Planning for School Facilities Can Be Improved To Better Serve the Needs of All Students

Program Review and Investigations Committee

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Research Report No. 341

Legislative Research Commission
Frankfort, Kentucky
lrc.ky.gov

Adopted October 12, 2006

Paid for with state funds. Available in alternative form by request.

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Foreword

The authors of the report would like to thank staff of the Kentucky Department of Education, especially Mark Ryles, Tim Lucas, Eileen Hardy, Corlia Logsdon, and Bonnie Brinly; Terry Slade of the Kentucky Office of Housing, Buildings and Construction; Robert Tarvin, director of the School Facilities Construction Commission; Mary Browning, Fayette County Public Schools; and Sharon Fields of the Kentucky Disabilities Coalition. For providing information on facilities planning and practices outside Kentucky, staff thank Allen Abend, Maryland Public School Construction Program; Franklin Hill, Franklin Hill and Associates; Steve Lutz, Ohio School Facilities Commission; Dave Yanchulis, Architectural and Transportation Barriers Compliance Board; Rose Cook and Jane Fletcher, Florida Office of Program Policy and Government Analysis; Spessard Boatright, Florida Department of Education; and Professor Donald F. Uerling, University of Nebraska.

Among Legislative Research Commission colleagues, staff of the Office of Education Accountability were especially helpful.

Robert Sherman
Director

Legislative Research Commission
Frankfort, Kentucky
October 12, 2006

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Summary

Chapter 1

This report concentrates on accessibility and growth issues. One approach of the report is to identify relevant best practices, as well as useful examples of relevant facilities-related policies and procedures in other states.

In Kentucky, school facility funding comes from several sources, with state and local governments providing most of it. Some state funding for school facilities is provided based on statutes. Additionally, the state budget often includes separate appropriations to fund school facilities through which money is distributed outside the regular statutory processes.

For some revenue sources, school districts and the state share responsibility. Local sources are taxes levied through the Facilities Support Program of Kentucky, specified taxes levied in growth districts subject to hearing (growth nickels), and revenues from a 5-cent levy that is subject to voter recall. State sources are the capital outlay provided through the Support Education Excellence in Kentucky formula, equalization of local revenues through the Facilities Support Program of Kentucky, equalized facility funding, Urgent Need/Category 5 funding for districts with schools in the poorest condition, and the School Facilities Construction Commission (SFCC).

To participate in the SFCC program, a school district must have an approved District Facility Plan that has been certified by the Kentucky Board of Education. Regulations also require that districts have a Master Educational Facility Plan. The master plan describes the overall program needs of the district. The district facility plan lists the district's needed new construction and renovation projects and prioritizes them.

State revenue comprises a larger share of total facility funding than does revenue from local sources. In fiscal year 2005, state revenue comprised 56 percent of facilities funding, a decrease from 61 percent in FY 1999.

Chapter 2

Federal laws prohibit discrimination against disabled individuals and require that programs and buildings be accessible to them. These laws affect the way public schools must be planned and built to ensure that programs are accessible to the disabled.

The Rehabilitation Act of 1973 was intended to eliminate discrimination on the basis of disability by programs that receive federal financial assistance. All Kentucky school districts receive federal financial assistance, and therefore must meet the Act's requirements. The law's implementing regulations became effective in 1977, so school districts have now had close to 30 years to bring their programs into compliance.

After the regulations became effective in 1977, all recipient programs were required to conduct a self-evaluation of their policies and practices and take appropriate steps to remedy any that were discriminatory; establish grievance procedures to address complaints; designate a person to coordinate efforts to comply with the law; and take initial and continuing steps to notify participants that it does not discriminate on the basis of disability.

The law applies to all recipients of federal money but sets additional requirements for schools. Public schools are required to provide a free, appropriate, public education to each qualified disabled person in their jurisdictions, regardless of the nature or severity of the person's disability; educate disabled students alongside students who are not disabled in a regular educational environment, to the maximum extent appropriate; and take steps each year to identify and locate all qualified disabled persons in the jurisdiction and notify them and their parents of schools' duties under the law.

The law requires each recipient of federal money to operate its program so that when each part is viewed in its entirety, it is readily accessible to disabled persons. Because of the financial and practical barriers preventing renovation of all buildings to address accessibility, the law distinguishes between facilities that were already in existence at the time the law was enacted and those on which construction had begun after the law was enacted. Programs that use existing buildings are allowed to provide access through means other than structural changes. New buildings must be built and designed to be accessible.

The Americans with Disabilities Act (ADA), enacted in 1992, expanded the protections of the Rehabilitation Act to apply to all programs and businesses regardless of whether they receive federal financial assistance. Title II of ADA applies to state governments, including public schools, and it contains many of the same requirements as the Rehabilitation Act.

Like the Rehabilitation Act, ADA requires schools to operate each service, program, or activity so that it is accessible to disabled individuals when viewed in its entirety. It does not necessarily require a school district to make each existing facility accessible. As with the Rehabilitation Act, structural changes are not required if other methods are effective in making the program accessible. If structural changes were necessary, the school was to develop a transition plan and complete the changes by January 1995.

ADA requires that any construction or alteration that began after January 1992 must be designed and constructed so that it is accessible to and usable by disabled persons. ADA regulations provide that conformance with Uniform Federal Accessibility Standards or the ADA Accessibility Guidelines meets the law's requirement.

The Individuals with Disabilities Education Act (IDEA) of 1990 does not focus on facility accessibility directly but has impacted the need for structural modifications. IDEA requires states to identify and evaluate all eligible students residing within the state and to provide them with a free, appropriate, public education in the least restrictive

environment. Amendments to IDEA have incorporated ADA's requirements that new construction follow accessibility standards.

There are additional design standards relevant to school facilities that are not yet mandatory but would result in greater access for disabled children. The Architectural and Transportation Barriers Compliance Board (Access Board) issued ADA Accessibility Guidelines for Building Elements Designed for Children's Use. Both the Uniform Federal Accessibility Standards and ADA Accessibility Guidelines are based on adult dimensions, but guidelines for children's use are based on children's dimensions and apply to building elements for use by children ages 12 and younger. The Access Board also issued ADA Accessibility Guidelines for Play Areas to set standards that would make playgrounds accessible to disabled children. Both sets of guidelines are not mandatory but are consistent with the requirements of the Rehabilitation Act and ADA.

Kentucky has not fully incorporated ADA into state law but has some statutes that are intended to implement the policies it embodies. State laws prohibit discrimination against the disabled in employment, housing, and public accommodations generally. Kentucky has incorporated the ADA Accessibility Guidelines into the state building code. This means that any new buildings, new additions, or substantial renovations of old buildings must comply with the federal guidelines in order to meet the requirements of the Kentucky Building Code.

Implementing and enforcing the Rehabilitation Act and ADA can be difficult. Both laws allow some flexibility in choosing how to make programs accessible. As a result, there is no objective measure of compliance. It is not possible to inspect a particular building and determine with certainty whether the school district is complying with ADA.

There is little policing of compliance with accessibility requirements, particularly with older buildings. The laws were modeled after civil rights laws, which are enforced through resolution of complaints of discrimination, both in and out of court, not through inspections or audits. There is no federal or state agency that systematically tests the accessibility of buildings and penalizes programs for not being in compliance.

It is unknown how many of Kentucky's schools are accessible to the disabled. The Kentucky Department of Education does not regularly update a detailed inventory of Kentucky school buildings, but some information is available. The school building assessments compiled by the department indicate that 184 school buildings are likely inaccessible based on their age. More schools may not be accessible.

If a disabled student, parent, or member of the public believes a Kentucky school is not accessible, he or she has several options. In addition to filing a complaint with the U.S. Department of Education, a complaint could be filed with the school, pursuant to the school's internal grievance procedure. The Kentucky ADA Coordinator and the Kentucky Protection and Advocacy Office also accept complaints and work with schools to try to resolve accessibility problems. Finally, a disabled person could also consult a private attorney to file a lawsuit against the school district. Kentucky Department of

Education officials and school personnel contacted by Program Review staff reported that they were unaware of any ADA lawsuits filed in Kentucky regarding inaccessible school facilities.

Buildings built after the effective dates of the Rehabilitation Act and ADA are required to be accessible, and there are mechanisms in place to encourage compliance. The Kentucky Office of Housing, Buildings and Construction, or a local office in some areas, reviews all plans and specifications for new construction or major renovations. Inspectors check the plans for compliance with the building code, including the incorporated ADA Accessibility Guidelines. With school construction, there is an additional layer of review. State law requires that the commissioner of education be provided with all plans and specifications for new school buildings, and additions or alterations of old buildings, to approve or disapprove according to the Kentucky Department of Education's rules and regulations.

States can go beyond federal law as long as federal requirements are not weakened. At least one state has taken steps to increase compliance with accessibility laws by creating other means of enforcement.

KRS 157.621 states the requirements a school district must meet in order to qualify as a growth district and levy the 5-cent equivalent tax. The statute's requirements include that a district must have a growth in average daily attendance that exceeds 150 students during the past 5 years, and this growth must be equal to or greater than 3 percent. Some districts meet one of the benchmarks but not the other, sometimes having growth just below one of the benchmarks.

The schools with the largest growth from 2000 through 2005 were Boone County and Oldham County. Boone County's average daily attendance increased by nearly 3,000 students (25 percent). Oldham County's average daily attendance increased by almost 1,700 students (22 percent). Attendance for all of Kentucky's school districts during this time period grew by 1.5 percent.

Some districts tend to experience steady growth over time. In some districts, there is long-term growth, but the rates vary significantly from year to year. In some districts temporary growth can occur that might put pressure on school districts to increase their facilities, but there is no long-term growth trend.

The primary response from the state to the needs of districts with increasing enrollments has been to authorize the districts to raise additional local revenue through the growth nickels. As of FY 2005, 26 districts levied the growth assessment. Eighteen of the districts levied the second growth nickel and received equalization. There may be options for addressing the needs of growth districts that are not directly related to the amount of funding. However, proceeding along this line requires more information about the specific needs of growth districts. It would be helpful if more was known about the needs of different types of districts. Alternatives to the current 5-year, 3 percent/150 student requirement could be explored to see whether it would be feasible to identify future

districts with growth-related needs earlier. Improved long-range planning could help district officials identify needs related to changes in enrollment further in advance.

Chapter 3

Best practices for school facilities construction include

- long-term planning for future needs for new construction and certain improvements, as well as evaluating existing facilities;
- categorizing schools for priority planning and funding purposes; and
- evaluating programs, as well as building designs, to ensure that facilities provide an equal learning environment for all children.

In 2001, school facility and community groups from across the U.S. created Building Educational Success Together (BEST). The BEST recommendations were chosen as the basis for part of this report because they were particularly well articulated and specific enough to provide useful guidance but general enough to reflect widely shared views of planning for facilities.

The first recommendation from BEST is that states should mandate that school districts prepare a long-range educational facilities master plan. There should be annual revisions and updates in a standardized format. The state department of education is charged with reviewing and approving the plans. A master plan for ADA compliance and accessibility could be integrated with the overall master plan.

The creation of long-term plans at the district level could provide the information needed for a statewide inventory system and long-term needs assessment. Regardless of whether statewide facilities standards are adopted, such information would be useful for accountability. Such information would also be helpful to state policy makers as they consider the needs of particular types of districts, for example, districts with increasing or declining enrollments. West Virginia is an example of a state that practices long-range planning for educational facilities. New Jersey is an example of a state that incorporates planning for accessibility for the disabled into long-range planning for educational facilities.

BEST recommends that states require school districts to coordinate facilities planning with other local planning. BEST recommends that each school district be required to develop a comprehensive maintenance plan that is revised annually. Developing a comprehensive maintenance plan is necessary in order to prioritize maintenance needs and to determine how expenditures are funded and the best timeframe for maintenance repairs. In Arizona, each school district is responsible for developing routine and preventive maintenance guidelines for its facilities.

BEST recommends that each school district be required to prepare a capital improvement plan that is aligned with the district's long-range educational facilities master plan and comprehensive maintenance plan. The capital improvement plan could include projects for new construction, additions, major renovations, replacement of building systems

and/or components, acquisition of future school sites, and purchase or lease of relocatable classrooms. In Maryland, selection of projects is based on criteria from a long-range facilities plan. In Illinois, capital planning incorporates assessment of needs for accessibility.

The fifth BEST recommendation is that school districts examine opportunities for sharing school facilities with other public entities. In Washington, it is mandatory for school districts to examine opportunities for sharing school facilities.

BEST recommends that districts be required to provide for an open public process for decisions related to school facilities. The final BEST recommendation is that states provide technical assistance to school districts. In Connecticut, the School Facilities Unit reviews school construction documents for completeness and conformity. The unit provides guidelines to school districts that facilitate cross-referencing of code requirements. In Illinois, the School Construction Program offers assistance to school districts that demonstrate a need to replace or construct buildings based on priorities, one of which is accessibility needs.

Best practices exist for removing accessibility barriers in existing facilities. Although there have been many articles and guidelines published on ADA requirements and the law, there is no recent national study that provides relevant and reliable information on ADA compliance.

Appendix B

This appendix contains profiles of 21 states selected for their potential use by Kentucky as examples to consider for their practices of long-range planning, needs assessment, capital improvement planning, comprehensive maintenance planning, technical assistance, and planning for and maintaining accessibility.

Recommendations

The report has 11 recommendations.

2.1 The Kentucky Department of Education should require school facility designers to use ADA Accessibility Guidelines for Building Elements Designed for Children's Use and ADA Accessibility Guidelines for Play Areas when constructing or renovating elementary school facilities, particularly those with preschool programs.

2.2 If it is the intent of the General Assembly to create other means of enforcement of disability laws, statutory authority could be granted to local or state officials to bring enforcement actions in local courts seeking injunctive relief and civil penalties.

2.3 The Kentucky Department of Education should revise the evaluation form used to gather information about the condition of school buildings so that it includes more information about the accessibility of a building and is a more sensitive evaluative tool.

2.4 The Kentucky Department of Education should amend its Master Educational Facility Plan Guidelines and School Facilities Planning Manual to require local planning committees to consider federal disability laws and the district's responsibility to serve disabled students when developing the Master Educational Facility Plan and the District Facility Plan.

3.1 The Kentucky Department of Education should require that each school district prepare a comprehensive, long-range educational facilities plan that is regularly updated. The plan should encompass achieving and maintaining compliance with the Americans with Disabilities Act and providing access to the disabled. Each district's long-range facilities plan should be coordinated with its capital improvement plan and should be approved by the department.

3.2 The Kentucky Department of Education should conduct and update regularly a statewide inventory and an assessment of long-term educational facilities needs.

3.3 The Kentucky Department of Education should require each school district to prepare a comprehensive maintenance plan. The plan should encompass complying with the Americans with Disabilities Act and providing access to the disabled.

3.4 The Kentucky Department of Education should require each school district to prepare a capital improvement plan that uses information from its long-range educational facilities master plan and its comprehensive maintenance plan.

3.5 The Kentucky Department of Education should encourage school districts to examine opportunities for sharing facilities with other districts and with other public entities within the district.

3.6 The Kentucky Department of Education should provide sufficient technical assistance to school districts to ensure that all are in compliance with guidelines for facilities.

3.7 The Kentucky Department of Education should provide guidelines and technical assistance to local school districts to ensure compliance with safety and accessibility standards. *The Compliance with the Americans with Disabilities Act* guide is an example of a tool that could be used to assist school districts in complying with ADA and providing access to the disabled.

Chapter 1

Funding and Planning for School Facilities

Background for This Report

Since the Program Review and Investigations Committee initiated this study in 2005, the Office of Education Accountability completed a report on the School Facilities Construction Commission. That report covered funding for school facilities in Kentucky, the planning process, and growth districts. The report was accepted by the Education Assessment and Accountability Review Subcommittee in 2006, and is now available as an LRC publication (Commonwealth. Legislative).

Language accompanying the budget bill enacted by the 2006 General Assembly required the Kentucky Department of Education (KDE), in partnership with the School Facilities Construction Commission (SFCC), to conduct a comprehensive evaluation of the current facilities planning process. This includes a review of all capital funding sources and the feasibility of having growth needs and compliance with the Americans with Disabilities Act (ADA) considered in school districts' calculation of total unmet need. Appendix A has the language from the budget bill that indicates the requirements of the study.

At the time of this Program Review report, the final recommendations of the report mandated by budget language are unknown. It is known that the recommendations for revising Kentucky's facilities program will be potentially significant and wide ranging. A School Facilities Task Force was created, composed of superintendents, finance officers, facilities directors, and architects. The task force has four subcommittees: Categorizing Schools, Facilities Planning Process, Determining Unmet Need, and Maintenance. Also as part of the study process, a consultant will report on the equity issues related to state and local facilities funding.

The facilities report mandated by the 2006 budget should produce valuable information for the General Assembly to consider. A strength will be that the report will be based on extensive input from practitioners from throughout the state. The report affects the Program Review study because it means that any evaluation of the existing facilities program would likely be out of date soon. Any recommendations from the budget-mandated report cannot be evaluated because they are not official yet.

In an effort to complement other recent and ongoing studies of school facilities in Kentucky, this report concentrates on issues related to accessibility for the disabled and to growth districts.

In consultation with the co-chairs of the Program Review and Investigations Committee, it was decided that this report would focus on accessibility of school programs to the disabled and on growth issues. One approach of the report is to identify relevant best practices, as well as useful examples of relevant policies related to facilities and procedures in other states. It is hoped that this approach will complement the work being done for the KDE/SFCC report that will include more information from school facilities practitioners in Kentucky.

Description of This Study

How This Study Was Conducted

On November 18, 2005, the Program Review and Investigations Committee authorized a study of school facilities, with an emphasis on accessibility for the disabled and on growth districts. In preparing this report, Program Review staff interviewed officials with the Kentucky Department of Education, the School Facilities Construction Commission, and the Office of the Kentucky ADA Coordinator. Staff consulted national and state school facilities experts and personnel in other states with responsibilities for school facilities. Staff reviewed statutes, best practices, national reports, and documents from other states related to school facilities. Staff attended meetings of the SFCC and the School Facilities Task Force and its subcommittees.

Organization of the Report

The remainder of this chapter provides an overview of school facilities funding and the planning process. Chapter 2 covers requirements for accessibility for school facilities, how accessibility is implemented in Kentucky, and issues related to growth districts. The chapter includes four recommendations. Chapter 3 reviews best practices for school facilities, which results in eight recommendations. The chapter also includes examples of other states' policies and procedures that could provide guidance for assuring accessibility of facilities in Kentucky's schools. Appendix A contains the relevant language from the budget bill. Appendix B includes profiles of 21 states selected as examples to consider for several aspects of school planning in Kentucky. Appendix C indicates each school district's participation in selected programs for funding of facilities.

Local and State Funding for School Facilities

There are several sources of state and local funding for school facilities. Processes for state sources are established in statutes and budget language.

School facility funding comes from several sources. State and local governments provide the bulk of funding but some federal money is available as well. State funding for school facilities is provided in different ways. There are statutory processes in place that distribute money allocated for that purpose. Additionally, the state budget often includes separate appropriations to fund school facilities through which money is distributed outside the statutory processes.[1]

One of the primary sources of facility funding is the money distributed through the School Facilities Construction Commission. SFCC will be discussed separately in conjunction with a description of the facilities planning process.

Funding Sources

Within the Support Education Excellence in Kentucky (SEEK) formula, local school districts are provided with funding of $100 per pupil in the district for capital expenditures. Through the Facilities Support Program of Kentucky (FSPK), districts may levy a tax equivalent to at least 5 cents per $100 in assessed property value for funding facilities. Revenues from local FSPK revenues are equalized by the state up to 150 percent of the statewide average assessment per pupil.

SEEK Capital Outlay. First, within the Support Education Excellence in Kentucky (SEEK) formula, local school districts are provided with funding of $100 per pupil in the district for capital expenditures. The number of pupils is defined as adjusted average daily attendance.

Facilities Support Program of Kentucky. Through the Facilities Support Program of Kentucky (FSPK), districts may levy a tax equivalent to at least 5 cents per $100 in assessed property value for funding facilities. Revenues from local FSPK are equalized by the state up to 150 percent of the statewide average assessment per pupil.

There are statutory requirements for how SEEK capital and FSPK funds may be used.

Districts that meet statutory guidelines for growth in the number of students are authorized to levy a 5-cent equivalent tax for funding of facilities. Language in the budget enacted in 2003 allowed for the issuance of a second 5-cent growth levy if a district continued to meet the criteria for the first growth nickel. That year's budget also provided for state equalization of the first growth levy at 150 percent of the state average assessment per pupil for districts with both 5-cent growth levies.

Growth Nickels. As of 1994, districts that meet statutory guidelines for growth in the number of students have been authorized to levy a 5-cent equivalent tax for funding of facilities. To levy the tax, often referred to as the first growth nickel, the district must meet all the following conditions:

- growth of at least 150 students in average daily attendance and 3 percent overall growth for the 5 preceding years;

[1] The information presented here on school funding is included to provide background information. The Office of Education Accountability's 2006 report on SFCC contains more detailed information on the funding sources for school facilities and how they are implemented (Commonwealth. Legislative).

- bonded debt to the maximum capability of at least 80 percent of capital outlay from the SEEK funding program, all revenue from the local facility tax, and all receipts from state equalization on the local facility tax;
- student enrollment in excess of available classroom space; and
- an approved and certified local school facility plan (KRS 157.621 (2)).

The law contains a sunset provision stating that when state appropriations are sufficient to provide equalization of FSPK as provided for in the relevant statute, then the provisions related to the growth nickel expire. The 1996-1998 Biennial Budget provided for full funding of FSPK. However, language in subsequent budgets has continued to grant authority to levy the growth nickel and expanded the funding options for growth districts.

Language in the budget enacted in 2003 allowed for the issuance of a second 5-cent growth levy if a district continued to meet the criteria for the first growth nickel. That year's budget also provided for state equalization of the first growth nickel at 150 percent of the state average assessment per pupil but only if the district levied the second growth nickel.

Language in the 2003 budget authorized any district to levy an additional 5-cent equivalent tax for funding of facilities, subject to hearing and voter recall. The 2005 budget provided for retroactive equalization of the recallable nickel at 150 percent of the state average assessment per pupil. The 2005 budget included language that granted a one-time equalization of a 5-cent equivalent tax for facilities at 150 percent of state average per-pupil assessment. Language in the 2003 and 2005 budgets provided additional funding to some districts that had schools evaluated as being in the poorest condition.

Recallable Nickel. Language in the 2003 budget authorized any district to levy an additional 5-cent equivalent tax for funding of facilities, subject to hearing and voter recall. The 2005 budget provided for retroactive equalization of the recallable nickel at 150 percent of the state average assessment per pupil.

Equalized Facility Funding. The 2005 budget included language that granted a one-time allocation of equalization over a 20-year period of a 5-cent equivalent tax for facilities at 150 percent of state average per-pupil assessment. To qualify, districts must commit at least a 10-cent equivalent tax for building purposes or have debt service equal to at least a 10-cent equivalent tax and receive no other equalization except state FSPK.

Urgent Need/Category 5 Funding. Language in the 2003 and 2005 budgets provided additional funding to some districts that had schools evaluated as being in Category 5, the poorest condition. Funding was based on the cost of new construction or major renovation as certified on the district's facility plan. It should be noted that some districts that qualify for the funding have indicated that they cannot complete the projects without additional funds.

Appendix C indicates which school districts participate in five local and state funding sources: growth nickels, recallable nickel, Equalized Facility Funding, and Urgent Needs/Category 5.

School Facilities Construction Commission

Districts that have levied the local FSPK 5-cent equivalent tax are eligible to participate in the School Facilities Construction Commission program.

Districts that have levied the local FSPK 5-cent equivalent tax are eligible to participate in the School Facilities Construction Commission program, which was created in 1985. The governor appoints the eight members of the commission, which is independent but attached to the Finance and Administration Cabinet for administrative purposes.

According to KRS 175.611:

> By establishing the School Facilities Construction Commission, the General Assembly expresses its commitment to help local districts meet the school construction needs and the education technology needs of the state in a manner which will insure an equitable distribution of funds based on unmet facilities need and the total implementation of the Kentucky Education Technology System.[2]

To participate in the SFCC program, a school district is supposed to have a Master Educational Facility Plan and a District Facility Plan. The master plan describes the overall program needs of the district. The district plan lists the district's needed construction projects and prioritizes them.

Facilities Planning Process. To participate in the SFCC program, a school district is supposed to have an approved District Facility Plan that has been certified by the Kentucky Board of Education. Regulations also require that districts have a Master Educational Facility Plan. The master plan describes the overall program needs of the district. The district plan lists the district's needed construction projects and prioritizes them. To start the process of developing a master plan and a district plan, the district must select a local planning committee. In practice, the requirement of a Master Educational Facility Plan is not enforced (Commonwealth. Legislative 66).

Figure 1.A illustrates the process by which local school districts develop the Master Educational Facility Plan and District Facility Plan. Although districts are required to update their District Facility Plans every 4 years, they can apply to the Kentucky Board of Education for a waiver of this requirement if conditions in the district have not changed since the last plan was approved. Districts can amend these plans as needed throughout the 4-year period.

[2] The statute provides for two separate programs: school construction and technology. This report covers only the construction program.

Figure 1.A: School District Planning Process for Facilities

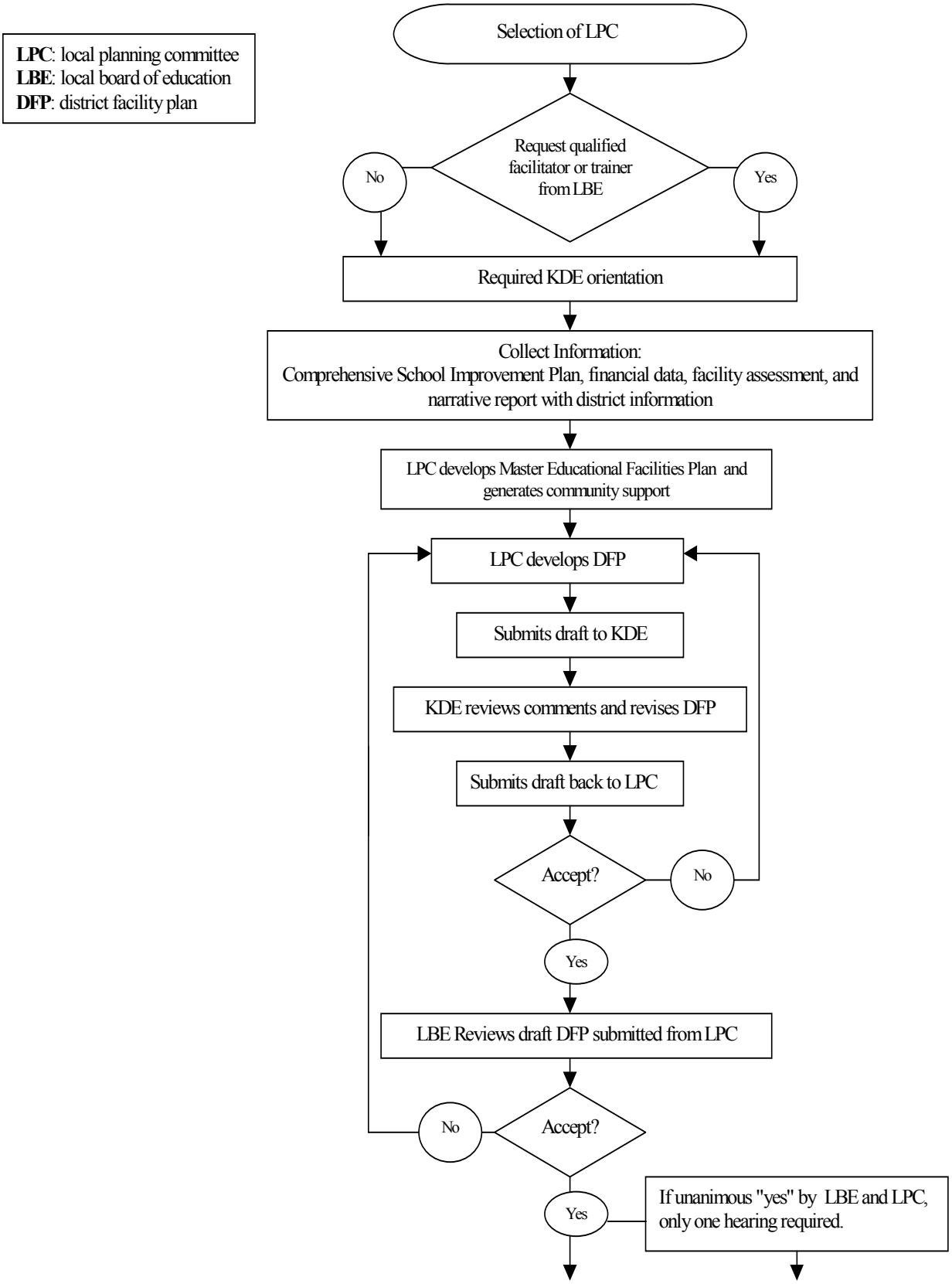
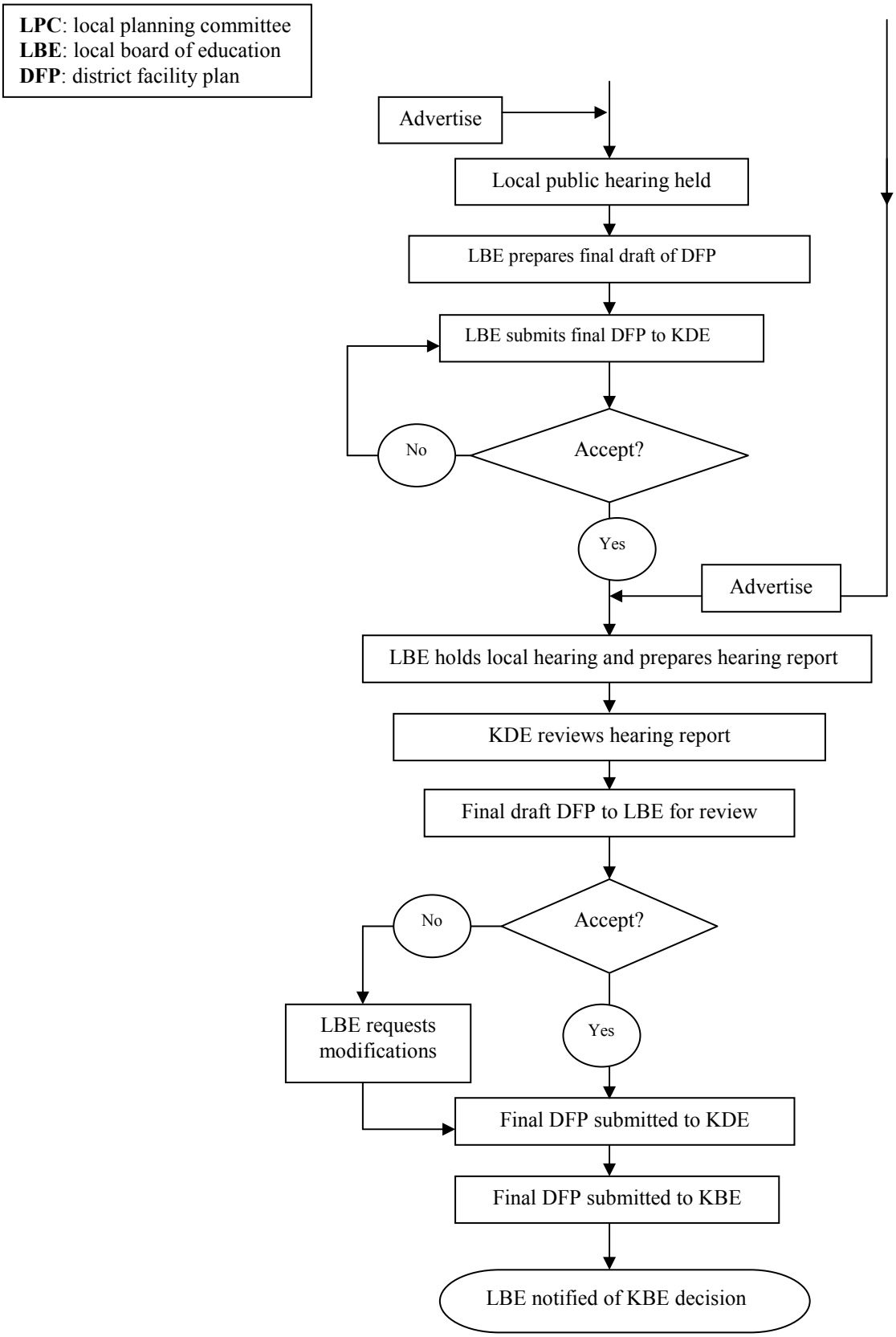


Figure 1.A continued



Source: Commonwealth. Legislative 19-20 (compiled by Office of Education Accountability staff from 702 KAR 1:001).

The facility plan approval process is an iterative one in which KDE's Division of Facilities Management works with local planning committees and boards of education to achieve a final District Facility Plan that will be sent to the Kentucky Board of Education for certification. As shown in Figure 1.A, districts are required to hold a minimum of two hearings to inform and solicit input from the community regarding the construction and renovation needs of the district.

As part of the planning process, the district and KDE collect and organize relevant data about the district for the local planning committee to use in developing the Master Educational Facility Plan and District Facility Plan.

As part of the district facilities planning process, the resulting local planning committee prioritizes the district's construction needs into four categories:
Priority 1: new construction or major renovations scheduled to begin within the biennium,
Priority 2: new construction or major renovations not scheduled to begin within the biennium,
Priority 3: noneducational additions or expansions scheduled to begin in the biennium or not (such as kitchens and administrative areas), and
Priority 4: expansions of management support areas scheduled to begin in the biennium or not (such as bus garages and central office).

The Kentucky School Facilities Planning Manual establishes a building evaluation rating system and provides an evaluation form for architects and engineers to use in evaluating schools (702 KAR 1:001). The form lists various elements of the sites and buildings to be rated on a scale of 1 through 5, with 1 considered excellent and 5 considered poor.

Based on the evaluation, along with additional knowledge about the school, KDE officials assign an overall building evaluation category as shown in Table 1.1.

Table 1.1
Categorization of School Buildings Based on Condition

Category	Criteria	No. of Buildings, June 2006
1 Excellent	Functional age of 1 to 10 years. No apparent deterioration; basically new.	302
2 Good	Functional age of 10-20 years. Minor deterioration; no improvements needed.	335
3 Average	Functional age of 20-30 years. Some deterioration; no improvements needed within the next 5 years.	364
4 Fair	Functional age of 30-40 years. Deteriorated; needs improvement or possible replacement.	173
5 Poor	Functional age over 40 years. Deteriorated to the point of replacement; needs immediate attention. Required systems are nonexistent and need to be provided.	11

Note: Functional age is actual age or years since the most recent major renovation.
Sources: 702 KAR 1:001; Ryles.

KDE officials told staff that the evaluation being used provides a general assessment and stated that the categorization of buildings as 1 through 5 was originally intended as a shorthand method of description (Ryles).

In addition to the school evaluations, architects perform a detailed assessment that leads to the calculation of a district's total need.

In addition to the school evaluations, architects provide a more detailed cost estimate that leads to the calculation of a district's unmet need (Ryles). Regardless of the relative importance of the work needed, all of the costs are treated equally and added into the district's total need. No particular type of improvement or renovation is prioritized or given additional weight.

Funding by SFCC. In addition to an approved District Facility Plan, to participate in the SFCC program, districts must also participate in FSPK; and in odd-numbered years, the district must restrict all available local revenue as of June 30.

A district's unmet need is the cost of new construction and renovations from the District Facility Plan less available local

revenues. KDE calculates costs based on average national costs for new construction and renovation compiled by the RSMeans company.

For each district, KDE sends to the Kentucky Board of Education a statement of the available local revenue, eligibility for SFCC participation, determination of total facility needs, and determination of total unmet facility needs. Once certified by the board, the statements are sent to SFCC. Based on the districts' statements, the total unmet facility need for the state is calculated, as is each district's percentage of the total.[3]

For each district, KDE sends to the Kentucky Board of Education a statement of the available local revenue, eligibility for SFCC participation, determination of total facility needs, and determination of total unmet facility needs. Once certified by the board, the statements are sent to SFCC. Based on the districts' statements, the total unmet facility need for the state is calculated, as is each district's percentage of the total.

The General Assembly determines the amount of bonding authority for SFCC. A funding offer to a district from the commission is based on the district's percentage of statewide unmet need.

All but 2 of Kentucky's 176 school districts have participated in SFCC since its inception in 1985. The number of districts participating in any given biennium will vary, however. A district may become ineligible because it has local revenue that exceeds its facility needs. In addition, an eligible district may choose to reject an offer because it does not wish to restrict its local available revenue as required by SFCC provisions.

The Amount of Facilities Funding

State revenue comprises a larger share of total facility funding than does revenue from local sources. In fiscal year 2005, state revenue comprised 56 percent of facilities funding, a decrease from 61 percent in FY 1999. Total facility funding has increased 60 percent in the past eight years, from $432 per pupil in FY 1998 to $693 per pupil in FY 2005 (Commonwealth. Legislative 29).[4]

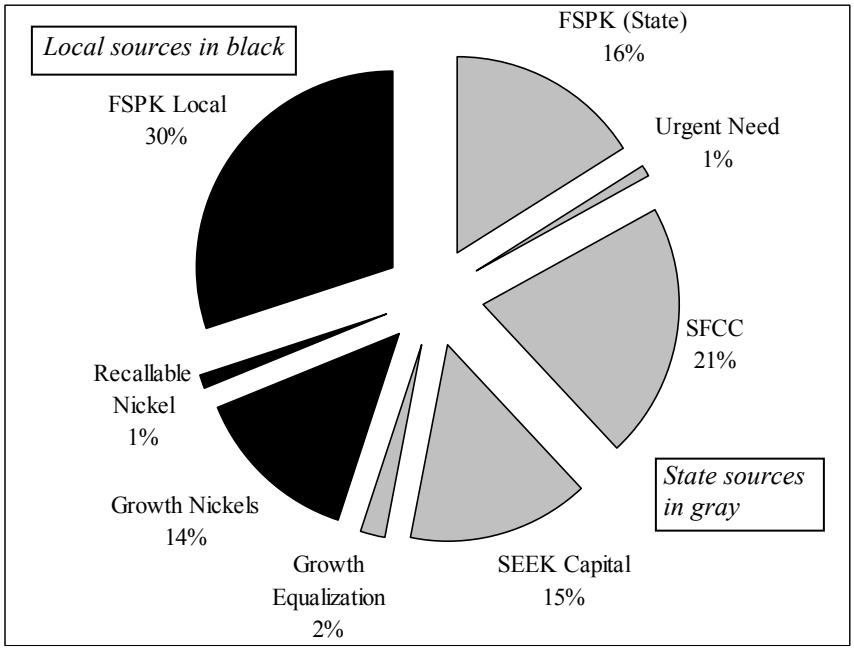
State revenue makes up a greater share of total facility funding than does revenue from local sources, but the difference has narrowed over time. In FY 2005, state funding accounted for 56 percent of total facility funding in Kentucky.

[3] SFCC's total bonding authority varies from biennium to biennium but is consistently a relatively small percentage of statewide unmet need as calculated from the District Facility Plans. Over the 1994-1996 to 2002-2004 bienniums, SFCC bonding authority ranged from less than $30 million to more than $200 million, which constituted from 1.28 percent (in 1994-1996) to 8.24 percent (1998-2000) of total unmet need.

[4] Adjusted for inflation, local revenue for facilities increased 52 percent, from $169 per pupil in FY 1998 to $256 in FY 2005. Over the same period, state per-pupil revenue increased 25 percent from $263 to $329. Total revenue per pupil increased 35 percent to $585 from FY 1998 to FY 2005 (Commonwealth. Legislative 29).

Figure 1.B shows the distribution of total state and local facility funding for FY 2005. SFCC debt service paid on behalf of school districts is the largest source of state funding and accounts for 22 percent of total state and local funding. The largest source of local funding is local FSPK funding, which comprises 29 percent of total state and local spending.

Figure 1.B
Local and State Funding for Facilities (FY 2005)



Source: Office of Education Accountability staff.

The distribution of state and local funding does vary significantly by district. In FY 2005, the state share of state and local facilities funding by district ranged from 16 percent to 93 percent. There were 26 districts in which the local share of funding was at least half. In 84 districts, the state share of funding was at least 75 percent. Appendix C shows the state percentage of state and local facilities funding by district in FY 2005.

The distribution of state and local funding does vary significantly by district. In FY 2005, the state share of state and local facilities funding by district ranged from 16 percent to 93 percent. There were 26 districts in which the local share of funding was at least half.

State sources of funding are reported in Table 1.2 on a per-pupil basis for fiscal years 1998 to 2006. SFCC debt service paid on behalf of school districts has increased every year to reach an estimated $147 per pupil in FY 2005. Urgent need funding, growth equalization, recallable nickel equalization, and equalized facility funding may be significant for particular districts but account for relatively small shares of total state facility spending.

Table 1.2
FY 1998-2006 Per-pupil State Facility Revenue

Fiscal Year	State FSPK	Capital Outlay	SFCC Debt Service	Urgent Need Debt Service	Growth Equalization	Equalization of Recallable Nickel	Equalized Facility Funding
1998	$61	$100	$102				
1999	$75	$100	$102				
2000	$67	$100	$119				
2001	$84	$100	$125				
2002	$78	$100	$132				
2003	$103	$100	$132				
2004	$97	$100	$133		$5		
2005	$109	$100	$147	$10	$15		
2006 estimate	$101	$100	$147	$10	$16	$4	$8

Per-pupil calculations are based on total state adjusted average daily attendance.
Source: Commonwealth. Legislative 31 (compiled by Office of Education Accountability staff based on School Facilities Construction Commission data and KDE final SEEK calculations).

Chapter 2

Issues Related to Accessibility for the Disabled and to Growth Districts

Among the many issues surrounding planning and funding of school facilities, two topics were of particular interest to the members of the Program Review and Investigations Committee as they mandated a report: accessibility of schools for the disabled and growth districts. Much of this chapter serves as an overview of laws, regulations, and guidelines related to accessibility because they are complicated. The final section deals with growth districts.

Accessibility of School Facilities to Individuals With Disabilities

Federal laws prohibit discrimination against disabled individuals and require that programs and buildings be accessible to them. These laws affect the way public schools must be planned and built to ensure that programs are accessible to the disabled. Three such laws are the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the Individuals with Disabilities Education Act (IDEA).

These laws require that programs be accessible to disabled employees and participants, and members of the public if the program's services include them. For school districts, this means they must not only provide access for disabled students but also for disabled parents and grandparents of students, as well as for disabled employees, visitors, and any other individual who may wish to attend a school play or concert that is open to the public.

Rehabilitation Act of 1973

The Rehabilitation Act of 1973 intended to eliminate discrimination against the disabled among programs that receive federal money.

The Rehabilitation Act of 1973 was intended to eliminate discrimination on the basis of disability by programs that receive federal financial assistance. Its requirements are similar to the better known ADA. The Rehabilitation Act is older and only applies to organizations that receive federal money. According to a KDE official, all of Kentucky's school districts receive federal financial assistance, and therefore must meet the Rehabilitation Act's requirements. The law's implementing regulations became

effective in 1977, so Kentucky school districts have now had close to 30 years to bring their programs into compliance with the law.

The law defines disability as an impairment that substantially limits a major life activity. It prohibits discrimination against the disabled.

The law defines a disability as a physical or mental impairment that substantially limits one or more major life activities. It prohibits any program or activity from "excluding, denying benefits to, or otherwise discriminating against" disabled persons (34 CFR 104.3-4). To encourage recipient programs to accomplish that objective, the implementing regulations establish various requirements for programs to meet.

After the regulations became effective in 1977, all recipient programs were required to

- conduct a self-evaluation of their policies and practices and take appropriate steps to remedy any that were discriminatory;
- establish grievance procedures to address complaints;
- designate a person to coordinate efforts to comply with the law; and
- take initial and continuing steps to notify participants that it does not discriminate on the basis of disability (34 CFR 104.6-8).

A program's facilities must be accessible to disabled persons to allow full participation.

In addition to establishing nondiscriminatory policies, the facilities where a program is conducted must be accessible to disabled persons in order to allow their full participation. The Rehabilitation Act prohibits the denial of benefits to disabled persons because of inaccessible facilities and it requires all recipients of federal money to take steps to make their programs accessible.

The law applies to all recipients of federal money but sets additional requirements for schools. Public schools are required to

- provide a free, appropriate, public education to each qualified disabled person in its jurisdiction, regardless of the nature or severity of the person's disability;
- educate disabled students alongside students who are not disabled in a regular educational environment, to the maximum extent appropriate (34 CFR 104.34.); and
- take steps each year to identify and locate all qualified disabled persons in its jurisdiction and notify them and their parents of its duties under the law (34 CFR 104.32).

The law requires recipients of federal money to operate programs so that, when viewed in their entirety, they are accessible to the disabled.

Program Accessibility. The law requires each recipient of federal money to operate its program so that when each part is viewed in its entirety, it is readily accessible to disabled persons (34 CFR 104.22). Because of the financial and practical barriers preventing renovation of all buildings to address accessibility, the law

distinguishes between facilities that were already in existence at the time the law was enacted and those on which construction began after the law was enacted. Programs that use existing buildings are allowed to provide access through means other than structural changes. New buildings must be built and designed to be accessible. If an existing building is renovated, however, the renovated portion must be designed to be accessible. In this way, as buildings age and are renovated and new buildings are built to replace them, there will be fewer and fewer inaccessible buildings.

The law distinguishes between buildings in existence when the law was passed and those built later. Programs in existing buildings are allowed more flexibility in meeting accessibility requirements.

Existing Facilities. The focus of the law is on making all programs accessible, not necessarily all buildings. The law does not require a recipient to renovate every facility it uses to make it fully accessible to the disabled. For buildings that were already in existence when the regulations became effective on June 3, 1977, the law requires a recipient to operate its program so that it is readily accessible when viewed in its entirety. Programs are allowed some flexibility in meeting that requirement.

Those responsible for a program can choose to renovate facilities or build new ones to meet the requirement, but they can also choose from other methods as well, so long as they make the program accessible. The law allows recipients to comply by adding or redesigning equipment, moving the location of classes or other services to areas that are accessible, assigning aides, providing home visits, or using any other effective method. The spirit of the law is inclusive, and the recipient is required to give priority to methods that will provide service in the most integrated setting, rather than by segregating the disabled students (34 CFR 104.22).

If structural changes were the only way to achieve accessibility under the Rehabilitation Act, the law required a recipient to develop a transition plan setting forth the steps necessary to complete the changes. The plan was required to identify physical obstacles, describe the methods that were to be used to achieve accessibility, specify a schedule, and identify the person responsible for implementing the plan (34 CFR 104.22). Structural changes were required to be completed by June 3, 1980.

Buildings constructed after June 1977 must be designed and built to be readily accessible to disabled persons. Compliance with architectural standards will meet minimum accessibility requirements.

New Construction. The accessibility requirements are more stringent for facilities constructed after the law's effective date. Any new facility or new addition that began after June 3, 1977, must be designed and constructed so that it is readily accessible to and usable by disabled persons. Design and construction that complies with the Uniform Federal Accessibility Standards (UFAS) or the ADA Accessibility Guidelines (ADAAG) are

deemed to meet the minimum requirements of the Rehabilitation Act (34 CFR 104.23).

Americans with Disabilities Act

The Americans with Disabilities Act (ADA) expanded the protections of the Rehabilitation Act to apply to all programs and businesses. It contains many of the same requirements as the Rehabilitation Act.

The Americans with Disabilities Act (ADA), enacted in 1990, expanded the protections of the Rehabilitation Act to apply to all programs and businesses regardless of whether they receive federal financial assistance. Title II of the Act applies to state governments, including public schools, and it contains many of the same requirements as the Rehabilitation Act.

Like the Rehabilitation Act regulations, ADA regulations require schools to conduct self-evaluations, establish a grievance procedure, appoint a coordinator, and provide notice about the law. The intent of the law is to include rather than segregate disabled students. It prohibits providing different or separate benefits or services for the disabled unless that is the only way to provide services that are comparable to those received by persons who are not disabled (28 CFR 35.130). It also specifically prohibits a program from denying services to a disabled person because of inaccessible facilities (28 CFR 35.149).

Like the Rehabilitation Act, ADA does not require that all existing buildings be renovated to make them accessible.

Existing Facilities. Like the Rehabilitation Act, ADA requires schools to operate each service, program, or activity so that it is accessible to disabled individuals when viewed in its entirety. It does not necessarily require a school district to make each existing facility accessible. As with the Rehabilitation Act, structural changes are not required if other methods are effective in making the program accessible. If structural changes were necessary, the school was to develop a transition plan and complete the changes by January 26, 1995.

ADA does not require school districts to take action that would result in a fundamental alteration in the nature of the program, or in an undue financial or administrative burden.

ADA is similar to the Rehabilitation Act in its requirements but does not require changes that would be too burdensome for school districts (28 CFR 25.150). School districts do not have to take any action that can be shown to result in a fundamental alteration in the nature of a service, program, or activity, or in undue financial and administrative burdens in light of the school district's overall financial resources and the nature and cost of the particular action. The district would still have to take other actions that would not result in an alteration or burden but that would nevertheless ensure the provision of its services to disabled persons.

ADA requires new buildings to be designed and built to be accessible to disabled persons.

New Construction. Just as with the Rehabilitation Act, ADA requirements regarding new construction and alterations of buildings are less flexible. The law requires that any construction or alteration that began after January 26, 1992, must be designed and constructed so that it is accessible to and usable by disabled persons. ADA regulations provide that conformance with UFAS or ADAAG meets the law's requirement.

Compliance with architectural standards meets the law's minimum requirements, but modifications may be necessary to provide access to some disabled persons.

Because of ADA's focus on accessibility to the individual, even new buildings that conform with ADAAG may not comply with ADA in every case. Complying with ADAAG or UFAS is considered to meet the minimum accessibility requirements but still may not provide access to some disabled persons. There is a wide range of disabilities among individuals, and modifications may be necessary to enable some disabled persons to have access. For example, the architectural standards do not include any acoustical standard, yet poor classroom acoustics can create a barrier for students who have hearing loss or who use cochlear implants. Districts would still have an obligation to take the necessary steps to make their programs accessible to hearing impaired students beyond simply following the architectural standards.

Individuals with Disabilities Education Act

The Individuals with Disabilities Education Act requires school districts to provide students a free, appropriate, public education in the least restrictive environment.

IDEA does not focus on facility accessibility directly but has impacted the need for structural modifications. IDEA requires states to identify and evaluate all eligible students residing within the state and to provide them with a free, appropriate, public education in the least restrictive environment. The law focuses on evaluating disabled students and tailoring individual education plans to meet their needs. Its requirement that disabled students be educated in the least restrictive environment has resulted in more inclusive policies and a corresponding need for accessible facilities. Also, amendments to IDEA have incorporated ADA's requirements that new construction follow accessibility standards.

Architectural Standards

The Uniform Federal Accessibility Standards and the ADA Accessibility Guidelines are detailed architectural standards. Compliance with either meets the minimum requirements of disability law for new construction.

UFAS and ADAAG. The Rehabilitation Act requires all new construction to comply with UFAS to meet the minimum accessibility requirements. ADA allows school districts to choose between compliance with UFAS or ADAAG, but only one standard can be used in a single project. The U.S. Department of Justice, charged with enforcing the accessibility laws, has taken the

position that compliance with UFAS or ADAAG will satisfy both laws.

The standards are very detailed and specify such things as the amount of space required around doors, the hardware to be used on them, the number and size of required handicapped parking spaces, the slopes of ramps, the placement and size of signs, and many other features necessary for a building to be accessible. Architects rely on these standards to design buildings that are accessible and in compliance with the law.

There are additional standards based on children's dimensions that are not mandatory but would result in greater access for disabled children.

Additional Standards. There are additional design standards relevant to school facilities that are not yet mandatory but would result in greater access for disabled children. In 1998, the Architectural and Transportation Barriers Compliance Board (referred to as the Access Board) issued ADA Accessibility Guidelines for Building Elements Designed for Children's Use. Both ADAAG and UFAS are based on adult dimensions, but ADAAG for Children's Use is based on children's dimensions and applies to building elements for use by children ages 12 and younger. These standards have not been adopted by the U.S. Department of Justice and are, therefore, not mandatory. They also have not been incorporated into the Kentucky Building Code. The Rehabilitation Act, ADA, and ADAAG include provisions that allow designers and builders to depart from the adult-based requirements of ADAAG and UFAS so long as equal or greater access is allowed. Although the children's use standards are not yet mandatory, they are consistent with the intent of the disability laws and will result in greater access for disabled children.

In 2000, the Access Board issued ADA Accessibility Guidelines for Play Areas to set standards that would make playgrounds accessible to disabled children. Like the children's use guidelines, these standards are not yet mandatory but are consistent with the requirements of the Rehabilitation Act and ADA that school facilities be accessible to and usable by disabled children.

According to an Access Board official, schools have the option of using the specifications for children's use.

According to an Access Board official, state and local governments have the option of using the specifications designed for children. For example, if a school is required to have two accessible bathrooms, facilities planners may choose to alternate one of the specifications to dimensions that are designed for children. It would seem inconsistent with the intent of the law to provide access to disabled student to design accessible bathrooms based on adult dimensions in an elementary school. Arguably, a disabled

elementary student could file an ADA lawsuit against the school district for constructing facilities only accessible to disabled adults.

Recommendation 2.1

The Kentucky Department of Education should require school facility designers to use ADA Accessibility Guidelines for Building Elements Designed for Children's Use and ADA Accessibility Guidelines for Play Areas when constructing or renovating elementary school facilities, particularly those with preschool programs.

Kentucky Law

State law has not fully incorporated ADA but generally prohibits discrimination against the disabled. State law requires accessibility regulations to be incorporated into the Kentucky Building Code.

Kentucky has not fully incorporated ADA into state law but has some statutes that are intended to implement the policies it embodies. State laws prohibit discrimination against the disabled in employment, housing, and public accommodations generally. More specifically, KRS 198B.260 requires the Board of Housing, Buildings and Construction to issue regulations establishing requirements for new and altered buildings to be accessible to the disabled and to incorporate those regulations into the Kentucky Building Code. Kentucky has incorporated ADAAG into the state building code. This means that any new buildings, new additions, or substantial renovations of old buildings must comply with the federal ADAAG in order to meet the requirements of the Kentucky Building Code.

Enforcement

Because the laws allow some flexibility in meeting requirements, there is no objective measure of compliance.

Implementing and enforcing the Rehabilitation Act and ADA can be difficult. Both laws allow some flexibility in choosing how to make programs accessible, particularly with existing buildings. As a result, there is no objective measure of compliance. It is not possible to inspect a building and determine with certainty whether the school district is complying with ADA. For example, an older multilevel school with an accessible entrance and accessible classrooms and restrooms may lack an elevator to provide access to the second floor. If the programs with disabled students enrolled are relocated to the first floor and the students are able to fully access and participate in the programs, ADA requirements are met even though the building is not fully accessible.

With a new building, inspection would be a better indicator but still could not definitively determine whether the district is complying with ADA. Inspection would reveal whether the building was constructed in compliance with the UFAS or

ADAAG as required, but those are minimum standards. If the building is nevertheless inaccessible to disabled persons, changes would be necessary in order to comply with ADA.

The federal disability laws are enforced primarily through resolution of complaints of discrimination. There is no federal agency that systematically tests the accessibility of buildings and penalizes programs for not being in compliance.

Additionally, there is little policing of compliance with accessibility requirements, particularly with older buildings. The laws were modeled after civil rights laws, which are enforced through resolution of complaints of discrimination, both in and out of court, not through inspections or audits. There is no federal or state agency that systematically tests the accessibility of buildings and penalizes programs for not being in compliance. Filing and resolving complaints can be a time-consuming and ineffective means of enforcement for students attending a school for a limited time.

Unless an existing building receives a major renovation or new addition, there is no requirement that it comply with the newer building code and accessibility standards.

Existing Buildings. The disability laws do not require that programs renovate all existing buildings in order to make them accessible. Unless an existing building receives a major renovation or new addition, there is no requirement that the building comply with the newer building code and accessibility standards, and there is no oversight to ensure it does.

For existing buildings, enforcement of both the Rehabilitation Act and ADA is complaint driven.

For existing buildings, enforcement of both the Rehabilitation Act and ADA is complaint driven. The U.S. Department of Justice was given authority to enforce the laws through investigation and resolution of complaints and by filing civil lawsuits. It has conveyed that authority to the U.S. Department of Education for complaints concerning accessibility to educational programs.

The U.S. Department of Education accepts complaints about access to educational programs. Officials try to resolve complaints voluntarily but can cut off federal money to the program or refer the matter for filing of an enforcement lawsuit.

The U.S. Department of Education accepts complaints from citizens and attempts to negotiate a voluntary resolution with the program complained about. If the complaint is not resolved, the Department of Education has the authority to cut off federal funding or refer the matter to the Department of Justice to file an enforcement lawsuit. According to a Department of Education official, the authority to reduce funding is enough to encourage programs to enter into a compliance agreement. Disability rights advocates and KDE officials say that educational programs around the state are generally aware of the laws' accessibility requirements and, if a complaint is filed, will usually agree to do what is necessary to make the program accessible.

If a disabled student, parent, or member of the public believes a Kentucky school is not accessible, he or she has several options. In addition to filing a complaint with the U.S. Department of Education, a complaint could be filed with the school, pursuant to

the school's internal grievance procedure. The Kentucky ADA Coordinator and the Kentucky Protection and Advocacy Office also accept complaints and work with schools to try to resolve accessibility problems. Finally, a disabled person could also consult a private attorney to file a lawsuit against the school district.

KDE officials and school personnel report that they are not aware of any ADA lawsuits filed in Kentucky regarding inaccessible school facilities. State and federal agencies do report receiving some complaints about inaccessible Kentucky schools.

KDE officials and school personnel reported that they are not aware of any ADA lawsuits filed in Kentucky regarding inaccessible school facilities. Case law from other states shows that ADA lawsuits can result in a costly award of damages and attorney fees in addition to an order that the school district make the structural changes necessary to make the school accessible. Although no lawsuits have been filed, the Kentucky Protection and Advocacy Office, KDE, the Kentucky ADA Coordinator, and the U.S. Department of Education all report receiving some complaints about inaccessible schools in Kentucky.

There are mechanisms in place to encourage compliance in the construction of new buildings.

New Buildings. Buildings built after the effective dates of the Rehabilitation Act and ADA are required to be accessible, and there are mechanisms in place to encourage compliance. Officials and design professionals interviewed by staff reported there is little problem with accessibility of new buildings.

State or local building code offices review all plans and specifications for compliance with the building code, including ADAAG. Buildings are also inspected during construction.

Since the Kentucky Building Code has incorporated ADAAG by reference, all new buildings and major renovations in the state must comply with it. The Kentucky Office of Housing, Buildings and Construction, or a local office in some areas, reviews all plans and specifications for new construction or major renovations. Inspectors check the plans for compliance with the building code, including the incorporated ADAAG. They also regularly conduct inspections of new construction for conformity with the plans and the building code. Any problems that are noted are brought to the attention of the builder and must be corrected before the project may be completed and a certificate of occupancy issued. The builder's contract usually provides that he or she will not receive final payment unless a certificate of occupancy is issued, so there is an incentive to address any problems (Slade).

KDE architects also review plans and specifications for new and altered school buildings. If the plans show clear problems with accessibility, KDE will bring it to the attention of the district and may stop progress on the project.

With school construction, there is an additional layer of review. KRS 162.060 requires that the chief state school officer be provided with all plans and specifications for new school buildings, and additions or alterations of old buildings, to approve or disapprove according to the KDE's rules and regulations. The KDE Facilities Management office employs architects who review schools' plans and specifications for compliance with KDE's

regulations, which do not specifically include accessibility guidelines. However, if the plans show obvious problems with accessibility, such as a lack of an elevator or accessible route, KDE will bring that to the attention of the school district and architect. KDE can and will stop a construction project from proceeding if the plans would not result in an accessible school (Ryles).

The threat of litigation also may encourage compliance.

Finally, there is the threat of litigation to encourage compliance with the disability laws. Both ADA and the Rehabilitation Act allow individuals to sue a school district for building a facility that is not accessible. In turn, districts may sue the design professional for designing a facility that is not accessible. Architects and engineers have a duty to comply with state and federal laws when designing buildings, and failure to do so may constitute malpractice. Architects reported to staff that design professionals are well versed in the requirements of the Rehabilitation Act and ADA and understand their responsibility to design accessible facilities. The U.S. Department of Justice could also bring an enforcement action but that rarely happens. ADA itself does not give authority to state or local officials to file lawsuits or take action to enforce the law.

Disability rights advocates state that new buildings are better but are sometimes inaccessible.

Despite the enforcement mechanisms in place, disability rights advocates state that new buildings are better but are still sometimes inaccessible. It is unclear how the code enforcement system could fail to catch accessibility problems in new buildings. It is also unknown how many such new buildings exist. Once a building is built, the only means of enforcing the laws and correcting accessibility issues is through resolution of complaints by building users filed with the appropriate state or federal agency or as private lawsuits.

States can go beyond federal law as long as federal requirements are not weakened. Kansas has incorporated the ADA into state law and allows state and local officials to enforce the law by seeking injunctions in state court.

Creating Alternate Enforcement Mechanisms. States can go beyond federal law as long as federal requirements are not weakened. At least one state, Kansas, has taken steps to increase compliance with accessibility laws by creating other means of enforcement. Kansas incorporated the federal ADA regulations into state law and allowed cases to be brought in state court. The law allows the attorney general; city, county, or district attorney; or any government agency responsible for enforcement to request an injunction from the local court restraining any individual or corporation from violating the laws. The law specifically gives the court authority to issue an injunction requiring the facility be altered to comply with the law. Because the state board of education is assigned responsibility for enforcement in school facilities, the law gives the state board authority to seek an

injunction against any design professional or builder who may be violating the laws in constructing a school facility.

Kansas law also allows the attorney general or city, county, or district attorneys to seek assessment of a civil penalty and reasonable expenses and investigation fees. The money collected goes to the state general fund if collected by the attorney general and to the city or county general fund if recovered by the city, county, or district attorney.

Kansas law creates additional safeguards to ensure schools are built in compliance with accessibility laws.

Kansas statutes also create additional safeguards to ensure schools are built in compliance with accessibility laws. The statutes

- explicitly require that school buildings comply with accessibility requirements,
- prohibit letting contracts or paying public funds for construction of school buildings unless the building plans bear the seal of a licensed design professional certifying the plans meet the accessibility requirements,
- prohibit letting contracts or paying public funds for construction of school buildings unless the plans were submitted to the state board of education for approval based on compliance, and
- assign responsibility for enforcement of the accessibility laws regarding school facilities to the state board of education through required plan approval.

Recommendation 2.2

If it is the intent of the General Assembly to create other means of enforcement of disability laws, statutory authority could be granted to local or state officials to bring enforcement actions in local courts seeking injunctive relief and civil penalties.

Accessibility of Kentucky Schools

Review of local school building evaluations indicates that at least 184 schools in Kentucky are likely inaccessible to the disabled.

As explained in the description of the facilities planning process, each district is required to hire a design professional to inspect its school buildings and evaluate particular aspects of the buildings on a scale of 1 through 5. Based on that information, along with independent knowledge about the school, KDE officials assign an overall building evaluation, 1 (excellent) through 5 (poor). The building evaluation includes some information relevant to accessibility in the overall score because the age of the building and a few accessibility issues are components of the evaluation and affect the overall category. A KDE official stated that all schools in Category 4 or 5 are unlikely to be accessible to the disabled

(Ryles). Some schools in Category 3 are unlikely to be accessible. There are 184 schools in Categories 4 and 5, and 364 schools in Category 3 (see Table 1.1 on page 9 of this report).

The local evaluations are the best information available but provide little useful information about accessibility. The evaluation form includes 142 elements, only 6 of which are related to accessibility.

These local school building evaluations represent the best collective information available, but they provide little useful information about the accessibility of schools. No local, state, or federal agency inspects schools specifically to evaluate their accessibility to the disabled. The form used by schools to evaluate facilities for planning purposes includes 142 elements to be rated, only 6 of which relate to accessibility. They receive the same weight as all other factors in the evaluation.

An older school in good condition may receive a good evaluation and yet be inaccessible to the disabled. The same can happen with an older school that has a new, accessible wing.

As a result, the category in which a school falls based on the evaluation may provide little information about the accessibility of that building. An older school that is in good condition but is not accessible under ADA guidelines may receive a relatively good evaluation overall. The same can happen with an older school that has a new, accessible wing, while the rest of the school remains inaccessible to the disabled. This can encourage a district to prioritize other renovation or construction work on a building in a worse category without addressing ADA accessibility issues that remain in other buildings.

Recommendation 2.3

The Kentucky Department of Education should revise the evaluation form used to gather information about the condition of school buildings so that it includes more information about the accessibility of a building and is a more sensitive evaluative tool.

In addition to the school evaluations, architects perform detailed cost estimates that lead to the calculation of a district's unmet need. The costs associated with accessibility requirements are added into the total unmet need. It is not prioritized or weighted in any way.

In addition to the school evaluations, architects provide detailed cost estimates that lead to the calculation of a district's unmet need. This includes the calculation of construction costs for all work needed to bring the buildings up to current standards, including the cost of making buildings accessible. The costs associated with accessibility requirements are simply added into the total cost and, therefore, the total unmet need.

The Facilities Planning Process and ADA

The federal disability laws sought to bring about a proactive approach to achieving accessibility.

Both the Rehabilitation Act and ADA sought to bring about a proactive and deliberate approach to eliminating discrimination and achieving accessibility by requiring self-evaluations and transition plans that should have been completed many years ago.

Under the law, school districts should have addressed the issue and devised a plan to make their schools accessible by 1980.

In reality, local districts are aware of their responsibility to comply with the federal laws, but they are balancing competing interests and limited resources to meet the districts' needs.

KDE and local district officials state that, in reality, local districts are aware of their responsibility to comply with the federal laws, but they are balancing competing interests and limited resources to meet the districts' needs. Some districts may not have enough resources available to make needed structural changes. Some districts may not have made accessibility a priority because of competing needs. Officials involved in the planning process have stated that providing accessibility is not always a high priority for local boards and superintendents because they may not have any disabled students at the time and other types of renovation or construction projects may have greater public support or seem more urgent.

School districts must select a local planning committee to develop a Master Educational Facility Plan and a District Facility Plan.

School districts are required to select a local planning committee to develop a Master Educational Facility Plan that profiles the overall program needs of the district. According to the Office of Education Accountability's 2006 report, this requirement is not enforced (Commonwealth. Legislative 66). Each district is also required to have a District Facility Plan that lists the district's needed construction projects and prioritizes them. KDE regulations provide guidelines and describe the procedures for developing these plans.

Regulations governing the planning process do little to raise awareness of accessibility needs and to encourage local planning committees to make accessibility a priority.

The regulations do little to raise awareness of accessibility needs and to encourage local planning committees to make accessibility a priority. The regulations require the committee to consider the evaluation of existing buildings, but provide little information about accessibility. The information that is provided about accessibility is included as just one factor among many. Nothing in the regulations specifically requires the local planning committee to address compliance with ADA in developing the district plan.

The Kentucky Master Educational Facility Plan Guidelines do not mention the need to consider federal disability laws and the population of disabled students in developing a facility plan.

The Kentucky Master Educational Facility Plan Guidelines provide information to the local planning committee to develop the Master Educational Facility Plan and the District Facility Plan. The guidelines direct the committee to consider various factors in developing the district's needs and resolutions but do not mention the need to consider federal disability laws and serving disabled students when developing a facility plan.

The Kentucky School Facilities Planning Manual defines the makeup of the local planning committee and outlines its responsibilities. It requires a superintendent to attempt to ensure

that the composition of the committee "represents local age, gender, and ethnicity in their proportionate levels." It does not mention representing disabled persons through committee membership. Similarly, the manual describes the responsibilities of the commission and lists the minimum information it must consider, but there is no mention of the need to consider federal disability laws and the population of disabled students in developing a facility plan.

Recommendation 2.4

The Kentucky Department of Education should amend its Master Educational Facility Plan Guidelines and School Facilities Planning Manual to require local planning committees to consider federal disability laws and the district's responsibility to serve disabled students when developing the Master Educational Facility Plan and the District Facility Plan.

In recent years, Fayette County has been systematically addressing accessibility problems through renovations to its schools.

At least one district has recently made accessibility a priority. In recent years, Fayette County has been systematically addressing accessibility problems through renovations to its elementary and middle schools. A Fayette County official stated that other goals of the District Facility Plan were given consideration, but ADA accessibility was a priority. ADA upgrades were only done in those schools that were not within one to two years of renovation or replacement, and the upgrades were paid for out of the district's maintenance budget, not out of restricted funds. The district official noted that because of the size of the district and the involvement of community members with the schools, there was public pressure to make schools accessible to the disabled (Browning).

Other, smaller districts have less money available to make schools accessible and may have less public pressure to spend the money necessary. In one small district contacted by staff, there is one student in a wheelchair. The district has been moving classes and renovating schools as needed as the student moves through the system. That district installed an elevator in its high school this summer to make it accessible.

Some districts make their programs accessible by sending the disabled student to a different school.

Some districts make their programs accessible by sending the disabled student to a different school. A district can spend money to make one or a few schools accessible and send disabled students to those schools. This approach is not ideal since it can mean that students are segregated or may have to travel farther to school. It is not, however, inconsistent with the laws so long as the students can

still participate in all programs available to students who are not disabled.

Growth Districts

In addition to other requirements to levy the growth nickel, districts' average daily attendance must increase by 150 students and 3 percent over a 5-year period.

KRS 157.621 states the requirements a school district must meet in order to levy the growth nickel. Among other statutory criteria, districts must have growth that exceeds 150 students during the past 5 years and this growth must be equal to or greater than 3 percent. The percentage growth is calculated by taking the difference between the average daily attendance in the current year and 5 years earlier. This difference is then divided by the average daily attendance from 5 years earlier.

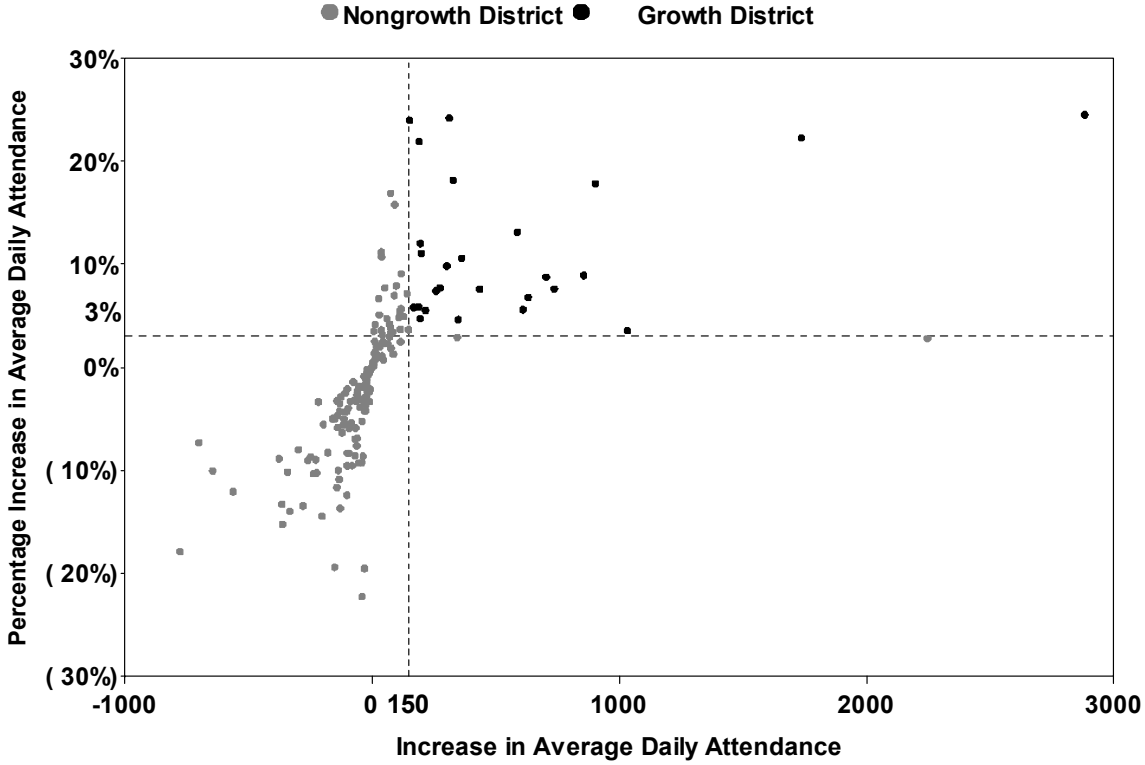
Patterns of Growth

Figure 2.A shows districts' 5-year increases in average daily attendance and percentage increases in average daily attendance. The growth benchmarks of 3 percent and 150 students are shown in the figure by the dashed lines. Districts with growth that exceeds these benchmarks are shown in black; districts that do not meet these benchmarks are shown in gray. It should be noted that the figure shows districts that meet the attendance benchmarks based on average daily attendance for the 2000 to 2005 period. It does not indicate the districts that levy the nickel or that have qualified as growth districts based on different 5-year time periods.

Some districts have growth just below the required benchmarks to levy the growth nickel.

The figure indicates that some districts meet one of the benchmarks, but not the other. Some districts have growth just below one of the benchmarks. For example, Jefferson County's average daily attendance increased by more than 2,200 students, well above the required growth of 150 students. But because Jefferson County has a large number of students, this growth is small in percentage terms. With 2.8 percent growth, Jefferson County would not qualify as a growth district. Mercer County experienced relatively high percentage growth at 7 percent, but with an increase of 142 students would not qualify as a growth district based on this 5-year period. Table 2.1 provides a list of the districts meeting the growth benchmarks for the 2000 to 2005 period.

Figure 2.A
School Districts' Growth in Average Daily Attendance From 2000 to 2005



Source: Staff calculations based on end-of-year average daily attendance from Commonwealth. Department.

Table 2.1
Districts Meeting the Growth Benchmarks (2000 to 2005)

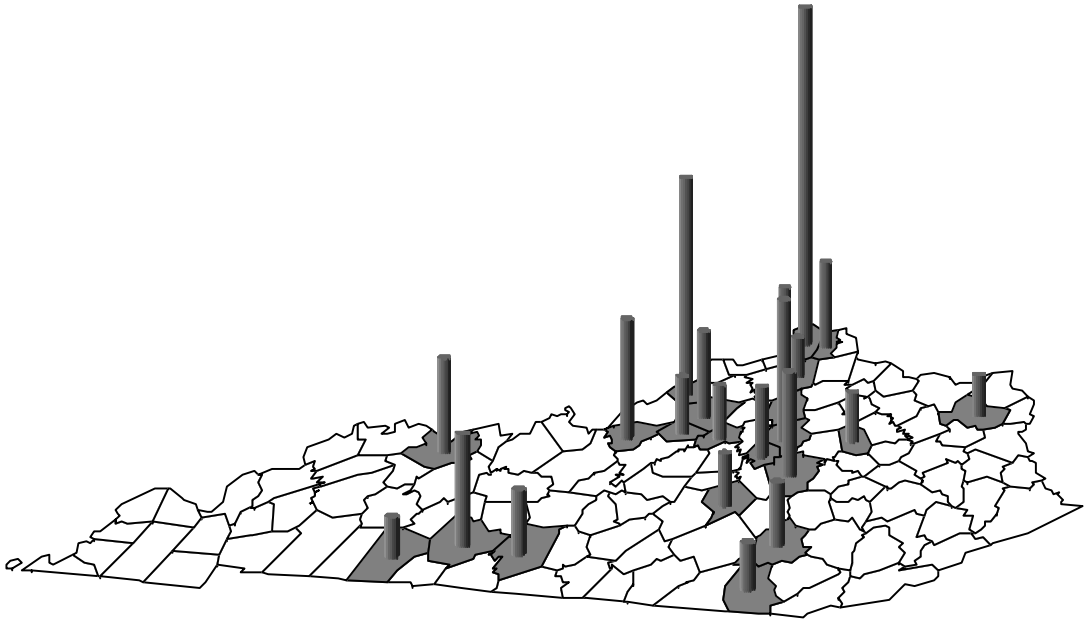
District	2005 Average Daily Attendance	5-year Increase	5-year % Increase	District	2005 Average Daily Attendance	5-year Increase	5-year % Increase
Anderson	3,388	304	10%	Lincoln	3,841	276	8%
Bardstown	1,838	198	12%	Logan	3,071	170	6%
Barren	3,799	365	11%	Madison	8,740	706	9%
Boone	14,622	2,884	25%	Montgomery	3,766	261	7%
Bullitt	10,450	858	9%	*Murray*	1,608	314	24%
Carter	4,326	197	5%	Oldham	9,527	1,737	22%
Corbin	2,014	201	11%	Scott	5,971	905	18%
Daviess	9,932	634	7%	Shelby	5,068	590	13%
Fayette	30,100	1,035	4%	Spencer	2,138	329	18%
Grant	3,399	189	6%	*Walton-Verona*	1,072	193	22%
Jessamine	6,183	437	8%	Warren	10,405	739	8%
Kenton	11,495	612	6%	Whitley	4,137	218	6%
Laurel	7,863	351	5%	*Williamstown*	796	154	24%

Note: Independent districts are in italics.
Source: Staff calculations based on end-of-year average daily attendance from Commonwealth. Department.

Boone and Oldham Counties stand apart based on the combination of percentage growth and growth in the number of students.

Figure 2.B shows the location of county districts that met the growth requirements to levy the nickel based on the change from 2000 to 2005 and shows the amount of increase in average daily attendance.[1] The schools with the largest growth from 2000 to 2005 were Boone County and Oldham County. Boone County's average daily attendance increased by nearly 3,000 students (25 percent). Oldham County's average daily attendance increased by more than 1,700 students (22 percent). Attendance for all of Kentucky's school districts during this time period grew by 1.5 percent.

Figure 2.B
Increase in Average Daily Attendance From 2000 to 2005 for County Districts Meeting Growth Criteria



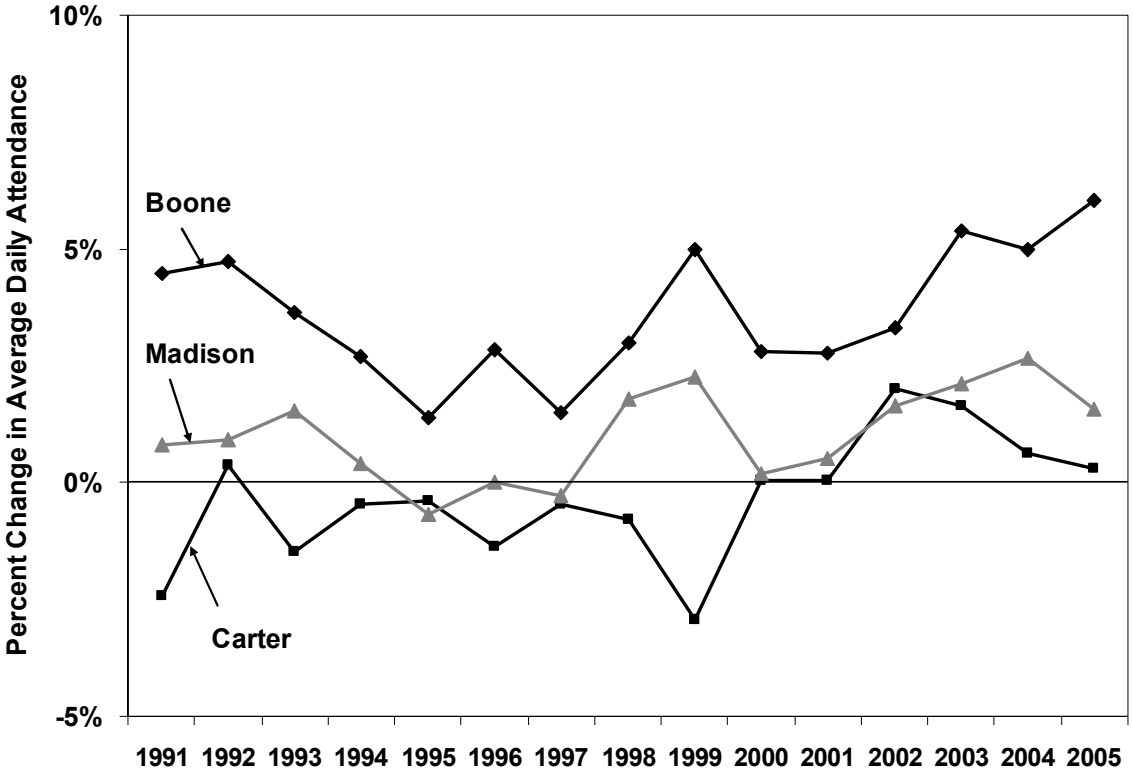
Source: Staff calculations based on end-of-year average daily attendance from Commonwealth. Department.

[1] The figure shows only county districts because including independent districts within counties makes the bars showing growth illegible for both types of districts. Jefferson County experienced the second-largest amount of growth with respect to the number of students, but it is not shown in Figure 2.B because its percentage growth was under 3 percent.

Figure 2.C shows the annual percentage growth rates for three of the growth districts over several years. It should be noted that the rates in this figure represent the annual percentage increase rather than the percentage increase over a 5-year period. The growth exhibited by these three districts show some of the different types of growth patterns districts experience.

Some counties tended to experience steady growth over time, similar to that of Boone County. The steady growth experienced by these districts would tend to place continual pressure on school facilities. Other counties exhibited growth similar to that experienced by Madison County. Average daily attendance in Madison County has generally increased over the past few years, but the rate of growth is variable from year to year, with some years showing little growth. Districts with this type of growth would likely also face continual pressure to expand school facilities, with the pressure being greater in some years and less in others.

Figure 2.C
Annual Growth Rates for Three Districts
(Boone, Madison, and Carter)



Source: Staff calculations based on end-of-year average daily attendance from Commonwealth. Department.

In some districts, temporary growth can occur that might put pressure on school districts to increase their facilities. In 2002, average daily attendance in Carter County increased for the first time in several years. This growth has since tapered off. This type of growth is distinct from that experienced by districts like Boone or Madison Counties. This type of growth would suggest a temporary increase, perhaps due to a large employer locating in the area. If sufficient facilities were unavailable to address this growth, additional capacity might need to be added. Once the need for additional capacity was addressed, it would not necessarily be an ongoing issue for the district.

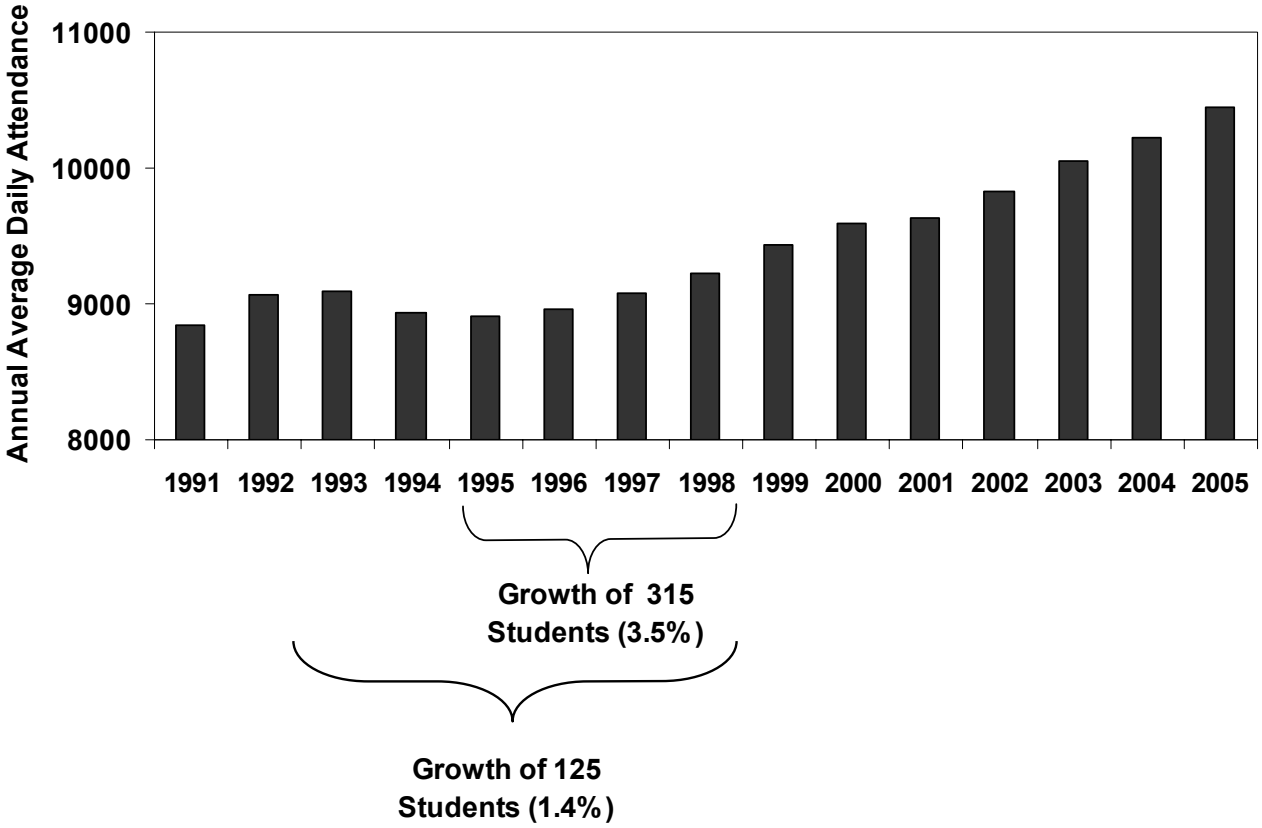
Districts may have to find temporary solutions to address the growing student population until the additional revenues are received.

KRS 157.621 allows districts to levy the growth nickel initially based on growth that has already occurred over a 5-year period. Districts might have to find temporary solutions to address the greater number of students until the revenue is collected and additional capacity is built. In some instances, however, it may be possible to identify the growth districts earlier.

Some districts grow by more than 150 students and 3 percent before 5 years. Bullitt County is an example of this. According to the data on average daily attendance reported for SEEK, attendance decreased in Bullitt County in 1994 and 1995. Enrollment began to increase in 1996. By 1999, attendance in Bullitt County had increased sufficiently over the prior 5 years that the county met the growth requirements to levy the nickel.

As shown in Figure 2.D, if the growth requirements were applied over a shorter time period, Bullitt County might have qualified for the growth nickel one year earlier. In 1998, Bullitt County did not qualify because the growth over the prior 5 years was only 125 students or approximately 1.4 percent. Over just the prior 3 years; however, Bullitt County grew by 315 students or approximately 3.5 percent. Therefore, it would have qualified if only 3 years of growth were considered. This is caused by the decrease in average daily attendance that occurred in 1994 and 1995.

Figure 2.D
Average Daily Attendance in Bullitt County



Source: Staff calculations based on end-of-year average daily attendance from Commonwealth. Department.

Another option is to use an approach similar to the method used to allocate state transportation funds under SEEK. Under this formula, the average daily attendance at the end of the last year is adjusted to reflect growth that occurs during the first 2 months of the school year. The following hypothetical example shows how this calculation would be made. Average daily attendance is measured approximately 2 months after the 2007 school year begins. If average daily attendance as measured at the beginning of

2007 grew by 6 percent compared to the corresponding 2-month period in 2006, this 6 percent growth rate can by applied to the average daily attendance measured at the end of 2006. These average daily attendance projections could be used to determine whether the school district would meet the growth requirements to levy the additional nickel before the end of the 5-year period.

Time Period	Attendance
First 2 months of 2006	1000
First 2 months of 2007	1060
Percent Growth	6%
End of 2006	1100
Projected for 2007 (1100 x 1.06)	1166

Any approach to determine growth districts can result in districts being able to levy the additional nickel that in the end do not experience the sustained growth.

Any approach used to determine future facility needs has the potential to allow some districts to qualify as growth districts that might not have sustained growth over the long term. For example, a district may not grow as fast during a given year as what the average daily attendance measured at the beginning of the school year might suggest. Alternatively, some districts might grow faster during the year than what their beginning-of-year growth rate suggests. Looking at past data, it appears that in most instances using the beginning-year average daily attendance growth would correctly identify schools that eventually qualified. This technique, however, results in a few districts, typically three or fewer in the 2000 to 2005 period, appearing to qualify that ultimately did not.

Looking at growth over time does not necessarily address whether additional facilities are needed.

Simply looking at growth in average daily attendance does not necessarily address whether additional capacity is needed. Enrollment in some districts increases and decreases. Districts might meet the growth requirements to levy the growth nickel when average daily attendance increases after an earlier decline. For example, in 1998, average daily attendance in Russell County peaked at 2,588 students and decreased over the next 3 years to 2,436. Since 2001, enrollment in Russell County increased to 2,569, and the district may soon meet the growth requirements to levy the additional nickel. Although the district's average daily attendance is growing, it has not yet reached its 1998 level. If facilities were built to adequately address the growth that occurred in the late 1990s and these facilities still exists, additional capacity might not be needed.

Funding of Growth Districts

Growth districts raise more of their own revenue than other districts. In FY 2005, their local share of total facilities funding was 63 percent. In other districts, the local percentage was 35 percent. Growth districts' average unmet facilities need per pupil is less than for other districts.

The primary response from the state to the needs of growing districts has been to authorize the districts to raise additional local revenue through the growth nickels. In FY 2005, 26 districts were eligible to levy the growth assessment. Eighteen of the districts levied the second growth nickel and received equalization. As shown in the Office of Education Accountability's report, the issue in regard to funding of growth districts is the composition of the funding. As a group, for the districts that levied at least one growth nickel in FY 2005, the local share of state and local facilities funding was 63 percent. Overall, for the 150 districts that did not levy a growth nickel, the local percentage was 35 percent.

As part of the planning process, the total and unmet facility needs of districts are calculated. Table 2.2 reviews the facility needs and revenues of growth districts for 2004 and compares them to those of nongrowth districts.

Table 2.2
Districts' 2004 Per-pupil Facility Needs and Revenues

	Average Per-pupil Unmet Need	Average Local Revenue as a Percent of Total Need	Average Unmet Need as a Percent of Total Need
Growth Districts	$2,870	43%	57%
All Other Districts	$4,746	10%	90%

Data are based on 2004 SFCC Offers of Assistance made December 2005.
Source: Commonwealth. Legislative 25 (Office of Education Accountability's staff calculations of KDE local available revenue and unmet need data).

The table illustrates that growth districts' average unmet need per pupil is approximately $1,900 lower than that of other districts. A higher percentage of other districts' total need was classified as unmet. In sum, growth districts have lower unmet need than other districts, but they raise more of their own revenue to accomplish this.

Addressing the Needs of Growth Districts

An approach of this Program Review report has been to review relevant best practices and identify helpful practices in other states. This approach was useful in developing recommendations related to school facilities in general and accessibility. Because national laws establish accessibility requirements for the entire U.S., best practices and looking at other states are useful because there is a common issue. Such an approach was less helpful for dealing with growth issues because states' circumstances are different.

Residents and officials in growth districts would welcome more assistance from state government. But that would be true for other types of districts as well. Unless the total amount of funding for facilities is increased, addressing the needs of rapidly growing districts could come at the expense of other districts. This qualifies as a policy decision to be addressed by the General Assembly.

There may be options for addressing the needs of growth districts that are not directly related to the total amount of funding. However, proceeding along this line requires more information about the specific needs of growth districts.

That said, there may be options for addressing the needs of growth districts that are not directly related to the total amount of funding. However, proceeding along this line requires more information about the specific needs of growth districts. First, it would be helpful if more was known about the needs of different types of districts. As noted earlier, Boone County and Oldham County appear to stand apart if percentage change and change in the number of students are considered. Do these "supergrowth" districts have needs beyond those of other growth districts? Some districts grow significantly in percentage terms, but not in total attendance. They may not even qualify as growth districts based on the statutory definition. Do districts that are high growth only in percentage terms have needs that are not being addressed?

Second, this would do nothing to help current growth districts, but alternatives to the current 5-year, 3 percent/150 student requirement could be explored to see whether identifying future growth districts earlier would be feasible. Hopefully, improved long-range planning can help local and district officials identify needs related to changes in enrollment further in advance.

The evaluation of school facilities mandated by the 2006-2008 Budget Memorandum is to include consideration of adding weights for student growth, among other factors. Information gathered from the School Facilities Task Force convened for the evaluation should provide a useful perspective on the needs of growth districts. The report on equity of facilities funding being done for the evaluation should provide context for funding for districts with special circumstances such as rapid growth.

Chapter 3

Best Practices for School Facilities

This chapter identifies best practices related to planning for school facilities. Best practices for assuring access to facilities for the disabled are integrated with those for school facilities in general. The chapter concludes with examples of how six states encourage accessibility of school facilities.

The initial cost of a school includes the costs to design and build it. The total cost includes the long-term costs of operating and maintaining the facilities. Use of available best practices by facility planners is critical to develop and implement practices that are economically efficient and that result in high-quality, high-performance schools providing equal opportunity for all children to learn.

Many states are reforming the way they plan, design, construct, and maintain school facilities.

Education has always been seen as a critical responsibility of state and local governments. However, an increasing focus on equity of access to educational resources and accountability for results has resulted in many states reforming the way they plan, design, construct, and maintain school facilities.

Best practices for school construction facilities include

- long-term planning for future needs for new construction and improvements, as well as evaluating existing facilities;
- linking facilities to educational goals;
- categorizing schools for priority planning and funding purposes; and
- evaluating programs, as well as building designs, to ensure that facilities provide an equal learning environment for all children.

Recommended Policies for School Facilities

The Building Educational Success Together (BEST) collaborative recommends that a state require school districts to have policies in six major areas: creating an educational facilities master plan, coordinating planning for school facilities with other local planning, having a comprehensive maintenance plan, having an integrated capital improvement plan, sharing of facilities, and having an open public process.

In 2001, school facility and community groups created Building Educational Success Together (BEST), under the leadership of the 21st Century School Fund and with support from the Ford Foundation. BEST recommends that a state require school districts to prepare and develop policies in six major areas: 1) creating an educational facilities master plan, 2) coordinating planning for school facilities with other local planning, 3) having a comprehensive maintenance plan, 4) having an integrated capital improvement plan, 5) sharing facilities, and 6) having an open public process for decisions related to school facilities. BEST also recommends that the state provide technical assistance for local school districts.

The BEST recommendations were chosen as the basis for this section of the report because they were particularly well articulated and specific enough to provide useful guidance but general enough to reflect widely shared views of planning for facilities. For example, BEST recommendations are consistent with the principles in *Schools as Centers of Community* and recommendations from more specialized groups such as the Sustainable Buildings Industry Council.

The BEST recommendations were chosen as the basis for this section of the report because they were particularly well articulated and specific enough to provide useful guidance but general enough to reflect widely shared views of planning for facilities. For example, education consultant and SchoolFacilities.com columnist Franklin Hill's "exploration phase" would encompass the BEST recommendations to coordinate with other local planning entities and share facilities. The BEST recommendation for a long-term facilities master plan is consistent with Hill's advice to define needs and to understand that the educational program is critical to planning for facilities. His recommendation for involving the community and his rationale for doing so are similar to the BEST recommendation for making facilities planning a more public process.

The 2003 report *Schools as Centers of Community* articulated six principles.

School learning environments should:
1) enhance teaching and learning and accommodate the needs of all learners;
2) serve as a center of the community;
3) result from a planning and design process that involves all community interests;
4) provide for health, safety, and security;
5) make effective use of available resources; and
6) be flexible and adaptable (Bingler 5).

According to the report, the principles have been affirmed by the U.S. Department of Education's 1998 National Symposium on School Design and "endorsed by the American Institute of Architects; the American Association of School Administrators; the Council of Educational Facility Planners, International;

and the Construction Managers Association of America" (Bingler 5).

The BEST-recommended facilities master plan is consistent with principles 1, 4, 5, and 6. The BEST recommendations to coordinate planning and share facilities are consistent with principle 2. Finally, principle 3 is equivalent to the BEST recommendation for a public process.

Recommendations from more specialized groups are also consistent with the BEST recommendations. For example, according to the Sustainable Buildings Industry Council, the characteristics of a high-performance school building are that:

- "It is healthy and productive for students and teachers…" providing "…acoustic, thermal and visual comfort, large amounts of natural daylight, superior indoor air quality, and a safe and secure environment."
- "It is cost effective to operate and maintain…;" its design optimizes energy performance, uses a life-cycle cost approach, and includes "a commissioning process that ensures the facility will operate in a manner consistent with design intent."
- "It is sustainable," which includes efficient use of energy and water (Evans 3).

All three characteristics are supportive of the BEST recommendations for a facilities master plan, a maintenance plan, coordinated planning, a capital improvement plan, sharing of facilities, and the need for technical assistance from the state.

In the following section, each of the seven BEST-recommended policies is discussed. As appropriate, recommendations are made for Kentucky's school facilities program. For each of the BEST policy recommendations for which at least one state provides especially useful guidance, state examples will be discussed. Additional state examples are included in Appendix B.

1. Long-range Educational Facilities Master Plan

The first recommendation from BEST is that states should mandate that school districts prepare a long-range—at least 10-year—educational facilities master plan. There should be annual revisions and updates in a standardized format. The state department of education is charged with reviewing and approving the plans.

The first recommendation from BEST is that states should mandate that school districts prepare a long-range—at least 10-year—educational facilities master plan. There should be annual revisions and updates in a standardized format. The state department of education is charged with reviewing and approving the plans.

BEST provides a list of information that is typically included in such a long-range plan:

- educational goals, standards, and guidelines;
- educational instructional programs and services;
- the capacity in the existing schools and their utilization;
- community analysis, including current and project demographics, land usage, transportation plans, residential and commercial development, private schools, plans for water and sewage service expansion and/or development, and institutions of higher education;
- an educational facility inventory and an assessment of the building conditions;
- historical and projected enrollment data;
- an analysis of the facility needs and requirements of the district (based upon the data and information);
- the consideration of options for addressing the needs and requirements;
- identified potential sources of funding for implementation; and
- a description of the process, procedure, and timeline for community participation in the development of the plan (Building 5-6).

Kentucky's school districts do engage in long-range planning. The concern is that the plans should be updated regularly and be comprehensive enough to encompass many of the elements above.

A thorough, long-range plan is a prerequisite to the development of a good capital improvement plan that sets priorities, establishes timeframes, estimates costs, and determines funding sources.

A thorough, long-range plan is a prerequisite to the development of a good capital improvement plan that sets priorities and establishes timelines for projects, as well as includes cost estimates and possible sources of funding for each project. The educational facilities master plan takes into consideration elements that can affect the future needs of the school community. It requires gathering data and doing the background work that are later used to prioritize projects in the capital improvement plan. It also helps ensure that school districts are using resources efficiently.

If it is the intent of the General Assembly that there should be a state standard for facilities, a statewide inventory and educational facilities assessment would be needed for the necessary statewide long-range planning. An inventory of the facilities and their conditions is also necessary for a comprehensive maintenance plan.

An ADA facility master plan could be integrated with the educational facilities master plan.

Creating an ADA Facility Master Plan. According to the owner of a firm specializing in accessibility compliance, there are five steps involved in creating an ADA master plan:

1) Determine existing conditions. Complete a comprehensive ADA audit or survey of existing facilities.
2) Summarize and analyze findings. Determine impact of barriers, alternatives for providing access, and probable costs. Recording this information on a spreadsheet or in a data base is helpful for future use.
3) Integrate ADA information into long- and short-range facilities planning. Include a record of barrier removal projects completed, with final costs.
4) Prioritize barrier removal. Using drawings and accessibility data, determine where the greatest barriers are. Follow the ADA's recommendations for barrier removal priorities and complete work in conjunction with facility alterations projects.
5) Review ADA plans annually and update information to include in annual facility project budgets. Update ADA long-range master plan accordingly (Batchelder).

Recommendation 3.1

The Kentucky Department of Education should require that each school district prepare a comprehensive, long-range educational facilities plan that is regularly updated. The plan should encompass achieving and maintaining compliance with the Americans with Disabilities Act and providing access to the disabled. Each district's long-range facilities plan should be coordinated with its capital improvement plan and should be approved by the department.

Comprehensive, updated long-term plans at the district level could provide the information needed for a statewide inventory system and a statewide long-term needs assessment. Regardless of whether statewide facilities standards are adopted, such information would be useful for accountability. Such information would also be helpful to state policy makers as they consider the needs of particular types of districts, for example, districts with increasing or declining enrollments.

Recommendation 3.2

The Kentucky Department of Education should conduct and update regularly a statewide inventory and an assessment of long-term educational facilities needs.

West Virginia is an example of a state that practices long-range planning for educational facilities. The state has specific guidelines on how to develop educational specifications that become part of the countywide comprehensive educational facilities plans.

Example for Long-range Planning: West Virginia. West Virginia is an example of a state that practices long-range planning for educational facilities. "Facilities plan" is defined in state law as a 10-year countywide comprehensive educational facilities plan (CEFP), established by the county board in accordance with guidelines and adopted by the School Building Authority (West Virginia Code, Article 18-9D). The plan must be approved by the building authority and the state board of education. The plan, which is updated annually, must include all projects that alter the instructional square footage of the facility or exceed $50,000 regardless of funding sources. Routine maintenance plans are separate.

The facilities planning process includes

- creating a CEFP planning team and committees representing citizens and staff,
- making up-to-date projections of student enrollment,
- developing countywide goals and objectives and evaluating the previous 10-year plan,
- researching and compiling data indicated in key elements of the program,
- translating educational needs into facility needs,
- developing a finance plan to implement the facility improvements,
- conducting public hearings and developing a synopsis of public comments,
- developing objective methods for evaluating the effectiveness of the plan,
- meeting with an official of the School Building Authority and state Department of Education to assure that the plan meets its mission and goals,
- submitting the proposed CEFP to the local education board for approval, and
- submitting the CEFP to the state Board of Education and School Building Authority for approval.

West Virginia has guidelines on how to develop educational specifications that become part of the CEFP. There are several areas that must be described by the local education authority. For example, descriptions for special environmental provisions that would improve the learning environment are required. The architect is responsible for translating the ADA educational program specifications included in the plan into building design specifications.

For school closures in West Virginia, the local school board must provide a written statement that includes data on enrollment and facilities.

For school closures, the local school board must provide a written statement that at least includes data on enrollment and facilities. This includes trends in population changes and characteristics, enrollment projections, and an explanation of the projection method used.

New Jersey is an example of a state that incorporates planning for accessibility for the disabled into long-range planning for educational facilities.

Example for Planning for Access for the Disabled: New Jersey. New Jersey, through the state Department of Education's Office of School Facilities, is one of the first states to oversee best practices for disabled children in long-range facilities planning.

The Education Law Center and Center for Architecture and Building Science Research assisted New Jersey school districts in school facilities planning. They prepared the 2005-2010 Long Range Facility Plan, which enables New Jersey schools to comply with laws and use best practices for efficiency and effectiveness. New Jersey's plan promotes universal design, which takes into account everyone's facility needs, including persons with disabilities.

With the development of the long-range plan, it was recognized that most districts engaged in little or no planning for students with disabilities. At a statewide conference on planning for students with disabilities, school districts responded positively and requested more information. In response, the Education Law Center prepared the *Long Range Facilities Planning And Design Implementation For Students with Disabilities: A Guide for New Jersey Schools Districts* (Lowenkron). The guidelines provide tools that the school districts review in developing their long-range facility plans to meet the needs of students with disabilities. The guide includes the supplement "Summary Guidelines for School Design to Include Children with Disabilities," which provides guidance in planning, designing, and constructing and renovating schools to accommodate children with disabilities (Olsen).

2. Coordination of School Facilities Planning With Other Local Planning

The second recommendation from BEST is that states require school districts to coordinate facilities planning with other local planning.

BEST recommends that states "require school districts to develop methods and procedures to coordinate school district facility planning with local governments and related comprehensive community plans" (Building 6).

The purpose of the recommendation is to ensure that planning for schools is coordinated with local and regional planning efforts that

consider the quality, affordability, and geographic distribution of schools based on community needs.

Information developed and maintained by local governments can assist local school districts in facilities planning. Relevant local planning information includes that for transportation, parks and recreation, shopping areas, industrial development, sewer lines, and water lines. Effective coordination between school district and community planners that results in the successful rehabilitation of an older school or the placement of a new one also benefits communities.

The kind of long-range facilities plan considered in Recommendation 3.1 above would encompass coordination of school facilities planning with other local planning.

3. Comprehensive Maintenance Plan

BEST recommends that states require school districts to develop comprehensive maintenance plans.

BEST recommends that each school district be required to develop a comprehensive maintenance plan that is revised annually. It also recommends that the state education department should verify implementation of the plan (Building 7).

Preventive maintenance is a popular topic across the country. Proper maintenance of school buildings and building systems preserves the value of the capital assets and prolongs usefulness. Well-maintained buildings are more energy efficient and save the school district money in the long run. Most importantly, a well-maintained building promotes safety and health for students and provides a positive learning environment.

Developing a comprehensive maintenance plan is necessary in order to prioritize needs, to determine the best timeframe for repairs, and to provide for funding.

Developing a comprehensive maintenance plan is necessary in order to prioritize needs, to determine the best timeframe for repairs, and to provide for funding. According to BEST, such a plan includes

- staffing and their respective activities and responsibilities;
- services provided by school district staff and those that are performed under contract;
- an inventory of the facilities and their condition;
- a schedule for preventive maintenance for various building systems and/or components as well as a schedule for potential replacement;
- the process and procedure for unscheduled maintenance and the handling of work orders;

- a description of scheduled and/or unscheduled maintenance work that has been deferred due to lack of funds or personnel and/or changes in priorities; and
- budget information for the overall operation of the maintenance department and the implementation of the plan (Building 8).

Recommendation 3.3

The Kentucky Department of Education should require each school district to prepare a comprehensive maintenance plan. The plan should encompass complying with the Americans with Disabilities Act and providing access to the disabled.

In Arizona, each school district is responsible for developing routine and preventive maintenance guidelines for its facilities.

Example: Arizona. As required by its legislature in 2002, the Arizona School Facilities Board completed the "Preventive Maintenance Guidelines" the following year. A school district is authorized to use up to 8 percent of its annual building renewal allocation for routine preventive maintenance, but this may not supplant maintenance expenditures from other sources. Each school district is responsible for developing preventive maintenance guidelines for its facilities. There are several checklist items within seven major components listed in the "Preventive Maintenance Guidelines," each given a specific life cycle: heating, ventilation, and air conditioning; roofing; surfaces; electrical; plumbing; special systems; and special equipment (State of Arizona).

Each Arizona school district is required to submit a one-page compliance statement annually to the school facilities board. Board staff inspect buildings at least every 5 years.

Each school district is required to submit a one-page compliance statement annually to the School Facilities Board that is signed by the maintenance manager and the superintendent. School Facilities Board staff inspect school buildings at least once every 5 years to ensure compliance with the guidelines, inspecting a certain number each year.

4. Capital Improvement Plan

BEST recommends that each school district be required to prepare a capital improvement plan that is aligned with the district's long-range educational facilities master plan and comprehensive maintenance plan.

BEST recommends that school districts be required:

> to prepare an educationally, socially, and fiscally responsible Capital Improvement Plan and budget aligned with the long-range educational facilities master plan…, comprehensive municipal plans, and the districts' Comprehensive Maintenance Plans (Building 8).

A capital improvement plan should be based on accurate, relevant, and reliable data that has been collected and analyzed in the long-range educational facility master plan and the comprehensive maintenance plans.

The capital improvement plan could include projects for new construction, additions, major renovations, replacement of buildings systems and/or components, acquisition of future school sites, and purchase or lease of relocatable classrooms. Although the potential sources of funding for implementation are considered and addressed in the educational facilities master plan, the capital improvement plan is what identifies projects with funding and how they will be implemented.

The capital improvement plan could include projects for new construction, additions, major renovations, replacement of building systems and/or componets, acquisitons of future school sites, and purchase or lease of relocatable classrooms.

The capital improvement plan establishes priorities, timelines, cost estimates for each project, and specific potential sources of funding. Once adopted, it becomes the basis for proceeding with detailed planning activities that require expenditures for the capital improvements.

Kentucky facilities planning process includes district-level capital improvement plans. The following recommendation is that the capital plan be integrated with other plans.

Recommendation 3.4

The Kentucky Department of Education should require each school district to prepare a capital improvement plan that uses information from its long-range educational facilities master plan and its comprehensive maintenance plan.

In Maryland, selection of projects is based on criteria from a long-range facilities plan.

Example for Capital Improvement Planning: Maryland. Based on criteria in its long-range facilities plan, Maryland has 6-year "Capital Improvement Program Procedures for Planning Priorities" (Abend). Maryland's Public School Construction Program uses quantifiable planning criteria and assigns numerical scores to determine priority projects. In the process, the highest-priority planned project of each local education authority is identified, assuring that each authority that makes a request for planning approval receives consideration for one project. The local authorities' highest-priority projects are ranked based on numerical scores achieved. Costs for the next fiscal year and subsequent years are approved for planning. It is also determined how the total capital improvement plan is affected.

In Illinois, capital planning incorporates assessment of needs for accessibility.

Example for Incorporating Assessment of Needs for Accessibility: Illinois. The Illinois Smart Growth Assessment of Needs describes accessibility requirements. With few exceptions, all public buildings in Illinois are to be accessible to persons with disabilities. According to the 2005 Capital Needs Assessment Survey, $3.8 billion is needed to upgrade 17,722 existing buildings, and $2.2 billion is needed to meet current health, life, and safety requirements. Under "Type of Work Needed," accessibility needs were estimated at $103.2 million: $58.8 million for pre-kindergarten through grade 8 and $44.4 million for high schools (State of Illinois).

5. Sharing Facilities

The fifth BEST recommendation is that school districts examine opportunities for sharing school facilities with other public entities.

BEST recommends that school districts be required to examine opportunities for sharing school facilities with other public entities such as senior centers, libraries, and parks. This could occur through sharing the same location, being located close together, or other arrangements (Building 9).

In particular, the aging of Kentucky's population provides an incentive for school districts to consider multipurpose facilities. According to the *Report from the National Summit on School Design*:

> As baby boomers begin to retire in massive numbers in the coming decade, it will make little sense for communities to spend $30 million to $50 million to build a new facility that is closed three months of the year and not open to a growing senior citizen population (American Architectural 5).

For example, the city of Gaylord, Michigan, had no auditorium, so when Gaylord High School was built in 1996, it included a performing arts theater that serves the school and the community. According to school officials, community involvement in the planning of the school help ensure passage of the needed school bond referendum (Bingler 5).

Savings of time and money can occur when two school districts or schools within a district have an opportunity to share a facility. Potential cost savings include site acquisition, design fees, construction or renovation costs, operating expenses, and maintenance expenses.

Recommendation 3.5

The Kentucky Department of Education should encourage school districts to examine opportunities for sharing facilities with other districts and with other public entities within the district.

In Washington, it is mandatory for school districts to examine opportunities for sharing school facilities.

Example: Washington. In Washington, it is mandatory for school districts to examine opportunities for sharing school facilities. Each school district applying for state assistance for new construction must conduct a survey of suitable school facilities in contiguous school districts that are unused or underutilized (WAC-180-25-70 to WAC 189-25-090).

Available space in a contiguous school district may not necessarily meet the needs of the applicant district. Further, the district may not reach an agreement with another district. However, a documented result of surveys and substantial evidence to support a lack of an agreement is necessary for a district not to use available facility space. The superintendent of public instruction must approve all state assistance to local boards of education.

6. Public Process

BEST recommends that districts be required to provide an open public process for decisions related to school facilities.

BEST recommends that districts be required to provide an open public process for decisions related to "school renovations, school additions, school replacements, new schools, school closings and consolidation, the disposition of surplus schools and/or property, site selection, and school design features and components" (Building 10).

Kentucky's school facilities program does encourage an open public process when making site and school-specific decisions concerning facilities planning, new construction, consolidations, and school closings. However, if the preceding recommendations to require long-term plans that include attention to accessibility, to cooperate with other local planning entities, and to share facilities are to be implemented effectively, the need for public involvement in the school facilities process will be even more critical.

7. Technical Assistance

The final BEST recommendation is that states provide technical assistance to school districts.

BEST recommends that a

> state department of education should provide technical assistance to school districts in developing plans and implementation procedures and processes to effectively and efficiently plan, design, construct, operate, and maintain the public school sites and buildings within their jurisdiction and sphere of responsibility (Building 11).

The evidence suggests that overall the Kentucky Department of Education does a good job providing technical assistance to local school districts. However, many processes related to school facilities planning may change significantly in the near future. The Legislative Research Commission's Office of Education Accountability's 2006 report made 23 recommendations related to finance, maintenance, planning, and procedures. At this point, the final recommendations of the School Facilities Task Force are unknown, but the recommendations could be wide ranging and significant. Given the dynamic state of school facilities policy in Kentucky, the department's role in providing guidelines for districts and assisting them in implementing changes will be more critical than ever. It is feasible that more resources and technical staff will be needed for the department's Division of Facilities Management.

Recommendation 3.6

The Kentucky Department of Education should provide sufficient technical assistance to school districts to ensure that all are in compliance with guidelines for facilities.

In Connecticut, the School Facilities Unit reviews school construction documents for completeness and conformity. The unit provides guidelines to school districts that facilitate cross-referencing of code requirements.

Example for Technical Assistance: Connecticut. In Connecticut, the School Facilities Unit of the State Department of Education is responsible for reviewing and approving school construction documents for completeness and conformity. The unit has developed "Construction Document Guidelines" that provide technical assistance for school districts and design professionals. The guidelines cover general code requirements and eligibility. They also include a master list that facilitates cross-referencing of code requirements by design professionals and local code enforcement officials. The general code specifically lists the deadline for compliance with ADA, as well as Section 504 of the Rehabilitation Act, and Title IX.

Compliance with the Americans with Disabilities Act: A Self-Evaluation Guide for Public Elementary and Secondary Schools, compiled by the U.S. Department of Education, is a useful tool for school systems.

Best Practices Guidelines for ADA Compliance. In 1995, the U.S. Department of Education compiled best practice ADA guidelines for use in the public school systems. *Compliance with the Americans with Disabilities Act: A Self-Evaluation Guide for Public Elementary and Secondary Schools* is designed to help public school systems comply with provisions of the Rehabilitation Act and ADA. It was developed by the department's Office for Civil Rights in cooperation with Adaptive Environments, Inc. The guide presents a comprehensive process for planning procedures to ensure compliance with the laws, conducting the required self-evaluation and transition plan, and making modifications as needed. Worksheets are provided to assist school officials in the self-evaluation process. They are basic best practice guides and should be adapted to fit a school district's specific requirements, programs, and administrative structure.

Recommendation 3.7

The Kentucky Department of Education should provide guidelines and technical assistance to local school districts to ensure compliance with safety and accessibility standards. *The Compliance with the Americans with Disabilities Act* guide is an example of a tool that could be used to assist school districts in complying with ADA and providing access to the disabled.

In Illinois, the School Construction Program offers assistance to school districts that demonstrate a need to replace or construct buildings based on priorities, one of which is accessibility needs.

Example for Technical Assistance for Accessibility: Illinois. The School Construction Program offers assistance to school districts that demonstrate a need to replace or construct buildings based on priorities, one being accessibility needs. Technical assistance is provided to schools in the Facility Manual and in a Health/Life Safety Handbook. Each school is required to describe the accessibility status of its building based on four levels of need. The Facility Manual serves as a technical tool in helping school district officials assess their facilities. The handbook provides codes that must be used by schools, which includes accessibility codes.

National Studies on ADA Compliance

Although there have been many articles and guidelines published on ADA requirements and the law, there is no recent national study that provides relevant and reliable information on ADA compliance.

A 1995 study by the U.S. General Accounting Office estimated that spending on accessibility would become the largest share of spending for federal mandates on facilities, passing removal of asbestos. At that time, every state reported spending on accessibility during the preceding 3 years, and more than half the states estimated they would need to spend money to improve

accessibility in the following 3 years. Although there have been many articles and guidelines published on ADA requirements and the law since 1995, there is no recent national study that provides relevant and reliable information on ADA compliance.

Best Practices for the ADA Compliance Process

An ADA consulting firm recommends following an eight-step process for barrier removal in existing facilities.

According to the ADA consulting firm Access by Design, there are eight steps for removing accessibility barriers in existing facilities.

1) Become knowledgeable. It is imperative to have an understanding of the law.
2) Survey existing conditions. Prepare a checklist that identifies existing barriers. A walk-through of the building is necessary. It is important to be accurate and consistent when measuring and recording.
3) Summarize the results. The results of the information collected in the survey must be analyzed and assembled in a useful manner, such as keeping an inventory in a database.
4) Consider possible solutions. Brainstorm ideas for barrier removal.
5) Prioritize barrier removal. Use priorities recommended by ADA regulations for readily achievable. Also determine cost of removal.
6) Remove all barriers identified as readily achievable. Remove in order of priority.
7) Put a good faith action plan in place. Document what has been done and plans for the future.
8) Utilize a dynamic process for continuing accessibility. Continue to research and assess new programs and services (Access).

How Selected States Encourage Accessibility

Brief overviews of selected states are included below to illustrate different approaches being used to provide accessibility to the disabled.

Appendix B contains profiles of states selected as useful examples of policies related to school facilities, including funding, planning, enrollment growth, maintenance, assessment of needs, safety, and access for the disabled. Because accessibility for the disabled is a focus of this report, brief overviews are provided here of selected states to illustrate the different approaches being used.

Arkansas

In Arkansas, the School Facility Manual includes a chapter on Educational Facility Planning Concepts for Special Education.

The Arkansas School Facility Manual includes a chapter on Educational Facility Planning Concepts for Special Education. It notes compliance with IDEA and square footage guidelines for educational program requirements. Each school is required to plan for specific educational program needs in each new or renovated facility, identifying the number of students in each of 12 categories: autism, deaf-blindness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment, specific learning disabilities, speech or language impairment, traumatic brain injury, and visual impairment.

The Arkansas General Assembly commissioned a task force to conduct a statewide education facilities assessment of the adequacy and equity of all public school buildings. The assessment, which was completed in 2004, included recommendations for renovating and replacing inadequate school facilities, estimating costs, and methods for funding. According to the assessment, the second major component of facility needs is having adequate space to support educational programs. In the need for additional space, ADA code requirements are included. Standards and guidelines were developed for these spaces to provide an adequate educational program for all schools. These include provisions for special education students who require smaller class size and for specialized facilities for the physically impaired. Code requirements such as ADA codes for restrooms, size of stairwells, corridors, and air quality are included.

Standards are set for renovations and repairs to existing facilities that include prioritizing deficiencies. One category is handicap.

Arkansas has standards for renovations and repairs to existing school facilities. Each building project begins with a predesign assessment. A checklist to ensure a detailed scope of work includes criteria for a safe, dry, and healthy facility. Items are prioritized from I to IV, noting that deficiencies should be upgraded to meet current codes and new building standards. Priority I includes life safety, structural deficiencies, and handicap categories. As part of the handicap category, schools must comply with all ADA handicap standards.

Hawaii

In Hawaii, all departments, including the Department of Education, must seek the advice and recommendations from the Disability and Communication Access Board on all plans and specifications to ensure access.

Hawaii has approached its compliance for accessibility differently from most states. All departments, including the Department of Education, must seek the advice and recommendations from the Disability and Communication Access Board on all plans and

specifications to ensure access. Design standards must comply with ADA Accessibility Guidelines and other housing amendments. The board has the authority to adopt or develop design guidelines for items not covered in ADAAG to ensure greater accessibility to persons with disabilities. A unit established within the board, the Facility Access Unit, is responsible for implementing Hawaii Revised Statutes Section 103-50, relating to the compliance requirements.

The statutes are the guidelines used for public school facilities, as well as other public buildings. Hawaii Revised Statues Section 103-50 states that all plans and specifications for the construction of public buildings, facilities, and sites by the state or any county shall be prepared so that they are accessible to and usable by persons with disabilities. Public school buildings and facilities are covered.

Kansas

Kansas has incorporated accessibility standards into state statutes. The state board of education is assigned the responsibility of enforcement for school facilities.

Kansas has incorporated accessibility standards into state statutes. With the exceptions noted in other statutes, K.S.A. 58-1303 requires that new construction and renovation comply with Titles II or III of the Americans with Disabilities Act. K.S.A. 58-1304 designates the state board of education as responsible for enforcement for school facilities.

Kansas has also incorporated accessibility standards into best practices, codes, and standards. The Kansas State Department of Education has incorporated best practices that include accessibility requirements into its School Construction Project and Plan Submittal Guide for school districts. The department employs a Kansas-licensed architect who is responsible for school building construction plan submittal, review, and approval.

Maryland

In Maryland, the formula for the allotment of square footages of space per student is adjusted to take into account the different needs of students with disabilities.

Maryland was one of the first states to set up a task force that studied facility implications of special student populations, which include students receiving free and reduced price meals, students with limited English proficiency, and students with disabilities spending time outside the general education program.

States often include standards for square footage in the classroom based on enrollment. Maryland determines square footage for new buildings by multiplying enrollment times square footage per student. For an existing school, the formula can be used to

calculate maximum enrollment. The square footage allowances per student are different for elementary, middle, and high schools. Maryland's formula is adjusted to take into account the different needs of children with disabilities. The required extra square footage for these children affects the space and funding needs for schools that have or expect to have more children enrolled with disabilities. Including disabilities as a criterion increases the likelihood of renovations and new buildings due to space allocations.

Texas

Texas has incorporated best practices for school facilities, including requirements for ADA compliance, into code. The state has implemented specifications in its accessibility standards for children between the ages of 4 and 15 and by school grade categories.

Texas has incorporated best practices for school facilities, including requirements for ADA compliance, into code. The Texas Education Agency adopted these standards as best practices for school facilities, including specific instructions for ADA compliance.

The main contents of the standards are found in 19 Texas Administrative Code, Subchapter 61.1033. A section specifically states that school districts shall comply with the provisions of the Americans with Disabilities Act and other local, state, and federal requirements as applicable.

A written document for a proposed new school facility or major space renovation includes a description of the proposed project expressing a range of issues and alternatives, including education specifications for disabled children.

Texas has incorporated standards that closely follow ADAAG that are included in school facilities planning. The intent is to facilitate equivalency certification of the state program to eliminate architectural barriers by the U.S. Department of Justice by

- bringing the state Architectural Barriers Act into alignment with the scope requirements of the ADA;
- expanding ADAAG with additional state scoping requirements and standards; and
- speeding the dissemination of required standards to owners, design professionals, and related user groups that they consider meeting equivalency certification of the state program for facilities.

Compliance with these standards is to further the equal treatment for people with disabilities to the maximum extent possible and reasonable.

Because specifications in ADAAG are for adults, Texas has implemented specifications in its accessibility standards for children between the ages of 4 and 15 and by school grade categories.

Virginia

Virginia directs school boards to require all schools to conduct safety audits, which include compliance with ADA.

The 1997 Virginia General Assembly enacted a law directing school boards to require all schools to conduct safety audits. As a result, the Virginia Department of Education developed and published the "School Safety Audit Protocol," which serves as a guide and provides best practices for school districts when conducting the audit. In 1999, the legislature amended the law to require that the audit be a written assessment and be maintained by the school. Each school district must complete an audit every 3 years and conduct an annual review of the recommendations. Certification is issued to schools when an audit has been completed in accordance with code and the audit report is on file at the school site.

The audit protocol is divided into 12 sections: buildings and grounds, development and enforcement of policies, data collection, prevention and intervention, staff development, opportunity of student involvement, level of parent and community involvement, role of law enforcement, development of a crisis management plan, standards for security personnel, Americans with Disabilities Act requirements, and emergency response plan. Each section has a checklist of requirements to evaluate, plus best practice tips. The checklist in the ADA section is used to assess the school's current level of safety related to ADA. The school district must assess each element by checking Yes, No, N/A, Implement, or Improve. The elements are as listed below.

- The school has addressed ADA requirements and has plans for compliance.
- The school has considered appropriate accommodations for students with disabilities.
- The school has developed an evacuation plan to accommodate students with disabilities in the event of a crisis.
- The school's emergency alarm system is in compliance with ADA requirements, taking into consideration students and staff who may be hearing or visually impaired.
- In the event of a hostage or intruder event, the school has considered the unique safety needs of students and staff members with disabilities.

Best practice tips for ADA are that all staff members are to be trained with regard to students with special needs and the school's plan to address those needs in the event of a crisis; school officials must consider the safety of all students when developing the school's crisis plan; and at least two staff members should be designated to provide assistance to special needs students in a crisis.

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Appendix A

School Facilities Evaluation Mandated by the 2006-2008 Budget Memorandum

The Kentucky Department of Education, in partnership with the School Facilities Construction Commission, shall conduct a comprehensive evaluation of the current facilities planning process, the process for categorizing schools for planning and funding purposes, major plant maintenance planning and implementation, the process used to determine unmet school facility needs, and the degree of equity in the distribution of state capital funds. The department shall involve local superintendents, finance officers, facility managers and other local school personnel, consultants who are knowledgeable in school facilities planning and construction, and others as deemed appropriate.

The evaluation shall consider:
(a) The feasibility of adding weights for special needs or situations, including but not limited to student growth, inadequate classroom space, student accommodations, health and safety needs, compliance with the Americans with Disabilities Act, school district size, and overall building condition as certified by the Department of Education, in the calculation of unmet needs;
(b) The adequacy of long-range planning for plant maintenance, procedures for improving long-range planning, and the appropriate level of monitoring by local and state officials;
(c) Measurable, objective criteria for categorizing schools for local planning purposes and for the distribution of state capital funds;
(d) A waiver system to accommodate special facility needs;
(e) The level of technical assistance and training that is necessary to ensure that local school district personnel are knowledgeable of the facility planning process, capital construction funding mechanisms, and long-range planning and examine the most effective methods for proving technical assistance and training; and
(f) A detailed review of all capital funding sources, and a study of local effort, to include an examination of the individual and cumulative effect of multiple funding sources on the equitable distribution of state capital construction funds and the effects of permitting individual school districts to levy additional taxes for construction purposes based on special or unique circumstances in that school district.

Notwithstanding KRS 157.622, the School Facilities Construction Commission, in cooperation with the Urgent Need School Trust Fund Advisory Committee, shall incorporate the findings and recommendations of this evaluation in determining the 2006 Offers of Assistance to local school districts. The School Facilities Construction Commission is authorized to make the 2006 Offers of Assistance prior to completion of this evaluation if sufficient data and other information is available.

A preliminary report shall be made to the Interim Joint Committee on Appropriations and Revenue no later than September 15, 2006, and a final report, including

recommendations for regulatory or statutory change, shall be made no later than September 30, 2006.

Source: Pages A-214 to A-215.

Appendix B

State Profiles

This appendix contains brief profiles for 21 states selected as useful examples of policies related to school facilities, including funding, planning, enrollment growth, maintenance, assessment of needs, safety, and access for the disabled. For each profile, the list of cited sources follows.

Overview

States are changing the way they build, renovate, and repair schools, and there are several patterns that emerged from compiling these state profiles. Oversight agencies are implementing best practices that can increase the efficiency and effectiveness of school facilities. States are putting more emphasis on the way money is spent for facilities and making sure savings continue through the life of the building and building systems. Staff identified the following trends.

- States are developing plans and preparing data projections for longer periods of time.
- Oversight agencies are developing guidelines that assist school districts in long-range educational facilities planning, comprehensive maintenance planning, and capital improvement planning.
- States are putting more emphasis on preventive maintenance.
- States, sometimes because of court decisions and legislative acts, are conducting or contracting for comprehensive facility needs assessments that determine the condition, suitability, cost, and sustainability of all buildings and building systems.
- States are emphasizing high-performance schools that are design friendly for all students.
- States are building and renovating schools to ensure a safe and healthy environment. Universal designs are used to promote a healthy learning environment.
- States are prioritizing unmet needs based on inventory and condition.

Specifications are required for many areas of concern related to planning and maintaining buildings and building systems. The most commonly addressed are

- enrollment growth or decline,
- education specifications,
- square footage requirements for classrooms and other areas,
- class size, and
- checklists for safety- and health-related areas, which include accessibility guidelines.

Arizona

Arizona is profiled for its efforts in addressing growth and low property wealth. It was also selected for its needs assessment, capital improvement plan, comprehensive maintenance plan, technical assistance, and use of Americans with Disabilities Act (ADA) guidelines.

The Arizona Supreme Court ruled that funding for facilities construction and renovations based on local property wealth was unconstitutional. In response, Arizona has reformed its capital finance program. The court "laid out a remedial framework...that would meet the state constitutional 'uniformity' requirements." It is "largely a standards-based, 'adequacy' approach..." (Hunter). The system addressed funding problems experienced by low-property-wealth districts, rapidly growing districts, and charter schools.

The Students FIRST (Fair and Immediate Resources for Students Today) law established minimum standards for adequate school facilities and assigned state revenues as the funding source. The final standards do not allow the wealthier districts to opt out of the system; however, district voters who choose to spend more on capital items are allowed to authorize additional local taxes. This was important for growth districts. Arizona ranked second in the nation in rate of population growth from 1990 to 2000 (Hunter).

The Arizona School Facilities Board (SFB) adopted "Building Adequacy Guidelines" in November 1999 (School Facilities Board. "Overview"). The guidelines serve as minimum standards for existing and new school facilities, including square footage standards and cost per square foot. A "statewide assessment of all 1,210 schools and 1,410 building sites, including the cost of bringing each up to standards was completed in 2001" (Hunter).

By state law, school districts may be authorized to procure construction services by the design-build method in which there is a single contract for design services and construction services (Arizona Revised Statutes 15-213 I; 41-2503 13).

Capital Improvement Plan

School districts are required to prepare a comprehensive 5-year building renewal plan that is reviewed and approved by SFB. Districts may revise and resubmit the 5-year plan at any time. SFB is required to inspect school buildings annually or every 2 years depending on the condition of the school.

The Students FIRST laws established three primary capital funds: a deficiency correction fund for the purpose of correcting deficiencies in existing school facilities, a building renewal fund for the purpose of maintaining the adequacy of existing school facilities, and a new school facilities fund to meet the minimum adequacy guidelines. Money from the building renewal fund can be used for major renovations and repairs, for upgrades to building systems that extend the life of a building, and for infrastructure costs. The funds cannot be used for new construction, remodeling for aesthetic purposes or beautification,

and routine maintenance (School Facilities Board. "Overview"). A portion can be used for preventive maintenance (Attorney General). The criteria used to determine eligibility for funding from the new school facilities fund are based on annual evaluation and approval of district enrollment projections and the additional square footage needed to maintain adequacy standards. Land costs are funded in addition to formula funding used for new construction (School Facilities Board. "Overview").

Preventive Maintenance

As mandated by the legislature, SFB completed and adopted "Preventive Maintenance Guidelines" in 2003. A school district is authorized to use up to 8 percent of its annual building renewal allocation for preventive maintenance, but this may not supplant maintenance expenditures from other sources. Each school district is responsible for developing routine and preventive maintenance guidelines for its facilities. SFB staff inspect school buildings at least once every 5 years to ensure compliance with preventive maintenance guidelines. There are seven major components of the Preventive Maintenance Guidelines, each given a specific life cycle: heating, ventilation and air conditioning; roofing; surfaces; electrical; plumbing; special systems, and special equipment (School Facilities Board. "Preventive").

Accessibility

Rules and Policies. Arizona's facilities adequacy requirements are in statutes, codes, and rules and policies. There are sections in the rules and policies on classroom lighting, temperature, acoustics, air quality, and classroom facilities for disabled students. Arizona Administrative Code R7-6-216 states: "A school facility shall have space or access capable of being used for the education programs of disabled students attending the school facility." R-7-260 relating to building codes states that school buildings shall be in compliance with federal, state, and local codes and laws that are applicable to the particular building for new construction. Requirements for new buildings apply to existing buildings only in jurisdictions that mandate this through laws or codes.

Needs Assessment, ADA, and Funding. Arizona's Adequacy Assessment identifies current ADA requirements and, if necessary, classifies them as a deficiency. Identified deficiencies are corrected; however, SFB does not bring buildings into compliance with ADA requirements if a current need does not exist. Funding is available to correct accessibility deficiencies (School Facilities Board. "Deficiency").

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Arkansas

Arkansas is profiled for its facility needs assessment, technical assistance, and ADA guidelines.

The General Assembly commissioned a task force to conduct a statewide education facilities assessment of the adequacy and equity of all public school buildings. The assessment was completed in 2004 and included recommendations for renovating and replacing inadequate school facilities, estimating costs, and funding. It reported that Arkansas's public school buildings needed almost $2.3 billion in repairs and improvements, including $86.7 million in immediate repairs critical to health and safety. In addition to the need for additional classroom space, the total amount needed in 2004 to correct deficiencies was $4.5 billion (University).

One of the first findings was that Arkansas did not have the capacity to develop, implement, and manage a statewide school facility program. The assessment determined that procedures should be established to identify funding mechanisms, to maintain databases, to monitor maintenance and expenditures, and to structure communications.

Technical Assistance

The Department of Education's Division of Public School Academic Facilities and Transportation is the oversight agency for design and construction of school facilities. Local school districts are responsible for local strategic facilities master plans.

The department implemented the Arkansas School Facility Manual as a technical assistance tool for all school district and design professionals. The comprehensive manual is reviewed and updated annually. The manual includes standards and guidelines for planning, designing, constructing, and maintaining school facilities. It includes educational specifications, concepts, frameworks, site guidelines, program requirements, space guidelines, building systems, and cost guidelines. The purpose of the statewide standards and guidelines used by every school district is to provide equity and uniform quality of facilities.

Facility Needs Assessment

Arkansas uses educational and facility adequacy standards for performing its assessment. The 2004 facility assessment included three major variables: facility condition, educational suitability, and enrollment growth (Task Force).

Facility condition is the state of repair of the building infrastructure. The criteria for assessing schools determine the cost of bringing each building up to current building codes and safety standards. Current deficiencies and year zero life cycle concerns are considered important to assessing the condition of school facilities. All building systems were considered in the assessment, which was especially important for older buildings. The task force noted that more than half of Arkansas's schools were in need of some type of repair. The task force also considered ADA-related code requirements including accessibility of restrooms, doorways, corridors, stairwells; air quality; and multi-sensory warning systems.

Educational suitability is based on having adequate space to support the educational program. The basic formula used is the number of existing square feet subtracted from the number of required square feet, which is then multiplied by the cost per square foot based on the construction cost model. The task force considered the suitability and size of each learning space given its intended use. At times, such considerations resulted in a need for more square feet per student than the minimum. For example, Arkansas requires regulation gymnasiums, regardless of the number of students enrolled. Also, the necessity of separating science labs or media centers from standard classroom space sometimes results in additional square footage per student in schools with low enrollments.

Enrollment growth addresses the projected school enrollment for the next 5 and 10 years. Projections take into consideration past enrollment and retention rates. Data such as building permits issued by area and births by county are analyzed and incorporated into the projection system. Decline of enrollment is also considered. Arkansas uses a cost model based on a range of costs per square foot based on the size, type, and location of the building. The Format and Values Committee, using industry experts, develops cost estimates using RSMeans and a regional Arkansas index for cost variations across the state.

ADA Guidelines

The School Facility Manual, updated annually, includes a chapter on Educational Facility Planning Concepts for Special Education (Section 2, Chapter 2). It notes compliance with the Individuals with Disabilities Education Act (IDEA) and square footage guidelines for educational program requirements. Each school is required to plan for specific educational program needs in each new or renovated facility, identifying the number of students in each of the following 12 options: autism, deaf-blindness, emotional disturbance, hearing impairment, mental retardation, multiple disabilities, orthopedic impairment, other health impairment that adversely affects a child's educational

performance, specific learning disabilities, speech or language impairment, traumatic brain injury, and visual impairment.

The second major component of educational suitability in the facility assessment is having adequate space to support educational programs. According to the task force, among the changes in education that have led to the need for more space are

- inclusion of special education students who require smaller class size and specialized facilities for the physically impaired;
- kindergarten and pre-kindergarten programs;
- more students with limited English proficiency;
- addition of computers and other technology;
- reductions in class size;
- cafeterias and gymnasiums;
- gifted and talented programs; and
- code requirements such as ADA for restrooms, size of stairwells, corridors, and air quality (29).

Arkansas has also set standards for renovating and repairing existing school facilities. Each building project begins with a pre-design assessment. A checklist to ensure a detailed scope of work includes criteria for a safe, dry, and healthy facility. Items are prioritized from I to IV, noting that deficiencies should be upgraded to meet current codes and new building standards. Priority I includes the categories life safety, structural deficiencies, handicap, and roofing. The examples listed under the handicap category in Priority I are

a. Must comply with all ADA handicap standards.
b. Chair lifts cannot be used as a substitute for an elevator.
c. Provide handicap toilet stalls with grab bars.
d. Interior signage to contain Braille (Department. Section 2, Chapter 1, 1200-4).

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California

California is profiled for its Collaborative Effort for High Performance Schools, technical assistance, deferred maintenance program, and ADA compliance in high-performance schools.

The State Allocation Board (SAB) of California is responsible for policies pertaining to the programs administered by the Office of Public School Construction (OPSC). SAB is responsible for the State School Facility Program, State Relocatable Classroom Program, Unused Sites Program, and the Deferred Maintenance Program. It also determines how state resources are allocated to administer these programs. The board is composed of department officials, Senate members, Assembly members, and executive officers. In addition to administering the programs for SAB, OPSC is charged with the responsibility of ensuring that school districts meet specific criteria based on the type of funding requested (Office. *An overview*).

OPSC surveyed school districts and set best practices in the areas in which there was the most interest. Best practices are developed for Public School Construction Cost Reduction Guidelines, Cookbook for Energy Conservation Measures, School Facility Program, Breaking Ground Excerpts, Prototype Plans, Plan Reuse Examples, Developer Built Schools, and Design-Build Schools (Office. *Best Practices Report*).

The School Facility Program offers grants for different facility needs. Funding comes from General Obligation Bonds and the State General Fund. School districts can also receive grants for new construction and modernization. Grant funding amounts per pupil are different for grade, middle, and high schools. Extra funds based on formula weights are provided for non-severely disabled and severely disabled students.

OPSC has implemented a guidebook for the School Facility Program and handbooks for three other programs. The *Deferred Maintenance Program Handbook* was created "to assist school districts in applying for and obtaining 'grant' funds for the purposes of performing deferred maintenance work on school facilities" (iii).

Collaborative for High Performance Schools

The Collaborative for High Performance Schools (CHPS) is a nonprofit organization dedicated to building high-performance schools. Its members include state officials, architects, and representatives of environmental agencies and utility companies. School districts that want to participate must adopt and implement a CHPS district resolution making a commitment to goals and best practices developed by CHPS. There are several programs currently available that financially and technically assist districts and designers.

Overall project funding for K-12 school districts is a combination of state and local money. Approximately $34.6 billion in bond allocations were funded from 1998 through 2004. The funds allocated through these bonds have been divided between new construction (50 percent), modernization (27 percent), hardship funds (less than 7 percent), and critically overcrowded schools (16 percent) (compiled from Collaborative.

Best Practices Manual 73). In 2006, a bond bill was approved that allocates $7.3 billion for K-12 new school and modernization projects, with an additional $100 million for high-performance schools (Collaborative. Home Page).

Supporters of CHPS argue that high-performance schools are cost effective for reasons that include bringing more money to the school by increasing average daily attendance, keeping more money in the school by significantly reducing utility bills, and taking advantage of available incentive programs.

CHPS is a nonprofit organization, but local and state organizations are involved in the process of building high-performance schools. The following outlines the process that occurs when a district initiates a CHPS project:

- School districts originate construction process, hire architects, and provide local matching funds.
- The California Department of Education's School Facilities Planning verifies minimum education specifications and coordinates with the Department of Toxic Substances Control on site approval.
- The Division of State Architect approves school plans and verifies that school plans meet all applicable codes.
- The Office of Public School Construction recommends specific funding to the State Allocation Board.
- The State Allocation Board distributes the state matching share of funding (Collaborative. *Best Practices Manual* 74).

CHPS has developed a detailed Best Practices Manual divided into six volumes: Planning, Design, Criteria, Maintenance and Operations, Commissioning, and High Performance Relocatable Classrooms.

Deferred Maintenance Plan

The *Best Practices Manual, Volume 1: Planning* states: "Without proper maintenance and operations techniques, the benefits of high performance design can be lost" (Collaborative). Volume IV of the manual provides guidance for maintenance and operations, including providing strategies for avoiding the improper use of building systems and poor maintenance practices. With technical assistance, schools develop 5-year maintenance plans. Schools can get an extreme hardship grant when a facility has been closed due to health and safety or structural problems that keep pupils from remaining in the facility.

ADA in High-performance Schools

All school facilities are designed in accordance with California Building Standards Code. As of September 2002, any facility receiving state funds must also comply with Section 508, which has been incorporated into Government Code, Section 11135. In 2002, the state architect submitted the California Building Code and proposed revisions and additions to "establish equivalency with the ADA Standards for Accessible Design." In

2004, the U.S. Department of Justice gave its initial response to California's request for certification (State Architect).

In addition to accessibility standards, CHPS emphasizes the importance of physical features of the school and its grounds. Advocates of CHPS argue that ensuring the safety and health of students avoids costs and the risk of litigation. CHPS has also designed a criteria overview, which uses a point system to determine compliance with necessary categories that include lighting, acoustics, heat, and air.

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Colorado

Colorado is profiled for its long-range educational facilities master plan and its capital improvement plan that includes priority, growth, and ADA funding.

Colorado school districts are encouraged to use a 10-year district facilities master plan to determine new capital construction and to determine buildings that need to be replaced, renovated, modernized, or closed. Recommendations for each facility, with action, cost, and schedule, are contained in the final documented master plan.

Capital Improvement Plan

Priority Funding. Colorado has grants and loans available for improving existing facilities. Colorado provides grants for improving, repairing, remodeling, altering, or renovating existing school facilities, or for purchasing new or replacement equipment within existing school facilities. Evaluation criteria are based on importance in the following descending order:

a) projects that address immediate safety hazards or health concerns within existing school facilities;
b) projects that relieve excessive operating costs created by insufficient maintenance or construction spending, which are currently required to be expended by the district;
c) projects that relieve building construction conditions, which detract from an effective learning environment; and
d) other information that the department may consider, as necessary (Colorado Code of Regulations 301-64-4-3.05).

Growth Districts. Colorado has a loan program for capital improvements in growth districts, which are defined as districts whose "February 1st pupil count exceeded the October 1st pupil count by more than 1% or 50 pupils, whichever is less" (Department. Public 4). A growth district may also impose an additional property tax levy in accordance with law (6).

ADA, IDEA, and Funding. Colorado made federal grants available for school renovations for IDEA and technology. One requirement is that "Grant projects will comply with any applicable requirements under the ADA and section 504 of the Rehabilitation Act of 1973 regarding accessibility for the disabled" (Department. "School" 2)

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Connecticut

Connecticut is profiled for its technical assistance, long-range educational facilities master plan, ADA guidelines, and Grants for ADA Code Update.

In Connecticut, the School Facilities Unit of the State Department of Education is responsible for reviewing and approving school construction documents for completion and conformity.

In 1999, Connecticut prepared an annual report titled *The Condition of Connecticut's Public School Facilities* that resulted in an action plan. The Office of Policy and Management hired a consultant to develop a long-range comprehensive educational facilities plan using a multidisciplinary process. The master plan is for all major facility improvements to be undertaken by school districts over a 10-year period.

The consultant performed a facility evaluation and inspection of all schools to determine the condition of school facilities, including parking lots, school grounds, and playground equipment, in regard to code compliance, deferred maintenance, potential hazards, and other operational issues. Compliance with ADA and "model" depreciation/ replacement schedules for roofs, heating systems, and other facility components were also covered.

Technical Assistance Includes ADA Guidelines

The Department of Education's "Construction Document Guidelines for School Districts & Design Professionals" provides technical assistance for school districts and design professionals. The document covers general code and eligibility, as well as a master list that provides a means for design professionals and local code enforcement officials to cross-reference code requirements.

The general code specifically lists the deadline for compliance with ADA, as well as Section 504, Rehabilitation Act, and Title IX. Section 4 of the guidelines requires design drawings that indicate all accessible routes from parking lots to buildings and routes to exits and toilets, and shows complete program accessibility throughout the school. Section 7 provides a checklist that includes a review of accessibility requirements for all new construction, extensions, and alterations. The section also covers relocatables, play equipment, and all related school functions and materials.

Connecticut allows grants for 11 types of school construction: alteration, relocatables, code update, renovation, energy conservation, roof replacement, extension, educational technology infrastructure, new, vocational agriculture equipment, and purchase. The type of construction that most closely considers ADA law is "code update," which includes

- rescue and vent windows, fire alarm, rated doors, and emergency lighting;
- asbestos removal;
- oil tank removal;
- interior accessible route including corridors, floors, ramps, elevators, lifts, exits, signage, and clear space at fixtures;
- exterior accessible route including parking access aisles, curb ramps, walks, lifts, ramps, and entrances;
- fire suppression system; and
- lighting replacement only if tested and PCBs have been documented (Department. Division. "School").

Sources

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Florida

Florida is profiled for its technical assistance (best practices for evaluating construction planning and maintenance, with specific indicators for evaluating health and safety).

Florida law establishes the Department of Education's responsibilities related to the Educational Facilities Program. The department is responsible for

- providing oversight and accountability of the facilities program in general;
- providing technical assistance and training;
- allocating and distributing funds for projects;
- reviewing and approving the individual districts' 5-year plans, which contain construction and maintenance funding projects and priorities;
- establishing building codes and standards;
- certifying building code inspectors;
- providing training and technical assistance on building code interpretation;
- maintaining state space inventories;
- developing prototype schools; and
- assisting in the development of 5-year educational plant surveys (Office. "Florida").

Local educational boards are responsible for all aspects of facility construction including planning, site acquisition, design, construction, and inspection processes. They must conduct a 5-year general facilities plan and provide a work plan to the state. They are also responsible for compliance with building codes, construction inspections, building inventories, and annual building inspections.

Florida's Office of Program Policy and Government Analysis (OPPAGA) has developed best practices for schools to use as resources to help them operate more efficiently. The best practices, which came about through Florida's Sharpening the Pencil Program, include indicators and outcomes for facilities construction and facilities maintenance. The recommended practices are more specific than the laws and rules that govern education facilities.

According to the director of education facilities in Florida, these best practices were compiled by OPPAGA in the late 1990s and were adopted by the Department of Education's Capital Outlay School Construction Division. He referred to the best practice indicators as "what schools should be, and how it should be done" noting that "OPPAGA has put together an outstanding way of measuring each school district for compliance of the standards/best practices." OPPAGA has either examined or has contracted with private consulting firms to examine the performance of individual school districts, including examination of districts' facility planning and construction activities (Boatright).

Best Practices and Indicators

The districts are required to have effective long-range planning processes in place that cover a 5- to 20-year period. The districts are also required to prepare a Five-Year Plant

Survey in accordance with Florida law that is reviewed during the evaluation process. OPPAGA's best practices recommend that districts routinely assess facilities for physical condition, educational suitability, and technology readiness. A uniform checklist includes site size and layout; space (size, number, utility, and flexibility of various areas in the facility and the relationships of these areas to each other); light, heat, and air; acoustics; aesthetics; equipment; availability of utilities; hazardous materials; maintenance; structural adequacy; adaptability to change; fire safety; and/or other health sanitation, safety issues, and future operational and maintenance costs (Office. "Best...: Facilities Construction" 2).

There are indicators that address evaluation criteria under long-range planning and one indicator that measures compliance with the Florida Building Code. There are no specific indicators for ADA. According to staff of OPPAGA, they only verify that districts are complying with the Florida Building Code in the design and planning process. They commented, however, that air quality is one of Florida's biggest concerns.

Best Practices for Maintenance Include Indicators for Health and Safety

There are numerous best practice indicators for maintenance. One category includes "Health and Safety Indicators." There are three best practices (20, 21, and 22), each of which has multiple indicators:

20. District policies and procedures clearly address the health and safety conditions of facilities.
    a) The district has established written health and safety standards.
    b) Evaluations are made and documented for the condition of buildings and of each school.
    c) The district has a written plan for healthy indoor air quality that requires monitoring of indoor air quality as appropriate and includes corrective action plans for indoor air quality problems.
    d) Is there other information that demonstrates the district's use of this best practice that should be considered?
21. The school district complies with federal and state regulatory mandates regarding facility health and safety conditions.
    a) Procedures comply with all relevant federal and state requirements.
    b) The district participates in state and federal voluntary efforts regarding facility health and safety conditions and has documented resulting cost savings and/or avoidance.
    c) Is there other information that demonstrates the district's use of this best practice that should be considered?
22. The district is aware of and prepared for the permitting and inspection requirements of the Florida Building Code.
    a) Maintenance and operations staff received training regarding Florida Building Code and all other applicable state and local requirements.
    b) The maintenance and operations department has procedures in place to ensure that all required permits are obtained prior to the start of a project.

c) The maintenance department has reviewed the Florida Building Code and has developed a procedure to ensure that all necessary inspections will take place.
d) Is there other information that demonstrates the district's use of this best practice that should be considered? (Office. "Best...: Facilities Maintenance" 11-12).

A mandatory class size amendment substantially affected educational facilities in Florida by limiting the number of students in classrooms: 18 students in grades K-3; 22 students in grades 4-8; and 25 students in grades 9-12. The limits are to be implemented by 2012. According to officials at OPPAGA, prioritizing and funding depend on headcount, growth, and age of buildings. In many cases, older schools are being rebuilt first because they more likely do not meet the space requirement according to the class size amendment.

Florida's best practices are still in use, but they are no longer evaluated. According to staff of OPPAGA, they did not find a lot of savings. If a school district is already using the best practices, there is not a lot of room for improvement through recommendations. OPPAGA staff also said that evaluations were cumbersome, and taken as a whole, there were too many indicators.

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Hawaii

Hawaii is profiled for its Disability and Communication Access Board's review of schools for ADA compliance.

Hawaii has approached its compliance for accessibility differently from most states. Departments, including the Department of Education, must seek the advice and recommendations from the Disability and Communication Access Board on all plans and

specifications to ensure access. Design standards must comply with Americans with Disabilities Act Accessibility Guidelines (ADAAG) and other housing amendments. In addition, the board has the authority to adopt or develop design guidelines for items not covered in ADAAG in order to ensure greater accessibility to persons with disabilities. A unit established within the board, the Facility Access Unit, is responsible for implementing compliance requirements.

The statutes are the guidelines used for public school facilities and other public buildings. Hawaii Revised Statutes, Section 103-50 states that all plans and specifications for construction of public buildings, facilities, and sites by the state or any county shall be prepared so that the buildings, facilities, and sites are accessible to and usable by persons with disabilities.

A report on disabilities activities for fiscal year 2005 indicates the number of reviews by type of facility. Public school projects account for the greatest number of documented reviews. According to the report, of the 676 reviews for the fiscal year, 200 were of public school projects (Disability 8).

Source

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Illinois

Illinois is profiled for its priority planning (enrollment growth and accessibility considered for priority funding), needs assessment, and ADA guidelines.

The Illinois School Construction Law was passed in December 1997. It established the School Construction Program and authorized $1.4 billion in state support for public schools. Another $1.1 billion was provided through the FIRST program, and the General Assembly authorized an additional $930 million in FY 2003 to assist districts throughout the state. Emphasis of the program is on projects that alleviate the shortage of classroom space due to population growth or aged buildings (Capital Development Board and State Board of Education 3).

The Illinois School Construction Program offers assistance to school districts that demonstrate a need to replace or construct buildings based on the following priorities:

- natural or man-made disasters,
- classroom shortage due to population growth and/or building age,
- interdistrict reorganization,
- severe and continuing health/life safety hazards,
- alterations necessary to provide accessibility for qualified individuals with disabilities, and
- other unique solutions (Capital Development Board and State Board of Education 3).

The Illinois Facility Manual requires the school districts to enter a code that best describes the accessibility status in each facility. The districts must choose from the following code options:

1) requires no accessibility upgrading as a result of proposed project (alteration costs are 15 percent or less),
2) requires minor accessibility upgrading as a result of proposed project (alteration costs are 15 to 50 percent),
3) requires major accessibility upgrading as a result of proposed project (alteration costs are 50 percent or more), or
4) other (to be specified) (State Board. School)

The Association of Regional Superintendents of Schools and State Board of Education issued the *Health/Life Safety Handbook for Public Schools in Illinois*, Second Edition, effective March 2004. It provides codes that must be used in the Illinois public schools, including Illinois Accessibility Code.

Smart Growth Assessment of Needs

The Smart Growth Assessment of Needs describes accessibility requirements. It states:

> With few exceptions, all public buildings in Illinois must be accessible to persons with disabilities. For existing buildings this usually means the modification of entries and corridors. Elevators may be required for multi-story buildings. In addition, all restrooms must be made accessible with wide toilet stalls, grab bars, and lavatory fixtures set at prescribed heights (Capital Development Board 5).

The February 2005 Summary of Illinois Capital Needs Assessment states that $3.8 billion is needed to upgrade 17,722 existing buildings and $2.2 billion is needed to meet current health, life, and safety requirements. Under "Type of Work Needed," accessibility needs were estimated at $58.8 million for pre-K through 8 and $44.4 million for high school, totaling $103.2 million (State Board of Education and Capital Development Board 1-2).

In April 2006, the State Board of Education issued a nonregulatory guidance document, "Students with Disabilities in Regional Safe School Programs." It deals with placement of students with disabilities who are disruptive and lists policies and procedures for placing students in an alternative program consistent with applicable law. The document notes that IDEA states that school personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement of a child with a disability who violates a code of student conduct. Before making the determination, the school must decide whether the conduct violation was or was not a manifestation of the child's disability.

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Indiana

Indiana is profiled for its facility guidelines.

The State Board of Education adopted "School Facility Guidelines" in January 2002. The guidelines are designed to assure the establishment of an educationally effective and economically efficient system of school facilities. Community involvement is encouraged. The guidelines are straightforward and specific for each category of schools. There are separate guidelines for elementary facilities, middle/junior facilities, high school and nonvocational instructional areas, vocational instructional areas, relocatable classrooms, and facility resource inventory. Each category has specific requirements of the areas included and the amount of square footage for each area. Conventional school guidelines are also included that provide design requirements that reduce air and noise pollution to a minimum level.

Accessibility is not addressed directly, but the guidelines are specific about adequate space requirements including classrooms, corridors, rest rooms, conference rooms, and teacher work areas.

One of Indiana's goals is to eliminate temporary facilities or temporary classrooms within a permanent building. Guidelines are provided for a Feasibility and Impact Study that should come before other planning.

A feasibility and impact study should include, but not be limited to:

1) demographics;
2) facility analysis, including a plan to eliminate temporary facilities and temporary classrooms within permanent facilities;

3) projected student and community growth;
4) financial analysis, including operational cost on a per pupil basis, transportation costs, and ability to fund the project;
5) projected construction cost and, if applicable a comparison of the cost of new construction with the cost of remodeling or renovating a school listed on the national register or state register or determined by DHPA [Indiana Division of Historic Preservation and Archaeology] as eligible for either register; and
6) current and future education program accreditation requirements (State Board).

Source

State Board of Education. "School Facility Guidelines." Adopted Jan. 2002. <http://www.doe.state.in.us/stateboard/constguide.html> (accessed Aug. 27, 2006).

Kansas

Kansas is profiled for best practices that include incorporating accessibility requirements into statutes and guidelines.

Kansas has incorporated accessibility standards into best practices, state statutes, codes, and standards. The Department of Education has incorporated best practices that include accessibility requirements into its *School Construction Project and Plan Submittal Guide* for school districts. The department employs a licensed architect who is responsible for school building construction plan submittal, review, and approval. Highlights of the guide are shown in the following table.

Section in Guide	Statute or Code	Content
Accessibility to Persons With a Disability	K.S.A. 31-150	(c) The construction of all school buildings shall conform to the provisions for making buildings and facilities accessible to, and usable by, persons with a disability, as required by K.S.A. 58-1301 through 58-13ll, and amended thereto.
Accessibility Standards for Public Buildings or Facilities	K.S.A. 58-1301	(a) Except as provided in K.S.A. 58-1307, and amendments thereto, all existing facilities, and the design and construction of all new, additions to and alterations of, facilities in this state shall conform to Title II or Title III [of 28 CFR Part 35 and/or 36 of the Americans with Disabilities Act (ADA) of 1990] as appropriate.
Legislative Intent	K.S.A. 58-1303	This act is intended to prohibit discrimination on the basis of disability by Title II and Title III entities. All facilities covered by this act are to be designed, constructed and altered to be readily accessible to and usable by individuals with a disability.
Accessibility Standards for Public Buildings or Facilities; Enforcement of Act	K.S.A. 58-1304	(a) The responsibility for enforcement of this act shall be as follows: (1) For all exiting Title II school facilities, and the design and construction of all new, additions to and alterations of Title II school facilities, the State Board of Education, by plan approval as required by K.S.A. 31-150, and amendments thereto.

Source

Department of Education. *School Construction Project and Plan Submittal Guide*, *School Plan Review Architect*. 2005. <http://www3.ksde.org/facilities/submitreq.pdf> (accessed Aug. 27, 2006).

Maryland

Maryland is profiled for its long-range educational facilities master plan, which is coordinated with priority planning, maintenance planning, and capital improvement planning.

Long-range Educational Facilities Master Plan

Maryland's Public School Construction Program Administrative Procedures Guide provides instruction for preparing a 10-year long-range educational facilities plan. The process for establishing and maintaining an educational facilities master plan is clearly defined. Guidelines are provided for developing strategies and plans to meet capacity and instructional program needs. The use of demographic analyses and projections of student enrollment and special program enrollments are required. Criteria include state education requirements, current enrollment, 10-year projected enrollment, location (which considers growth areas), average building age, and special populations.

Maryland was one of the first states to set up a task force to study facility implications of special student populations. These special student populations include students receiving free and reduced-price meals, students with limited English proficiency, and students with disabilities spending time outside the general education program.

Working with the state Department of Education and using classroom design guidelines, specialists and school administrators concentrated on classroom design, specialized spaces, parent involvement/instructional support staff, and indoor air quality. The criteria are now used in priority planning for facilities.

Capital Improvement Plan

Based on planning criteria in the long-range master plan guidelines, the Public School Construction Program has implemented a 6-year program called Capital Improvement Program Procedures for Planning Priorities (Abend).

The Interagency Committee on School Construction charged the executive director and staff with developing a set of criteria that will guide the approval of future planning projects and provide justification for the committee's recommendations.

The Public School Construction Program uses quantifiable planning criteria and assigns numerical scores to determine priority projects. The program also includes necessary steps to complete the process. A section of the procedures that outlines steps in the process is presented below (using fiscal year 2005 as an example), along with the quantifiable planning criteria:

- Step 1. Determine the numerical score of every FY 2005 project eligible for planning approval. (See "Quantifiable Planning Criteria" below for numerical factors.)
- Step 2. Identify the highest priority-planning project of each local education authority (LEA), assuring that each LEA that makes a request for planning approval receives

consideration for one project. Rank each authority's highest-priority projects based on numerical scores achieved.

- Step 3. For each project, review the factors that involve judgment. Some discussion with each LEA is generally required to clarify the status of projects to gain additional information. It was recognized that additional information might affect some of the numerical ratings, for example, for special populations.
- Step 4. Assess the costs for FY 2005 and each year thereafter if these projects are approved for planning and determine how the total capital improvement plan is affected for FY 2005 and subsequent years.
- Step 5. Revise the prioritized list of Step 2, incorporating the results of the discussion described in Step 3. Recommend projects for planning approval in FY 2005 to the Interagency Committee on School Construction (Abend).

The Quantifiable Planning Criteria are listed below. Each criterion is scored from a low of 1 to a high of 5.

1) State Education Priority reflects the scope of the project in terms of minor or major impact on educational programs and numbers of students; and whether the project addresses state educational mandates or initiatives, such as full-day kindergarten, pre-kindergarten for economically disadvantaged children, or high school science.
2) Enrollment Priority measures the degree of overcrowding at a proposed school and its adjacent schools. For a renovation or addition project, the projected enrollment of the school for the 2009-2010 school year is divided by the current State Rated Capacity to arrive at a decimal figure. For new schools, the aggregate projected enrollment of the surrounding schools for the 2009-2010 school year is divided by their respective state-rated capacities. The highest points are for the 20 percent of projects that have the greatest impacts, with lower point values awarded similarly by quintiles.
3) Planning Priority reflects the impact that the proposed project will have on statewide planning goals to foster communities and mitigate sprawl. Points are awarded for school location:
    - 5 points: community location (within designated neighborhoods or within corporate limits)
    - 4 points: certified priority funding area adjacent to residential development
    - 3 points: certified priority funding area not adjacent to residential development
    - 2 points: county growth area with water and sewer planned
    - 1 point: rural area
4) Average Age of Building Area gives priority to older buildings but reflects the fact that schools in Maryland have been built and added to in many stages. In order to determine the average age of the square footage for each building, the date of each addition and renovation is listed with its respective square footage. The proportion of area built or renovated in each year, based on the total square footage, is calculated. The age of each area of the building is multiplied by the proportion of total area it represents; the sum of these calculations is the average age of the building.
5) Special Populations reflects the percentage of students at the school who are receiving special education services outside the regular classroom, are eligible for free and reduced-price meals, and/or are English language learners. This criterion is applicable only if certain thresholds are reached. The thresholds are 10 percent or more of

students are receiving special education codes B and C, more than 40 percent are receiving free or reduced-price meals, or more than 10 percent are English language learners.

The procedures also list planning factors and some details of what to consider when the process calls for judgment. Included are

- the local education authority's backlog of previously approved projects,
- local capacity to proceed with the project,
- total cost of the project and when state funds will be required, and
- other information specific to a school system or school project.

Disability Space Allocations

States often include standards for classroom square footage based on per student enrollment. Maryland also adds extra square footage for children with disabilities. This results in additional space and funding for schools that have or expect to have more children with disabilities enrolled.

Maryland determines total gross square footage (GSF) for new buildings by multiplying enrollment times GSF per student. Maximum enrollment is total GSF divided by GSF per student. The square footages per student are different for elementary, middle, and high schools. An additional weight is given for students with permanent disabilities. Total GSF for the same number of children will vary, depending on the number of children with disabilities and grade level. This formula increases the likelihood of renovations and new buildings due to space allocations.

State-funded Maximum Gross Area Allowance

Maryland has a "maximum gross area allowance" eligible for state funding. There are per-pupil area allowances and maximum gross areas for elementary, middle and junior, and senior high schools. There are special considerations for career technology schools and centers, special education facilities, auditoriums, swimming pools, and cooperative agreements.

Comprehensive Maintenance Plan

Each school district is required to develop a comprehensive maintenance plan that includes a survey of the condition of all buildings and building systems. The school districts report the results of the surveys to the Interagency Committee on School Construction, which provides technical assistance for performing the survey and for the reporting requirements (Department).

Sources

Abend, Allen. Deputy Director, Maryland Public School Construction Program. "Re: Priority Planning" and "Re: Square Footage, etc." E-mails to Margaret Hurst. April 5, 2006.

Department of Education. Division of Business Services. "Overview: School Facilities Branch." <http://www.marylandpublicschools.org/MSDE/divisions/bus_svcs/> (accessed Aug. 27, 2006).

Massachusetts

Massachusetts is profiled for its Needs Survey Report to assist in preparing a long-term capital plan.

The School Building Authority is the oversight agency charged with planning and managing a financially sustainable school building construction and renovation grant program. The building authority gathers information about the needs of locally owned school facilities and creates a budgeted long-term capital plan.

The building authority recently contracted for a survey to evaluate the conditions of locally owned public school facilities. The report was completed in April 2006 (School).

The survey is comprehensive and provides findings and information for all areas of public school interest. A statewide summary report was generated that showed findings by districts and school ratings, as well as the statewide information. Findings were provided on the number of schools and square footage, age and condition of schools, renovation and additions, acreage, condition review, building categorization, school size, square footage per student, specialized areas, and common spaces.

The table below provides ratings, definitions, and potential future actions for building categories (School 19).

Rating	Definition	Potential Future Action
1	Building is in good condition with few or no building systems needing attention.	Minor Renovation or General Maintenance
2	The building is in generally good condition; a few building systems may need attention.	Moderate Renovation
3	The building is in fair to poor condition; some building systems may need to be repaired or replaced.	Moderate to Major Renovation
4	The building is in poor condition and a possible candidate for major renovation or replacement.	Major Renovation or Replacement

Key findings of the School Building Authority's Needs Survey Report are below.

1. The condition of the 1,817 Massachusetts schoolhouses is generally good.... Over 76 % of Massachusetts schools received a rating of 1 or 2...; less than 3 percent... received a rating of 4.... There was little correlation between the relative wealth of a school district and the general condition of the school buildings within that district.
2. Massachusetts has expended a substantial amount on schoolhouse capital facilities over the past 60 years.
3. A school building boom occurred between 2000 and 2005 even though statewide enrollment has been declining.
4. Almost one-half of the current school facility square footage is new or recently renovated.
5. There is very little temporary space....

6. Massachusetts's schools have been built 32% to 39% larger, on average, than the maximum gross square footage space requirements per student in the Department of Education regulations.
7. Beginning in fiscal year 2008, the reformed School Building Grant program should be able to provide sufficient resources to meet statewide school capital facility need as determined by the Board of the Authority (School 1-2).

Source

School Building Authority. *Needs Survey Report*. April 2006. <http://www.massschoolbuildings.org/Documents/PDF/NeedsSurveyReport.pdf> (accessed Aug. 27, 2006).

New Hampshire

New Hampshire is profiled for its study on adequacy and follow-up audit of implementation of changes. The audit addresses ADA compliance.

In 1998, the state's legislative body, the General Court, required the Board of Education to commission a statewide study on school facilities. The scope of the study included determining the adequacy and condition of all New Hampshire public school facilities, as well as reviewing the method of distributing aid. Conclusions were based on survey questions that used elements of weaknesses and strengths according to seven categories: site, building, building systems, building maintenance, safety and security, space adequacy, and environment for learning (State Board).

The report raised concerns with the adequacy of learning spaces including concerns for accessibility, adequate space for special education, and noise levels. The report also raised health and safety concerns such as general building security, traffic flow, air quality, leaky roofs, temperature, and the adequacy and reliability of building systems.

A performance audit in 2001, conducted by the Office of Legislative Budget Assistant, addressed the efficiency and effectiveness of New Hampshire's school construction and renovation programs. Twenty recommendations were made to improve these programs, including that the Office of School Building Aid should clearly define "substantial renovation" when determining compliance with ADA, that the State Board of Education should develop and adopt administrative rules reflecting this definition, and that the Office of School Building Aid should provide guidance to applicants regarding renovate-or-replace analyses. The department concurred that guidelines for determining substantial renovations would be included in the revised Manual for Planning and Construction of School Buildings as Administrative Rules (Department).

Sources

Department of Education. Construction and Renovation Programs. *Performance Audit Report.* Sept. 2001. <http://www.gencourt.state.nh.us/LBA/PDF/doecr_2001p.pdf> (accessed Aug. 27, 2006).

State Board of Education. *Response Respecting Laws of 1998, Chapter 267:3*, Report to the Governor and Legislature. Sept. 1, 2000. Available as Appendix C of the previous cited source.

New Jersey

New Jersey is profiled for its use of best practices for disabled children in long-range facilities planning.

New Jersey, through the Department of Education's Office of School Facilities, is one of the first states to oversee best practices for disabled children in long-range facilities planning.

The Education Law Center, in collaboration with the Center for Architecture and Building Science Research, assisted New Jersey school districts in school facilities planning. The 2005-2010 Long Range Facility Plan was prepared in accordance with requirements set by the New Jersey Supreme Court, laws, and regulations. The plan provides 29 steps in long-range facilities planning that will enable New Jersey schools to be in compliance with laws and also use best practices for efficiency and effectiveness. It includes steps on best practices for budgeting, organizing, and hiring consultants. School administrators, boards of education, and facilities advisory boards work together to accomplish these best practices (Department).

With the development of the long-range facilities plan, it was recognized that most districts were engaged in little or no planning for students with disabilities. At a statewide conference on planning for students with disabilities, the school districts responded positively and requested more information. In response, the Education Law Center prepared *Long Range Facilities Planning and Design Implementation for Students with Disabilities: A Guide for New Jersey School Districts.* The guide provides tools that the school districts review in developing their long-range facilities plans to meet the needs of students with disabilities.

The Education Law Center's guide recommended goals that include tracking the national averages as of 2003 for educating children in the least restrictive environment:

- less than 20 percent of the day outside general education classroom (in the United States, 41 percent of students are in this category),
- 20 to 60 percent of the day outside general education classroom (U.S: 30 percent),
- more than 60 percent of the day outside general education classroom (U.S.: 19 percent),
- segregated facilities-ages 5 to 21 (U.S: 2.9 percent), and
- segregated facilities-preschool (U.S.: 3 percent).

The guide includes the best practices "Summary Guidelines for School Design to Include Children with Disabilities," which provide detailed guidance in planning, designing, constructing, and renovating schools to accommodate children with disabilities. Categories covered are sensory disabilities, learning and intellectual disabilities, emotional-behavioral disabilities, physical/orthopedic disabilities, and specialized rooms (Education Law Center 11-15).

Universal Design and Disabilities

New Jersey's long-range facilities plan promotes universal design that takes into account the facility needs of everyone, including persons with disabilities. It further includes benefits for all students from such universal design features as improved acoustics and adequate space (Education Law Center 4-5).

Sources

Department of Education. Division of Finance. Office of School Facilities. *2005 Long Range Facilities Plan: Preliminary Guidelines*. Jan. 28, 2005. <http://www.state.nj.us/education/facilities/lrfp/guidelines.pdf> (accessed Aug. 27, 2006).

Education Law Center. *Long Range Facilities Planning and Design Implementation for Students with Disabilities: A Guide for New Jersey School Districts.* Sept. 2005. <http://www.edlawcenter.org/ELCPublic/Publications/PDF/LRFP_Disabilities.pdf> (accessed Aug. 27, 2006).

North Carolina

North Carolina is profiled for its needs assessment survey and for its development of an Exceptional Children Facilities Planner that includes sample plans and accessibility guidelines.

Local boards of education in North Carolina are required to submit long-range plans for meeting school facility needs to the State Board of Education every 5 years. In 1995, the General Assembly authorized the School Capital Construction Study Commission and charged it to conduct a comprehensive study of public school facility needs. The initial study justified a $1.8 billion state bond issue that was passed in 1995.

The Department of Public Instruction's School Support Division facilitates the Facility Needs Survey and tabulates and reports the results. A preliminary report, issued in April 2006, covers areas such as enrollment growth, pre-K facilities, class size reductions, and progress made since the last assessment. The report states that accommodating projected enrollment growth is the most common justification for reporting needs for new schools, renovations, and additions. Easing current crowding and replacing obsolete facilities are also listed as major factors in the need for new construction (State Board. *North Carolina*).

A cost and feasibility analysis is required by state law. Consideration is given to the cost and feasibility of renovating old school buildings instead of replacing them. In the feasibility analysis, a section is included on handicapped accessibility with categories for whether the building 1) is generally meeting ADA code requirements, 2) needs some modifications to meet code requirements, or 3) needs substantial modifications to be used satisfactorily by physically handicapped persons (Department).

The *Exceptional Children Facilities Planner* includes guidelines on instructional services, support services, sample plans, and accessibility. The planner's accessibility

guidelines cover all degrees and categories of disabilities and do not supersede any local, state, or federal requirements relating to the provision of accessibility. The areas covered are accessible route, ground and floor surfaces, parking and passenger loading zones, curb ramps, ramps, stairs, elevators, doors, entrances, drinking fountains, water closets, toilet stalls, urinals, lavatories and mirrors, alarms, signage, telephones; seating, tables, and work surfaces; and play areas (State Board. *Exceptional* 41-44).

Sources

Department of Public Instruction. School Planning. "Feasibility and Cost Analysis Form." <http://www.schoolclearinghouse.org/pubs/costfeas.pdf> (accessed Aug. 27, 2006).

State Board of Education and Department of Public Instruction. *Exceptional Children Facilities Planner.* <http://www.schoolclearinghouse.org/pubs/exchild.pdf> (accessed Aug. 27, 2006).

---. *North Carolina Public Schools: Facility Needs Survey*. Preliminary Report, April 2006. <http://www.schoolclearinghouse.org/otherinf/FacilityNeedsSurvey/FacilityNeedsPreliminaryReport2006.pdf> (accessed Aug. 27, 2006).

Ohio

Ohio is profiled for its plan to overhaul every school in the state and its related funding programs.

The Ohio School Facilities Commission (OSFC) developed a partnership with local school districts called "Rebuilding Ohio's Schools." The commission has an ambitious plan to completely overhaul every school in Ohio's 613 school districts. The partnership model combines localized decision making, specialized industry knowledge, and centralized state guidance.

As of March 2006, OSFC had spent more than $4.2 billion for completion of 414 new or renovated buildings. This was viewed as progress toward the state's goal of enabling every child to receive a good education in a quality learning environment (Taft). OSFC's *2004 Annual Report* lists 293 new or renovated facilities in 124 school districts. The *2005 Annual Report* notes that 75 new or renovated school buildings were opened across Ohio that year through OSFC's programs.

Master Facilities Plan

OSFC's Master Facilities Plan serves as the foundation of the school construction and renovation process. A master plan is developed for each school district, and consultants assist OSFC staff in conducting thorough assessments of existing buildings.

The Ohio Design Manual's standards provide a flexible set of specifications and alternatives that reflect new developments in materials, systems, technology, and educational delivery needs (Lutz. "Ohio Design Manual").

OSFC has established Facilities Program Guidelines that can be used for best practices. School districts request OSFC to assess the classroom facility needs of the district before the district can be eligible for state assistance. The assessment process includes

- onsite evaluation of all classroom facilities,
- a summary of the assessment in narrative form,
- an initial master plan, and
- an estimate of the basic project cost (the initial master plan and estimated cost are not final products).

OSFC's emphasis is not necessarily on new construction. Planners analyze the cost to renovate versus the cost to construct a new facility and make a recommendation to the school district. In 2004, renovations encompassed approximately 43 percent of the work in progress. OSFC may approve renovations in some cases that cost up to the same amount as building a new facility.

Disability Access

OSFC's mission is to provide funding, management oversight, and technical assistance to local school districts for the construction and renovation of school facilities. Completing this mission meets the requirements for Title II and ADA. Therefore, the General Assembly enacted a law discontinuing its Disability Access Program, effective in 2004 (Lutz. Phone Interview; Legislative 334). The program, created in 1997 to address the needs for disability access and achieve compliance with the related federal laws, had awarded $15 million for specific projects and served approximately 8,600 students with disabilities.

Funding and Programs To Rebuild or Renovate Schools

School districts are allowed to use general fund money, proceeds from a permanent improvement tax, school district income taxes, and other funding methods to raise local revenues for project costs. Some of the programs administered by OSFC as part of the Rebuilding Ohio's Schools initiative are summarized in the following table (School. *2005* 8-13).

Program	Purpose	Status and Funding
Urban Initiative	Accelerates facilities funding for six of the state's largest urban districts.	This is the largest OSFC program. Total funding of $5.74 billion, $2.95 billion in state funding. As of 2005, 14 buildings had been completed, with 42 in construction and 81 in design.
Classroom Facilities Assistance Program	Provides funding for all facilities needs within a district.	$4.5 billion in 131 school districts; $3.7 billion in state funding; $791 million in local funding. In 2005, 25 districts were offered funding.
Exceptional Needs Program	Designed to address the health and safety needs of districts with below average wealth or those that are more than 300 square miles in size.	Projects are valued at $688 million, $444 million is funded by the state. As of 2005, 31 districts have completed work or work is in progress. Three districts were offered funding in 2005.
Expedited Local Partnership Program	Allows school districts to fund a portion of their facilities master plan through local money prior to the time state funding becomes available through Classroom Facilities Assistance Program.	As of the end of 2005, 151 districts were active in the program. Sixty-five new or renovated buildings in 45 districts have been completed.
Energy Conservation Program	Allows schools with older facilities to borrow funds, without a vote of the public, to make energy-saving facilities improvements.	Cost of improvements may not exceed maintenance costs over a 15-year period. Investments of more than $935 million have been made by 541 districts. Savings are estimated to exceed $89 million.
School Building Emergency Assistance Program	Assistance is provided to school districts for emergency facility projects that are due to an "Act of God."	Cost only covers the portion of an emergency project that is not covered by insurance or other public or private emergency assistance received by a school district.
Extreme Environmental Contamination Program	Assists districts in replacing buildings whose occupants are exposed to contaminants at levels that violate acceptable state and federal standards.	Two districts have been approved for participation. (This is a sub-program of the Exceptional Needs Program.)
Facilities Assessment Program	Allows school districts to request that OSFC assess facility needs of a district prior to their eligibility for state assistance.	
Vocational Facilities Assistance Program	Provides assistance to joint vocational school districts for classroom facilities improvement suitable to vocational education programs.	Four schools have been offered funding under this program. (There is also a Vocational Facilities Assistance Expedited Partnership Program.)

Sources

Legislative Service Commission. *FY 2004 - FY 2005 Operating Budget Analysis: School Facilities Commission*. <http://www.lbo.state.oh.us/fiscal/budget/FiscalAnalysis/125GA/SFC.pdf> (accessed Aug. 27, 2006).

Lutz, Steve. Chief of Planning, Ohio School Facilities Commission. "Ohio Design Manual" on disc.

---. Phone interview. May 1, 2006.

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---. *2005 Annual Report*. <http://www.osfc.state.oh.us/pdfs/AnnualReports/2005.pdf> (accessed Aug. 27, 2006).

Taft, Governor Bob. "Taft Announces Funding in the Works for 28 School Districts to Improve School Facilities." News Release. March 16, 2006. <http://www.dw.ohio.gov/releases/031606OSFC.htm> (accessed Aug. 27, 2006).

Tennessee

Tennessee is profiled for its Public Infrastructure Needs Inventory.

Tennessee has implemented the Public Infrastructure Needs Inventory as a tool for setting priorities and making informed decisions for its public infrastructure. This tool is used to gather information about the condition of public schools in Tennessee. It is not a needs assessment survey, but it is used in a similar manner.

One of two forms is used to gather information from local school officials. One form includes information about the need for new public school buildings and for school systemwide infrastructure improvements. A second form is used to gather information about the condition of existing public school buildings, as well as the cost to meet all facilities mandates to put them in good condition and provide adequate technology infrastructure (Advisory Commission).

Projects included in the inventory are required to be in the conceptual, planning and design, or construction phase at some time during the 5-year period of July 2003 through June 2008. Each project must have an estimated cost of at least $50,000.

In the case of existing public schools, the inventory must include estimates of the cost to comply with federal and/or state rules, regulations, or laws. The mandates most commonly reported are ADA, asbestos, lead, underground storage tanks, and the Education Improvement Act.

The public school inventory is structured so that the conditions of all schools are known, including new schools and those in need of repair and replacement. It provides an overview of statewide facilities and needs. Systems such as technology can be identified separately based on the data. The information from the inventory has been used by the

Comptroller's Office of Education Accountability in its review of schools placed on notice by the Department of Education.

Tennessee has put more emphasis on compliance with the Asbestos Hazard Emergency Response Act than on other federal laws. Documents to guide planning have been developed, and completion of a detailed checklist is required.

School Repair and Renovation Grants

Tennessee has received School Repair and Renovation, IDEA, and Technology grants in recent years. The selection criteria used to determine which schools received funds are

- the percentage of poor children 5 to 17 years of age in a local education authority;
- the need of a local education authority for school repair and renovation as demonstrated by the condition of its public school facilities; and
- the fiscal capacity of a local education authority to meet its need for repair and renovation of public school facilities without assistance under this section, including its ability to raise funds through the use of local bonding capacity and otherwise.

Source

Advisory Commission on Intergovernmental Relations. *Building Tennessee's Tomorrow: Anticipating the State's Infrastructure Needs,* July 2003 through June 2008, Oct. 2005. <http://www.state.tn.us/tacir/PDF_FILES/Infrastructure/Infra05_book.pdf> (accessed Aug. 27, 2006).

Texas

Texas is profiled for its strong accessibility standards that have been incorporated into state law.

Texas has incorporated best practices for school facilities into code, which include requirements for ADA compliance. The Texas Legislature has set authority for these rules and best practices under Texas Administrative Code, Title 19, Part II, Chapter 61, School Districts, Subchapter CC, Commissioner's Rules Concerning School Facilities. The Texas Education Agency adopted these standards as best practices for school facilities, including specific instructions for ADA compliance.

The main contents of the standards are found in 19 Texas Administrative Code §61.1031, last amended in 2003: a) definitions and procedures, b) effective date, c) certification of design and construction, d) space and minimum square foot requirements, e) educational adequacy, and f) construction quality. The subsection on construction quality sets standards for compliance with building codes. A specific standard is that school districts "shall comply with the provisions of the Americans with Disabilities Act of 1990 (Title I and Title II) and other local, state, and federal requirements as applicable." A new Subchapter 61.1036 was added that applies to projects for new construction or major space renovations with approved documents on or after January 1, 2004.

The written description for a proposed new school facility or major space renovation covers a range of issues and alternatives including education specifications for disabled children.

Texas Accessibility Standards

Texas has incorporated standards in school facilities planning that

> closely follow the Americans with Disabilities Act Accessibility Guidelines..., and are intended to facilitate equivalency certification of the state program for the elimination of architectural barriers by the United States Department of Justice by:
>
> - bringing the state Architectural Barriers Act into alignment with the scoping requirements of the Americans with Disabilities Act;
> - expanding ADAAG with additional state scoping requirements and standards;
> - encouraging compliance by using common standards;
> - speeding the dissemination of required standards to owners, design professionals, and related user groups (Department. "Texas Accessibility Standards: 1").

Because specifications in ADAAG are for adults, Texas implemented specifications in Texas Accessibility Standards for children between the ages of 4 and 15 and by school grade categories. For example, fixtures and equipment must be placed at appropriate heights for specific age groups. Very low dimensions and heights are required when facilities serve children younger than 4 (Department. "Texas Accessibility Standards: 2").

Texas has also set minimum square footage standards for general and computer classrooms.

Source

Department of Licensing and Regulation. Policies and Standards Division. "Texas Accessibility Standards: 1. Purpose, Authority, and Application." <http://www.license.state.tx.us/ab/tas/abtas1.htm> (accessed Aug. 27, 2006).

---. ---. "Texas Accessibility Standards: 2. General." <http://www.license.state.tx.us/ab/tas/abtas2.htm> (accessed Aug. 27, 2006).

Virginia

Virginia is profiled for its technical assistance guide titled *School Safety Audit Protocol*.

The 1997 Virginia General Assembly enacted House Bill 1851 that directed school boards to require all schools to conduct safety audits. As a result, the Virginia Department of Education developed and published the *School Safety Audit Protocol* that serves as a guide and provides best practices for school districts when conducting the audit.

In 1999, the General Assembly amended Sections 22.1-278.1 of the Code of Virginia to mandate safety audits. The amendment requires the audit to be a written assessment that

is maintained by the school. Each school district must complete an audit every 3 years, and a review of the recommendations should be conducted annually. Certification is issued to schools when an audit has been completed in accordance with code and the audit report is on file at the school site.

The audit protocol is a direct tool for technical assistance in performing this mandatory requirement. It is divided into 12 sections: Buildings and Grounds, Development and Enforcement of Policies, Data Collection, Prevention and Intervention, Staff Development, Opportunity of Student Involvement, Level of Parent and Community Involvement, Role of Law Enforcement, Development of a Crisis Management Plan, Standards for Security Personnel, Americans with Disabilities Act Requirements, and Emergency Response Plan. Each section has a checklist of requirements to evaluate, plus best practice tips (Department).

The checklist in the ADA section is used to assess the school's current level of safety related to the Americans with Disabilities Act. The school district must assess each element by checking Yes, No, N/A, Implement, or Improve. The elements are

1. The school has addressed ADA requirements and has plans for compliance.
2. The school has considered appropriate accommodations for students with disabilities.
3. The school has developed an evacuation plan to accommodate students with disabilities in the event of a crisis.
4. The school's emergency alarm system is in compliance with ADA requirements, taking into consideration students and staff who may be hearing or visually impaired.
5. In the event of a hostage or intruder event, the school has considered the unique safety needs of students and staff members with disabilities (Department 61).

The best practice tips for ADA in the audit protocol are

- Train all staff members with regard to students with special needs and the school's plan to address those needs in the event of a crisis. School officials must consider the safety of all students when developing the school's crisis plan.
- Designate at least two staff members to provide assistance to those special needs students who may require it, should a crisis occur (Department 62).

Source

Department of Education. *School Safety Audit Protocol*. June 2000. <http://www.vak12ed.edu/VDOE/Instruction/schoolsafety/safetyaudit.pdf> (accessed Aug. 27, 2006).

West Virginia

West Virginia is profiled for its long-range educational facilities master plan.

The legislature created the School Building Authority (SBA) in 1988. In 1989, objectives and membership were refined. In 1994, funding sources and programs were redefined. The current mission of SBA is to facilitate and provide state funds for the construction and maintenance of school facilities in an efficient and economical manner. SBA has set goals to accomplish its mission.

Long-range Comprehensive Educational Facilities Plan

West Virginia has been selected by the Building Educational Success Together initiative as a model state for its long-range educational facilities plan. The definition of "facilities plan" is incorporated in the West Virginia Code, Article 18-9D. "Facilities plan" is defined as a 10-year countywide comprehensive educational facilities plan (CEFP), established by the county board in accordance with guidelines and adopted by the School Building Authority. SBA and the West Virginia Board of Education must approve it. The plan, updated annually, must include all projects that alter the instructional square footage of the facility or exceed $50,000 regardless of funding sources. Routine maintenance plans are separate.

The plan includes

- establishing a CEFP planning team and committees representing citizens and staff;
- projecting up-to-date student enrollment;
- developing countywide goals and objectives and evaluating the previous 10-year plan;
- researching and compiling data indicated in key elements of the program;
- translating educational needs into facility needs;
- developing a finance plan to implement the facility improvements;
- conducting public hearings and summarizing public comments;
- developing an objective and methodology for evaluating the effectiveness of the plan;
- meeting with an official of SBA and the Department of Education to assure that the plan meets its mission and goals;
- submitting the proposed CEFP to the local education board for approval; and
- submitting the CEFP to the state Board of Education and SBA for approval (Board. *Handbook*).

West Virginia also has specific guidelines on how to develop educational specifications that become a part of CEFP. There are several areas that must be described by the local education authority. For example, descriptions for special environmental provisions that would improve the learning environment are required.

West Virginia Provides Grants for Planning

Grant funding for planning is available to counties that need assistance for developing the required 10-year comprehensive educational facilities plan. Development of the plan is the best tool for effective and efficient use of resources (Board. *Handbook*). These grants are available only during the final 2 years of each 10-year planning period. Planning grants provide for 50 percent of the costs of a consultant firm to assist the county, but may not exceed $20,000 total per county.

The architect is responsible for translating the educational program for which the facilities are needed into building design and specifications. In addition to several other responsibilities, the architect is responsible for conducting a thorough investigation of the completed building and recommending approval and acceptance of completed facilities.

Enrollment and School Closures

For school closures, the local school board must provide a written statement of reason that includes data on enrollment and facilities at the least. This includes trends in population changes and characteristics, enrollment projections, and explanation of the projection method used. Accessibility is also addressed in this section.

The Board of Education's *School Closings or Consolidations* states that the following information on facilities must be included:

- Maps showing the schools targeted for closure or consolidation and the schools that will receive the students.
- Physical appraisal of the school targeted for closure or consolidation and the school or schools that will receive the students. The appraisal should include age, number of buildings, general condition, and adequacy of structural, electrical and mechanical systems to provide a safe and healthful environment.
- Evaluation of the school targeted for closure or consolidation and the school or schools that the county board designates to receive the students in regard to the school(s) adaptability to the present and proposed educational programs and the provisions of related services.
- Measure of the utilization, as a percentage, of the school targeted for consolidation or closures and the school(s) which the county board designates to receive the students....
- Comparison of the accessibility (barrier-free environment) for the disabled students of the school targeted for closure or consolidation and the school or schools that the county board designates to receive the students.
- Elaboration of the effect the proposed school closing or consolidation will have on the school system's future plans regarding grade configuration, educational programs, and facility requirements (2-3).

Performance Measures Are Used for Facility Planning and Maintenance

An excerpt from the FY 2007 Executive Budget of West Virginia summarizes the mission, operations, goals/objectives, and performance measures of the School Building Authority of West Virginia.

Department of Education's School Building Authority's Performance Measures Used for Facility Planning and Maintenance

Fiscal Year→	Actual 2003	Actual 2004	Estimated 2005	Actual 2005	Estimated 2006	Estimated 2007
Facility plans submitted and reviewed	48	44	10	0	55	55
Major Improvement Plans submitted and reviewed	34	41	55	38	55	55
Maintenance correction inspections	4	2	5	0	7	10

Sources

Board of Education. *Handbook on Planning School Facilities* (State Board Policy 6200). 2005. <http://wvde.state.wv.us/policies/p6200.pdf> (accessed Aug. 27, 2006).

---. *School Closings or Consolidations* (State Board Policy 6204). 2005. <http://wvde.state.wv.us/policies/p6204.pdf> (accessed Aug. 27, 2006).

Wyoming

Wyoming is profiled for its needs assessment.

In August 1997, the Department of Education commissioned an assessment of all school buildings in the state. The assessment covered 1,221 buildings totaling 22.9 million gross square feet.

The assessment included an evaluation of building condition, education suitability, and technology readiness. Also calculated was the need for additional space for student enrollment. The findings included information in the following categories:

- Building Age - The average age of school facilities in Wyoming was 29.7 years.
- Building Condition - Five categories were identified; the average score was 73.25.
  - New with targeted maintenance normally sufficient to address minor problems (score of 90+)
  - Good condition with some problems requiring repair and renovation (score of 70-89)
  - Fair condition with some problems requiring attention, some of which may need prompt attention (score 50-69)

  - Poor condition with numerous problems requiring prompt attention to save the building from further deterioration (score 30-49)
  - Unsatisfactory with substantial investments required to restore building to useful state. Replacement should be considered (score below 30)
- Building Condition/Age Profile.
- Educational Suitability.
- Technology Readiness.
- Building Accessibility.
- Capacity - established standards for elementary, middle, and high schools.

The assessment stated that the study was not a comprehensive barrier analysis per the Americans with Disabilities Act. However, a summary accessibility evaluation was prepared to provide the Department of Education with information as to where major facility problems exist. The buildings were rated based on the following definitions:

- Good - Provisions of the Americans with Disabilities Act regarding building accessibility appear to be complied with.
- Fair - Building is accessible, however all rooms are not accessible or all levels are not directly accessible. Some restrooms are accessible.
- Poor - Building is accessible but not up to ADA standards. No restrooms meet requirements.
- Unsatisfactory - Building is inaccessible. No access to any level.

"The study found that $362.9 million could be justifiably spent to bring all of the 1,221 buildings to an 'As New' condition as defined...." Breakdowns in various categories were also included in the report.

Source

All information in this section is from Department of Education. "Statewide School Facilities Assessment, Executive Summary." Jan. 26, 1998. <http://legisweb.state.wy.us/school97/post/reports/mgt.htm> (accessed Aug. 27, 2006).

Appendix C

Participation by School Districts in Selected Facility Funding Programs

The "Percent State Funds" column is the percentage of total state and local facilities funding by district in FY 2005 that came from state funds (State FSPK, Urgent Need, SFCC, SEEK Capital Outlay, and Growth Equalization). The remainder came from local sources (growth nickels, recallable nickel, local FSPK).

	Local Funds			State Funds		
District	**First Growth Nickel**	**Second Growth Nickel**	**Recallable Nickel**	**Equalized Facility Funding**	**Urgent Need/ Category 5**	**Percent State Funds**
Adair County					X	79%
Allen County				X		36%
Anchorage Independent						16%
Anderson County	X	X				47%
Ashland Independent						70%
Augusta Independent						88%
Ballard County			X		X	79%
Barbourville Independent						83%
Bardstown Independent	X	X				31%
Barren County	X	X				52%
Bath County					X	84%
Beechwood Independent				X		20%
Bell County						87%
Bellevue Independent						67%
Berea Independent			X			67%
Boone County	X	X				16%
Bourbon County						71%
Bowling Green Independent						49%
Boyd County						60%
Boyle County						66%
Bracken County				X		51%
Breathitt County						86%
Breckinridge County						68%
Bullitt County	X	X				42%
Burgin Independent						57%
Butler County					X	89%
Caldwell County						82%
Calloway County						67%
Campbell County	X					25%
Campbellsville Independent						61%
Carlisle County						78%
Carroll County						62%
Carter County						86%
Casey County					X	85%
Caverna Independent						71%
Christian County						72%
Clark County						49%

	Local Funds			State Funds		
District	First Growth Nickel	Second Growth Nickel	Recallable Nickel	Equalized Facility Funding	Urgent Need/ Category 5	Percent State Funds
Clay County						84%
Clinton County						82%
Cloverport Independent						93%
Corbin Independent	X	X		X		61%
Covington Independent						66%
Crittenden County						81%
Cumberland County			X			78%
Danville Independent						59%
Daviess County	X			X		50%
Dawson Springs Independent						90%
Dayton Independent						86%
East Bernstadt Independent						92%
Edmonson County						74%
Elizabethtown Independent			X			55%
Elliott County						92%
Eminence Independent						75%
Erlanger-Elsmere Independent						66%
Estill County					X	84%
Fairview Independent						87%
Fayette County						34%
Fleming County						76%
Floyd County					X	87%
Fort Thomas Independent	X			X	X	36%
Frankfort Independent						81%
Franklin County			X		X	47%
Fulton County						83%
Fulton Independent						81%
Gallatin County	X		X	X	X	62%
Garrard County	X	X				56%
Glasgow Independent					X	73%
Grant County	X	X				58%
Graves County						73%
Grayson County						75%
Green County					X	84%
Greenup County						85%
Hancock County					X	77%
Hardin County					X	71%
Harlan County					X	83%
Harlan Independent						91%
Harrison County						72%
Harrodsburg Independent						74%
Hart County					X	79%
Hazard Independent						70%
Henderson County						66%
Henry County						75%
Hickman County					X	84%
Hopkins County					X	77%

	Local Funds			State Funds		
District	First Growth Nickel	Second Growth Nickel	Recallable Nickel	Equalized Facility Funding	Urgent Need/ Category 5	Percent State Funds
Jackson County						85%
Jackson Independent						87%
Jefferson County						37%
Jenkins Independent						80%
Jessamine County	X	X				34%
Johnson County						87%
Kenton County	X	X			X	23%
Knott County						69%
Knox County					X	84%
LaRue County					X	77%
Laurel County	X	X				71%
Lawrence County						78%
Lee County						77%
Leslie County					X	81%
Letcher County						82%
Lewis County						84%
Lincoln County						80%
Livingston County					X	82%
Logan County						82%
Ludlow Independent						75%
Lyon County						39%
Madison County	X	X				44%
Magoffin County					X	91%
Marion County						77%
Marshall County						57%
Martin County						83%
Mason County					X	73%
Mayfield Independent				X		56%
McCracken County						56%
McCreary County						89%
McLean County					X	79%
Meade County	X			X		57%
Menifee County						86%
Mercer County	X	X				64%
Metcalfe County						79%
Middlesboro Independent						76%
Monroe County				X		73%
Montgomery County	X	X				57%
Monticello Independent					X	90%
Morgan County					X	86%
Muhlenberg County					X	80%
Murray Independent	X	X				55%
Nelson County	X	X		X		54%
Newport Independent						62%
Nicholas County						77%
Ohio County						79%
Oldham County	X	X	X			26%

	Local Funds			State Funds		
District	**First Growth Nickel**	**Second Growth Nickel**	**Recallable Nickel**	**Equalized Facility Funding**	**Urgent Need/ Category 5**	**Percent State Funds**
Owen County				X		53%
Owensboro Independent						68%
Owsley County						83%
Paducah Independent						57%
Paintsville Independent						69%
Paris Independent						84%
Pendleton County	X	X				55%
Perry County					X	82%
Pike County					X	85%
Pikeville Independent						59%
Pineville Independent						90%
Powell County						84%
Providence Independent						93%
Pulaski County						67%
Raceland Independent						90%
Robertson County						78%
Rockcastle County						86%
Rowan County						77%
Russell County			X			75%
Russell Independent						61%
Russellville Independent						72%
Science Hill Independent			X			84%
Scott County	X	X				39%
Shelby County	X	X				31%
Silver Grove Independent						79%
Simpson County					X	64%
Somerset Independent						57%
Southgate Independent						25%
Spencer County	X	X				48%
Taylor County						72%
Todd County						61%
Trigg County						57%
Trimble County						61%
Union County						73%
Walton Verona Independent	X					71%
Warren County	X	X				41%
Washington County						69%
Wayne County					X	75%
Webster County						73%
West Point Independent						80%
Whitley County					X	85%
Williamsburg Independent						84%
Williamstown Independent	X					84%
Wolfe County					X	90%
Woodford County	X			X		34%
Totals	**30**	**22**	**9**	**13**	**35**	**55%**

Source: Commonweath; Kentucky Department of Education documents.