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CHAPTER 21. SCHOOL BUILDINGS

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Authority

The provisions of this Chapter 21 issued under sections 731—2702 of the Public School Code of 1949 (24 P. S. §§ 7-731—27-2702), unless otherwise noted.

Source

The provisions of this Chapter 21 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; corrected January 29, 1971, effective October 3, 1970, 1 Pa.B. 882, unless otherwise noted.

Notes of Decisions

The Public School Code and Education Regulations primarily encompass a school building's cost, quality, interior space relationships, space allocation, site selection, educational design specifications and necessity, given enrollment projections and a school district's long range educational plan. *Skepton v. Borough of Northampton*, 486 A.2d 1022 (Pa. Cmwlth. 1985).

Cross References

This chapter cited in 22 Pa. Code § 6.62 (relating to new or renovated vocational facilities); and 22 Pa. Code § 51.53 (relating to instructional equipment).

GENERAL PROVISIONS**§ 21.1. Purpose.**

This chapter establishes the process whereby school districts submit plans for school construction, reconstruction, purchase and lease for Department review and, if required by statute, Department approval.

Authority

The provisions of this § 21.1 amended under the Public School Code of 1929 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.1 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial pages (98928) to (98929).

Notes of Decisions*Conflict*

Since the Department's regulations and the borough's building code regulate predominantly different concerns of school building construction, state and local powers are not in material conflict. *Skepton v. Borough of Northampton*, 486 A.2d 1022 (Pa. Cmwlth. 1985).

§§ 21.2—21.9. [Reserved].**Source**

The provisions of these §§ 21.2—21.9 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; reserved February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial pages (98929) and (2981) to (2983).

§ 21.10. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Board of school directors—The board of school directors of a school district or area vocational-technical school, or if the project is initiated by a joint board, the joint board.

District—A school district as lawfully constituted under current Commonwealth statutes.

Project—An addition to or construction, reconstruction, renovation or purchase of a school building, facility or facilities.

Reimbursable project—A school construction or renovation project, or both, eligible for Department reimbursement under Article XXV of the Public School Code of 1949 (24 P. S. §§ 25-2501—25-2591).

Value engineering—A cost evaluation technique based on a systematic analysis of the functions of a project to identify unnecessary, high costs and to eliminate or modify elements that add cost to the project without contributing to its required function.

Authority

The provisions of this § 21.10 amended under the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.10 adopted April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98929).

§§ 21.11—21.14. [Reserved].

Source

The provisions of these §§ 21.11—21.14 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; reserved April 19, 1974, effective April 20, 1974, 4 Pa.B. 762. Immediately preceding text appears at serial pages (7362) to (7363).

SCOPE OF APPLICATION AND PLANNING

§ 21.21. Department approval.

(a) No public school building may be contracted for, constructed or reconstructed in a school district of the second, third or fourth class until the plans and specifications therefor have been approved by the Department.

(b) A building to be acquired by a school district for school use shall be approved by the Department prior to acquisition.

(c) Public school buildings shall conform to this part as to heating and ventilating systems, light area, floor space and cubical contents under § 21.72 (relat-

ing to construction codes); substantiated need under § 21.24 (relating to substantiated need) and cost standards for construction under §§ 21.51—21.53 (relating to cost standards).

(d) Lease agreements for school district lease of a building or portion of a building for school use shall be approved by the Department.

(e) Public school buildings or building alteration projects for which Department reimbursement is sought shall be approved by the Department. Plans and specifications for reimbursable projects shall be submitted as required by the Department.

(f) The Department may excuse nonreimbursable projects from the requirements of §§ 21.22, 21.24, 21.31, 21.41(a) and 21.73.

(g) Except for emergency situations under section 751 of the Public School Code of 1949 (24 P. S. § 7-751), plans and specifications for nonreimbursable projects shall be submitted to the Department 3 weeks or more prior to bidding.

Authority

The provisions of this § 21.21 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.21 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98929).

§ 21.22. Liaisons.

(a) Each board of school directors initiating a project shall designate a person to act as liaison with the Department on the project.

(b) The Department will designate a person to act as liaison with the school district and the public on the project.

Source

The provisions of this § 21.22 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (30492).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval).

§ 21.23. [Reserved].**Source**

The provisions of this § 21.23 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; reserved February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98930).

§ 21.24. Substantiated need.

The Department will not approve a project for which the need has not been substantiated. Substantiation of need will be based upon the following criteria:

- (1) The educational long-range plan for the district and additional information as may be required by the Department concerning existing facilities, their condition, capacities and adequacy for present and planned use.
- (2) Up-to-date enrollment projections as provided by the Department.
- (3) As necessary, inspection by the Department of existing school facilities, their condition, capacities and adequacy for present and planned program usage.

Authority

The provisions of this § 21.24 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.24 adopted April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98930).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval); and 22 Pa. Code § 21.101 (relating to Construction Planning Manual).

ALLOCATION AND ORGANIZATION OF SPACE IN BUILDINGS**§ 21.31. Description of educational goals and facilities.**

Prior to obtaining preliminary approval under § 21.71 (relating to plans), a district shall submit to the Department for review and approval, on forms developed and provided by the Department, the following information:

- (1) A plan for the district's site and facility needs which enables architects to design spaces and select materials and equipment best suited to the educational goals of the district.

(2) A description of where particular spaces are located and how spaces are allocated to specific purposes.

Authority

The provisions of this § 21.31 amended under sections 701.1, 731, 733 and 735 of the Public Welfare Code (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.31 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial pages (98930) to (98931).

Cross References

This section cited in 22 Pa. Code § 21.31 (relating to Department approval).

§ 21.32. [Reserved].

Source

The provisions of this § 21.32 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; reserved February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98931).

§ 21.33. [Reserved].

Source

The provisions of this § 21.33 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; reserved February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98931).

§ 21.34. [Reserved].

Source

The provisions of this § 21.34 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial page (2995).

§ 21.41. Department review of site reports.

(a) The Department will review proposed construction site reports based on safety, accessibility, proximity to present and projected population and economy of development in order to advise the district on construction site acquisition. Department review of construction sites will proceed under § 21.42 (relating to site analysis).

(b) Prior to district acquisition of a construction site, the Department may require mineral rights acquisition and will require a clear title to the property to be purchased.

(c) Prior to Department review, the district is responsible for obtaining the requisite approval of other agencies, including but not limited to, Department of Environmental Resources, Department of Transportation, Department of Health, the State Police and State and local planning boards which have jurisdiction over the proposed site.

(d) Modifications or reversals of approvals of the agencies or boards listed in subsection (c) shall be submitted to the Department by the district within 5 days of receipt by the district.

Authority

The provisions of this § 21.41 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1949 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.41 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial pages (98931) to (98932).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to approval); and 22 Pa. Code § 21.71 (relating to plans).

§ 21.42. Site analysis.

(a) *Report and plan.* For a site under consideration for purchase, the district shall prepare and submit to the Department a report which describes the land and its potential use. The report shall be prepared in a method as determined by the Department.

(b) *Public meeting.* Prior to submission to the Department of site reports required by subsection (a), the board of school directors shall present its report in a public meeting with an opportunity for public comment. The public meeting shall be advertised in the manner of a special local board of school directors meeting. Written public comments shall be submitted to the Department with the site reports required by subsection (a).

(c) *Alternate sites.* The Department may require submission by the district of reports on alternate sites.

Authority

The provisions of this § 21.42 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.42 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 17 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98932).

Cross References

This section cited in 22 Pa. Code § 21.41 (relating to Department review of site reports); and 22 Pa. Code § 21.71 (relating to plans).

§ 21.43. [Reserved].**Source**

The provisions of this § 21.43 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; reserved April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (7365).

§§ 21.44—21.47. [Reserved].**Source**

The provisions of these §§ 21.44—21.47 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (2996) to (3000).

COST CONSTRAINTS**§ 21.51. Cost constraints.**

If exceptions are not properly requested, justified and approved, the Department will take the following actions:

- (1) The Department will not approve a reimbursable building project when the local share of the total commitment of the district to capital debt and interest thereon, including that for the proposed project, is greater than 25% of the total of its revenue from local sources. The calculations shall be from data projected for the fiscal year in which the proposed facilities are to be occupied.
- (2) The Department will not approve a reimbursable building project when the sum of the projected local share of the annual cost of amortization of the project and the current local effort, as measured in mills on market value, is greater than the product of the Statewide average for local effort, measured in mills on market value, and 2.0000 minus the current aid ratio of the district.

Calculations under this section will be made on forms provided in the Department's Construction Planning Manual.

(3) The Department will not approve a project if the most recent financial report submitted by the applicant district shows evidence of possible fiscal distress as determined by the Department.

Authority

The provisions of this § 21.51 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.51 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98932) to (98933).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval); 22 Pa. Code § 21.82 (relating to bid specifications and bids); and 22 Pa. Code § 21.101 (relating to Construction Planning Manual).

§ 21.52. Value engineering.

If appropriate, the Department may require the utilization of value engineering in the development of reimbursable projects. When the Department requires value engineering, the cost will be included in the total project costs.

Authority

The provisions of this § 21.52 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.52 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98933).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval); 22 Pa. Code § 21.71 (relating to plans); and 22 Pa. Code § 21.101 (relating to Construction Planning Manual).

§ 21.53. Computation of costs.

Maximum building construction cost and maximum project cost shall be computed with Department's school building standards and Construction Planning Manual.

Authority

The provisions of this § 21.53 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.53 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial pages (7365) to (7366).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval); and 22 Pa. Code § 21.101 (relating to Construction Planning Manual).

§ 21.54. [Reserved].**Source**

The provisions of this § 21.54 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; reserved April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (7366).

§ 21.55. [Reserved].**Source**

The provisions of this § 21.55 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; reserved April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial pages (7366) to (7367).

PUBLIC HEARINGS ON BUILDING PROJECTS**§ 21.61. District hearings.**

The board of school directors shall schedule and conduct public information hearings on school building projects as required by sections 1 and 2 of the act of June 27, 1973 (P. L. 75, No. 34) (24 P. S. §§ 7-701.1 and 7-731).

Authority

The provisions of this § 21.61 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.61 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98933).

§ 21.62. Information required.

Information concerning the proposed project shall be made available in a manner and time sufficient to permit citizen review and comment prior to the hearing.

Source

The provisions of this § 21.62 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (98933).

§ 21.63. Department hearings.

The Department may conduct hearings on a project at any time.

Authority

The provisions of this § 21.63 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.63 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98933).

§§ 21.64—21.70. [Reserved].**Source**

The provisions of these §§ 21.64—21.70 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3002) to (3007).

§ 21.71. Plans.

(a) The Department will provide written comment to the board of school directors on a district's preliminary plans. Department approval of preliminary plans is contingent upon the following:

- (1) The submission by the board of school directors of documents required by §§ 21.24, 21.31, 21.41, 21.42, 21.52 and 21.72.
- (2) A determination by the Department that no aspect of the project upon completion presents danger to the health or safety of the users of the facility or the public.

(3) A written response by the board of school directors to the Department's comments on the plan, including documentation that the comments of the Department have been discussed at a public meeting before the local board of school directors and that the public has been given an opportunity to comment. The public meeting shall be advertised in the same manner as a regular local board of school directors meeting. The board's written response shall include a complete summary of public comments on the project.

(b) The Department will notify the local board of school directors of its decision concerning approval or disapproval of preliminary plans within 30 days of submission of items in subsection (a).

Authority

The provisions of this § 21.71 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.71 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98934).

Cross References

This section cited in 22 Pa. Code § 21.31 (relating to description of educational goals and facilities); and 22 Pa. Code § 21.81 (relating to plans).

§ 21.72. Construction codes.

The Department will maintain a list of current, generally accepted construction codes and guidelines. The list will include, but not be limited to, the codes and guidelines of the Department, the Council of Educational Facilities Planners (CEFP), the American National Standards Institute (ANSI) and the American Society for Testing and Materials (ASTM). The board of school directors shall select whichever code or portion of a code it intends to follow and shall notify the Department of its selection.

Authority

The provisions of this § 21.72 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.72 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98934).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval); 22 Pa. Code § 21.101 (relating to Construction Planning Manual); and 22 Pa. Code § 349.16 (relating to construction codes and guidelines).

§ 21.73. Cost estimates.

The board of school directors shall prepare and submit, in accordance with standards of the Department, cost estimate forms to permit the identification and substantiation of:

- (1) Total project costs.
- (2) Building cost items which are excludable from aggregate building expenditure standard calculations.
- (3) Reimbursable site development costs.
- (4) Reimbursable rough grading costs.
- (5) Sewage system costs.

Source

The provisions of this § 21.73 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (98934).

Cross References

This section cited in 22 Pa. Code § 21.21 (relating to Department approval).

§§ 21.74—21.80. [Reserved].**Source**

The provisions of these §§ 21.74—21.80 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3009) to (3012).

FINAL APPROVAL**§ 21.81. Plans.**

The Department will approve final plans when the plans conform to the requirements of § 21.71 (relating to plans), standards as prepared by the Department, and the requirements of other departments and agencies, including the provisions of the act of September 1, 1965 (P. L. 459, No. 240) (71 P. S. §§ 1455.1—1455.3a), relating to grounds, buildings, and facilities. The board of school directors shall submit to the Department certification of all necessary approvals from local, regional, and state agencies relating to health, safety, design, planning highway access, and freedom from flooding and subsidence.

Source

The provisions of this § 21.81 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (30498).

Notes of Decisions

In that neither the Department of Education nor the school district need comply with 37 Pa.C.S. § 508 (relating to interagency cooperation) before approval of plan to demolish and reconstruct portions of a school building, issue of Department procedures, review and approval is moot. *Goldsborough v. Department of Education*, 576 A.2d 1172 (Pa. Cmwlth. 1990); affirmed 599 A.2d 645 (Pa. 1991).

The public School Code and Education Regulations permit local regulation of school building construction that is supplement to, or consistent with, State standards. *Skepton v. Borough of Northampton*, 486 A.2d 1022 (Pa. Cmwlth. 1985).

§ 21.82. Bid specifications and bids.

The board of school directors shall submit to the Department, for its approval, bid specifications and the bids to be accepted by the board. The Department will give final approval to bids when the bids to be accepted by the board of school directors are below the cost constraints of § 21.51 (relating to constraints) and meet the requirements of section 751 of the Public School Code of 1949 (24 P. S. § 7-751).

Source

The provisions of this § 21.82 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084. Immediately preceding text appears at serial page (30498).

§ 21.83. Appeal.

If final approval of a school building construction or reconstruction project is denied, the applicant board of school directors may request a hearing. The hearing shall be conducted under 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law) and 1 Pa. Code Part II (relating to general rules of administrative practice and procedure).

Authority

The provisions of this § 21.83 amended under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.83 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended April 22, 1977, effective April 23, 1977, 7 Pa.B. 1084; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553. Immediately preceding text appears at serial page (98935).

§§ 21.84—21.90. [Reserved].**Source**

The provisions of these §§ 21.84—21.90 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3012) to (3014).

ADVISORY COMMITTEE**§ 21.91. Advisory committee.**

A Department school building advisory committee will report annually to the Board on the status of Department standards and guidelines and on the need for revision or amendment to this chapter. Once every 3 years the committee will assess and report on the need for a complete revision to this chapter and, when necessary, prepare the revisions.

Authority

The provisions of this § 21.91 issued under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.91 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553.

Cross References

This section cited in 22 Pa. Code § 21.101 (relating to Construction Planning Manual).

§§ 21.92—21.100. [Reserved].**Source**

The provisions of these §§ 21.92—21.100 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3015) to (3019).

CONSTRUCTION PLANNING MANUAL**§ 21.101. Construction Planning Manual.**

(a) In order to provide detailed information regarding the requirements of this chapter and related standards and construction codes, the Department will prepare, periodically update and make available to school districts a Construction Planning Manual.

(b) The Construction Planning Manual will contain:

- (1) This chapter.

- (2) References to and explanations of construction codes as provided by § 21.72 (relating to construction codes).
 - (3) Requirements concerning the substantiation of need as provided by § 21.24 (relating to substantiated need).
 - (4) Cost standards as provided by §§ 21.51—21.53 (relating to cost standards).
 - (5) Interpretations and guidelines for the implementation of this chapter.
 - (6) Forms, worksheets and procedures necessary for compliance with this chapter.
- (c) The Construction Planning Manual will not contain material which conflicts with the requirements of this chapter or which expands or limits the requirements established by this chapter.
- (d) The Construction Planning Manual will be revised and periodically updated by the Department in consultation with the advisory committee as established under § 21.91 (relating to advisory committee).
- (e) Copies of the Construction Planning Manual are available upon request without cost to the school districts by contacting the Bureau of Basic Education Fiscal Administration, Division of Physical Plant and Construction, Department of Education, 333 Market Street, Harrisburg, Pennsylvania 17126-0333, (717) 787-5480.

Authority

The provisions of this § 21.101 issued under sections 701.1, 731, 733 and 735 of the Public School Code of 1949 (24 P. S. §§ 7-701.1, 7-731, 7-733 and 7-735); section 1319 of The Administrative Code of 1929 (71 P. S. § 369); and sections 2574.1 and 2576 of the Public School Code of 1949 (24 P. S. §§ 25-2574.1 and 25-2576).

Source

The provisions of this § 21.101 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889; amended February 5, 1988, effective July 1, 1988, 18 Pa.B. 553.

§ 21.102. [Reserved].

Source

The provisions of this § 21.102 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3020) to (3021).

§§ 21.121—21.126. [Reserved].

Source

The provisions of these §§ 21.121—21.126 adopted October 2, 1970, effective October 3, 1970, 1 Pa.B. 324; reserved October 6, 1972, effective October 7, 1972, 2 Pa.B. 1889. Immediately preceding text appears at serial pages (3021) to (3023).

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