

reconstruction required.

(3) Depending on the nature and extent of the damage and the type of repair or reconstruction necessitated thereby, the Department shall determine whether the capital construction project or major reconstruction project application shall be filed in support of the emergency reconstruction grant request.

(4) The amount of any emergency reconstruction grant shall be determined in accordance with the reimbursement percentages and total construction grant computation formula set forth in M.G.L. c. 70B.

38.10: Application Procedures ★ See (8)

(1) Applications for State approval of and funding assistance for school projects may be submitted to the Department at any time of the year.

(2) For the purpose of 603 CMR 38.00 there shall be four types of applications:

(a) An application for approval and funding of a capital construction project, which shall consist of an updated building inventory and long-range facilities plan for the district; a feasibility study evaluating the various options for meeting the buildings needs; schematic plans/drawings and educational specifications for the proposed project; required municipal and state approvals; construction documents; and other documentation required to demonstrate that the planning for a proposed project is complete through the construction document phase and meets the approval requirements set forth in 603 CMR 38.03, 38.04, 38.05, and 38.06. An application form and check list of required submissions will be provided by the Department. Applications materials may be submitted to the Department in stages as the planning for the project progresses. To qualify for State funding, the application for a capital construction project must be complete, and the Commissioner must have determined that the project meets all program requirements, prior to any construction start.

(b) An application for approval and funding of a major reconstruction project, which shall consist of a single submission providing detailed design, material and cost information concerning the specific repair proposed. An application form and check list of required submissions will be provided by the Department. The application shall identify each distinct repair proposed for a given school building, i.e. roof, heating system, handicapped access, etc. To qualify for State funding, the application for a major reconstruction project grant must be filed with the Department, and the Commissioner must have determined that the project meets all program requirements, prior to any construction start.

(c) An application for a regional buy-in grant, which shall consist of a completed application form provided by the Department, a copy of the amended regional agreement expanding the district to include the applicant city or town, and any other information requested by the Department pursuant to the provisions of 603 CMR 38.08.

(d) The initial application for an emergency reconstruction grant, which shall consist of a written request from the applicant city, town, or regional school district in need of emergency school building assistance. Upon initial review of the emergency circumstances giving rise to the grant request, the Department shall determine what additional application materials must be submitted in support of a particular emergency grant request.

(3) As a first step in the application consideration process for all capital construction projects the Department shall conduct a building needs conference to evaluate the need for a proposed project and ensure that all alternatives for satisfying the need are fully studied. Said study shall include a review of any appropriate non-construction alternatives, whether or not such alternatives are eligible for state reimbursement. The building needs conference shall be attended by representatives of the applicant including, but not limited to: one or more representatives of the school committee; one or more members of the building committee, where applicable, or in the case of cities, a representative of the office or body authorized by law to construct school buildings in that city;

and the superintendent of schools or his designee.

(4) Following the submission of the district's building inventory and long-range plan, enrollment projections, feasibility study, educational specifications, schematic drawings, and such other information as may be required by the Department, the Commissioner will make a preliminary determination on the adequacy of the proposed project's size, scope and location. Prior to such determination, the Commissioner may require the study of additional building construction alternatives or project locations.

(5) Completed school project applications shall be reviewed by the Department for educational adequacy and for compliance with the requirements and standards set forth in the provisions of 603 CMR 38.00 applicable to the type of project for which the applicant seeks funding, and for compliance with the priorities set forth in M.G.L. c. 70B as most recently amended.

(6) As part of an application for a capital construction project or major reconstruction project grant, the applicant shall submit certification of city, town, or regional school district approval of the funding required to cover the estimated cost of the proposed project.

(7) The Commissioner shall notify each applicant in writing of his determination for each proposed project. The Department will maintain a list of projects, which have been determined by the Commissioner as meeting all program requirements and which are awaiting funding. Projects will be placed on the waiting list in accordance with the priorities established by statute, and within each priority category based upon the order in which they were approved.

★ (8) The Commissioner's determination and placement on the waiting list do not constitute a guarantee of project funding. Any applicant with a project on the waiting list may commence construction prior to the grant award but does so at its own risk. Only a grant award provides a funding commitment by the Commonwealth. The Board will award grants to projects on the waiting list as funding authorization is available.

38.11: Grant Awards

(1) The Board shall annually award school construction grants within the amounts authorized in the general appropriations act or any supplemental appropriation acts. Grants shall be awarded to projects in the order in which they were placed on the waiting list, provided that a project may be bypassed if it does not appear that the applicant will be able to start construction by June 1 of the current fiscal year.

(2) As communities award construction contracts, they must send the Department an amended financial form along with bid documentation. In cases where the original estimate exceeds the bids, the portion of the authorization no longer required for a given project may be released and accrued so that the Board can award additional construction grants.

(3) Minor changes in the final school construction documents may be made with the approval of the Commissioner in cases where an appreciable amount of time has elapsed between document preparation and the Board award of a construction grant where such changes are necessitated by evolving educational needs and changes in municipal building code. In cases of major changes in the scope or design of the project, the Commissioner may recommend that the grant be rescinded and a new application filed.

(4) Upon determination of the final approved cost of the project, the Board may recompute the maximum cost limitations using the cost standards in effect on the date that work began under the general contract, and the grant may be adjusted accordingly.

38.12: Payment Requirements and Procedures

(1) All capital construction projects for which the Board has authorized funding shall commence construction on or before June 1 of the fiscal year in which the school building assistance grant was authorized.

(2) The first payment of the grant for an approved school project shall be made in the fiscal year following the