

GENERAL LAWS OF MASSACHUSETTS

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE XII. EDUCATION

CHAPTER 70B. SCHOOL BUILDING ASSISTANCE PROGRAM

Chapter 70B: Section 8 Order of priorities for approval of school projects and reimbursements; deferral of approval or disapproval of project applications

Section 8. The board shall approve school projects and reimbursements under this chapter in accordance with the following order of priorities:

(1) priority shall be given to school projects needed in the judgment of said board to replace or renovate a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists;

(2) priority shall be given to school projects to eliminate existing severe overcrowding;

(3) priority shall be given to school projects needed in the judgment of said board to prevent loss of accreditation;

(4) priority shall be given to school projects needed in the judgment of said board to prevent severe overcrowding expected to result from increased enrollments which must be substantiated;

~~(5) priority shall be given to projects needed in the judgment of said board for the replacement, renovation or modernization of the heating system in any schoolhouse to increase energy conservation and decrease energy related costs in said schoolhouse;~~ Deleted - See Driscoll memo April 4, 2003

(6) priority shall be given to any school project needed in the judgment of said board for short term enrollment growth;

(7) priority shall be given to school projects needed in the judgment of said board to replace or add to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and

(8) priority shall be given to projects needed in the judgment of said board to transition from court-ordered and board approved racial balance school districts to walk-to, so-called, or other school districts.

The board shall create a separate priority list for projects that have completed a project application after August 30, 2001. The board shall assign each project to a priority category and place each project on the list in order of priority category, pursuant to subsections 1 to 8, inclusive. Projects placed on the priority list shall not be re-ranked. The board shall provide funding for projects in the order of placement on the list first, by the year the board received the application, then by the application's priority category.

Notwithstanding the provisions of section 6, the board may defer its approval or disapproval of any project application if such deferral is necessary for the effective implementation of the provisions of this section. The board may issue regulations to define the procedures pursuant to which the priorities established by this section will be implemented. Notwithstanding the foregoing, the board shall not approve any project for any school district which fails to spend in the year preceding the year of application at least 50 per cent of the sum of said school district's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses, and extraordinary maintenance allotment as defined in chapter 70, for said purposes. From fiscal year 1999 forward, no school district shall be approved for a project nor receive school facilities funds unless said district has spent at least 50 per cent of the sum of said district's calculated foundation budget amounts in each of the fiscal years including and succeeding fiscal year 1999. All projects which received first school building assistance payments prior to July 1, 2000 shall be exempted from the provisions of this paragraph. Upon a request of a school district, the board may grant a waiver from said requirement for unanticipated or extraordinary changes in maintenance spending as determined by said departments including, but not limited to, the impact on said spending due to the opening of a new school building, the closing of an existing school building or the completion of a major renovation project.

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