

NEW CONSTRUCTION

NOTE: The AASB comprehensive index/table of contents provides a standard index system designed to accommodate future policies/regulations and at the same time provides a table of contents for this manual. This manual contains only those Board policies (BP), administrative regulations (AR) and exhibits (E) specified in the right-hand column.

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**CONCEPTS AND ROLES**

Note: Pursuant to 14.11.020, borough assemblies or city councils and regional school boards may by resolution request responsibility from the State Department of Education for the planning, design, and construction of school facilities funded by state grant funds. A.S. 35.15.080 provides for the assumption of responsibilities for state public works projects subject to AS 35.15.010. Pursuant to 14.14.060 and 14.14.065, borough assemblies and city councils may agree to a division of duties with the school board related to the design, maintenance, and construction of facilities. Assemblies and councils must consider the recommendations of the school board. The following sample language should be revised or deleted to reflect district responsibilities and needs.

Since school construction is costly, and buildings become a permanent part of the community to be used by large numbers of people, the School Board and the district administration must take great care to ensure that the facilities fully support the intended educational and community programs, will be appropriately maintained, may be altered conveniently and inexpensively to meet future educational and community needs, provide a healthful environment, and fit harmoniously and attractively into the community.

*(cf. 1330 - Use of School Facilities)*

**Role of the School Board**

The School Board:

1. Recommends to the tribal council, city council, or Department of Education what buildings shall be built, when and where.
2. Approves design criteria for school facilities.
3. Seeks adequate financing for school facilities.
4. Approves the selection of artists for art works in new facilities, if required or desired.
5. Awards contracts to responsible bidders in the best interests of the district.

**Role of the Superintendent or designee**

The Superintendent or designee:

1. Directs the planning of all educational features of new buildings or alterations of old buildings.
2. Maintains overall responsibility for the preparation of the educational specifications and capital improvement plans for school facilities.

**CONCEPTS AND ROLES** (continued)

3. Acts as authorized agent of the district in all official governmental interactions related to school facilities.
4. Recommends artists for art work in new facilities.
5. Oversees the preparation of bids, award of contracts and, in collaboration with the architect, the construction.

*(cf. 3311 - Bids)*

*(cf. 3312 - Contracts)*

*Legal Reference:*

ALASKA STATUTES

*14.07.020 Duties of the department*

*14.08.101 Powers (regional school board)*

*14.11.011 Grant applications*

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

*35.15.010 - 35.15.120 Construction procedures*

*35.27.020 Art requirements for public buildings and facilities*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 31.900 Definitions*

**PLANNING**

Note: A.S. 14.11.011 requires a six-year capital improvement plan when applying for state construction funds. 4 AAC 31.010 describes required educational specifications and 4 AAC 31.011 describes the required capital improvement plan. The following sample policy may be revised or deleted according to district needs and responsibilities.

The Superintendent or designee shall maintain an up-to-date facilities master plan. The plan shall reflect the current district educational specifications and capital improvement plan for school facility planning and construction.

Those qualitative factors considered may include, but not be limited to:

1. State allocation building area standards.
2. Maximum student capacity according to designated student-teacher ratios.
3. Current student capacity based on current district program requirements.

The Superintendent or designee shall ensure that proposed district facilities meet the educational needs of the students and conform to all planning requirements imposed by state and local governmental agencies.

The School Board recognizes the importance of having complete and factual information as the basis for developing and maintaining cooperation among district staff, parents/guardians, students, state and local governmental and planning agencies, and other business and community representatives in developing district plans.

To assure a comprehensive approach to projecting and planning needs, the following elements shall be considered in planning school facilities:

1. The expanding and changing educational program of the district including the number of children to be served and their specific educational needs.
2. The impact of proposed facilities on the community and considerations regarding community use of the facilities.
3. Safety and welfare of students.
4. The relationship between existing and new facilities.
5. Community planning and zoning requirements.

**PLANNING** (continued)

6. Other site specific information which provides guidance in the planning of facilities.
7. The forecasted enrollments and demographic factors.

*Legal Reference:*

ALASKA STATUTES

*14.11.011 Grant applications*

*14.11.020 Assumption of responsibilities*

*35.15.080 Local control of state public works projects*

*35.27.010 - 35.27.030 Art works in public buildings and facilities*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 31.900 Definitions*

**RELATIONS WITH OTHER GOVERNMENTAL UNITS**

The School Board recognizes the need to cooperate with municipal, state and federal agencies to provide the best possible school facilities and obtain the greatest efficiency and economy in the use of public funds expended for school construction.

*Legal Reference:*

ALASKA STATUTES

*14.07.020 Duties of department*

*14.11.020 Assumption of responsibilities*

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

*35.15.080 Local control of state public works projects*

**PROFESSIONAL SERVICES**

Upon approval by the School Board, the Superintendent or designee may contract for the services of an architect, engineer or land surveyor for any approved project in accordance with law.

*(cf. 3312 - Contracts)*

Note: 4 AAC 31.065 requires that contracts for consultant services funded by state aid of more than \$50,000 be advertised and awarded to the most qualified offeror, and mandates district procedures for administrative review of complaints by aggrieved offeror's.

The Superintendent or designee shall:

1. Develop criteria for the selection of professional consultants.
2. Recommend a list of professional consultants for Board approval.
3. Provide pertinent information to facilitate Board approval on contracts for professional services.
4. Provide a procedure for an administrative hearing for unsuccessful contractors in accordance with law.

Note: AS 36.90.300 requires an indemnification clause protecting school districts who enter into construction-related professional services contracts. The clause must read substantially as follows: The consultant shall indemnify, defend, and hold harmless the contracting agency from and against any claim of, or liability for, negligent acts, errors, and omissions of the consultant under this agreement. The consultant is not required to indemnify, defend, or hold harmless the contracting agency for a claim of, or liability for, the independent negligent acts, errors, and omissions of the contracting agency. If there is a claim of, or liability for, a joint negligent act, error, or omission of the consultant and the contracting agency, the indemnification, defense, and hold harmless obligation of this provision shall be apportioned on a comparative fault basis. In this provision, "consultant" and "contracting agency" include the employees, agents, and contractors who are directly responsible, respectively, to each. In this provision, "independent negligent acts, errors, and omissions" means negligence other than in the contracting agency's selection, administration, monitoring, or controlling of the consultant, or in approving or accepting the consultant's work.

*Legal Reference:*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.065 Selection of designers and construction managers*

ALASKA STATUTES

*36.90.300 Indemnification, defense, and hold harmless provision in certain construction-related contracts*

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**SITE SELECTION AND DEVELOPMENT**

The School Board believes that site selection and development starts from the premise that the school is an integral part of the total community. The Board will solicit community input whenever a school site is to be selected. Besides serving our district's educational needs, an adequate site should show potential for contributing to other community needs and functions. In addition, the following factors shall be considered:

1. Size of lot, current and future parking needs and outdoor facilities, such as tracks and fields.
2. Soil and gradation considerations.
3. Access to utilities.
4. Conflicts with existing traffic patterns.

*(cf. 0430 - Community School Program)*

Note: Pursuant to 4 AAC 31.080, with prior state approval, a district may purchase an existing facility for use as an education-related facility if a cost savings results, if the purchase price was fairly negotiated and meets the appraisal standards, and if the purchase is in the best interests of the state and district.

*Legal Reference:*

ALASKA STATUTES

*14.14.060 Relationship between borough school district and borough*

*14.14.065 Relationship between city school district and city*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 Educational specifications*

*4 AAC 31.025 Site acquisition and selection*

*4 AAC 31.080 Construction and acquisition of public school facilities*

**METHODS OF FINANCING**

Growth, safety considerations and educational program changes may require the construction of new facilities and the reconstruction of existing facilities. The purchase of school sites and the construction of buildings may be financed by any legally provided means which the district is qualified to employ, including state-financed assistance.

Note: 4 AAC 31.060 requires districts using state aid granted under AS 14.11.020 to comply with all pertinent laws and regulations related to the construction of a public school facility.

Note: The following language is optional for school districts with full value ADM (Average Daily Membership) of \$200,000 or less, which is calculated as described in AS 14.11.008(b). A qualified school district that is unable to provide the required participatory share of a construction project, may, under certain circumstances, be eligible for a waiver of that contribution.

If the district is unable to provide the required participatory share through federal, local or other funding sources, and is unable to satisfy its participatory share through local contributions, and it can be demonstrated that the required participatory share will jeopardize receipt of federal assistance, the superintendent may request in writing from the Alaska Department of Education a full or partial waiver of the local contribution.

*Legal Reference:*

ALASKA STATUTES

*14.11.005 - 14.11.135 Construction, rehabilitation, and improvement of school and education-related facilities.*

*43.50.010 - 43.50.180 Cigarette Tax Act*

ALASKA ADMINISTRATIVE CODE

*4 AAC 31.010 - 4 AAC 31.090 School facility planning and construction*

*4 AAC 36.010 Cigarette tax distribution*

*4 AAC 57.200 - 4 AAC 57.300 Library construction grants*

**PROTECTION AND GUARANTEES**

The Superintendent or designee shall protect the district real property interest during all phases of construction. Such interests may include, but are not limited to:

1. A review of existing property insurance policies for coverage of new construction and preparation of such policies for conversion upon completion of new construction.
2. Liability insurance for design errors, code violations, or lack of adherence to construction standards.
3. Contractor performance bonds.

*(cf. 3530 - Risk management)*

**NAMING OF FACILITY**

The School Board believes it is appropriate for schools or individual buildings to be named:

1. In honor of individuals who have made outstanding contributions to the community, state or borough, or
2. In recognition of the geographic areas in which the school or building is located.

No school facility should be named for a living person or for a commercial development unless the name existed in the area prior to the development.

The Board may appoint an ad hoc committee to review all name suggestions for the Board's final consideration.