

STATE OF ALASKA DEPARTMENT OF EDUCATION
AND EARLY DEVELOPMENT

Virtual Meeting
Regulatory Revisions - Administrative Order 360
Chapter 31 - School Facility Planning and Construction

PUBLIC COMMENT

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Pages 1 - 9, inclusive

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1 P R O C E E D I N G S
2 **JAKE ALMEIDA:** Okay, good morning,
3 everyone. I'd like to welcome you to today's
4 Administrative Order, or AO, 360 stakeholder input
5 session on Chapter 31, School Facility Planning and
6 Construction regulations. Thank you for taking the
7 time to join us today.
8 The purpose of this meeting is to hear
9 directly from stakeholders and members of the public
10 regarding regulatory burdens or barriers you believe
11 should be addressed as part of Alaska's AO 360 reform
12 project.
13 Your input is critical in helping us
14 shape meaningful changes that support students and
15 schools, and in today's case, facilities. So thank
16 you, and to honor your time today, we will end promptly
17 on the hour.
18 These stakeholder meetings are
19 opportunities for us to listen to your perspectives
20 before any regulations should be drafted, amended, or
21 repealed, but this is not the formal public comment
22 process under the Administrative Procedure Act, or APA.
23 That process would only begin after draft regulations
24 have undergone official legal review and have been
25 formally approved for public comment.

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1 So as part of our regulatory reform plan,
2 the department must create a list of all the comments
3 we received during this stakeholder process along with
4 whether we intend to implement each recommendation that
5 a particular stakeholder makes. And if we don't adopt
6 a recommendation, we're required to explain why not.
7 And that's why your feedback would be so valuable to us
8 today as it will directly shape our department's
9 analysis and inform you of the next steps.
10 So to proceed today we'll first hear a
11 short overview of the regulations for this meeting, and
12 then we'll move into the comment period where you may
13 share your input.
14 Verbal feedback will be recorded,
15 summarized, and included in our department's reform
16 plan, and written feedback will also be accepted for 30
17 days following this session. So please refer to the
18 chat for information on submitting written and verbal
19 feedback. And again, there is a sign-up sheet. If you
20 can click on -- if you intend to speak today, now would
21 be a good time, go ahead and click on that sign-up
22 sheet and fill out the fields of information, and then
23 when we move into the comment period I will see your
24 name on there and call on you first.
25 But with that I will now hand the baton

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1 over to Heather Heineken, who is our director of
2 Finance and Support Services, and she will walk through
3 the Chapter 31, School Facility Planning and
4 Construction regulations and what they are in detail.
5 So over to you, Heather.
6 **HEATHER HEINEKEN:** Good morning, thank
7 you, Jake. Today I'm providing a summary of 4 AAC 31,
8 the regulations that set the statewide standard for
9 planning, construction, maintaining, and funding
10 Alaska's public school facilities.
11 These regulations describe what districts
12 must do to receive state support for school facilities.
13 Districts must prepare educational specifications for
14 new schools, major renovations, maintain an updated
15 six-year capital improvement plan, follow preventative
16 maintenance requirements, and ensure all facilities
17 meet building and safety codes. The regulations also
18 define attendance areas, allowable square footage for
19 school design, and the criteria used to rank capital
20 project grant applications.
21 They outline how grants and bond debt
22 reimbursement are awarded, including allowable costs,
23 required documentation, procurement standards, and
24 conditions under which approvals may be adjusted or
25 withdrawn.

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1 Additional provisions cover site
2 approval, designer and construction manager selection,
3 commissioning of building systems, the use of
4 state-owned facilities, and the disposal of obsolete
5 buildings.
6 The terms and conditions of office for
7 the Bond Reimbursement and Grant Review Committee are
8 also included in 4 AAC 31.
9 In summary, these regulations ensure that
10 school construction and maintenance in Alaska are well
11 planned, cost effective, and aligned with state
12 standards. The public input gathered today will help
13 inform the department in effort to respond to AO 360
14 and perform necessary regulation changes. Thank you,
15 Jake.
16 **JAKE ALMEIDA:** All right, thank you so
17 much, Heather, appreciate that.
18 So we are now in the comment section of
19 this stakeholder meeting. And again, there is a
20 sign-up sheet in the chat below to click on and fill
21 out a couple fields of information, and then we'll call
22 on you.
23 And it looks like we have Mr. Larry
24 Morris is our first person signed up to give testimony
25 today. So Mr. Morris, you can go ahead, unmute and

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1 turn off -- unmute yourself and again, state your name
2 and any affiliation for the record, and you'll have two
3 minutes to give your comment.
4 **LARRY MORRIS:** All right, I'm Larry
5 Morris with the Anchorage School District, also on the
6 BRGR Committee and formerly was an employee at DEED.
7 I have a couple of items. 4 AAC 31.014,
8 codes and regulations, I recommend under 7, energy
9 efficiency code, that an exemption be put in there not
10 to include plug management and day lighting. I also
11 say that lighting for schools be under international
12 illumination society. Under AS 14.11, DEED is able
13 to -- is required to manage energy, of which IES
14 actually does that very well.
15 Next on here is, going down, under
16 31.021, I recommend that completed projects that are
17 seeking recovery of funds be exempt from being
18 required -- required to be included in the six-year
19 CIP. Projects are done, and all we're doing is looking
20 for recovery of funds, which is in AS 14.11.
21 Next is for reuse of scores, I recommend
22 going from one year to three years. That would reduce
23 the cost and efforts of districts as well as the
24 department, and that again, recovery of funds,
25 completed projects be extended to seven years instead

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1 of five for the same reason.
2 Down further, and I may run out of time,
3 this is in 31.040, which has to do with how much time
4 between submission of documents and being able to go
5 out to bid. I think that under this, the 20-day
6 working days before it -- it should be the same no
7 matter who develops the drawings. It has a shorter
8 time period for stamp drawings. I don't -- I think
9 that one is not normally used and not necessary.
10 And then 31.050, portable and temporary
11 facilities, I recommend that that section in its
12 entirety be removed. And I think I'm about down to --
13 ah, let's see, 31.080, which has to do with
14 publications for bids has an outdated one -- section
15 that has for three times -- being published three times
16 in a newspaper as primary with an alternate for -- an
17 alternative under electronic advertisement. I think
18 that that section needs to be rewritten and just
19 eliminate the three times in a newspaper section. A
20 fair amount of the state doesn't even have good
21 newspaper access, and many of them are going out of
22 business to begin with. And it's very expensive when a
23 lot of districts have their own ability to advertise
24 electronically.
25 And also last one in the same chapter,

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1 but F, it has a Project Delivery Method Handbook,
2 second edition, September 2015. That probably should
3 be updated or just reference the publication only
4 instead of the date.
5 And that's it.
6 **JAKE ALMEIDA:** All right, thank you so
7 much, Mr. Morris, I appreciate that. Covered every one
8 it seems like.
9 And so I just want to remind everyone,
10 we're in the comment section. If you don't want to
11 give comment right now, there is a link to fill out a
12 survey that Mr. Morris was going off of, and you can
13 comment on each individual regulation as you see fit
14 and submit that, and then we keep that in record. And
15 so again, that's for a written comment that you want to
16 provide. You just fill out the survey, and again,
17 that's all linked in the chat.
18 If you want to give verbal comment right
19 now, you can click on the link to sign up. If you're
20 not able to use that link, you can also just click the
21 raise hand icon on your Zoom task bar right now and we
22 can recognize you that way as well.
23 So with that, we will just go ahead and,
24 as standard, wait for other people to sign up or raise
25 their hand that want to speak, and if we don't hear

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1 anyone at 20 or 25 after, we will just close it out
2 from there. And again, of course, we're also doing the
3 same meeting at 4 o'clock later today on these same
4 regulations.
5 So at this time we will just wait on hold
6 for anyone else to sign up or raise their hand, thank
7 you.
8 (Pause)
9 **JAKE ALMEIDA:** Okay, so we will just go
10 ahead and conclude this stakeholder meeting at this
11 time, again, for Chapter 31, School Facility Planning
12 and Construction regulations. And for those online
13 with us right now, we will have this exact same meeting
14 at 4 o'clock later today for a second opportunity to
15 comment on these regulations.
16 And if you're watching this recording
17 after it's been posted and would still like to submit
18 feedback regarding these regulations, you can always go
19 to our website at education.alaska.gov/ao360, and your
20 written comment through the survey will be submitted
21 for the record that way.
22 So thank you all for joining, and we will
23 now close this meeting.
24 (Meeting concluded)
25

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