**DRAFT CREATED BY: ME 08-19-21**

**581-027-0005**

**Definitions**

The following definitions and abbreviations apply to rules within OAR 581, Div 27:

(1) “Acoustics” means the properties or qualities of a room or building that determine how sound is transmitted.

(2) “Adjusted Assessed Property Value per ADM” means the value calculated per OAR 581-027-0010 to determine the ranking of Districts on the Priority List for Funding.

(3) “Adjusted ADMr” means average daily membership as calculated under OAR 581-023-0006(5)-(7) reduced by the Average Daily Membership of virtual public charter schools in the District.

(4) “Adjusted ADMw” means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c) reduced by the Average Daily Membership of virtual public charter schools in the District.

(5) “ADM” means Average Daily Membership.

(6) “ADMr” or “Resident Average Daily Membership” means average daily membership as calculated under OAR 581-023-0006(5)-(7).

(7) “Air Quality” means the degree to which the classrooms are ventilated to avoid high levels of carbon dioxide and the indoor air is free from pollutants such as radon, asbestos, mold, and particulate matter.

(8) “Asbestos Environmental Hazard Assessment” or “Asbestos Management Planning & Inspections” means an inspection, periodic re-inspection, and surveillance for asbestos-containing material in accordance with the Asbestos Hazard Emergency Response Act of 1986 as amended by Public Law 100.368 and subsequent rule published in the Friday, October 30, 1987, Federal Register (40 CFR Part 763).

(9) “Assessed Value” means the total assessed value of all tangible property within the boundaries of the District as published by the Oregon Department of Revenue.

(10) “Average Daily Membership” or “ADMw” means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c).

(11) “Campus” means the grounds and buildings of a school where academic learning takes place.

(12) “Certified Assessor” means an entity or person who has gone through the process established by the Department that will certify the entity or person is qualified to perform the work.

(13) “Closing” means the date on which a District receives some or all of the proceeds of its Local GO Bonds.

(14) “Department” means the Oregon Department of Education.

(15) “District” or “Districts” means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.

(16) “DOGAMI” means the Oregon Department of Geology and Mineral Industries.

(17) “Educational Adequacy Review Standards” means the qualitative measures used to help districts identify elements that are conducive to a healthy and comfortable indoor learning environment.

~~(18) “Environmental Hazard Assessment” means an assessment of a District’s radon exposure as one of the potential environmental hazards to be assessed as set forth in ORS 332.331.~~

(18) “Facility Assessment” means an assessment that evaluates one or more facilities in a District according to the requirements set forth in OAR 581-027-0035.

(19) “First in Time” means that portion of the Oregon School Capital Improvement Matching Account that is to be awarded to Districts based on the order in which the Department receives the applications.

(20) “Funding Cycle” means the period of time, as determined by the Department under OAR 581-027-0020(3), before and after a May or a November general election during which the Department will accept applications, issue commitments, award grants, and finalize grant agreements for State Matching Grants under the OSCIM Program.

(21) “Gross Square Footage” means the total square footage of the building as measured by the outside wall of the building.

(22) “Guaranteed Tax Base Amount” or “GTBA” means a theoretical tax base of $1,000,000 per ADM.

(23) “Guaranteed Tax Rate Amount” means $1,000 which is the GTBA multiplied by 0.001 for $1 of tax per $1,000 of Assessed Value.

(24) “Lighting” means the level of illumination in a room or building.

(25) “Local GO Bonds” means general obligation bonds approved by voters for the benefit of a District during the Funding Cycle for which the District applied for a State Matching Grant.

(26) “Long-Range Facility Plan” means a plan that determines the long-range needs and goals of a District according to the requirements set forth in OAR 581-027-0040.

(27) “Oregon School Capital Improvement Matching Account” means an interest bearing account established in the State Treasury, separate and distinct from the General Fund, that consists of net proceeds from Article XI-P bonds issued under Article XI-P (School District Capital Costs) of the Oregon Constitution.

(28) “Oregon School Capital Improvement Matching Program” or “OSCIM Program” means the program created by Article XI-P of the Oregon Constitution and ORS 286A.769 to 286A.806.

(29) “Priority List” means the list created by the Department each biennium pursuant to ORS 286A.801 and the formula outlined in OAR 581-027-0010.

(30) “Radon Environmental Hazard Assessment” means an assessment of a District’s radon exposure as one of the potential environmental hazards to be assessed as set forth in ORS 332.331.

(31) “RVS” means Rapid Visual Screening data collected by DOGAMI and published on their website.

(32) “School Capacity” means the total number of students who could be served in a given school building based on one of the following standards established by the district:

(a) The number of teaching stations, target number of students per classroom, and a classroom utilization factor to reflect the amount of time classrooms can be used for teaching each day; or

(b) The number of square feet in a classroom divided by the number of classroom square feet required per student per grade level.

(33) “Seismic Assessment” means an assessment that evaluates one or more facilities in a District according to the requirements set forth in OAR 581-027-0050.

(34) “State Matching Grant” means the grant funds provided by the State through the OSCIM Program to match the proceeds of a District’s Local GO Bonds.

(35) “Students in Poverty” means the number of children, age 5 to 17, in families in poverty as described by the Small Area Income Poverty Estimate published by the U.S. Census Bureau.

(36) “Technical Assistance Grant” means a grant provided by the Department to a District such that a District can conduct an assessment as described in ORS 326.125 or these rules.

(37) “Waitlist Ranking” means the list of Districts not initially awarded a State Matching Grant, based on either the District’s position on the Priority List or the District’s First in Time status, during any Funding Cycle.

Statutory/Other Authority: Sec. 2 & 5, Ch. 783 & Ch. 788

Statutes/Other Implemented: Ch. 788, Sec. 2, 4 & 5 & Ch. 783

**581-027-0030**

**Technical Assistance Grant Program Procedures**

(1) The Department shall open the application period for the Technical Assistance Grant Program on January 15 of each year and close the application period on February 15 of the same year. If either of those dates falls on a weekend or holiday, the preceding Friday will be the effective date of the opening or closing respectively.

(2) The Department shall establish a separate application for each type of ~~assessment~~ grant available.

(3) Each District must submit a separate application for each ~~assessment~~ grant type for which it chooses to apply.

(4) All Districts are eligible for each type of ~~assessment~~ grant.

(5) All applications are due by the date established by the Department. No late applications will be accepted.

(6) The Department shall evaluate each completed application by awarding preference points as established by this rule.

(7) An application will receive one (1) point for each preference that the application meets.

(8) An application will receive a final score that is the total of the application’s points.

(9) Applications will be funded from highest to lowest score.

(10) If there is not enough funding to provide a Technical Assistance Grant to all applications that have equal scores, then the Department shall create a lottery to determine which applications will receive a Technical Assistance Grant.

(11) The preference points for the Facility Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted a Facility Assessment within ten (10) years or less;

(d) District has not passed a general obligation bond within fifteen (15) years or less;

(e) District’s ADMr has changed by ten percent (10%) or more over the last five (5) years based on the latest annual reports submitted to the Department; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(12) The preference points for the Long-Range Facility Plan grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted a Long-Range Facility Plan within ten (10) years or less;

(d) District has not passed a general obligation bond within fifteen (15) years or less;

(e) District’s ADMr has changed by ten percent (10%) or more over the last five (5) years based on the latest annual reports submitted to the Department; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(13) The preference points for the Seismic Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has not conducted an assessment for Business Oregon’s Seismic Rehabilitation Grant Program;

(d) District identifies ~~a number of~~ the schools it intends to assess and at least fifty percent (50%) are listed as “High” or “Very High” for collapse potential in the Rapid Visual Survey created by the Department of Geology and Mineral Industries;

(e) District’s Mapped Spectral Acceleration for a 1-second period (Ss) is greater than 0.6 as calculated by the United States Geological Survey; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(14) The preference points for the Asbestos Environmental Hazard Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has at least 50% or more of its schools built before 1980; ~~District has school and administrative buildings that have not been tested for radon, or district has school and administrative buildings that had testing completed after July 1 of the preceding year~~;

(d) District’s needs to provide training to a staff person to oversee asbestos-related activities and/or needs to provide asbestos awareness training to custodial staff; ~~District’s radon risk level is either “High” or “Not Assigned” according to information published by the Oregon Health Authority that provides for radon risk levels based on geography~~;

(e) District is due to conduct its 3-year re-inspection of asbestos-containing material in each school facility; and ~~District has a school that qualifies as a remote small elementary school per ORS 327.077; and~~

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(15) The preference points for the Radon Environmental Hazard Assessment grant are:

(a) District has twenty-five percent (25%) or more of its ADMr identified as Students in Poverty;

(b) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;

(c) District has school and administrative buildings that have not been tested for radon, or district has school and administrative buildings that had testing completed after July 1 of the preceding year;

(d) District’s radon risk level is either “High” or “Not Assigned” according to information published by the Oregon Health Authority that provides for radon risk levels based on geography;

(e) District has a school that qualifies as a remote small elementary school per ORS 327.077; and

(f) District has completed its annual electronic submission of its building and bond data to the Department by February 15 of each year.

(16) A District that is awarded a Technical Assistance Grant must:

(a) Enter into a grant agreement with the Department by the time specified by the Department;

(b) Use a Certified Assessor to perform a Facility Assessment or Long-Range Facility Plan;

(c) Provide the Department with an electronic copy of any final reports required by the Technical Assistance Grant; and

(d) Provide the Department with an electronic copy of invoices showing expenses incurred in performing the work for the specific Technical Assistance Grant.

(17) A District must reapply each time a new grant application is announced if a District did not receive a grant in a grant application period.

(18) A District may apply to the Technical Assistance Program to reimburse the District for assessments previously completed if:

(a) The previous assessment work was started within six (6) months of the application period;

(b) The previous assessments meet all requirements set forth for the type of the assessment in these administrative rules; and

(c) The District submits a final copy of the report and all invoices within the required period for a Technical Assistance Program grant.

(19) Districts must submit all final reports and invoices by the date specified by the Department. If a District does not meet that deadline, the Department may rescind their grant funds.

(20) A District that receives a Technical Assistance Program grant will be ineligible to reapply for that specific grant for four (4) years from the year the grant was issued.

Statutory/Other Authority: Sec. 2 and 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

Statutes/Other Implemented: Sec. 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

**581-027-0040**

**Long-Range Facility Plan Requirements**

Each Long-Range Facility Plan shall contain the following information:

(1) Population projections by school age group for the next ten (10) years using U.S. Census or Census partner data.

(2) Collaboration with local government planning agencies (city and/or county) that results in:

(a) Identification of suitable school sites if needed; and

(b) Site acquisition schedules and programs.

(3) Evidence of community involvement in:

(a) Determining educational vision of local community;

(b) Reviewing the costs of identified improvements;

(c) Prioritizing the identified improvements; and

(d) Determining potential sources of funds for the improvements.

(4) Identification of buildings on historic preservation lists including the National Historic Register, Oregon State Historic~~al~~ Preservation Office, and local historic building lists.

(5) A rating or indication of the degree to which each of the District’s campuses meets the Department’s Educational Adequacy Review Standards as described in OAR 581-027-0043. ~~Analysis of District’s current facilities’ ability to meet District-adopted educational adequacy standards:~~

~~(a) Identification of standards adopted by District that are used to determine educational adequacy for District;~~

~~(b) Identification of ability of current facility capacity to meet District-adopted educational adequacy standards; and~~

~~(c) If current facilities are unable to meet District-adopted educational adequacy standards, District will then:~~

~~(A) Identify deficiencies in current facilities;~~

~~(B) Identify changes needed to bring current facilities up to District-adopted educational adequacy standards; and~~

~~(C) Identify potential alternatives to new construction or major renovation of current facilities to meet District-adopted educational adequacy standards.~~

(6) If current facilities are unable to meet Department Educational Adequacy Review Standards, the District will then:

(a) Identify changes needed to bring current facilities up to a good or excellent rating against the Department’s Educational Adequacy Review Standards; and

(b) Identify potential alternatives to new construction or major renovation of current facilities.

Statutory/Other Authority: Sec. 2 and 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447)

Statutes/Other Implemented: Sec. 5, Ch. 783 & OL 2015 (Enrolled Senate Bill 447).

581-027-0043

Educational Adequacy Review Standards

The standards are to be used for facilitating discussions around capital planning and improvement. These standards focus on five primary facets of school facilities that directly correlate to student outcomes.

(1) The Acoustic Educational Adequacy Standard reviews whether:

(a) The sound-conditioning in a given space is acoustically comfortable to permit instructional activities to take place;

(b) Sound is transmitted without interfering with adjoining instructional spaces; and

(c) The ventilation system does not transmit an inordinate sound level to the instructional program.

(2) The Air Quality Education Adequacy Standard reviews whether the District implements an Indoor Air Quality Management Program at each of its campuses.

(3) The Lighting Educational Adequacy Standard reviews whether:

(a) Light design generates an illumination level that provides comfortable and adequate visual conditions in each educational space;

(b) Ceilings and walls are white or light-colored for high reflectance unless the function of space dictates otherwise;

(c) Lights do not produce glare or block the line of sight;

(d) Window treatment allows entrance of daylight but does not cause excessive glare or heat gain; and

(e) Fixtures provide an even light distribution throughout the learning area.

(4) The Temperature Education Adequacy Standard reviews whether the school’s heating and cooling system provides consistent thermal comfort to students and teachers year-round.

(5) The School Capacity Educational Adequacy Standard reviews whether:

(a) The school can support its projected enrollment; and

(b) The student population is within the limits of the school’s capacity based on the district’s classroom loading standards.

(6) Districts and Certified Assessors may use additional educational adequacy review standards as deemed appropriate for the facilities.

(7) The required educational adequacy review standards may only be substituted for more comprehensive and/or quantitative standards if the District and Certified Assessor agree this is needed.

Statutory/Other Authority:

Statutes/Other Implemented:

**581-027-0050**

**Assessor Certification Program**

(1) The Department shall establish a program whereby entities or individuals can apply to become Certified Assessors for ~~the purposes of~~ the Technical Assistance ~~Grants~~ Program.

(2) The program shall contain a portion of instruction on the methods to be used by Certified Assessors in performing Facility Assessment and Long-Range Facility Plan work.

(3) The program shall contain a test such that those that pass will become Certified Assessors.

(4) The Department shall post on its website specific information for each time the training program is held.

(5) No ~~entity or~~ individual may become a Certified Assessor unless:

(a) They meet the requirements to apply for the program;

(b) Attend and complete the training for Certified Assessors; and

(c) Pass a written examination at the end of the training program.

Statutory/Other Authority: ORS 286A.801(8)

Statutes/Other Implemented: ORS 286A.801(2)