BUILDING EDUCATIONAL SUCCESS TOGETHER

NATIONAL TRUST for HISTORIC PRESERVATION

Recommended Policies for Public School Facilities

Section 4: Public School Facilities Funding Policies

Introduction

It is the responsibility of each state to ensure that every child has access to a quality education. In many states, the courts have determined that school facilities that provide educational settings suited to the state's determined curriculum are a significant part of this responsibility. However, school facility management and construction have traditionally been entirely the responsibility of the school district. Many states, particularly those who have increased their funding to local school districts are putting in place policies, procedures and technical assistance to ensure that their public school facilities are educationally adequate.

The purpose of this paper is to provide policy guidance and recommendations to elected and appointed officials and administrators at the State, local, and school district level to improve **facilities funding** in order to support and enhance the delivery of educational programs and services for students and teachers. The implementation of policies that result in high quality, high-performing, well designed and maintained school facilities has a direct and indirect impact on the teaching and learning process. Effective facilities management can contribute to the success of every student in every school in the United States.

In 2001, led by the 21st Century School Fund (21CSF), and supported by the Ford Foundation, a group of very experienced school facility and community-based groups came together in a collaboration called BEST (Building Educational Success Together). The BEST partners are: 21CSF; the Education Law Center (Newark, NJ); Neighborhood Capital Budget Group (Chicago, IL); the Knowledgeworks Foundation (Cincinnati, OH); The National Trust for Historic Preservation (Washington, DC); the National Clearinghouse for Educational Facilities (Washington, DC), New Schools Better Neighborhoods (Los Angeles, CA), New Visions for Public Schools (New York, NY), and Mark Schneider (State University of New York at Stony Brook).

The BEST partners developed a four-part policy agenda: 1) Increase public participation in **facilities planning**, 2) create and support **schools as centers of community** that offer school-based supports to children to eliminate barriers to success and serve the broader community, 3) improve **facilities management**, including maintenance and capital improvement programs and 4) secure adequate and equitable **facilities funding**. We have developed recommended school facility policies in these four areas. **This paper is the fourth part of an effort to address our four-part policy agenda.**

State policy reform is one tool for affecting the planning, design, construction, maintenance and funding practices and processes at the state and local school district levels. However, state level standards and control must be carefully developed and applied, so that creativity, public participation, and local priorities can drive the facility planning and design outcomes.

These school facilities policies may be used to:

- assess your state and local policies—compare these recommended policies to your state and school district's policies;
- facilitate a discussion among teachers, parents, students, principals, facility managers, community and business leaders, about any policy barriers to well-maintained, educationally adequate school facilities;
- identify policy or funding incentives that can be adopted to support high quality educational facilities for all children; and
- build consensus for state level mandates that require local school districts to engage in best practice for school facility condition, design and utilization.

We hope that others will correspond with us, critique our work, offer suggestions, substitutions or additions to any or all areas. We also hope that we will receive accounts of successes or failures in using or implementing the policies or elements at any level.

Policy Rationale

In general, school districts, local governments, and states with financing responsibilities for school construction attempt to keep pace with significant demands to support the costs associated with building new schools for their increasing enrollments, modernizing older facilities, and maintaining the existing public school infrastructure. The unprecedented economic growth of the last ten years made increased spending on school-facilities improvements possible, and some significant progress has been made. However, many students in many districts still do not have access to appropriate learning environments. Recent fluctuations in the economy along with the uncertainty of consistent funding levels make planning for the necessary and required capital improvements challenging.

Whether there is an economic downturn or an economic expansion, demands for public funds for public school improvements offer legitimate and competing claims on the governments' borrowing capacities. School facilities maintenance competes with other priorities in a school districts' operating budgets, including teacher and staff compensation, new technology, new textbooks, and special education. Without adequate operating funds, districts will continue to defer maintenance, will not address school overcrowding, and will be unable to modify classrooms to support the desired educational practices to achieve successful outcomes. When districts fail to address critical facility maintenance and construction needs, they limit the effectiveness of their academic programs, hinder attempts to revitalize neighborhoods and communities, and preclude students from access to high quality programs and services.

Most school districts rely on property taxes to fund the operating and capital budgets for their public schools. This financial dynamic can create inequities of spending per student based on the place of residency. Students in more affluent districts, based upon the assessable base per student, can access more educational and enrichment opportunities than students living in less affluent school districts. Several court cases have examined this issue, including questions about comparable school facilities, and have required legislative action to remedy inequitable situations. Other states have long histories of financial support for public school construction and capital improvement projects. Not all states, however, have these programs and where they do exist, the programs vary in type and level of financial support provided.

To ensure that equitable public school facilities exist in every district, states must take a proactive role. States that currently have programs should initiate a review process to determine how successful they are in achieving comparable facilities in all districts and within districts. States that do not have programs should explore their options and develop school construction and capital improvement programs that provide equitable facilities and educational opportunities statewide.

While education is a state responsibility, significant support and desire for local control exists broadly. Improvements to existing programs and/or development of new programs at the state level do not necessarily have to diminish elements of local control. As states

proceed with equitable public school funding programs, it is of utmost importance that all stakeholders be included.

Policy Intent

To ensure that there are state and local mechanisms in place for raising sufficient revenue to adequately fund and finance the operation of public school facilities and to ensure that there are procedures in place to provide for the fair and equitable allocation of funds for planning, design, new construction, renovation or modernization of public schools between school districts and within a school district.

Recommended Policies

4.1 Long-Term Funding Sources Policy

The State should ensure that there are long-term, adequate sources of funding to support planning, design, construction, operation, and maintenance for public school facilities.

As states develop plans and programs, operational policies and procedures, as well as the funding levels and sources, need to be addressed. States need to establish and implement plans to ensure long-range and stable funding streams or mechanism that will support the needs of the school districts. The facility needs and requirements should be identified in each school district's Educational Master Plan, Comprehensive Maintenance Plan, and Capital Improvement Program (discussed and described in Section 1: School Facility Planning). Consideration should also be given to results obtained from any statewide needs assessments or compilation of data pertaining to the conditions of schools when applying the minimum adequacy standards.

Finding funding sources to meet the ongoing fiscal requirements for an effective statewide school construction and capital improvement program is a significant challenge. For example, economic conditions change; educational programs change and as a result, facilities need to be changed; residential development or redevelopment changes; enrollments fluctuate; existing schools continue to age and need repair, renovation, and/or rehabilitation; and current or proposed funding sources are not always reliable over extended periods of time.

Most states should, however, be in a position to clearly understand the particulars of their educational facility needs, the anticipated levels of funding required, and the ability of the various funding approaches to meet these needs. With this information in hand, the state has a responsibility to provide the funds necessary to meet these needs and requirements on a continuing basis. However, given the competition for state capital funds, it is not always possible to meet all the educational facilities needs in any one given year. But the reliance upon a funding stream that meets the majority of these needs each year moves the state and the school districts closer to providing equitable facilities throughout the state. Every attempt should be made at the state level so that districts or school facilities

provide appropriate educational settings and environments that support required educational programs and services.

Every attempt should also be made to establish a "guaranteed source of funding" at the state level for school construction and capital improvement programs. This type of commitment enables school districts to prepare their plans with some assurance that there will be state support for implementation. It is enormously frustrating for school districts and communities to invest time, energy, community enthusiasm, and financial resources in a planning process, only to have it end up on the shelf, unfunded and therefore not implemented. With predicable funding sources and annual levels of funding, school districts can effectively plan for the future and prioritize projects over - at least - a five-year period. Of course, unforeseen circumstances often interfere with the implementation of state funding plans and expectations. For example, funds from anticipated sources can be diverted to other more urgent needs, or dedicated revenue sources might not be sufficient to meet the school construction needs and requirements in a given year or over a period of years.

The necessity for reliable sources and levels of funding cannot be overemphasized. The school construction process takes time and usually includes the following activities: (a) initial research and prioritizing of projects, (b) procurement of funds and engaging an architect or other design consultants, (c) preparing drawings at the various design phases, (d) obtaining funding for the actual project, (e) preparing the final plans and specifications for bidding, and (f) obtaining the require approvals and/or permits prior to initiating the actual work.

The timing and availability of state funds impacts school districts in which communities must raise local funds in order to complete portions of the facilities work or help fund actual facilities projects. In most cases, the ability to rely upon state funds allows these districts to proceed with certain projects that would otherwise go unfunded. Since time is such an important factor, state programs must acknowledge that "market place costs" are not held constant. There should be mechanisms to adjust or account for changing market conditions as close to the time of actual bidding as possible.

The program for the distribution of state funds should recognize the differences between the capabilities of the school districts and their staff to prepare the materials necessary for submitting a successful application for funding. Technical assistance should be available to all districts and especially to those that might need additional help and guidance. In recognizing these disparities, the program will be more equitable if all applications for a specific program are due at the same time. This allows the state to evaluate all applications simultaneously rather than approving projects on a "fist-come-first serve basis" in which wealthier districts (with more staff or other resources) might submit more applications or submit them earlier and thereby exhaust the majority of the funding available.

It should be noted that in 2002, 44 States had either grants or loan programs that could be used for school construction and capital improvement projects. Forty states had annual state appropriations. Matching funds were required in most instances and the local match

ranged from 2 percent to ninety-eight percent. The states use a variety of sources for these loans and grants. The sources include: state general fund, state general obligation bonds, dedicated sales tax, lottery income or gambling revenue, the tobacco settlement, and some smaller specialized sources. Many states will guarantee local bonds or will issue state bonds, which require repayment by the locality. At least one state has a revolving loan fund for maintenance and renovation projects and another state provides full funding for smaller maintenance and renovation projects. Some states repay a portion of the debt service for bonds issued by the school district for school construction and capital improvement projects. A few states approve the issuance of a large state general obligation bond and then district apply for the funds as their projects proceed through the approval process.

Some states provide their funding at the beginning of the project, while others provide partial payments during the construction phase, and others wait until the project is complete to proffer the financial aid. In most cases, it is preferable to have state funding provided during the construction phase to keep pace with monthly requests for payment from the contractors. This is especially helpful to smaller or less wealthy districts that would otherwise have to borrow the money for the state share during the construction phase and then seek reimbursement from the state. This could result in added expenses for districts that can least afford the extra cost. Most contracts require payment within a specified period of time before additional interest charges are assessed against the owner (the school district) as a late payment fee.

4.2 Scope and Form of Funding Relationship between State and Local School District Policy

The State should define the scope and form of the funding relationship between the State and the local school district, recognizing the needs, requirements, fiscal ability, and fiscal capacity of the local school district.

While the specific policies, programs, and procedures that states utilize may vary considerably, they each have established relationships with their school districts that facilitate the funding of school construction and capital improvement projects. Although there are differences, states generally attempt to recognize the individual needs, requirements, fiscal ability, and fiscal capacity of each school district. An important factor to consider is the financial capability (or lack thereof) of the locality, which should weigh heavily when evaluating applicants for assistance or when determining the state and local share. In the interest of equity and fairness, the districts with the greatest need in terms of school facilities and financial assistance should receive a larger proportion of financial assistance.

To address this disparity, many states have established a sliding scale for state aid and the required “match funds” for school construction projects. This could apply to state aid either in the form of grants, loans or other financial support. This enables states to spread their resources further by providing more resources to poorer districts and fewer resources to wealthier districts. This concept recognizes that districts with lower

assessable bases have to raise taxes to a higher rate to achieve the same revenue that wealthier districts can raise (higher assessable base) at a lower rate.

In special situations, consideration could be given to provide for waivers of the matching funds. This would benefit students living in the poorest districts where even the minimum amount of matching funds would very difficult, if not impossible, to raise. If all students are to be afforded equal access to educational programs and services, then the facilities in which they learn and study should be equal or comparable within districts and states.

In some cases, states have established emergency grant or loan funds to assist localities with urgent repairs that they do not have funds to address. This can be particularly helpful when there are natural disasters or accidents that prevent students and teachers from occupying their schools. A lengthy process to obtain the necessary funding, in addition to any funds from insurance claims, could prolong the interruption to the educational process.

4.3 Funding Allocation for School Building Improvements and/or New Construction Policy

The State should establish a process and procedure that allocates funding for school building improvements and/or new construction according to need on an equitable and fair basis throughout the State and within school districts.

Because "need" is difficult to define, most states use measures that can be objectively evaluated such as student population, student enrollment, district income/ wealth, changes the district's overall population, average daily attendance, and property value. A few use building assessments or age and building square footage in combination with one or more of the preceding factors. One state uses cooperation between districts as an incentive. Some have much more complicated combinations of factors including the type of space needed, a review of prior state funding, state and local priorities, community use, estimated project cost, and the schedule for the proposed project.

Although objectivity should be the primary consideration, there should also be some subjective judgment in the final decision making process. It is extremely difficult to review several hundred projects and assign a rank order to them for funding purposes. This is particularly true when comparing the need for new schools in districts experiencing rapid enrollment increases with other districts with older buildings in need of major renovations. Some projects more easily rise to the top. However, an established written process that is clearly stated needs to be made available to all applicants and used to evaluate the applications and make the final decisions. Clearly, poorer districts with serious, urgent problems in meeting the educational adequacy goal should receive funds for their projects on an equitable basis.

The subjective aspect of the evaluation requires knowledge of individual districts and knowledge of their facilities. It may also require an independent evaluation of the proposals for adequacy and completeness. Perhaps separate projects submitted for the same school should be considered as a package rather than as discrete projects, which making these projects more economical and less disruptive at the school.

State programs should provide a mechanism for appeals to resolve questions and/or concerns related to school construction requests. This could include specific decisions regarding the approval and funding of projects, the scope of work eligible for state financial assistance, and the level or percentage of state assistance for a specific project. Resolving matters in a timely fashion should be of the utmost importance to states and school districts. Delays in moving projects forward often result in higher costs to all parties.

4.4 Alternative Financing Methods Policy

The State should examine and review alternative design, construction, and/or financing methods and offer guidance and assistance to school districts that are desirous of implementing these options.

Although almost all school construction and capital improvement projects in school districts across the nation follow a design-bid-construction sequence, there are alternatives that have been proven successfully. Some of these alternative methods have required state legislation to permit their use by a public body. Some of the alternative methods include design-build, construction management at-risk, construction management agency (with multiple prime contractors), performance based contracting, competitive sealed proposals, job order contracting, lease-lease-back, and sale-lease-back. There are a significant number of school districts that have examined and utilized these alternative methods to accomplish capital improvements over the past several years and the number of districts investigating this method is increasing.

In addition to these project delivery and financing alternatives, there are also alternative funding sources that should be considered. Some of these may also require permissive state legislation before school districts can utilize them. These alternative financing methods could include public-private partnerships, public-public partnerships, impact fees, excise taxes, transfer taxes, payments-in-lieu-of taxes, tax incremental financing, private activity bonds, qualified zone academy bonds, alternative energy and energy rebates, and donations and grants.

States should provide information and guidance about these alternative methods. To determine the feasibility of employing these alternative methods, states should gather information from other states and interested parties, determine the existing interest from within their school districts, convene committees or working groups to examine these alternatives more fully as applicable to current projects, and issue or distribute recommendations and possible sequences of events. For alternatives that can be

implemented without legislation, states should provide assistance to school districts desirous of moving ahead. Where legislation is required, the state should take a leadership role in obtaining passage of the laws necessary for proceeding with the alternative method(s).

Many of these alternatives are becoming more common and popular. States should encourage policy makers, politicians, administrators, boards, and commissions to carefully examine these options and then make decisions based upon their evaluation and application to their specific circumstances.

A few states or localities have established clear guidelines and/or standards for proceeding with the implementation of one or more of these alternative methods. For example, states could clearly define the procedures for private-public partnerships: project submissions, project characteristics, project and team qualification standards, financing, review process, timeline, and selection criteria.

Additional opportunities for public-public partnerships may exist. Local governmental entities have separate funding sources, time frames, procedures and missions. Cooperating on public building planning, design, construction and financing requires explicit policies and budget instruments. Some public agencies are prohibited from spending funds in cooperation with other public entities even when such cooperation will result in a savings for taxpayers and the resulting facility will be more effective in providing services. It may be possible to resolve this problem if both government entities are interested in a cooperative venture that will benefit the public. In some cases, legislation maybe required.

4.1 Long-Term Funding Sources

a. State Example: ***Alaska***

In 2002, Alaska voters authorized the issuance of state general obligation bonds of $236.8 million to pay for the cost of design, construction and major maintenance of education and museum facilities. In 2004, however, the legislature declined to pass a general obligation bill, instead appropriating $5.8 million to the education department for specific projects.

www.legis.state.ak.us HB 2002, enacted, 2002

b. State Example: ***Arizona***

Student's FIRST legislation, enacted in 1996, established three funds: the deficiency corrections fund, the building renewal fund, and the new school facilities fund. The program is funded from dedicated revenue (0.6 cent increase) from the state's sales tax and bonds. No match is required. No further legislative action is required for funds to be allocated, and the funds do not lapse. The legislature has recently over-ridden its own legislative mandates, and has not distributed the funds for new construction and for the building renewal fund.
Arizona Code Title 15-Sections: 2021, 2022, 2031

www.azleg.state.az.us

c. State Example: ***California***

California has a state-controlled school finance system, but school districts are responsible for managing the funds.
"Funds for the School Facility Program (SFP) may be from any funding source made available to the SAB [State Allocation Board.] This includes proceeds from the sale of State General Obligation Bonds and the State General Fund. In addition, districts are required to provide a portion of the cost of a project from funds available to the school district. This may include, among other sources, local general obligation bonds, developer fees, general fund, etc."

"An Overview of the State School Facility Programs"

http://www.documents.dgs.ca.gov/OPSC/PDF-Handbooks/SFP_Info.pdf

"In March 2004, California voters passed Proposition 55, a $12.3 billion bond measure for the construction and modernization of public elementary, secondary, and higher education facilities…Proposition 55 is the second of a two-part bond measure, Proposition 47, which passed in November 2002. Proposition 47 provided $13.05 billion…"
http://www.edsource.org/edu_fin.cfm

d. State Example: ***Maine***

Maine has a revolving fund for maintenance and renovation. Districts can borrow money from the fund. The state forgives between 30% and 50% of a school's loan and requires that the remainder be repaid within five to ten years.

http://janus.state.me.us/legis/statutes/30-A/title30-Asec5953-E.html

e. State Example: ***Maryland***

There are two school facility construction programs in Maryland. One is the Public School Construction Program. It is funded primarily with bonds. In FY2003, $156.5 million was made available for projects already planned and approved as part of a long-range plan. Local matching share ranges from 20% to 50%. The other funding source is the Aging School Program. It was established in 1997 for five years and has no matching share requirement. These funds are distributed on the basis of the school's age and size.

Maryland Statutes Education, Title 5, Financing

http://www.mdarchives.state.md.us/msa/mdmanual/html/mmtoc.html

f. State Example: ***New Jersey***

The legislature authorized the New Jersey Economic Development Authority to issue bonds in the amount of $100 million for the state share of county vocational school district facility projects,

$8.5 billion for the state share of Abbott district school facilities, and $2.5 billion for the state share of costs for school facilities projects in other districts. Title18A:7G-14

http://www.njleg.state.nj.us/cgi-bin

http://www.edlawcenter.org/

g. State Example: ***New York***

The school facilities bond act proposal was put on the ballot in 1997 but failed. In FY2000 and FY2001, the New York legislature appropriated a total of $195 million for Rebuilding Schools to Uphold Education (RESCUE.) However, the money has been slow to be disbursed and more money went to less needy school districts than it did to needy ones. The Building Aid account covers debt service costs for districts or direct costs if they have not borrowed money. The money is distributed based on a formula that relies on property taxes. Changes have modified the formula through the years. Some claim that the ratio is no longer effective as a reflection of need. There is not a predictable method to determine the amount of money that will be available in future years. In 2004, Governor Pataki proposed an increase of State school aid to $14.6 billion and a reform package. The funding increase is to come primarily from lottery receipts. The legislature added $506 million to the General Fund, resulting an increase of $751 over the prior year. The legislature did not pass the proposed reforms, perhaps in expectation of the report of a panel of three Special Masters appointed by the NY Court of Appeals regarding school finance and the NY City schools.

http://stateaid.nysed.gov/build/building_info.htm

www.budget.state.ny.us

h. State Example: ***North Carolina***

In 1995, the legislature approved a referendum for $1.8 billion for the construction of school facilities. The money goes into the Public Schools Building Bonds Fund. The funds were divided (after a small set-aside for small systems with special problems) by a formula based on average daily attendance, ability to pay and growth rate. The other major source of school facility funds is the Public School Building Capital Fund. This fund is supported by a percentage of the state's corporate income tax revenue. The money is allocated according to a county's average daily membership. The fund was frozen by the Legislature in 2002-2003 because of state budget shortfalls.

Public School Building Capital Fund North Carolina G.S. 115C-546.2(b)

North Carolina General Assembly 1995 Session - Chapter 631 H. B. 1100. "Public School Building Bond Act of 1996"

i. State Example: ***Ohio***

In 1999, Governor Taft proposed a 12 year school facilities program at an estimated cost of $10 billion. The money was to be spent in the Classroom Facilities Assistance Program, several special programs to address the specific needs of urban areas, and emergency repairs. Special provision was made for projects that had funds ready to expend. The money was to come from bonds ($5.9), general funds ($1.8) and tobacco settlement funds ($2.5.) There was also proposed a permanent trust fund for school facilities improvements. This fund has an endowment of $2.1 billion from tobacco settlements.

The districts have a matching share to raise based on wealth. The total appropriated to the Ohio School Facilities Commission since FY98 is $3.6 billion. The money has come from capital funds, from tobacco settlement funds, from lottery profits, and from bonds.

http://www.osfc.state.oh.us/Rebuild.htm

j. State Example*:* ***Vermont***

The state established a single statewide property tax. The income from the statewide property tax and other taxes are distributed by the state as block grants to each school district in the amount of $5,010 per student. Communities can spend more than this by raising or setting aside taxes but if they do so then they must donate a portion for poorer towns. Act 60, June 1997, Section 4025, Education Fund.

http://www.leg.state.vt.us/docs/1998/acts/ACT060.HTM

k. State Example: ***Utah***

The state has a Capital Outlay Foundation program that requires a local tax levy for capital outlay and debt service. It also has a loan program with a similar requirement.

Rule R277-451. The State School Building Program.
http://rules.utah.gov/publicat/code/r277/r277-451.htm

Utah School Bond Guaranty Act Title 53, Chapter 28
http://www.le.state.ut.us/~code/TITLE53A/53A1F.htm

l. State Example: ***West Virginia***

The School Building Authority (SBA) of West Virginia, created in 1990, distributes the state's capital improvement funds based on each district's ten year plan, called a Comprehensive Educational Facility Plan (CEFP). The SBA has the authority to issue revenue bonds or general obligation bonds, and to accept and expend money appropriated by the legislature.

WVA Code 18-9I-15

http://129.71.164.29/wvcode/18/masterfrm2frm.htm

a. State Example: ***California***

The Prompt Payment Act requires State agencies to pay properly submitted, undisputed invoices within 45 calendar days of initial receipt. If the requirement is not met, State agencies must automatically calculate the pay the appropriate late payment penalties as specified in Government Code section 927, et seq.

http://www.pd.dgs.ca.gov/promptpay/default.htm

i. State Example: ***Ohio***

Ohio has a Financial hardship loan program that enables districts to borrow funds to address critical issues for a period of five years, renewable for 5 additional years. They also have a definition of "undue hardship."

Ohio School Facilities Commission Financial Hardship Loan Program
Ohio Revised Code Section 3318.042

4.2 Scope and Form of Funding Relationship between State and Local School District

a. State Example: ***Connecticut***

The state provides state matching grants and covers 20% to 80% of project costs based on property tax base and equalized income. Certain centers -- inter district magnets, regional vocational centers and special education centers -- can receive 100% funding.

Connecticut Statutes, Chapter 173 *Public School Building Projects* Cited. 195 C. 24, 30.
Sec. 10-285a. Percentage determination for school building project grants

http://www.cga.ct.gov/2001/pub/Chap173.htm#sec10-282.htm

b. State Example: ***Maryland***

Maryland provides 50% to 97% of approved project costs based upon local fiscal capacity. Its Aging School Program authorized in 1997 does not require any local matching funds.

Maryland Code/Education/Title 5. Financing/Subtitle 3. State Aid for School Construction/Section 5-301

http://198.187.128.12/mbPrint/1e3a7ec4.htm

c. State Example: ***Utah***

Utah has a finite amount appropriated by the legislature. It is distributed to the school districts based on property tax yield per average daily membership. Often, all districts do not receive funds.

Utah Administrative Code R277-451. The State School Building Program

http://www.rules.utah.gov/publicat/code/r277/r277-451.htm

d. State Example: ***Vermont***

Vermont pays 30% of projects approved by the state Board of Education. The Board uses enrollment growth, space per student and building condition to rank the projects.

Vermont Statutes, Title 16 Education, Chapter 123: State Aid for Capital Construction Costs, Section 3448. Approval and funding of school construction projects; renewable energy

http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=16&Chapter=123&Section=03448

4.3 Funding Allocation for School Building Improvements and/or New Construction

a. State Example: ***Idaho***

Idaho Code: Title 67 State Government and State Affairs, Chapter 52, Idaho Administrative Procedure Act

67-5270. Right of Review.

4.4 Alternative Financing Methods

a. Discussion: The National Clearinghouse on Educational Facilities has extensive information on this topic:

The Complete Guide to Fund-Raising Management
A comprehensive treatment of fundraising principles and practices, including information about creating case statements, record keeping, prospect research, cultivating donors, major gifts, ...
This citation appears on the following NCEF resource list:

Fundraising Campaigns for School Facilities
http://www.edfacilities.org/rl/fundraising.cfm

Doing Business with Entrepreneurial America: Protecting School District Interests.
This paper attempts to identify benchmark considerations when entertaining the question of private management of public school facilities.

This citation appears on the following NCEF resource lists:

Charter School Facilities Financing:
http://www.edfacilities.org/rl/financing_charter.cfm

School Facilities Management:
http://www.edfacilities.org/rl/facilities_management.cfm

Funding Partnerships for School Construction:
http://www.edfacilities.org/rl/funding_partnerships.cfm

b. State Example: ***Florida***

The Florida Senate provides a permanent collection of state laws organized by subject area into a code made up of titles, chapters, parts, and sections. The Florida Statutes are updated annually by

laws that create, amend, or repeal statutory material. Title XLVIII, Chapter 1013.355.1 addresses Educational Facilities.

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Index&Title_Request=XLVIII#TitleXLVIII

c. State Example: ***Virginia***

In response to the Public-Private Education and Infrastructure Facilities Act of 2002 (PPEA), Virginia developed instructions and a process for the review and approval of public-private partnerships.

http://dls.state.va.us/ppea.htm

Virginia Statutes Title 56, Chapter 22.1, Section56-575.1
http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+56-575.1

d. State Example: Florida

The legislature enacted a bill that encouraged and authorized cooperation among district school boards, local governments, and private interests to provide "timely construction and maintenance of school facilities…."

Florida statutes Title XLVII, K-20 Education Code, Chapter 1013, Educational Facilities, Section 1013.355, Educational Facilities benefit districts.

http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Index&Title_Request=XLVIII

e. State Example: ***Iowa***

Iowa encourages state and local governments to make "efficient use of their powers by enabling them to provide joint services and facilities with other agencies and to co-operate in other ways of mutual advantage." Iowa includes this in state statutes with sections relating to joint exercise of powers, agreements with other agencies and shared use of facilities.

Iowa Statutes, Title I State Sovereignty and Management, Subtitle 10 Joint Governmental Activity 28E

http://www.legis.state.ia.us/IACODE/1999SUPPLEMENT/I.html

f. State Example: ***Kentucky***

Kentucky authorizes joint exercise of power by State agencies with other public agencies.

Kentucky Code Section 65. 240
http://www.lrc.state.ky.us/krs/titles.htm