

**WEST VIRGINIA
SECRETARY OF STATE
BETTY IRELAND
ADMINISTRATIVE LAW DIVISION**

Form #8

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WEST VIRGINIA
SECRET. Effective Date

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: School Building Authority of WV TITLE NUMBER: 164

DATE EMERGENCY RULE WAS ORIGINALLY FILED: July 23, 2007

FIRST EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

SECOND EMERGENCY AMENDMENT TO AN EXISTING RULE: YES NO

DATE OF FIRST EMERGENCY AMENDMENT: _____

SERIES NUMBER OF RULE: 1

TITLE OF RULE: SBA Requirements for Comprehensive Educational Facility Plans

THE ATTACHED IS AN EMERGENCY AMENDMENT TO AN EXISTING EMERGENCY RULE. THIS EMERGENCY AMENDMENT BECOMES EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY AMENDMENT ARE AS FOLLOWS:

The counties are currently working under the requirements of this rule and these amendments may affect the distribution of their allocation of funds in the upcoming grant funding cycle in December 2007.

Use additional sheets if necessary


Authorized Signature

**Brief Summary of the rule entitled
SBA Requirements for comprehensive Educational Facility Plans**

The requirements of this rule establishes guidelines and procedures relating to the creation of county board of education ten-year Comprehensive Educational Facility Plans (CEFP). This rule also includes criteria for the selection of projects for funding within the ten-year plan along with provisions for amending the CEFP to include new capital improvement projects.

**TITLE 164
LEGISLATIVE RULE
SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA**

**SERIES 1
SBA REQUIREMENTS FOR COMPREHENSIVE EDUCATIONAL
FACILITY PLANS**

§164-1-1 General

- 1.1. Scope – This legislative rule establishes the guidelines and procedures related to requirements for Comprehensive Educational Facility Plans.
- 1.2. Authority - §18-9D-20.
- 1.3. Filing Date – July 24, 2007
- 1.4. Effective Date –

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§164-1-2 Incorporation by Reference

- 2.1. A copy of Appendix A, B, and C from the School Building Authority Policies and Procedures Manual is attached and incorporated by reference into this policy. Copies may be obtained in the Office of the Secretary of State and in the office of the School Building Authority of WV.

**§164-1-3 SBA REQUIREMENTS FOR COMPREHENSIVE EDUCATIONAL
FACILITY PLANS**

- 3.1 Educational Agency Comprehensive Educational Facility Plans (CEFP) shall be developed in accordance with State Board Policy 6200, the “Handbook on Planning School Facilities,” and approved by the SBE prior to any consideration by the SBA.
- 3.2 Each educational agency plan will identify specific projects that are being presented for competitive SBA funds. These plans will include how the project will effectively address the following issues:
 - 3.2.A Student Health and Safety
 - 3.2.B Economics of Scale (Appendix A) economies of scale based on minimum allowable enrollments are as follows:
 1. Elementary schools with an enrollment of 300 students in grades 1-6, 200 in grades 1-4, or a minimum of 2 classes (25 each) per grade level, are recommended to achieve the

economy of scale. Early childhood, kindergarten and exceptional students may increase this minimum standard.

2. Middle and junior high schools with an enrollment of 450 students in grades 7-9 or 6-8, 5-8 schools with 600 students, or schools with 150 students per grade level minimum are recommended to achieve the economy of scale at the intermediate level.
3. High schools with an enrollment of 600 students in grades 10-12, 800 students in grades 9-12 or 200 students at each grade level are recommended to achieve the economy of scale.
4. These enrollments will be considered in determining eligibility for all SBA funding for early childhood, intermediate and adolescent facilities.
5. Geographic or other considerations may require exceptions to be considered. Regional planning across county lines should also be considered to achieve these minimum enrollment standards where population centers warrant.

3.2.C Reasonable Travel Time and other Demographics

3.2.D Multi-County and Regional Planning

3.2.E Curricular Improvement and Diversifications

3.2.F Innovations in Education

3.2.G Adequate Space for Projected Student Enrollment

3.2.H A history of the county's efforts to propose and/or adopt local school bond issues or special levies for capital improvements.

- 3.3 A ten-year time line for the implementation of the total plan indicating when each proposed facility action is to be taken and each project is to begin.
- 3.4 A completed Facility Classification Report that classifies each facility in the county. (SBA/WVDE Form 116)
- 3.5 Narratives on each existing school facility describing future use and scheduled improvements.
- 3.6 Completed building evaluation forms on each facility in the county using the SBA School Facilities Evaluation and Inventory Instrument including

cost summaries indicating the cost to upgrade to meet current standards.
(SBA 134)

- 3.7 An assurance that the county is in compliance with the SBE order regarding housing of Special Education programs in segregated facilities.
- 3.8 A Major Improvement Plan (MIP) which addresses the requirements established by the SBA. (Appendix B)

§164-1-4 Inter-County Feasibility Studies

- 4.1 Each county shall submit to the SBA/SBE a list of grouped, inter-county attendance areas where potential exists for cooperative utilization of a facility between or among adjacent counties. (May include multi-county facilities, i.e., magnet school, area vocational centers, etc.)
- 4.2 A planning study is to be completed to assure that an efficient and effective instructional delivery system will be utilized addressing each of the items indicated in SBE Policy 6200, "Handbook on Planning School Facilities," 100.01 (A-J) as well as the issues 1 thru 8 in 1.1 B of the SBA Policy and Procedures Handbook.
- 4.3. A detailed analysis of the results of this study and a facility recommendation based on its conclusion shall be included.

§164-1-5 Synopsis of Public Comment

- 5.1 Prior to submitting the CEFP to the SBE and the SBA, one or more public hearing(s) must be held to provide broad-based community input into the plan. Notice of such hearings shall be published as a Class I legal advertisement in compliance with the provisions of 59-3-1 et seq. of the Code of West Virginia. As an addendum to the CEFP, sufficient documentation, including verification of public notices from the local newspapers and a synopsis of all comments received during the hearings must be included.

§164-1-6 Objective Evaluation of Implementation

As part of the total CEFP, the county shall include an objective means to be utilized in evaluating implementation of the overall plan and each project included therein (SBA 150). The evaluation shall measure:

- 6.1 How each project further the quality educational goals of the SBA as defined in WV Code 18-9D-16. This shall include: student health and safety, economies of scale, travel time and other demographics, achievement of effective and efficient instructional delivery system, curricular improvements, and innovations in education, adequate space for projected student enrollments and local effort in funding school facility improvements.

- 6.2. How the overall success of any project has related to the facilities plan of the county and the overall goals of the SBA.
- 6.3. Prior to submission of a new ten year CEFP, an evaluation report shall be completed and submitted to the SBA and the SBE. (In addition to the evaluation criteria included in your plan the report shall include the issues designated in SBA Form 134 of the SBA Policy and Procedures Handbook).
- 6.4. Amendments that initiate major revisions of the CEFP within the ten year planning cycle shall include how the existing plan no longer meets the goals and needs of the county and the goals of the SBA.

§164-1-7 Additional Requirements and Administrative Assurances

A statement of assurance by the county superintendent that the county's plan includes all requirements in Section 1 of the SBA Policy and Procedures Handbook.

§164-1-8 CEFP Management – Amendments

- 8.1 Amending the County CEFP Plan - Because the CEFP is a living document that may be updated periodically based on approved amendments and the continually changing needs of the county, it is necessary to formally update the plan annually. (Appendix C)
 - 8.1.A Major revisions to the CEFP including the MIP, are to be submitted to the SBE and the SBA by December 1 each year.
 - 8.1.B A major revisions would include the addition of new schools, school closures that have been approved by the SBE, a reclassification of all existing schools or the addition of a capital improvement project with a value greater than \$25,000.
 - 8.1.C Final approval of all closures remains the responsibility of the SBE. The CEFP will be amended by the SBA to reflect school closures only after SBE action.
 - 8.1.D The county CEFP is to be maintained as a working document and is to be updated as amendments or actions to implement the plan are completed.
 - 8.1.E Amendment requests that make major revisions prior to the end of the ten year planning period shall be submitted with an evaluation of the current approved plan in accordance with §164-1-6.
- 8.2 Budget Amendments to CEFP

- 8.2.A Routine amendments on projects using partial or full SBA funding or any state or federal funds must be amended through the SBE and the SBA.
- 8.2.B SBA/SBE Form 106 must be completed fully and submitted to the SBE and SBA for approval in order to institute an SBA budget amendment. SBA Needs and MIP funds cannot be transferred from one project to another.
- 8.2.C SBA/SBE Form 106 must also be used to initiate budget amendments to both the SBE and SBA for all projects regardless of the funding source if the instructional square footage is altered, or the work exceeds ~~\$25,000~~ \$50,000.

Appendix A

STUDENT ENROLLMENT REQUIREMENTS TO MEET SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA GUIDELINES FOR ECONOMIES OF SCALE

The following table indicates the enrollment needed for a school to be eligible for SBA funding. This size is based upon their grade structure. The recommended sizes to effectively meet economies of scale are as follows:

Kindergarten & Pre-kindergarten	Two classes – 20 students per class
Elementary Schools	Grade levels 1-8 – two classes per grade level – 25 students per class
Middle/Junior	Grade levels 5-9 – 150 students per grade level
High Schools	Grade levels 10-12 – 200 students per grade level

<u>Grades</u>	<u>100% Enrollment Required</u>	<u>Grades</u>	<u>100% Enrollment Required</u>
ELEMENTARY			
K only	40	K-9	590
K-1	90	K-12	1,590
K-2	140	1-3	150
K-3	190	1-4	200
K-4	240	1-5	250
K-5	290	1-6	300
K-6	340	1-7	350
K-7	390	2-5	200
K-8	440	2-6	250
		3-5	150
MIDDLE/JUNIOR HIGH			
3-6	400	5-8	600
3-8	700	5-9	750
4-5	200	6-8	450
4-6	350	7-8	300
4-9	800	7-9	450
5-6	300		
HIGH SCHOOL			
7-12	1,050		
8-12	900		
9-12	800		
10-12	600		
11-12	400		

- (1) Funding consideration will be given to enrollments that meet 85% of these EOS Guidelines.
- (2) Often there are factors such as distance, geographic barriers or financial limitations that will affect the ability of the school system to meet the economies of scale in regard to the enrollment of a school. Therefore, the Authority could waive this requirement in extraordinary circumstances.
- (3) If a pre-kindergarten program is located at the school, these additional students shall be included in the student enrollment counts and the economies of scale calculation will be adjusted based on the number of Pre-K students and a maximum of 20 students per classroom.

SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA

PROVISION OF WAIVER FOR EXPENDITURE OF GRANTS ON SCHOOLS WITH ENROLLMENT UNDER THE ECONOMIES OF SCALE GUIDELINES

A waiver to the expenditure of SBA Funds may be requested for projects in schools where the enrollment is less than the Economies of Scale Guidelines as designated by the Authority and the State Board of Education. Information concerning the facility and the proposed project must be provided on SBA Form 131 Economy of Scale Waiver Request by the county board of education and the project must be in agreement with the county's ten year Comprehensive Educational Facilities Plan. Additionally, the request must be in accordance with one or more of the following:

1. A waiver may be granted to address specific fire, safety or health violations or conditions when the health and/or safety of students who must continue to be housed in the facility is jeopardized.
2. A waiver may be granted for a school project when the facility will, in accordance with the ten year Comprehensive Educational Facilities Plan, be receiving additional enrollments from other attendance areas in the near future.
3. A waiver may be granted for a school project when the specific school is determined to be geographically isolated from other school populations and eliminates the potential for attaining enrollment economies.
4. A waiver may be granted when a school is the only facility in the county that provides service to students in the particular grade levels included in the school. For example – Is this the only middle school/high school or elementary school in the county?

A waiver for projects other than the correction of health and safety problems should not be granted to a school that is functional or scheduled for closure in the Comprehensive Educational Facilities Plan.

Appendix B

SCHOOL MAJOR IMPROVEMENT PLAN

The West Virginia Legislature amended 18-9D of the West Virginia Code in 1994 creating guidelines pertaining to quality educational facilities and creating a School Major Improvement Fund to be administered by the School Building Authority of West Virginia. The purpose of the major improvement program is to provide needs based grants to county boards of education, the State Board of Education for certain statewide educational facilities and/or administrative councils of area vocational centers for facility renovations, maintenance and construction projects with a cost greater than fifty thousand dollars but may not exceed five hundred thousand dollars. Projects selected for funding by the SBA must be included in an approved Major Improvement Plan (MIP) and must meet the following goals:

1. Student health and safety, including, but not limited to, critical health and safety needs; and
2. Economies of scale, including scheduled preventive maintenance: Provided, that each county board's school maintenance plan shall address scheduled maintenance for all facilities within the county.

The Major Improvement Plan shall include a prioritized list of all the major improvement projects within the county. Such prioritized list shall be one of the criteria to be considered by the authority in determining how available funds shall be expended. In prioritizing the projects, the agency submitting a plan shall make determinations in accordance with objective criteria provided in their MIP. The MIP shall include a repair and replacement schedule for all school facilities and the manner and timeline for all activities within the plan.

All MIP facility needs must be identified in Section E of an approved Comprehensive Educational Facilities Plan. Expenditures for all facility improvements other than normal routine maintenance shall be documented and included in the annual update provided to the SBA. Routine maintenance remains the responsibility of local educational agencies and these costs will be reported through the annual financial reporting process provided to the State Department of Education.

MAJOR IMPROVEMENT PLAN (MIP)

General

Each county board of education, State Board of Education, when applicable or administrative council of an area vocational center shall develop a ten year school Major Improvement Plan (MIP) as a section of their CEFP before seeking funds from the School Building Authority (SBA) for major improvement projects. An approved school Major Improvement Plan (MIP) is required prior to the distribution of state funds for a project pursuant to the requirements of West Virginia Code Chapter 18-9D-15. Initially, the MIP shall be submitted to the school Building Authority for approval by April 1, 1995 to qualify for MIP funding available in 1995 and shall be amended annually to summarize activities and to identify progress being made on school improvements. The MIP shall be part and parcel of the county Comprehensive Educational Facilities Plan (Section E of the CEFP) and together address the renovation, repair and safety upgrading of existing facilities, and equipment, building systems, utilities, and other similar items in connection with renovations, repair and upgrading of facilities. Major Improvement Projects may not include such items as books, computers, equipment used for instructional purposes, fuel, supplies, routine utility service fees, routine maintenance costs, ordinary course of business improvements and other items which are customarily deemed to result in current or ordinary course of business operating expenses.

Major Improvement funding shall be provided by the Authority on the basis of need and efficient use of state funds for construction and renovation projects. In so doing, both short and long term effects of building repairs and maintenance will be considered. All projects submitted to the Authority for funding consideration must be compatible with the county CEFP goals and objectives as well as the overall goals of the Authority.

Funding will not be distributed to any county board that does not have an approved school Major Improvement Plan and is not prepared to commence expenditures of such funds during the fiscal year in which the moneys are distributed: grant funds allocated to a county board and not distributed to that county board shall be available to the county board for a period of two years. Any funds which are unexpended after a two-year period shall be redistributed by the SBA on the basis of need from the school major improvement fund in that fiscal year.

I. KEY ELEMENTS OF THE PLAN

The following key elements of the major improvement plan must be included:

- A. Goals and Objectives of the Major Improvement Plan
- B. Historical Data Regarding Previous Building Improvement Activities
- C. Maintenance Plan
- D. Financing Plan
- E. Objective Evaluation of the Effectiveness of the Plan

- F. Summary of Project Submitted for Competitive Funding
 - G. Annual Update
 - H. Public Input Assurances
- A. Goals and Objectives of the Major Improvement Plan

Each county board of education or other administrative unit qualifying for major improvement funds shall formulate goals and objectives to be accomplished by the MIP. The goals and objectives shall reflect an objective means to resolve deficiencies in educational facilities identified within the plan. The following aspects must be addressed within the plan:

1. Improving Health and Safety
 - a. Improving facilities to meet all applicable codes and federal and State Mandates (examples – EPA, Asbestos, ADA, Fire Marshal, Board of Risk, Health Department – Radon, Lead, Underground Tanks, and other applicable codes)
 - b. Improving Indoor Air Quality (i.e., ASHRAE)
 1. Temperature
 2. Humidity
 3. Filtration
 4. Ventilation
 5. VOC (Volatile Organic Compounds)
2. Improving the Facilities Ability to Deliver the Instruction Program
3. Increasing the Life Expectancy of Building Components by:
 - a. Establishing or improving a Routine Maintenance Schedule
 - b. Establishing or improving a Preventive Maintenance Schedule
4. Assuring the Prudent and Resourceful Expenditure of Local and State Funds by:
 - a. Establishing Short and Long Range Cost Effective Maintenance Planning
 - b. Effectively and Efficiently Managing Energy Sources
 - c. Performing Life Cycle Cost Analysis When Purchasing Building Components
 - d. Establishing Cost Effective Purchasing Practices

- e. Establishing Staff Training Programs for Effective and Current Maintenance and Custodial Methods

B. Historical Data Regarding Previous Building Improvement Activities

1. A survey of the previous five year building improvement activities must be performed to provide a historical baseline of expenditures and improvements. Previous maintenance budgets and records of building improvements can be used to identify where funding has been concentrated, where the greatest needs may exist and the scope of future countywide improvements.
2. A five year history of maintenance expenditures must be performed to qualify for funding. County boards of education must have budgeted in the current fiscal year, an amount equal to the average of the lowest three years expenditures out of the past five years. This information must be included with the annual CEFPP update.
3. County maintenance expenditures should be comparable to the average regional and national square footage costs and reflect sufficient funding to adequately support the number of facilities being maintained. When insufficient funding is discovered, a plan of action should be implemented to address the shortfall. Areas of consideration should be:
 - a. An increase in local building improvement funding
 - b. More efficient use of funds
 - c. Increased performance of the in-house staff (i.e., staff development)
 - d. Additional staff or assistance through contracted maintenance
 - e. A reduction in the number of buildings to be maintained
 - f. Life cycle cost analysis is recommended to help identify the most cost effective means to improve maintenance activities

C. The Maintenance Plan

Included as a component of the Major Improvement Plan shall be a facility maintenance plan. The Maintenance Plan shall further the goals and objectives of the overall Major Improvement Plan and address specific needs of each facility by identifying building maintenance and improvement strategies that will improve the health and safety of the facility and extend the building's useful life. Major components of the Maintenance Plan are:

- Facility Evaluations
- Building Components
- Priorities List of Deficiencies
- Preventive and Routine Maintenance Plan

- Methods for Performing Maintenance
- Maintenance Plan Cost Summary
- Timeline for Implementing the Plan

1. Facility Evaluation (SBA Form 134)

Determining the present condition of building components as well as the overall condition of each facility is a vital part of school improvement. An evaluation of the building envelope and major components must occur and a detailed assessment performed in order to determine prioritized needs. Local and state funding should be directed toward improving those areas of the facility that address the goals and objectives of the CEF, Major Improvement Plan and those of the Authority.

2. Building Component Inventory (SBA Form 135)

The success of the MIP will be contingent upon accurate information compiled on building components and an effective plan to maintain these components in a well organized cost effective manner. An inventory of types and quantities of equipment and materials including descriptive data must be recorded and placed in a maintenance inventory plan for reference. The identified building component within the inventory can then be maintained based on a prioritized schedule for optimum use.

3. A List of Priorities Deficiencies (SBA Form 136)

The maintenance plan shall include a list of site specific building deficiencies prioritized by need as reflected in the goals and objectives of the major improvement plan. Such priority list shall be one of the criteria to be considered by the Authority in determining how available funds shall be expended. Prioritized maintenance projects may qualify for MIP funding.

4. Preventive and Routine Maintenance Plans

The ultimate goal of any maintenance program is to maintain building components in a manner that reduces emergency repairs and extends their useful life. The maintenance plan should begin with a program to perform maintenance on building components that may fail if not properly maintained and in so doing may adversely affect the health and safety of the building occupants and the operational budget of the county. The preventative and routine maintenance program that is to be established must include long and short range objectives, identify the specific programs for each building and a detailed list of scheduled maintenance to be performed.

5. Methods for Performing Maintenance

Various approaches will be taken to performing building maintenance. In-house and contracted maintenance staff or a combination of the two are currently being used. The program should identify the most cost effective manner of performing the vital maintenance program. Special emphasis must be given to staff development for in-house maintenance staff and the development of experience and qualification requirements for contracted maintenance services. A copy of the staff development program and staff experience for persons performing maintenance duties shall be made available for SBA review upon request.

6. Maintenance Plan Budget Cost Summary

The annual and long range cost of implementing the maintenance plan as well as the anticipated expenditures should the program not be implemented must be included in the plan. Identified cost should include but may not be limited to the following:

- a. Maintenance Plan Program Development
- b. Staff Development
- c. Preventive Maintenance Initiative
- d. Routine Maintenance
- e. Equipment Replacement Cost
- f. Materials and Equipment Associated with the Program
- g. Show on separate form Avoided Expenditures (should the program be implemented)

7. Timeline for Implementing the Plan

The full implementation of the maintenance plan will occur over the ten year period covered by the initial plan. However, milestone dates must be established that coincide with the prioritized list of maintenance to be performed. Specific objectives must be indicated in the plan and progress toward the completion of projects reported in the annual update submitted to the SBA. Also, included in the timeline for the replacement of facilities should be directly related to the costs required for its maintenance and its ability to facilitate the delivery of the desired educational program.

D. Major Improvement Finance Plan

Financing for the Major Improvement Plan may come from a number of sources, the major contributor being local funds. The intent of the School Building Authority's Major Improvement Program is to provide state funds on an annual basis to assist the counties in doing major improvements for projects exceeding \$50,000 and less than \$500,000. These funds shall not supplant local funding for school improvements and will be distributed on a school construction fund

“needs” basis. However, county boards of education must comply with the provisions of 18-9D as well as the SBA guidelines described herein to qualify for funding. Projects that do not comply with the funding criteria established by the SBA must be addressed using other funding sources. Consideration should be given to the local maintenance budget, local bond proceeds or federal and state grants (Energy, Asbestos, ADA, and Special Education Grants, etc.). Consideration should also be given to approved lease purchase programs, performance based contracting or reinvestment of saving derived from capital improvement projects funded from local or state dollars.

The Major Improvement Plan must identify the funding source for each project identified in the ten year plan regardless of the immediate availability of the proposed funding. Additionally, the following criteria should be considered when preparing the financial strategy to implement the plan:

1. Major Improvement Funds shall be used in conjunction with local funds to effectively and efficiently meet the needs of educational facilities. Major Improvement Plan funds will not be used to supplant local maintenance funds.
2. Major Improvement Plan funding should not be used for projects in schools/facilities targeted to close within the Comprehensive Educational Facilities Plan.
3. Student occupied facilities shall be given first priority for improvements.
4. Funding for schools that do not meet Economies of Scale will be based on:
 - a. A waiver being granted for a school project when the specific school is determined to be geographically isolated from other school populations and eliminates the potential for attaining enrollment economies.
 - b. A waiver being granted when a school is the only facility in the county that provides service to students in the particular grade levels included in the school. For example – Is this the only middle/high school or elementary school in the county?
5. Projects within the Maintenance Plan that are eligible for Major Improvement Plan funding will be awarded on their ability to further the overall goals of the Agency’s CEFPP, Major Improvement Plan and the overall goals of the SBA.
6. Funding will not be distributed to any agency that does not have an approved school major improvement plan or to any agency that is not prepared to commence expenditures of such funds during the fiscal year in which the monies are distributed. Funding shall be deposited in an SBA

account to the credit of that agency, such funds will remain to the credit of and available to the agency for a period of two years. Any monies which are unexpended after a two-year period shall be redistributed by the SBA on the basis of need from the school major improvement fund in that fiscal year.

7. Agencies may use monies provided by the authority in conjunction with local funds derived from bonding, special levy or other sources. Distribution to a county board, or to the state board or the administrative council of an area vocational educational center will be in accordance with a payment method approved by the authority.

E. Objective Evaluation of the Effectiveness of the Plan

Evaluating the success or failure of building improvement strategies must be quantified and adjustments made when the effects of a particular project or series of projects is known. Each project submitted to the SBA for funding consideration must be accompanied by a specific objective to be accomplished and thereby creating a means to evaluate how the project succeeded or failed to further the goals and objectives of the project and the overall plan. The evaluation shall be submitted upon request to the SBA at intervals appropriate to measure the short and long range affects of a project or improvement plan.

F. Project Submission Requirements (SBA Form 144 – Executive Summary)

Supportive data for projects submitted for funding consideration by the SBA shall meet the requirements of the Major Improvement Plan indicated herein. Sufficient data must be included to address how the current facilities do not meet and how the proposed project does meet the following goals:

1. Student health and safety;
2. Curriculum improvement and diversification, including computerization and technology and advanced senior courses in science, mathematics, language arts and social studies;
3. Adequate space for projected student enrollments;
4. Economies of scale, including compatibility with similar schools that have achieved the most economical organization, facility utilization and pupil-teacher ratios;
5. Reasonable travel time and practical means of addressing other demographic considerations;

6. Multi-county and regional planning to achieve the most effective and efficient instructional delivery system – If a project is to benefit more than one county in the region, the submission data shall state the manner in which the cost and funding of the project shall be apportioned among the counties;
7. Innovations in education;
8. To what extent does the project demonstrate an effective and efficient use of funding;
9. To what extent does the project impact the agency's preventive maintenance plan; and
10. To what extent does the project further the overall goals and objectives of the SBA and the MIP.

G. Annual Update (SBA Form 145)

The Major Improvement Plan shall be updated annually to reflect projects completed and new or continued needs remaining to be addressed. Also, building improvement activities in the previous year shall be documented and a detailed summary of the accomplishments provided to SBA for review. This information shall be provided to the SBA with the CEFPP Annual Update on or before December 1, 1996, and continue each subsequent year. The SBA may require that a county, the state board or the administration council of an area vocational center modify, update, supplement or otherwise submit changes or additions to an approved Major Improvement Plan pursuant to the requirements of 18-9D-16(J).

H. Public Input Assurances

Pursuant to Section 18-9D-16c of the West Virginia Code, the Major Improvement Plan shall include assurances of broad based public input in the planning process. The submission of each plan shall be accompanied by a synopsis of all comments received and a formal comment by the county board, the State Board or the administrative council of an area vocational educational center submitting the plan. A committee made up of the administrative staff having expertise in school construction and maintenance, and other staff members as determined by the superintendent as well as lay persons from the community shall cooperatively develop the plan. Once developed, the proposed plan shall then be made available for public comment for a period of 30 days prior to public hearing and submission to agency's board for approval. The approved plan shall then be submitted to the SBA for final review and approval.

I. Amending the Plan

The Major Improvement Plan may require amendments in response to changing facility conditions. SBA Form 106 must be used to amend the scope of a project. Budget Amendments relating to the plan or a specific project within the plan must also be requested using SBA Form 106. Refer to Section 1.6 of the SBA Policy and Procedures Handbook for additional amendment requirements.

J. Project Selection Process

MIP Grant requests shall be submitted as a part of the annual CEFPP and MIP update in accordance with 2.4 F of the SBA Policy and Procedure Handbook. MIP Projects will be reviewed and evaluated by the SBA staff using the Project Evaluation Instrument (SBA Form 134). Meritorious projects will be selected on the basis of their compliance with the following review criteria:

1. Health and safety
2. Curriculum and improvements
3. Adequate space for project enrollment
4. Economies of scale
5. Travel time and demographics
6. Multi-county and regional cooperation
7. Educational innovations
8. Effective and efficient use of funds
9. Preventive maintenance
10. Furtherance of local and SBA goals and objectives

Projects shall be submitted annually for SBA consideration on or before January 15. Each project submitted will be evaluated by the SBA staff and on-site visits will be performed as necessary to familiarize the staff with all aspects of the project and to verify the submitted data. Interviews will be held with the superintendents or project representatives for statewide or area vocational projects when additional information regarding the specifics of the proposal is needed. After the staff review process is complete, the project data will be provided to the School Building Authority for final consideration. The staff review will include a recommended priorities list of statewide projects for SBA consideration. The Authority will determine the number of projects to be considered in each funding cycle and award meritorious projects to the extent funds are available.

Appendix C

CEFP AMENDMENT ANNUAL UPDATE

COMPREHENSIVE EDUCATIONAL FACILITIES PLAN

COUNTY UPDATE – Data to be completed and submitted to SBA and SDE by December 1, of each year.

1. County-wide Facilities Classification Report (SBA/WVDE 116)
2. High School Attendance Areas Facilities Chart – for each high school in the county (SBA #132)
3. Feeder School Summary Report - narrative
4. MIP Annual Update – (1) List of completed or on-going projects (SBA 145a) and (2) Prioritized list of proposed projects (SBA 145b)
5. School Access Safety Repair and Renovation Schedule (SBA 160)
6. Updated CEFP Executive Summary

The annual update is to be compiled and submitted to the State Department of Education (1 copy) and the School Building Authority (1 copy) in tabbed, three (3) ring binder(s). Tabs should reference the above listed categories.

APENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: SBA Requirements for Comprehensive Educational Facility Plans

Type of Rule: Legislative Interpretive Procedural

Agency: School Building Authority of WV

Address: 2300 Kanawha Boulevard, East
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Fiscal Note Summary

Summarize in a clear and concise manner what impact this measure will have on costs and revenues of state government.

The School Building Authority (SBA) is already operating under an existing procedural rule. Due to a provision of the School Access Safety Act, which was passed in the recent 2007 Legislative Session, all SBA policies, both current and new, must be filed with LOCEA and sent through the legislative review process. The approval of this legislative rule will have no impact on the costs and revenues of the state.

Fiscal Note Details

Show over-all effect in Item 1 and 2 and, in Item 3, give an example of Breakdown by fiscal year, including long-rang effect.

FISCAL YEAR			
Effect of Proposal	Current Increase/Decrease (use "-")	Next Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost	0.00	0.00	0.00
Personal Services	0.00	0.00	0.00
Current Expenses	0.00	0.00	0.00
Repairs & Alterations	0.00	0.00	0.00
Assets	0.00	0.00	0.00
Other	0.00	0.00	0.00
2. Estimated Total Revenues	0.00	0.00	0.00

Rule Title: SBA Requirements for Comprehensive Educational Facility Plans

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3. Explanation of above estimates (including long-range effect):
Please include any increase or decrease in fees in your estimated total revenues.

The SBA does not anticipate any fiscal impact in either the immediate or long-range future as a result of the passage of this rule.

MEMORANDUM

Please identify any areas of vagueness, technical defects, reasons the proposed rule would not have a fiscal impact, and/or any special issues not captured elsewhere on this form.

The SBA will not need any additional staff, office space, equipment or material to facilitate the requirements of the attached rule.

Date: September 27, 2007

Signature of Agency Head or Authorized Representative

