

**OREGON DEPARTMENT OF EDUCATION**

**DIVISION 27**

**School Construction Matching Program**

**OAR 581-027-0005**

**Definitions**

The following definitions and abbreviations apply to rules within OAR 581, Div 27:

(1) “Adjusted Assessed Property Value Per ADM” means the value calculated per OAR 581-027-0010 to determine the ranking of Districts on the Priority List for Funding.

(2) “ADM” means Average Daily Membership.

(3) “ADMr” or “Resident Average Daily Membership” means average daily membership as calculated under OAR 581-023-0006(6)-(7).

(4) “Assessed Value” means the total assessed value of all tangible property within the boundaries of the District as published by the Oregon Department of Revenue.

(5) “Average Daily Membership” means the number of students in a District as calculated under ORS 327.061 and includes all weights, and extended Average Daily Membership weighted, as calculated under ORS 327.013(1)(c).

(6) “Certified Contractor” means an entity or person who has gone through the process established by the Department that will certify the entity or person is qualified to perform the work.

(7) “Closing” means the date on which a District receives some or all of the proceeds of its Local GO Bonds.

(8) “Date Stamp” means electronic or mechanical means of imprinting documents with date and time the document is received by the Department.

(9) “Department” means the Oregon Department of Education.

(10) “District” or “Districts” means school districts, as defined in ORS 328.001(3), that are eligible to apply for a State Matching Grant.

(11) “Facility Assessment” means an assessment conducted by a Certified Contractor that evaluates one or more facilities in a school district according to the requirements set forth in OAR 581-027-0035.

- (12) “First in Time” means that portion of the Oregon School Capital Improvement Matching Account that is to be awarded to Districts based on the order in which the Department receives the applications.
- (13) “Funding Cycle” means the period of time, as determined by the Department under OAR 581-027-0020 (2) (b), before and after a May or a November general election during which the Department will accept applications and issue commitments for State Matching Grants under the OSCIM Program.
- (14) “Gross Square Footage” means the total square footage of the building as measured by the outside wall of the building.
- (15) “Guaranteed Tax Base Amount” or “GTBA” means a theoretical tax base of \$1,000,000 per ADM.
- (16) “Guaranteed Tax Rate Amount” means \$1,000 which is the GTBA multiplied by .001 for \$1 of tax per \$1,000 of Assessed Value.
- (17) “Local GO Bonds” means general obligation bonds approved by voters for the benefit of a District during the Funding Cycle for which the District applied for a State Matching Grant.
- (18) “Long-Range Facility Plan” means a plan conducted by a Certified Contractor that determines the long-range needs and goals of a district according to the requirements set forth in OAR 581-027-0040
- (19) “Oregon School Capital Improvement Matching Account” means an interest bearing account established in the State Treasury, separate and distinct from the General Fund, that consists of net proceeds from Article XI-P bonds issued under Article XI-P (School District Capital Costs) of the Oregon Constitution.
- (20) “Oregon School Capital Improvement Matching Program” or “OSCIM Program” means the program created by Article XI-P of the Oregon Constitution and ORS 286A.769 to 286A.806.
- (21) “Priority List” means the list created by the Department each biennium pursuant to ORS 286A.801 and the formula outlined in OAR 581-027-0010.
- (22) “Seismic Assessment” means an assessment conducted by a contractor that evaluates one more facilities in a School District according to the requirements set forth in OAR 581-027-0050.
- (23) “State Matching Grant” means the grant funds provided by the State through the OSCIM Program to match the proceeds of a District’s Local GO Bonds.

(24) “Students in Poverty” means the number of children, age 5 to 17, in families in poverty as described by the Small Area Income Poverty Estimate published by the U.S. Census Bureau.

(25) “Technical Assistance Grant” means a grant provided by the Department to a School District such that a school district can conduct a Facility Assessment, Long-Range Facility Plan, or Seismic Assessment

(26) “Waiting List” means the list of Districts not initially awarded a State Matching Grant, based on either the District’s position on the Priority List or the District’s First in Time status, during any Funding Cycle.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Sections 2, 4 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).

**581-027-0030**

**Technical Assistance Grant Program Procedures**

(1) The Department shall establish timelines for when Districts may submit an application for a Technical Assistance Grant.

(2) The Department shall establish a separate application for the Facility Assessment, Long-Range Facility Plan, and Seismic Assessment.

(3) Each District may submit one application for each type of assessment.

(4) All districts are eligible for each type of assessment.

(5) All applications are due by the date established by the Department. No late applications will be accepted.

(6) The Department shall evaluate each completed application by awarding preference points as established by this rule.

(7) An application will receive 1 point for preference that the application meets.

(8) An application will receive a final score that is the total of the application’s points.

(9) Applications will be funded from highest to lowest score.

(10) If there is not enough funding to provide a Technical Assistance Grant to all applications that have equal scores, then the Department shall create a lottery to determine which applications will receive a Technical Assistance Grant.

(11) The preference points for the Facility Assessment are:

- (a.) District has 25% or more of its ADMr identified as Students in Poverty. The number of Students in Poverty shall be same as used in OAR 581-027-0010;
- (b.) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010 ;
- (c.) District has not conducted a Facility Assessment in the last 10 years;
- (d.) District has not passed a general obligation bond in the last 15 years; and
- (e.) District's ADMr has changed by 10% or more over the last 5 years based on the latest annual reports submitted to the Department.

(12) The preference points for the Long-Range Facility Plan are:

- (a.) District has 25% or more of its ADMr identified as Students in Poverty. The number of Students in Poverty shall be same as used in OAR 581-027-0010;
- (b.) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;
- (c.) District has not conducted a Long-Range Facility Plan in the last 10 years;
- (d.) District has not passed a general obligation bond in the last 15 years; and
- (e.) District's ADMr has changed by 10% or more over the last 5 years based on the latest annual reports submitted to the Department.

(13) The preference points for the Seismic Assessment are:

- (a.) District has 25% or more of its ADMr identified as Students in Poverty. The number of Students in Poverty shall be same as used in OAR 581-027-0010;
- (b.) District has under 2,500 ADMr according to the annual reports for the same school year as used to calculate the Priority List under OAR 581-027-0010;
- (c.) District has not conducted an assessment for an Oregon Infrastructure Finance Authority Seismic Rehabilitation Grant;
- (d.) District identifies a number of schools it intends to assess and at least 50% are listed as "High" or "Very High" for collapse potential in the Rapid Visual Survey created by the Department of Geology and Mineral Industries;
- (e.) District's Mapped Spectral Acceleration for 1-second period (Ss) is greater than 0.6 as calculated by the United State Geological Survey and published on the USGS website for the district's central office.

(14) A District may use an assessment performed before the start of the application period as a basis for an application, during the 2015-17 biennium, for a Technical Assistance Grant so long as:

- (a.) The District conducts the assessment according to the standards set forth in these rules;
- (b.) The District signed the contract for the work after July 1, 2015;
- (c.) The District used a Certified Contractor to conduct the assessment; and
- (d.) The District provides the Department with an electronic copy of the assessment in the format established by the Department.

(15) For the first application period of the 2015-17 biennium, the Department will waive requirements 14(c).

(16) Each District that submits an application that receives a Technical Assistance Grant will be required to enter into a grant agreement with the Department prior to issuance of funds.

(17) A District must reapply each time a new grant application is announced if a District did not receive a grant in a grant application period.

(18) Each District that receives a Technical Assistance Grant must submit an electronic copy of the finished report in form to be established by the Department.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Section 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).

## **581-027-0035**

### **Facility Assessment Requirements**

- (1) Each Facility Assessment shall contain the following information:
  - a. Building Information
    - i. Name of building;
    - ii. Building ID Number;
    - iii. Physical Address;
    - iv. Gross Square Footage;
    - v. Original Construction Date;
    - vi. Original Construction Type;
    - vii. Additions:
      1. Construction Date;
      2. Construction Type;
      3. Construction Square footage;
      4. Construction Usage;
    - viii. Renovations:
      1. Construction Date;
      2. Construction Type;
      3. Construction Square footage; and
      4. Renovation Construction Usage.
  - b. Infrastructure Assessment
    - i. UNIFORMAT II Assessment: An assessment of each applicable building element as listed in the American Society for Testing and Materials (ASTM)UNIFORMAT II Classification (October 1999) of Building Elements Level 3 that provides the following:
      1. ASTM Number;
      2. System Name;

3. Description of System;
  4. Number of systems or square footage of system in need of repair or want of replacement;
  5. Level of repair/replacement needed as follows. The percent of the building affected should be noted to assist in cost estimating:
    - a. None: The system or finish shows signs of wear, but no capital action necessary;
    - b. Minor: The system or finish has a symptom that has not yet appreciably affected performance but will if left unmitigated;
    - c. Moderate: The system or finish is showing signs of fatigue and performance is observably deteriorated;
    - d. Major: The system functions sporadically, requiring replacement or upgrade of components to the system to extend the life of the system. Finishes are not categorized as Major, but advance to Replace;
    - e. Replace: The integral components of the system or finish are in complete failure and no longer function.
  6. Notes as to what specifically needs to be done to repair or replace the system
- ii. Additional items
    1. A safety and security analysis of the facility that determines if the facility meets current best practices for providing a safe and secure environment;
    2. An ADA assessment and listing of deficiencies;
    3. Assessment of technology infrastructure in the facility including bandwidth, presence of wireless networks, and other means of providing access to information technology;
    4. Assessment of indoor air quality; and
    5. Presence of harmful substances such as lead or asbestos in the facility based on district reports.
  - c. Value Assessment
    - i. The current replacement value of the building using cost per square foot standards as determined by the Department and updated annually.
    - ii. The Facilities Condition Index of the building as calculated by dividing the total estimated construction costs to completely repair the building by the current replacement value of the building.
- (2) The Department shall establish a template for Districts and their Certified Contractors to use to collect the information required in (1).

- (3) Districts and Certified Contractors shall use the template established by the Department to provide the final report to the Department in electronic format.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Section 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).

## **581-027-0040**

### **Long-Range Facility Plan Requirements**

- (1) Each Long Range Facility Plan shall contain the following information:
  - a. Population projections by school age group for the next ten years using U.S. Census or Census partner data.
  - b. Collaboration with local government planning agencies (city and/or county):
    - i. Identification of suitable school sites if needed
    - ii. Site acquisition schedules and programs
  - c. Evidence of community involvement in determining:
    - i. Educational vision of local community
    - ii. Proposals to fund long-range facility needs
  - d. Identification of buildings on historic preservation lists including the National Historic Register, State Historical Preservation Office, and local historic building lists.
  - e. Analysis of district's current facilities' ability to meet current national educational adequacy standards:
    - i. Identification of facility standards used to meet district educational vision as well as national educational adequacy standards
    - ii. Identification of deficiencies in current facilities
    - iii. Identification of changes needed to bring current facilities up to standards
    - iv. Identification of alternatives to new construction and major renovation to meet current national educational adequacy standards
    - v. Identification of current facility capacity and ability of current capacity to meet current national educational adequacy standards.
  - f. A description of the plan the district will undertake to change its facility to match the projections and needs for the district for the next ten years.
- (2) The Department shall establish a template for Districts and their Certified Contractors to use to collect the information required in OAR 581-027-0040 (1).
- (3) Districts and Certified Contractors shall use the template established by the Department to provide the final report to the Department in electronic format.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Section 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).

**581-027-0045**

**Seismic Assessment Requirements**

- (1) Each Seismic Assessment shall contain the following:
  - g. Name of building.
  - h. Gross square footage of building.
  - i. Physical address.
  - j. Original construction date.
  - k. Original construction type.
  - l. Additions:
    1. Construction Date;
    2. Construction Type;
    3. Construction Square footage;
    4. Construction Usage;
  - m. Procedures used to determine the building's ability to perform to the Life Safety Standard in ASCE 41-13.
  - n. Evaluation of building using either ASCE 41-13 Tier I or Tier II evaluations methods except the levels of earthquake ground motion will be not less than 75% of BSE-1N design level earthquake per ASCE 41-13 section 2.4.1.2; instead of the 20% in 50 year ground motion used in the ASCE 41-13 standard.
  - o. List of deficiencies that need to be corrected to bring building up to the Life Safety Standard listed in ASCE 41-13.
  - p. List of schematic rehabilitation tasks to rectify listed deficiencies in accordance with ACSE 41-13 standard.
  - q. List of portions of building that pose highest life safety threat and collapse potential of those building portions.
  - r. Cost estimate provided by professional with knowledge about the type of work to be done that includes contingencies built into all budget categories.
  - s. Certification of the final assessment provided by registered Structural Engineer licensed in the State of Oregon.
- (2) The Department shall establish a template for Districts and their Certified Contractors to use to collect the information required in (1).
- (3) Districts and Certified Contractors shall use the template established by the Department to provide the final report to the Department in electronic format.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Section 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).



**581-027-0050**

**Contractor Certification Program**

- (1) The Department shall establish a program whereby entities or individuals can apply to become Certified Contractors for the purposes of the Technical Assistance Grants.
- (2) The program shall contain a portion of instruction on the methods to be used by Certified Contractors in performing Facility Assessment and Long-Range Facility Plan work.
- (3) The program shall contain a test such that those that pass will become Certified Contractors.
- (4) The Department shall post on its website specific information for each time the training program is held.
- (5) No entity or individual may become a Certified Contractor unless they complete the training program established by the Department.

Stat. Auth.: Sections 2 and 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).  
Stats. Implemented: Section 5, Chapter 783, Oregon Laws 2015 (Enrolled Senate Bill 447).