for free and reduced price meals.

9 (7) School security design and integration of security systems.

10 (8) A school district which initiated and completed a locally *or state grant* funded
 11 school renovation project to remedy [~~a safety~~] *an imminent danger, substantial risk, or*
 12 *security infrastructure* condition identified by the state fire marshal *or the department of*
 13 *safety, division of homeland security and emergency management*, on or before June 30,
 14 [~~2017~~] **2019** shall be eligible to include any *such* corrected [~~safety~~] condition in a subsequent
 15 application for school building aid submitted by the school district [~~after June 30, 2017~~]. This
 16 subparagraph shall [~~not apply to a school district or a school that received state emergency funding~~
 17 ~~or other state aid to remedy the safety condition on or before June 30, 2017~~] *enable a school*
 18 *district having remedied an imminent danger, substantial risk, or security condition*
 19 *prior to June 30, 2019 to receive application point credit, but such district shall not be*
 20 *eligible to receive additional school construction grant funding for the remedied*
 21 *condition.*

22 (9) The project contributes to operational cost efficiencies, consolidation, or reduced
 23 property taxes.

24 (10) *High performance of design that provides environments that are energy*
 25 *and resource efficient. Energy and resource efficient designs are those that improve*
 26 *indoor air quality, air temperature, or water quality; reduce heating costs; provide better*
 27 *lighting; and increase average attendance.*

28 (11) Any other criteria that the state board of education may determine are
 29 necessary.

30 (c) [~~The school building authority shall recommend those proposals to be funded in~~
 31 ~~descending rank order to the state board of education for approval. The state board of education~~
 32 ~~shall publish the list by January 15 of each year. Those proposals not approved shall be considered~~
 33 ~~for approval in the next biennial budget. Project proposals shall be funded to the extent of available~~
 34 ~~appropriations in the fiscal year.~~

35 (d) A school district, a city maintaining a school department within its corporate
 36 organization, a cooperative school district as defined in RSA 195:1, a receiving district operating an
 37 area school as defined in RSA 195-A:1, or a receiving district providing an education to pupils from
 38 one or more sending districts under a contract entered into pursuant to RSA 194:21-a or RSA

1 194:22, with projects for which there is insufficient state grant funding may resubmit those projects
2 to the department pursuant to the provisions of this section.

3 III. Necessary costs of the purchase of school buildings may be determined by any
4 recognized method of real estate appraisal with appropriate adjustments for remodeling or other
5 expenditures. Upon approval of the construction or purchase, or both, by the department of
6 education, the school district shall be entitled to receive a grant as provided herein.

7 2 Effective Date. This act shall take effect 60 days after its passage.