

4 AAC 31.020. Guides for planning educational facilities

(a) The following are the basic guides for educational facility planning:

(1) for a school capital project application submitted to the department

(A) before January 1, 1996, *The Guide for Planning Educational Facilities*, as published by the Council of Educational Facilities Planners, International, 1982 Edition (Revised); and

(B) on or after January 1, 1996, *The Guide for Planning Educational Facilities*, as published by the Council of Educational Facilities Planners, International, 1991 Edition (Revised);

(2) repealed 4/17/98;

(3) repealed 4/17/98;

(4) *Guidelines for School Equipment Purchases*, as published by the Alaska Department of Education and Early Development, 1997 edition;

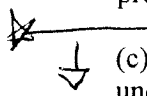
(5) deleted 8/31/90;

(6) repealed 4/17/98;

(7) *Swimming Pool Guidelines*, as published by the Alaska Department of Education and Early Development, 1997 edition; and

(8) *Site Selection Criteria and Evaluation Guideline*, as published by the Alaska Department of Education and Early Development, 1997 edition.

(b) In the event of a conflict between publications incorporated by reference in (a) of this section, the publication prepared by the Department of Education and Early Development controls.

 (c) Notwithstanding (a)(1) of this section, for the purpose of determining funding for a school capital project under AS 14.11, the square feet allowable must be determined under this subsection based on the grade levels offered in the school. The base square feet allowable per average daily membership (ADM) and supplemental square feet allowable per ADM are calculated, and additional square footage is approvable, as follows:

(1) the base square feet allowable per ADM for an elementary school is 114 square feet;

(2) the supplemental square feet allowable per ADM for an elementary school is $130 \times 10(-ADM/f/250)$;

(3) the base square feet allowable per ADM for a secondary school is 165 square feet;

(4) the supplemental square feet allowable per ADM for a secondary school is $300 \times 10(-ADM/f/300)$;

(5) the base square feet allowable per ADM for a combined elementary and secondary school is 114 square feet per elementary ADM and 165 square feet per secondary ADM;

(6) :QL the supplemental square feet allowable per ADM for

a combined elementary and secondary school is $213 \times$

$10(-combined ADM/f/483)$;

(7) a district may request the commissioner to approve a variance for additional space for a school; the request for

each variance must be in writing; all requested variances, taken together may not exceed 20 percent of the gross square feet allowable for the school; the commissioner will approve the request, subject to (g) of this section, and will apply the variance to both planned and completed schools, if the commissioner finds

(A) that a unique educational program not envisioned by the educational facility planning guides set out in (a) of this section is required to meet the needs of the population to be served by the school; and

(B) at least one of the following:

(i) that the district has demonstrated that additional space is required to adequately house the unique educational program and that the effect of accommodating the additional space without a variance prohibits the remainder of the population served by the school from having sufficient space for standard educational programs;

(ii) that the added space is necessary to meet the needs of the educational program and is in the best interests of the state;

(8) the commissioner, at the request of the district, may approve a variance for additional space of not more than 15 square feet per projected ADM for new projects that propose the rehabilitation of or addition to an existing facility and not more than 20 square feet per current capacity for existing schools that have, at some previous point, experienced a rehabilitation of or addition to an existing facility; the commissioner will approve a request under this paragraph only if the district's request is supported by an explanation of the reasons for the request that demonstrates

(A) the specific cause of each impact;

(B) the square feet affected by the cause of impact; and

(C) the reason for this condition merits an exception;

(9) the base square feet allowable per ADM for a mixed grade school is 114 square feet per elementary ADM and 165 square feet per secondary ADM, except that for a mixed grade school that includes grade six in conjunction with two or more secondary grades located in a separate school facility, the base square feet allowable per ADM is 165 square feet per grade six ADM;

(10) the supplemental square feet allowable per ADM for a mixed grade school is $250 \times 10(-combined \text{ ADM}/f/250)$.

(d) The department shall reduce a project budget in proportion to the amount that the project's design exceeds the square feet allowable as determined under (c) of this section. This subsection applies to a project that has not received a grant under AS 14.11, a project that has received money from the department for planning, and a project that has not secured the approval of the commissioner under 4 AAC 31.040. This subsection does not apply to a project that has secured the approval of the commissioner under 4 AAC 31.040.

(e) For the purposes of this section, the space of a building is the sum of the areas of the floors of a building in gross square feet. The floors of a building include a basement, a mezzanine, an intermediate floored tier, and a penthouse of headroom height. Space is measured from the exterior face of an exterior wall or from the centerline of a wall that separates a building. For the purposes of calculating a building's gross square footage, the

(1) building's gross square footage does not include

(A) a utility distribution area with

(i) a ceiling height below seven feet; and

(ii) a floor assembly not sized to support an occupant load according to applicable state and municipal building

codes;

(B) a pipe chase;

(C) an exterior terrace or steps;

(D) a chimney; or

(E) a roof overhang; and

(2) following allowances above the gross square footage calculated in (c) of this section are permitted:

(A) covered exterior areas not conditioned with heating or cooling

(i) equal to the greater of 15 percent of a building's gross square footage or 3,000 gross square feet; and

(ii) to a maximum of 9,000 gross square feet;

(B) space to support water storage, water treatment, or sewer treatment to a maximum of five percent of a building's gross square footage.

(f) The provisions of

(1) subsections (c)(1) - (7), (d), and (e) as they read on and after October 10, 1995 and until April 17, 1998 do not apply to an application for a former school construction grant submitted under this chapter to the department before January 1, 1996;

(2) subsections (c) - (e) and (g) of this section as they read on and after April 17, 1998 do not apply to an application for a former school construction grant submitted under this chapter to the department before January 1, 1996.

(g) A request to approve a variance for additional space made and approved under (c)(7) of this section expires on the first day of October following the one-year anniversary of the commissioner's approval of it unless the district certifies to the department, no later than that date, the continued existence of the unique educational program described in (c)(7)(A) of this section for which the additional space was approved.

(h) Notwithstanding (c) of this section, the commissioner will deny or disallow a determination of allowable space under (c)(1) - (6), (9), and (10) of this section and will deny a request to approve a variance for additional space under (c)(7) and (8) of this section if the commissioner finds that the space determination or approval of the request is the result of a choice in educational delivery by the school district that could be eliminated by a redistribution of school age populations between attendance centers in the attendance area.

(i) Notwithstanding (a) - (h) of this section, the commissioner shall approve a variance from the limitations on allowable space in a school set out in this section for space that is jointly used by the school and another entity, if the request meets the requirements of this subsection and the department determines that the sharing entity is able to participate as specified in the agreement. The request must be made by a district, in writing, and meet the following:

(1) the space that is jointly used is subject to a formal binding agreement between the district and the entity sharing use; the agreement must cover allocation and method of sharing between the district and the entity of the following:

(A) the operating costs for the jointly used space for the life of the facility;

(B) future capital costs for the life of the facility;

(C) the initial capital costs for a new or remodeled facility only;

(2) the variance requested is limited to the amount of square footage that the entity sharing space accepts responsibility for in the agreement described in (1) of this subsection;

(3) a copy of the agreement described in (1) of this subsection is submitted with the request for variance.

(j) A variance approved under (i) of this section is no longer valid if the agreement upon which the variance was based is amended or terminated. If the agreement is amended or terminated, the district shall immediately notify the department and submit any new request for a variance in accordance with (i) of this section.

(k) Notwithstanding (a) - (h) of this section, the commissioner will approve a variance from the limitations on allowable space in a school set out in this section for space that is provided in oversized core areas, if the request meets the requirements of this subsection. The request must be made by a district, in writing, and meet the following:

(1) the district requesting the variance has an established standard for educational delivery that

(A) defines a specific school program;

(B) establishes a standard student population to be served by the program; and

(C) has an educational specification approved under 4 AAC 31.010 for that program;

(2) the oversized core areas for a future project are sized proportionate to that size required in the project's educational specifications to accommodate a student population projected in accordance with 4 AAC 31.021(c) (3), and projected for an additional five years at the growth rate accepted for the initial projection, not to exceed 130 percent of the initial projection;

(3) the individual core areas of an existing facility, when combined, exceed the square footage of that core area stated in the educational specification to a maximum of 10 percent of the gross square footage of the facility.

History: Eff. 3/1/78, Register 65; am 6/9/83, Register 86; am 12/2/83, Register 88; am 8/31/90, Register 115; am 10/7/95, Register 136; am 4/17/98, Register 146; am 2/18/99, Register 149; am 7/13/2000, Register 155; am 8/23/2001, Register 159; am 12/20/2002, Register 164

Authority: AS 14.07.020

AS 14.07.060

AS 14.11.011

AS 14.11.020

AS 14.11.100

AS 14.11.132

Editor's note: The guides and charts mentioned in 4 AAC 31.020 may be obtained from the Department of Education and Early Development, 801 W. Tenth St., Suite 200, Juneau, Alaska 99801-1894.

As of Register 151 (October 1999), the regulations attorney made technical revisions under AS 44.62.125 (b)(6) to reflect the name change of the Department of Education to the Department of Education and Early Development made by ch. 58, SLA 1999, and the corresponding title change of the commissioner of education.