

CEFPI Summer Conference

June 27, 2011



Dr. John D. Barge, State School Superintendent
"Making Education Work for All Georgians"
www.gadoe.org

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2012 Capital Outlay

- Regular Entitlement funded at 100% level
 - Regular Applications fully funded
 - Advanced Funding Applications fully funded
 - Low Wealth Applications fully funded
- Growth Entitlement funded at 40% level
 - Growth Applications funded at the 40% level
 - This only affected one application



School Funding Study Commission

- **HB 192 State Education Finance Commission**
- **Study of all state funding of education including:**
- **(6) Capital outlay:**
 - (A) Review the capital outlay programs for which school systems may be eligible to ensure that each program is effective and adequately funded; and
 - (B) Because the program is currently scheduled to sunset on June 30, 2015, recommend whether and how long the program should be extended.



HB 202

- Would have required school systems to conduct a DOT traffic study before any school improvement project and pay for all needs identified in the study:
 - Roads
 - Bridges
 - Sidewalks
 - Bike Paths
 - Traffic lights
 - Other improvements



Attorney General's Opinions

- Boards cannot use the board's funds for laying out, altering, maintaining, and improving public, county-maintained road even though school transportation would be facilitated thereby; it is the sole duty and responsibility of the local officials in charge of county matters to lay out, alter, maintain, and improve the road in the manner the officials deem best suited to the needs of the county. 1962 Op. Att'y Gen. p, 189
- Board cannot use funds for red light on state highway – The expenditure of public school funds for a red light located on a state highway one-half mile from the public school would not be for “educational purposes.” 1957 Op. Att'y Gen. p. 116
- Expending school funds to obtain a water supply for a school is for “educational purposes”; the board of education has the authority to enter into a contract with a municipality for that purpose. 1954-56 Op. Att'y Gen. p. 244



STUDENT POPULATION TRENDS: 1980 - 2016

STATE OF GEORGIA PUBLIC SCHOOLS

(STUDENT POPULATION AS REPORTED BY THE LOCAL SCHOOL SYSTEMS)

| <i>SCHOOL YEAR</i> | <i>NUMBER OF STUDENTS</i> | <i>GAIN OR LOSS</i> | <i>RATE OF CHANGE</i> |
|---|---------------------------|---------------------|-----------------------|
| 1980 - 1981 | 1,049,476 | | |
| 1981 - 1982 | 1,036,392 | -13,084 | -1.26% |
| 1982 - 1983 | 1,034,956 | -1,436 | -0.14% |
| 1983 - 1984 | 1,034,885 | -71 | -0.01% |
| 1984 - 1985 | 1,043,815 | 8,930 | 0.86% |
| 1985 - 1986 | 1,061,887 | 18,072 | 1.70% |
| 1986 - 1987 | 1,080,974 | 19,087 | 1.77% |
| 1987 - 1988 | 1,100,140 | 19,166 | 1.74% |
| 1988 - 1989 | 1,109,697 | 9,557 | 0.86% |
| 1989 - 1990 | 1,120,909 | 11,212 | 1.00% |
| 1990 - 1991 | 1,144,052 | 23,143 | 2.02% |
| 1991 - 1992 | 1,169,199 | 25,147 | 2.15% |
| 1992 - 1993 | 1,196,373 | 27,174 | 2.27% |
| 1993 - 1994 | 1,222,154 | 25,781 | 2.11% |
| 1994 - 1995 | 1,249,946 | 27,792 | 2.22% |
| 1995 - 1996 | 1,279,546 | 29,600 | 2.31% |
| 1996 - 1997 | 1,315,986 | 36,440 | 2.77% |
| 1997 - 1998 | 1,337,146 | 21,160 | 1.58% |
| 1998 - 1999 | 1,361,104 | 23,958 | 1.76% |
| 1999 - 2000 | 1,382,785 | 21,681 | 1.57% |
| 2000 - 2001 | 1,408,403 | 25,618 | 1.82% |
| 2001 - 2002 | 1,428,212 | 19,809 | 1.39% |
| 2002 - 2003 | 1,451,341 | 23,129 | 1.59% |
| 2003 - 2004 | 1,475,626 | 24,285 | 1.65% |
| 2004 - 2005 | 1,504,838 | 29,212 | 1.94% |
| 2005 - 2006 | 1,550,793 | 45,955 | 2.96% |
| 2006 - 2007 | 1,576,659 | 25,866 | 1.64% |
| 2007 - 2008 | 1,590,728 | 14,069 | 0.88% |
| 2008 - 2009 | 1,602,432 | 11,704 | 0.73% |
| 2009 - 2010 | 1,609,344 | 6,912 | 0.43% |
| 2010 - 2011 | 1,614,178 | 4,834 | 0.30% |
| (PROJECTED STUDENT POPULATION BASED ON BEST-FIT GROWTH TRENDS CALCULATED FOR | | | |
| 2011 - 2012 | 1,603,405 | 12,677 | 0.79% |
| 2012 - 2013 | 1,616,082 | 12,677 | 0.78% |
| 2013 - 2014 | 1,628,759 | 12,677 | 0.78% |
| 2014 - 2015 | 1,641,436 | 12,677 | 0.77% |
| 2015 - 2016 | 1,654,113 | 12,677 | 0.77% |



2011 Growth Trends

- 104 Systems lost enrollment
- 1 system had no growth
- 75 systems had growth
- Change in FTE ranged from -9.572% to 5.397%
- 10 County and 8 City School Systems Qualified for Growth funding



Limit on Growth Funds Per FTE

- O.C.G.A. (J) (3) The level of entitlement approved by the General Assembly and authorized by the state board shall not be greater than a total level of entitlement which, when divided by the sum of exceptional growth for all school systems with exceptional growth, provides a cost per average exceptional growth full-time equivalent student **that is not greater than the average of construction costs per full-time equivalent student for elementary school, middle school, and high school construction as provided in paragraph (5) of subsection (c) of this Code section, the average of which three costs shall be reduced by the local participation required by subsection (f) of this Code section.**



Maximum Growth Entitlement

| Grade | Growth Cost Factor per FTE | | | Average Cost per FTE |
|--------------|----------------------------|------------------|--------------|----------------------|
| | Percent of Total | New Construction | Average Cost | |
| Organization | 2011 Average FTE | FTE | Cost Per FTE | per FTE |
| K-5 | 774151 | 47.9595 | \$8,038.62 | \$3,855.28 |
| 6-8 | 373380 | 23.1313 | \$6,737.82 | \$1,558.54 |
| 9-12 | 466647 | 28.9093 | \$8,768.40 | \$2,534.88 |
| total | 1614178 | 100.0000 | | \$7,948.70 |

8332 FTE in Growth Systems

Maximum Entitlement

\$66,228,568



2013 Applications

- Deadline for submission is August 13
- About \$50,000,000 in QSCB funds will be used for the 2013 applications
- Until a decision on which projects will be QSCB, no application can be made
 - **Start dates of projects cannot occur before the application is approved at the end of August**



Amended Applications

- Way too many applications are requested to be amended due to the system changing their minds on projects
- Be sure that your system fully intends to do all activities listed in an application
- Revisions may be limited to justifiable reasons, otherwise the project will just be removed



System Charter Schools

- **Are charter schools listed in my facilities plan?**
 - Yes. The FTE is reported by the system and must be reflected in the facility plan.
- **Are charter schools required to meet square footage requirements?**
 - If the school system owns the property, then the facility must meet square footage requirements.
 - If the school system does not own the property, the Charter School may waive square footage requirements if the waiver is part of the charter.
- **Does inventory of a charter school not owned by the system affect the systems IU counts?**
 - No. Inventory is not entered into COPS. On the Curriculum and Space Needs page, the number of earned classrooms will be offset by entering the same number in units gained so the facility has no IU need.
- **Can charter schools earn capital outlay?**
 - If the school system owns the property, then that facility will earn capital outlay just like any other facility in the facility plan.
- **Can a charter school owned by the school system make a capital outlay application?**
 - No. The school system determines priority for projects and will only be in an application if the school system chooses to do so.



Mitigations of Finds on a Facility Site

- All wells found on the property that are not planned for use should be filled, plugged, and sealed in accordance with the Georgia Well Standards Act of 1985.
(<http://www.greeneswaterwells.com/WaterWellStandardsAct.html>)
- Septic systems should be either filled in place with clean soil fill or removed and backfilled with clean soil fill.
- Cemeteries will need to be left undisturbed or otherwise addressed prior to any development activities in accordance to the Georgia Cemetery Preservation Law (O.C.G.A. 37-72-1-16)



Archaeological Finds

- Archaeological finds are regulated by the following acts.
 - [Antiquities Act of 1906](#)
 - [Historic Sites Act of 1935](#)
 - [National Historic Preservation Act of 1966](#)
 - [Archaeological Resources Protection Act of 1979](#)
 - [Abandoned Shipwreck Act of 1987](#)
 - [Native American Graves Protection Act of 1990](#)
 - [36 CFR 79 of 1990](#)
- For information:
- <http://www.nps.gov/archeology/public/publicLaw.htm>
- <http://hpd.dnr.state.ga.us/content/displaynavigation.asp?TopCategory=76>



Historical Registry

- Limits renovation and modification activities and required approval from the historical society before work is performed
- Can earn additional state funds as stated in O.C.G.A. 2-2-260 (a) (7)
 - the state board shall allocate funds to renovate and modernize historic landmark facilities which meet the requirements of this paragraph in an amount which is the lesser of the cost of new construction to replace the historic landmark or the actual cost of such renovation and modernization; provided, however, that the renovated facility has an extended life comparable to that of a new facility; and provided, further, that the local school system shall provide the remaining necessary capital outlay funds to renovate the facility in accordance with all other requirements of this Code section.
- National Registry of Historic Places: <http://www.nps.gov/nr/>



The Asbestos Hazard Emergency Response Act

AHERA



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Overview:

The Asbestos Hazard Emergency Act went into effect in 1986 and the Environmental Protection Agency developed regulations requiring each local education agency to develop operations and maintenance plans for managing asbestos in its school buildings in order to sustain a safe and healthy environment for children.

Fines of up to \$7,500 per day may be assessed per day for each facility not in compliance



Operations and Maintenance Plan

- An acceptable Operations and Maintenance Plan identifies the location of and describes how intact, in-place asbestos will be left undisturbed and inspected periodically to monitor any changes in the condition of the asbestos containing building material (ACBM). Each school must appoint a designated person to oversee the plan.



Periodic Surveillance and Re-Inspections

- Periodic surveillances must be performed every six months by an individual that is familiar with the school to look for changes in the condition of the ACBM.
- Re-inspections must also be performed at least once every three years by a trained and accredited asbestos inspector to ensure that the condition of the asbestos remains stable.



Training Requirements

- Everyone who may come in direct contact with the identified material must be adequately trained and all building occupants should be notified that the management plans are in place and are available for review. This notification should be issued annually to all workers, building occupants, or their legal guardians. All documents created in the response to the management plan must be added to the management plan as they are created.



Notification to the Public

- Every school must state yearly in its handbook or other publication distributed to all students that the Asbestos Management Plan for that school is available for inspection.
- The Asbestos Management Plan must be located at the school.



Commonly Cited Violations

- Failure to designate a person to ensure the AHERA requirements are implemented.
- Failure to inform workers or the building occupants at least once each year about inspections, response actions, and post-response action activities that are planned or are in progress.
- Failure to notify parent, teacher, or employee organizations about the Management Plan's availability once a year.
- Failure to conduct or document the six-month asbestos periodic surveillance of all buildings.
- Failure to provide appropriate training for its maintenance and/or custodial staff.
- Failure to post asbestos warning labels in routine maintenance areas.
- Failure to maintain complete records on removals/repairs on materials containing asbestos, asbestos fiber releases, and/or maintenance and operation activities, including the lack of information on whether the laboratory used for analyzing the samples is accredited, accreditation of people conducting the activities, how the activities were performed, etc.
- Failure to conduct the 3 year re-inspection.



10 Steps to Becoming AHERA Compliant

1. Appoint a designated person
 - Schools must appoint a designated person and ensure that he/she is adequately trained.
2. Use accredited persons
 - Only properly trained and accredited persons should be used to conduct initial asbestos inspections, develop management plans, design and carry out response actions, and conduct re-inspections.
3. Conduct initial inspections
 - An accredited inspector should conduct all inspections and must keep records of all activities
4. Develop a management plan
 - Schools must develop an operations and maintenance plan, submit the plan to the Georgia Department of Education, and maintain an updated copy of the plan. The plan must be made available to the public and state or federal inspectors. All maintenance personnel should be familiar with the requirements of the plan.
5. Supervise initial cleaning
 - Special attention must be given to the cleaning methods custodial workers use on asbestos containing building materials.



10 Steps to Becoming AHERA Compliant

6. Implement appropriate responsive actions
 - Schools should use an accredited management planner to recommend response actions, and must select an accredited person to design and conduct these responsive actions. A responsive action is the method by which ACBM will be handled during maintenance activity.
7. Conduct periodic surveillance and re-inspection
 - Schools must conduct periodic surveillance of the building's ACBM, use an accredited inspector to conduct prescribed re-inspections, and keep accurate records of all activities.
8. Assure proper training and awareness
 - Schools must provide necessary training to maintenance staff and custodial staff; provide short-term workers with information about the location of any ACBM; and post necessary warning labels.



10 Steps to Becoming AHERA Compliant

9. Maintain records

- Schools must update the management plan as appropriate, retain an updated version of the plan, make all records available for review upon request, and notify affected parties of the availability of the plan.

10. Contact EPD for assistance

- Georgia EPD is ready to counsel the designated person or other school official on the development and implementation of an operation and maintenance plan. Voluntary compliance can save many problems and Georgia EPD specialists can lend technical guidance to help ensure your school succeeds in the inspection and evaluation.



Frequently Asked Questions About Applicability

A school leases space in a building from a non-school group. Who is responsible for complying with the AHERA rule?

Leased buildings are covered under AHERA. The school district is responsible for AHERA compliance.

If there are no buildings within a school district with ACBM, then does the school district need to have an HAERA designated person, retain management plans, or provide notifications to the parents, teachers, or workers on the management plan availability?

Yes.

Are school administrative offices, maintenance, or storage buildings covered by AHERA, even if students never attend classes in these buildings?

Yes. Vacant facilities that are no longer used by the school are exempt.

If a school uses a single room in a nonschool building on a regular basis as a classroom, is the entire building covered by AHERA?

No, just the single room used by the school as a classroom.



Frequently Asked Questions About Applicability

If a school district obtains a building, how soon must it be inspected for ACBM?

Prior to its use as a school building.

A school burns down. The local school district wants to use a local community center for six months due to the emergency.

In the event of emergency and use of an uninspected building as a school building is required, such buildings must be inspected within 30 days after the school has begun using the building.

Are private, charter, or magnet schools required to comply with AHERA?

All private, charter, or magnet elementary and secondary schools must comply with AHERA requirements.



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Duties of The AHERA Designated Person

- Ensure that asbestos-related activities are carried out in accordance with AHERA requirements, such as inspections, re-inspections, periodic surveillance, management plan implementation and updates, and maintenance or removal of ACBM.
- Ensure that all custodial and maintenance workers are properly trained.
- Ensure that all workers, building occupants, students, and their parents are notified annually about management plan availability and recent and upcoming asbestos-related events.
- Ensure that short-term workers who may come into contact with asbestos are provided information regarding the location of asbestos.
- Ensure that all warning labels are posted.
- Consider any conflicts of interest that may arise when selecting accredited personnel to conduct asbestos-related activities.



Training and Accreditation

- Building inspectors, management planners, project designers, contractors/supervisors, and asbestos workers must successfully complete EPA or Georgia approved courses, pass an exam, and receive accreditation before they can perform any asbestos-related activities and complete annual EPA or State approved refresher courses to maintain their accreditation.



Training and Accreditation

- **Building Inspectors** learn technical information needed to identify and describe ACBM and information needed to write an inspection report.
- The **Management Planner's** course is an extension of the building inspector's training, plus how to develop or schedule for implementation or response actions for hazards or potential hazards identified in the inspection report, how to develop an operations and maintenance plan, and how to prepare a management plan.
- **Project Designers** learn how to design response actions and abatement projects; basic concepts of architectural design, engineering controls, and proper work practices.
- **Supervisors/Contractors** learn proper work practices and procedures; contractor issues such as legal liability, contract specifications, insurance, bonding, and air monitoring.
- **Workers** learn best practices and procedures, personal protective equipment, health effects of asbestos exposure, and other critical information.



The AHERA Designated Person

- The AHERA Designated Person does not need to be accredited; however, he/she must have training which covers
 - (1) health effects of asbestos,
 - (2) detection, identification, and assessment of ACBM,
 - (3) options for controlling ACBM
 - (4) relevant Federal and State regulations concerning asbestos.
- The management plan must include information on the course names, dates, and hours of training undertaken by the AHERA Designated Person.



Development of a Management Plan

- As an asbestos program manager, the DP must insure that the following records are kept as part of the management plan:
 - General information, such as the list of the names and addresses of all school buildings, whether the school building contains ACBM or suspected ACBM
 - AHERA designated person information
 - Inspection and re-inspection reports, including assessments and recommendations and sampling results
 - Description of the operations and maintenance program, including documentation on operations and maintenance activities
 - Response action, fiber release episode and preventive measure documentation, including air clearance sampling, accreditation certificates of persons designing and conducting the activities, etc
 - Updated information on the locations of ACBM
 - Information on the future activities, such as a plan for re-inspections, operations and maintenance activities, period surveillance inspections, etc
 - Copies of and information on required notifications
 - Six-month periodic surveillance reports
 - Documentation on the training for maintenance and custodial staff



Frequently Asked Questions About Management Plans

Must a school system develop a management plan for each school or can it have one large plan that covers all of its schools?

A separate management plan must be developed for each school. The administrative office of each school must maintain a complete and updated copy of the management plan for that school.

If a school building is new and an architect or project engineer prepared a statement that no ACBM were used in the design or construction of the building or an AHERA accredited inspector found no suspect materials, then must that school develop a management plan?

Yes, however, the management plan would simply contain the architect, project engineer, or AHERA accredited inspector's statement, the designated person information, and the notification to the parents, teachers, and employees on the availability of the plan.

Which areas in school buildings must have warning labels?

AHERA requires warning labels immediately adjacent to any friable and non-friable ACBM and suspected ACBM located in routine maintenance areas in each school building. Examples are boiler rooms, equipment rooms, pipe tunnels, fan rooms, and air handling rooms.



Periodic Surveillance

- Every six months the designated person should conduct a surveillance of all know ACBM in the building. The person conducting the surveillance must be aware of the material's previous condition and then look for changes such as: water damage, major delamination, major fiber releases, minor damage, separation of ACBM from the substrate, flaking, blistering, crumbling of the ACBM surface, scrapes, gouges, mars and other signs of physical injury, asbestos debris, punctures, crushed areas, and torn or missing coverings.



Re-Inspection

- Every three years an accredited inspector must visually re-inspect and reassess the condition of all known or assumed friable ACBM, visually re-inspect and reassess the condition of all known or assumed non-friable ACBM and touch it to determine if it has become friable, identify homogenous areas of material that have become friable since the last inspection, develop required records, and submit the records to the AHERA Designated person within 30 days of re-inspection. Previously encapsulated ACBM must be closely examined during the re-inspection to determine whether the previously employed response action has failed.



Components of The Re-inspection Report

- Date of Re-inspection
- Name and signature of each accredited inspector who collected samples and participated in the re-inspection and accreditation documentation
- Any changes in the condition of known or assumed ACBM
- Exact location where samples were collected during the re-inspection
- A description of the manner used to determine sampling locations
- Any assessments or reassessments made of friable materials
- Written recommendations of the management planner

*The re-inspection report must become a part of the management plan



Frequently Asked Questions About Re-inspections

If the 6 month periodic surveillance inspection coincides with the re-inspection, can the re-inspection count as a periodic surveillance??

Yes.

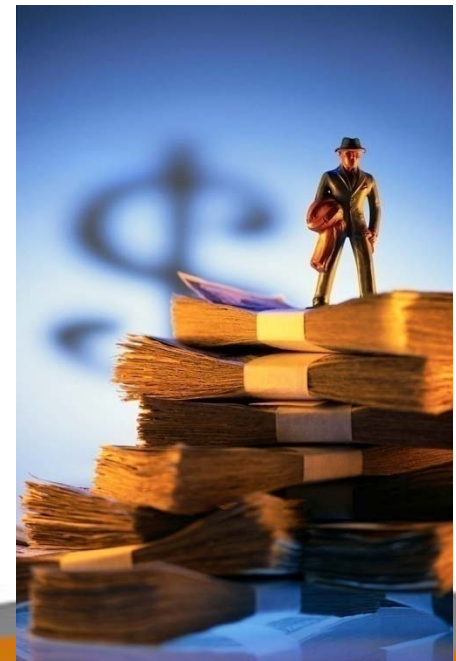
Is re-inspection required for buildings where no ACBM known or assumed ACBM was found in the original inspection or where abatement actions removed all ACBM?

No. However, EPA recommends that schools that have conducted asbestos abatement to remove all ACBM should conduct a re-inspection in case some ACBM was missed.



Funding Reimbursements

Reimbursement Bonds



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What is a Reimbursement Bond ?

- These bonds can only be used to reimburse payments on paid invoices.
- This is why your system must submit paperwork showing the expenses incurred for the project before we can send your reimbursement for the state portion of the project.
- A Reimbursement bond is different than other bonds because of the IRS regulations.



Reimbursement Bonds

- The Georgia Legislature approves the sale of reimbursement bonds for the state portion of school construction costs.
- Reimbursement bonds require that 5% of funds be spent within the first six months of the issuance of the bonds and 85% of the expended proceeds to be spent within three years after the issuance of the bonds. The project should be completely finished within five years to meet arbitrage requirements.



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When will you see the money?

- In the past the reimbursement bonds were sold in the first few months of the new fiscal year.
- The Georgia State Finance and Investment Commission(GSFIC) is the agency that sells all of the bonds for the state.
- GSFIC sets the dates for bond sales.



GaDOE Capital Outlay Program REIMBURSEMENT PROCESS





PART I

- The first step of the reimbursement process is to provide a signed Architectural Contract, signed Mandatory Addendum, and Architect's Insurance Certificate.
- Prior to Reimbursement you must have sent your plans and specifications for review and approval by our GaDOE architects.
- Once these two steps are done and if your documentation is complete, then you may receive reimbursement for architectural costs.





Part II

Once you have properly bid the construction project, you will need to provide the following items:

- Publisher's or website affidavit
- Certified Tabulation of Bids
- Signed copy of the Construction Contract
- Performance bond
- Payment bond
- Contractor's Insurance Certificate

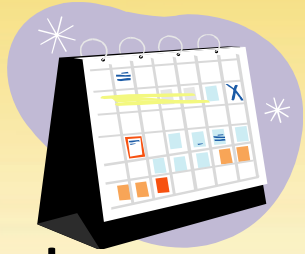


Construction Manager Projects

In addition to providing the documentation from Parts I and II you will need to also have:

- Construction Management Firm Contract
- CM Bid for Proposal
- CM Evaluation Score Sheet





Part III

- In order to receive payments, we request that you use the Request for Reimbursement form DE 0263 located on our state website.
http://www.gadoe.org/fbo_facilities.aspx
- As you begin the project, we recommend that you submit documentation monthly.
- As change orders occur, submit copies of the change order and documentation for the need of the change order.





Part IV

Once you have completed the project, you will need to send in the following documentation:

- Final Pay Request
- Certificate of the Board of Education
- Architectural Certification
- Asbestos Certification for EVERY project

Once we have reviewed these documents, we will send the Project Cost Certification(DE0089) for your Superintendent to sign.



Final Payment

- Once we have received the signed Project Cost Certification, then we will send you the final balance of the state funds for your project.



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Questions



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GADOE WEB PAGE:

http://public.doe.k12.ga.us/fbo_facilities.aspx

404-656-2454

