

CHAPTER 349. SCHOOL BUILDING STANDARDS

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Authority

The provisions of this Chapter 349 issued under the Public School Code of 1949 (24 P. S. § 15-1504); and The Administrative Code of 1929 (71 P. S. § 118.1), unless otherwise noted.

Source

The provisions of this Chapter 349 adopted November 3, 1978, 8 Pa.B. 3021, unless otherwise noted.

§ 349.1. Definitions.

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

349-1

Architectural area—The sum of the areas of the several floors, including basements, mezzanine and intermediate floored tiers and penthouses of head-room height (6'-6" minimum), measured from the exterior faces of exterior walls or from the center line of walls separating buildings; covered walkways, open roofed-over areas that are paved shall have the architectural area multiplied by an area factor of 0.50; architectural area does not include such features as pipe trenches, exterior terraces or steps, chimneys and roof overhangs.

Department—The Department of Education of the Commonwealth.

Existing value—The proportionate value which an existing structure plus necessary alterations thereto will bear to the reimbursable value of a completed educational facility.

Long term lease—A lease of at least 5 years but not more than 40 years.

Maximum building construction cost—Includes general construction, heating and ventilating, plumbing, electrical, other structural expense, fixtures and equipment, and architectural and engineering fees on these items; the maximum building construction cost does not include rough grading, necessary grouting or shoring, excavation outside the building perimeter, special foundations, access roads, costs of utilities to and on the site, curbing and walks required by local ordinance, sewage disposal, site development, site acquisition, and architectural and engineering fees on these items; the cost of fixtures and equipment is not included in the maximum building construction cost for area vocational-technical schools.

Maximum project cost—Building construction cost, plus all other costs of the project proposal including land, grading, fees, and the like.

Rough grading—Confined to clearing and grubbing a site of natural growth, fences, surface fieldstone, stumps, and such cut and fill as may be required to meet the established standard finish grades; rough grading shall not include such items as finished roadways and walks, demolition of buildings, strip mining of coal, mining of any minerals, supporting of mine roofs to prevent subsidence, or similar operations.

Scheduled area—Includes instructional spaces such as classrooms, laboratories, planetaria, observatories, student project rooms, student activity rooms, seminar rooms, shops, band and chorus stations, physical education stations and other areas which accommodate direct student instruction; also includes general use areas such as libraries, instructional materials centers, locker and shower rooms, team rooms, instructors' offices, multi-purpose rooms, cafeterias—including kitchen and storage, auditoriums—including stage, health and first-aid rooms, and faculty rooms; administrative office suites—including conference rooms—are also included; service areas, such as general storage, toilet rooms, custodian rooms, maintenance areas, utilities areas are not included; circulation areas such as hallways and stairways are not included.

Usable acreage—Acreage which has or which can reasonably be prepared to have slopes and gradients which will accommodate the educational, structural, operational, aesthetic and community purposes for which a school site is acquired.

Source

The provisions of this § 349.1 amended November 3, 1978, effective March 10, 1979, 9 Pa.B. 775. Immediately preceding text appears at serial page (38630).

§ 349.2. Substantiated need.

(a) *Options*. An applicant school district shall submit a review of the building program options it considered, including an analytical justification for the selected option.

(b) *Enrollment projections*. Enrollment projections shall be calculated in a manner approved by the Department and shall extend for at least 11 years and to a year divisible by five.

(c) *Full-time student equivalent allowances*. Full-time student equivalent allowances shall be as follows:

(1) *Regular elementary and secondary students*—1.00 FTE.

(2) *Half-time kindergarten students*—.50 FTE.

(3) *Special Education students*: Educable Mentally Retarded—2.00 FTE; Trainable Mentally Retarded Elementary—2.50 FTE; Trainable Mentally Retarded Secondary—2.00 FTE; Severely and Profoundly Retarded—3.50 FTE; Socially and Emotionally Disturbed—2.50 FTE; Brain Injured—2.50 FTE; Learning Disabled—2.50 FTE; Physically Handicapped—2.50 FTE; Hearing Impaired, Speech and Language Impaired, and Visually Handicapped equivalents shall be negotiable and based upon program characteristics; if a Resource Room, for itinerant or part-time, or both, programs, such as Gifted, is to be included, an additional 1.00 FTE may be allotted for each 25 students in regular project enrollment—to a maximum of 25 FTE.

(4) *Vocational-technical students while in home school*—.60 FTE.

(5) *Maximum allowances for vocational-technical shop/laboratory stations*. Maximum allowances for vocational-technical shop/laboratory stations, in half-time student terms, shall be:

(i) *Agriculture*. Agricultural Production—44 at 1.08 FTE, Agricultural Supplies—44 at .60 FTE, Agricultural Mechanics—44 at 1.08 FTE, Agricultural Products—44 at .60 FTE, Agricultural Resources—44 at .60 FTE, Forestry—44 at 1.08 FTE, Horticulture—44 at .90 FTE, Floriculture—44 at .90 FTE—Agricultural Technology—44 at .90 FTE.

(ii) *Business Education*. Accounting—40 at .48 FTE, Business Data Processing—40 at .60 FTE, Clerical—40 at .60 FTE, Stenographic/Secretarial—40 at .72 FTE.

(iii) *Distributive Education*. Distributive Education—40 at .60 FTE, Warehousing—40 at .90 FTE.

(iv) *Health Occupations*. Dental Assistant—40 at .60 FTE, Dental Laboratory Technician—40 at .60 FTE, Health Assistant—40 at .60 FTE, Medical Assistant—40 at .60 FTE, Medical Laboratory Assistant—40 at .60 FTE, Practical Nursing (Postsecondary)—40 at .90 FTE, Home Health Management Assistant—40 at .60 FTE, Nurses Aide/Nursing Assistant—40 at .60 FTE.

(v) *Home Economics*. Care and Guidance of Children—40 at .72 FTE, Clothing Management, Production and Service—40 at .60 FTE, Food Management, Production and Service—40 at .60 FTE. Dining Room Practice—15 at .60 FTE, Home Furnishing, Equipment and Service—40 at .60 FTE, Institutional and Home Management—40 at .60 FTE.

(vi) *Technical and Industrial*. Aircraft Maintenance—40 at 1.08 FTE, Air Conditioning and Refrigeration—40 at .60 FTE, Architectural Technology—44 at .48 FTE, Appliance Repair—40 at .60 FTE, Automotive Body and Fender—40 at 1.08 FTE, Automotive Mechanics—40 at 1.08 FTE, Audio-Visual Communications—40 at .60 FTE, Building Construction Occupation—40 at .90 FTE, Building Trades Maintenance—40 at .72 FTE, Business Machine Maintenance—40 at .48 FTE, Cabinetmaking and Millwork—40 at .90 FTE, Carpentry—40 at .90 FTE, Chemical Technology—40 at .48 FTE, Civil Technology—44 at .48 FTE, Commercial Art—44 at .48 FTE, Commercial Photography—44 at .48 FTE, Cosmetology—40 at .90 FTE, Diesel Mechanic—40 at 1.08 FTE. Drafting, Occupations and Technology—44 at .48 FTE, Dressmaking—40 at .48 FTE, Electricity Construction and/or Maintenance—40 at .90 FTE, Electrical Technology—44 at .72 FTE, Electronics Technology—44 at .48 FTE, Fabric Maintenance Service—40 at .72 FTE, Foundry—40 at .90 FTE, Graphic Arts—44 at .72 FTE, Heating—40 at .72 FTE, Industrial Electrician—40 at .72 FTE, Industrial Maintenance Mechanic—40 at .72 FTE, Instruments Maintenance and Repair—40 at .48 FTE, Instrumentation Technology—44 at .48 FTE, Interior Decorating—40 at .72 FTE, Machine Shop—40 at .90 FTE, Masonry/Bricklaying—40 at .90 FTE, Mechanical Production Technology—44 at .48 FTE, Metal Fabrication—40 at .90 FTE, Metallurgical Technology—44 at .48 FTE, Painting and Decorating—40 at .72 FTE, Patternmaking—40 at .72 FTE, Plastics—40 at .60 FTE, Plumbing—40 at .72 FTE, Quantity Food Occupations—40 at .60 FTE, Radio and Television—40 at .48 FTE, Scientific Data Processing—40 at .60 FTE, Sheet Metal—40 at .60 FTE, Shoe Manufacturing and Repair—40 at .48 FTE, Small Engine Repair—40 at .60 FTE, Tailoring—40 at .48 FTE, Textile Production and Fabrication—40 at .60 FTE, Tool and Die Technology—40 at .90 FTE, Upholstering—40 at .60 FTE, Waiters and Waitresses—15 at .60 FTE, Welding—40 at .72 FTE. In all instances, the maximum student allow-

ance for large two teacher station shop/laboratories shall be 1.75 times the allowance for a single station. Student allowance for any shop/laboratory shall be related to proposed size and shall be approved as a part of program approval by the Department.

(6) *District administration.* If district administration offices are to be included in the project, an allowance of 1.2 FTE secondary students may be assigned for each position justified for housing therein.

(7) *Natatorium.* If a district-wide natatorium is included in the project, the maximum allowance shall be 31 FTE secondary students.

(d) *Nonresident students.* Justified enrollment for a project may include Special Education students from other schools and other school districts, provided that evidence of both need and program planning are submitted by the applicant school district. Justified enrollment may, with specific Department of Education approval, include other nonresident students.

(e) *Vocational-technical need.* Department approval of an educational program for a new vocational-technical school or for a vocation-technical addition to an existing school, shall be considered by the Division of Physical Plant and Construction as substantiation of the need for the school or addition.

§ 349.3. Building educational specifications.

(a) *Planning.* The introductory statements for educational specifications shall explain the consistency between the submission and the goals, objectives, and activities set forth in the district's approved long range educational plan.

(b) *Vocational-technical schools.* Educational specifications for a vocational-technical school facility shall be approved by the Bureau of Vocational, Technical and Continuing Education, prior to their submission for approval by the Division of Physical Plant and Construction.

(c) *Special education facilities.* Unless otherwise provided by an approved Special Education Plan, each building project shall make appropriate allowances for Special Education facilities.

§ 349.4. Space relationships.

Vocational-technical schools. Approval of space relationship plans for a vocational-technical facility by the Bureau of Vocational, Technical and Continuing Education shall be a prerequisite for such approvals by the Division of Physical Plant and Construction.

§ 349.5. Building space allocation.

(a) *Elementary schools.* The amount of space included in the schedule of space allocations for an elementary school shall approximate 58 square feet for each student in approved full-time equivalent project enrollment.

(b) *Secondary schools.* The amount of space included in the schedule of space allocations for a secondary school shall approximate 78 square feet for each student in approved full-time equivalent project enrollment.

(c) *Exceptions.* Any departure of 10% or more from the established expectancy levels for the scheduled area of a project shall require justification and approval from the Department.

(d) *Adjustments to approved project enrollment.* The Department will make proportionate deduction adjustments in approved enrollment for any departure from expectancy levels for scheduled space which does not receive its approval.

(e) *Special Education space.* Space allocated for Special Education purposes may be converted to other uses after approval for such conversion has been granted by the Secretary of Education.

(f) *Vocational-technical space.* The amount of space required for vocational-technical shop facilities shall be determined in conjunction with program approval by the Bureau of Vocational, Technical and Continuing Education. Prior to their opening and occupancy, new or additional vocational-technical facilities and equipment shall be inspected by the Department. Their readiness for occupancy and their eligibility for State and Federal vocational education program reimbursement shall be determined following the inspection.

§ 349.6. Building design.

(a) *Design tolerances.* Any design ratio of architectural space to scheduled space which exceeds 1.58 to 1.0 shall require approval from the Department.

(b) *Capacity adjustment.* The Department will make proportionate adjustments to project capacity for architectural space ratio excesses which do not receive its approval.

§ 349.7. Approval of sites.

(a) *Approvable size.* Usable acreage as follows shall be considered optimum: elementary schools—10 acres; schools for middle grades—20 acres, schools for high school grades—35 acres; and part-time vocational-technical schools—15 acres.

(1) In general, maximum approvable site sizes shall be the stated optimum, plus one acre for each 100 full-time equivalent students in projected enrollment.

(2) Minimum approvable site sizes shall consider factors related to land availability, proximate shared use land, and other reasonable considerations.

(b) *Reimbursable size.* The Department will be flexible in its determination of the reimbursable acreage within an approved school site. The projected school educational program shall be a principal determinant.

(c) *Recreation area.* Maximum approvable reimbursable site size may make allowance for cooperative community recreation programs.

§ 349.8. Site analysis.

Advisory committee. When further information upon a site, or alternate sites is deemed necessary by the Department, the Secretary of Education may require the submission of a report from a locally appointed advisory committee. Membership on such committee shall be from among architects, engineers, landscapers, realtors, and other appropriate professionals.

§ 349.9. Advanced acquisition of sites.

When the acquisition of an approved site is at least five years, but less than ten years in advance of long range plan projected need, reimbursement may be paid in the year of acquisition. Such reimbursement shall be subject to conditions established at and provisions in force at the time of approval.

§ 349.10. Project cost constraints.

(a) *Method of calculation.* The Department will formulate, publish, and make available to applicant school districts, procedures which will permit local determination of compliance with cost constraints established by the regulations of the State Board of Education.

(b) *Exceptions.* District requests that cost constraint exceptions be approved shall be submitted in writing and shall include justification. Exceptions must be granted prior to Department approval of any project cost estimates.

§ 349.11. Aggregate Building Expenditure Standard; Act 34 of 1973.

(a) *Rated pupil capacity.* For the purpose of computing the aggregate building expenditure standard of a project, the rated pupil capacity shall be determined on the basis of the method used by the Department for school building reimbursement purposes during the school year 1971-1972.

(b) *1971-1972 method.* Rated pupil capacity shall be determined in accordance with the following formulae:

(1) *Elementary building.* The rated pupil capacity for an elementary building equals the sum of the capacity points for classrooms, special education, kindergarten, in accordance with the following chart:

ELEMENTARY BUILDINGS

<i>Number</i>	<i>Size of Classroom</i>	<i>Points</i>	<i>Act 34 Capacity</i>
_____	550-659 sq. ft.	x 24-	_____
_____	660-769 sq. ft.	x 32-	_____
_____	770-849 sq. ft.	x 34-	_____
_____	850 sq. ft. and over	x 35-	_____

(2) *Secondary building.* The rated pupil capacity for a secondary building equals 85% of the sum of the capacity points of all teaching stations in accordance with the following chart:

SECONDARY BUILDINGS			
<i>Number</i>	<i>Teaching Stations</i>	<i>Points</i>	<i>Act 34 Capacity</i>
_____	550-659 sq. ft.) Classrooms	x 28-	_____
_____	660 sq. ft. and over)	x 35-	_____
_____	Large Group Instruction	x 40-	_____
_____	Language Laboratory	x 35-	_____
_____	Science Laboratory	x 24-	_____
_____	Student Project Room (220 sq. ft.)	x 9-	_____
_____	Business Classroom	x 35-	_____
_____	Typing	x 24-	_____
_____	Office Practice	x 24-	_____
_____	Art Room	x 24-	_____
_____	Gymnasium (Each teaching station)	x 40-	_____
_____	Homemaking (Each teaching station)	x 24-	_____
_____	Shop (Each teaching station)	x 24-	_____
_____	Band Room	x 24-	_____
_____	Music Classroom	x 35-	_____
_____	Planetarium/Classroom	x 30-	_____
_____	Observatory	x 15-	_____
_____	Instrumentation-Library Classroom	x 35-	_____
	Sub-Total		_____
	Utilization factor 85%		<u> x .85 </u>
	TOTAL		_____

(3) *Addition to building.* The rated pupil capacity of a substantial addition shall bear the same ratio to the total project capacity calculated in paragraphs (1) or (2), or both, of this subsection as the area of the addition bears to the area of the total completed project.

(4) *Other considerations.* Other considerations shall be as follows:

(i) Where District Central Administration facilities are included in a project, the rated capacity shall be increased by 1.3 times the number of positions to be housed in the facility. The student equivalent thus derived shall be counted at the high school (10, 11, 12) cost limit.

(ii) A natatorium is to be counted as a physical education station.

§ 349.12. Public hearings on school projects, district.

(a) *Adoption of costs.* The board of directors shall adopt a maximum project cost and a maximum building construction cost prior to the scheduling of a hearing:

(b) *Notice.* Notice of the hearing shall be published at least 20 days in advance of the hearing in accordance with section 106 of the Public School Code of 1949 (24 P. S. § 1-106). The notice shall include:

- (1) the date, the time, and location of the hearing;
- (2) the type of facility to be constructed;
- (3) the maximum project cost;
- (4) the maximum building construction cost;
- (5) the availability of a description of the project;
- (6) the manner by which a resident may gain agenda time or submit written testimony, or both; and
- (7) such other information as is deemed necessary by the board.

(c) *Nature* The board hearing shall be in the nature of a legislative hearing to receive public comment and shall not be considered an adjudication within the meaning of the Local Agency Law (53 P.S. §§ 11301—11311).

(d) *New hearing.* If, as a result of the hearing, the board decides to modify the size or design of a project, a new hearing shall not be required unless the changes are based on a different use for the project, for example, elementary to middle school. Nothing in this section shall prevent the board from holding additional hearings if it so desires.

(e) *Second hearing.* If, in accordance with the mandates of 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), a second public hearing is required because the building construction cost upon receipt of bids exceeds by 8.0% or more the estimated costs first submitted to the Department, that hearing shall be properly published in accordance with section 106 of the Public School Code of 1949 (24 P. S. § 1-106). Nothing in this subsection shall be construed as preventing the board from advertising such hearing prior to receipt of bids and convening a hearing regardless of the status of the project building construction cost based upon bids.

§ 349.13. Information required.

(a) *Description.* The board of directors shall cause to be prepared, and made available for the public, at least 20 days prior to the public hearing, a description of the project. The description shall be mailed to the news media in sufficient time for release not later than 14 days prior to the hearing. The description shall include material concerning the need for the project, any alternatives considered, any special features of the project, the direct and indirect costs of the project—

including a cost analysis of the four alternative methods for financing the direct costs, and the anticipated effect of the direct and indirect costs of the project upon the tax base.

(b) *Minutes or transcript.* The board of directors shall cause to be prepared and forward to the Department either minutes or a transcript of the locally convened hearing. A proof of proper advertisement of the meeting shall also be submitted.

§ 349.14. Department hearings.

(a) *Nature.* A Department convened hearing shall be in the nature of a legislative hearing to receive public comment and shall not be considered an adjudication within the meaning of the Local Agency Law (53 P. S. §§ 11301—11311).

(b) *Purpose.* The purpose of a Department convened Act 34 hearing shall be to gather information from a variety of local sources in order to promote thoroughness in the deliberations which precede a final decision concerning approval of a project. A statement of that purpose will be contained in each Department press release, and will introduce each hearing.

(c) *Initiation.* When a thorough investigation of project submissions or citizen complaints, or both, indicates that information submitted at a Department convened hearing could make a significant contribution to the quality of Department deliberations prior to project approval, such hearing will be convened. In no instance shall such hearing be convened prior to Department receipt of properly processed estimated project costs.

(d) *Hearing notice.* Approximately 20 days, but not less than 14 days prior to the date of a hearing, the Department will cause legal notification to be published in the appropriate legal journal and/or in at least one newspaper with general circulation in the school district, or in both. The legal notice shall contain:

- (1) the date, time, and location of the hearing;
- (2) the purpose;
- (3) the agenda topics;
- (4) the time and place of availability of brief Board position statements upon the agenda topics;
- (5) the method by which a citizen may gain placement upon the agenda; and
- (6) the conditions for submission of testimony without agenda placement.

(e) *Agenda topics.* Testimony shall be heard separately upon

- (1) the need for the project;
- (2) project costs;
- (3) related program operation costs;
- (4) cost projections; and
- (5) more issues.

(f) *Hearing officer.* Each Department convened hearing shall be under the direction of and chaired by an impartial Hearing Officer.

(g) *Report.* Following review of all submitted testimony and review of any reports of investigations conducted by request to the Department, the Hearing Officer shall submit a full and complete report. The report shall include the recommendations or opinions of the Hearing Officer. A copy of the report shall be forwarded to the applicant school district. Copies shall be made available, for the cost of duplication, to other interested parties.

(h) *Department review.* Appropriate Department personnel will be assigned to review the testimony and the report of the Hearing Officer. Reactions will be submitted to the Office of the Director of the Bureau of Educational Administration and Management Support Services. If any noncompliance with laws and regulations is determined, project approval will be appropriately withheld, withdrawn, or denied.

(i) *Supplemental report.* The Office of the Director of the Bureau of Educational Administration and Management Support Services shall determine if any supplement to the report of the Hearing Officer should be forwarded by the Department to the applicant school district.

(j) *Effect upon approval.* Those aspects of the report, its recommendations, or its opinions which do not concern violation of laws or regulations, will not affect the approvability of the subject project.

(k) *Board action.* It shall be the responsibility of the board of the applicant district to study the Hearing Officer's report and any supplement very closely in order to determine if reconsideration should be accorded the project or any part thereof, and, having concluded its study of the report, the board shall inform the Department in writing of its official actions concerning the report.

(l) *Further project approvals.* No further processing approvals will be granted by the Department until it has received the report of the official action by the board of the applicant district to the Hearing Officer's Report and any Department supplement.

§ 349.15. Approval of preliminary plans.

Any inconsistency among educational space relationship diagrams, technical schematics, space allocations, and preliminary plans shall be resolved prior to Department approval of preliminary plans.

§ 349.16. Construction codes and guidelines.

(a) *Conformance.* School Building projects shall conform to one or more of the following construction codes or professional guidelines, or portions thereof in accordance with § 21.72 (relating to construction codes).

CEFP	Council of Educational Facilities Planners 29 West Woodruff Avenue, Columbus; OH 43210
USSGSL	United States Standard Guide for School Lighting 345 East 47th Street, New York, NY 10017
IES	Illuminating Engineering Society 345 East 47th Street, New York, NY 10017
ANSI	American National Standards Institute 1430 Broadway, New York, NY 10018
ASHRAE	American Society of Heating, Refrigeration and Airconditioning Engineers United Engineering Center 345 East 47th Street, New York, NY 10017
NPC	National Plumbing Code Part of ANSI
NEC	National Electric Code Part of ANSI
AGA	American Gas Association 605 Third Avenue, New York, NY 10016
ASTM	American Society for Testing and Materials 1916 Race Street, Philadelphia, PA 19103
ASME	American Society for Mechanical Engineers United Engineering Center 345 E. 47th Street, New York, NY 10017
NFPA	National Fire Protection Association 60 Batterymarch Street, Boston, MA 02110 (Usually included in ANSI)
SMACNA	Sheet Metal Contractors National Association—Standards 1611 North Kent Street, Arlington, VA 22209
EFL	Educational Facilities Laboratories 477 Madison Avenue, New York, NY 10022

OSHA	Pennsylvania Department of Labor and Industry Harrisburg, PA 17120
BOCA	Building Officials and Code Administrators International Inc. 1313 East 60th St. Chicago, IL 60637

(b) *Additions.* A school district may submit, and the Department will evaluate, written justification of a request to have a particular construction code or professional guideline added to the approved list. The Department will have the authority to establish and enforce guidelines for safety factors not covered by the codes or professional guidelines listed in subsection (a) of this section.

(c) *Energy Council.* Subject to the provisions of the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702), for purposes of Department review and approval, minimum construction standards recommended by the Governor's Energy Council shall take precedence over the codes and guidelines listed in subsection (a) of this section. Information is available from:

Commonwealth of Pennsylvania
Governor's Office
Energy Council
P.O. Box 1323
Harrisburg PA 17120

Source

The provisions of this § 349.16 amended November 3, 1978, effective March 10, 1979, 9 Pa.B. 775. Immediately preceding text appears at serial (38641).

§ 349.17. Project cost estimates.

(a) *Submission.* The Department will develop, maintain, and make available methods and procedures through which a local district may prepare and submit cost estimates.

(b) *Format consistency.* The format for cost estimate submissions shall be consistent with formats for bid cost submissions, final cost submissions in conjunction with audit, project accounting procedures, and related accounting procedures. It shall recognize the necessity to calculate reimbursable costs and cost estimates.

(c) *Data required.* The format for cost estimate submissions shall permit identification of such fiscal data as is necessary to permit local calculations of mandated and regulatory cost limits and Department evaluation of the calculations.

§ 349.18. Final approval of plans.

(a) *Microfilm.* Following approval of final plans and bid specifications, an applicant district shall submit two microfilm copies each of the approved construction plans, and the approved bid specifications. The Department will not approve bid costs until such copies have been received.

(b) *Changes during construction.* Following approval of final plans, further approval by the Department of any plans modification shall be required when such modification:

- (1) requires the approval of another state agency.
- (2) involves any change in the allocation of space; or
- (3) could have some effect upon the health and welfare of the scheduled occupants.

(c) *Nonreimbursable projects.* Department approval of plans or specifications, or both, for any nonreimbursable project being processed under the terms and conditions of section 731 of the Public School Code of 1949 (24 P. S. § 7-731) is a prerequisite for the award of any contract related to the project.

(d) *Emergency projects.* The Department may exercise discretion concerning the review of plans and specifications for projects which qualify as emergencies in accordance with section 751 of the Public School Code of 1949 (24 P. S. § 7-751). If required, plans and specifications may be submitted to Department consideration prior to local board resolution, but no contract shall be awarded prior to their approval.

§ 349.19. Final approval of bid specifications and bids.

(a) *Formats.* Department approval shall require bid proposal formats which support such cost breakdowns as are requisite to the several constraint, appraisal, and reimbursement calculations.

(b) *Contracts.* Department approval of proposed contract awards following receipt and analysis of bids shall be a condition for reimbursement thereon.

(c) *Contracts for emergency projects.* When a school district seeks and the Department grants emergency status for a project in accordance with section 751 of the Public School Code of 1949 (24 P. S. § 7-751), solicited quotations for the required construction or installation and a proposed contract award may be forwarded to Department consideration prior to local board resolution. In no instance shall a contract be awarded prior to Department approval.

§ 349.20. Approval of bond issues; amortization payments.

(a) *Method.* Department approval of project financing methods and amortization schedules shall be a condition for project reimbursement.

(b) *Other agencies.* An applicant district shall acquire approvals, related to project financing, which are required by other state agencies as a condition for Department approval of project financing.

(c) *Refunding of bond issues.* When, in its judgment, the refunding of school district bond issues is in the best interest of the Commonwealth or the school district, or both, and consistent with the purposes of the Local Government Unit Debt Act (53 P. S. §§ 6780-1—6780-608) (reenacted, amended, and revised by the act of April 28, 1978 (P. L. 124, No. 52)), the Department will approve and adjust to such refundings; provided that the Commonwealth will share, in appropriate proportion, any savings realized by the refunding; and under no circumstances will the Commonwealth's remaining fiscal commitment be increased because of an approved refunding. Any bond fund accumulations for any issues which are to be included in a refunding bond issue must be used to reduce the total amount of the refunding issue.

§ 349.21. Approval of final costs.

(a) *Audit required.* Final project costs shall not be approved until after submission to and audit of project financial records by the Department.

(b) *Subsidy reduction.* The Department will withhold a proportion of the estimated annual or semiannual building amortization subsidy until project financial records are properly submitted, audited, and approved. Following project audit, a final subsidy factor shall be determined and appropriate retroactive adjustments authorized.

(c) *Changes following bid cost approval.* Any change which affects the approved cost of a project or any accounting line item within the approved cost shall be authorized by board action upon a Change Order or a Supplemental Contract. Necessary accounting adjustments shall be properly supported by copies of the Change Order or Supplemental Contract document.

(d) *Format.* The Department will establish, maintain, and distribute an approved Change Order/Supplemental Contract form.

(e) *Extension of contracts; procedure.* A board may, following recorded advice from its solicitor concerning advertising or solicitation of bids, exercise discretion concerning the solicitation of sealed quotations or the extension of an existing contract to authorize a Change Order expenditure. Reference should be made to *Hibbs v. Arensberg*, 276 Pa. 24 (1923).

(f) *Supplemental contract.* When a proposed change is sufficiently large, or varies from the original plan to such an extent that it can reasonably be considered to be a separate undertaking it shall be processed as a supplemental contract and subject to bid solicitation procedures.

§ 349.22. Use of surplus funds—approval.

(a) *Disposition.* Unless specific authorization to the contrary is granted by the Department, all unused contingency funds, interest earnings, and other construction fund accumulations must be used to reduce the amount of the bond issue or other payments against which the Commonwealth grants reimbursement.

(b) *Exception.* When a trust agreement so permits, the Department may, prior to final project audit, grant permission for the use of unexpended project contingency funds for items originally approved and bid but ultimately excluded because of expected insufficiency of funds.

(c) *Compensatory adjustment.* When a trust agreement so permits, the Department may, prior to final project audit, grant permission for the use of unexpended project funds for other lawful purposes. When such use is approved by the Department, it will apply a compensatory reimbursable percentage reduction.

§ 349.23. Site reimbursement considerations.

(a) *Acquisition.* Calculations of the reimbursable cost of an approved school site shall consider appraisals of land value, the proportion of the area which will be usable following development, the anticipated costs of preparation for development, and related continuing costs. Costs of acquisition shall include the usual related legal costs and filing fees.

(b) *Rough grading.* Determination of the extent of reimbursable rough grading which is necessary to permit proper placement of building upon a site shall consider the necessity for access and egress and the necessity for proximate outdoor areas to accommodate instructional activities.

(c) *Sewage treatment.* Determination of the reimbursable costs of sewage facilities shall consider the requirements of appropriate State and local agencies and construction cost indices or averages.

(d) *Site development.* Reimbursable site development costs shall be within mandated project maximums, and shall be limited to paving for reasonable vehicular and pedestrian access and egress, necessary parking, approved instructional areas, and lighting for the immediate building perimeter.

§ 349.24. Building and equipment reimbursement considerations.

(a) *Rated pupil capacity.* For reimbursement purposes, the rated pupil capacity of a project shall be the product of the justified enrollment of the project and the rated pupil capacity factor of the project.

(1) *Justified enrollment.* This is the Department approved full-time equivalent project enrollment, calculated in accordance with § 349.2(c) of this title (relating to substantiated need). The maximum project allowance for regular elementary or secondary, or both, students shall be determined by a complete analysis of approved district enrollment projections and a complete analysis of the condition and capacities of the school facilities to be retained by the district following project completion. The justified enrollment for an addition to a school shall be the total of the justified enrollment of the existing facility and the addition multiplied by the percent that the architectural area of the addition constitutes of the architectural area of the completed project.

- (2) *Rated pupil capacity factor.* This factor accounts for the necessary non-instructional space and space utilization conditions in school projects. Applicable factors shall be, in the instance of:
- (i) elementary schools with justified enrollment of 500 or less—1.4;
 - (ii) elementary schools with justified enrollment above 500—the difference between 1.4 and the product of .00106 for every five students of justified enrollment above 500;
 - (iii) secondary schools with justified enrollments of 1,000 or less—1.110; and
 - (iv) secondary schools with justified enrollments above 1,000—1.105.
- (b) *Value of existing facilities.* The value of existing facilities shall be determined following receipt of bids for a project but prior to Department approval of proposed bid awards.
- (c) *Existing value; determination.* Existing value shall be determined as follows:
- (1) determine the total square footage of the existing building with such modifications as may be approved by the Department;
 - (2) determine the ratio of the existing square footage to the total area of the proposed school facility when it is completed;
 - (3) multiply the rated pupil capacity of the completed facility by the ratio determined in paragraph (1) of this subsection to determine the proportionate rated pupil capacity of the existing building;
 - (4) multiply the rated capacity of the existing building as determined in subsection (a)(2) of this section by \$2300 for elementary school pupils, \$3000 for secondary school pupils, or \$3700 for area-technical school pupils; and
 - (5) from the product thus derived, subtract the cost of alterations submitted to and subsequently approved by the Department following receipt of final bids for the project.
- (d) *School renovation projects.* Renovation of a school building to achieve current educational standards and reasonably current construction standards shall be reimbursable. The Department will maintain guidelines which differentiate between educational renovation and deferred maintenance or structural alteration.
- (e) *Equipment.* The cost of equipment shall fall within mandated reimbursable cost limits. To qualify for reimbursement consideration, an item shall be classified as equipment—either directly, or by class—in “Financial Accounting: Classifications and Standard Terminology for Local and State School Systems,” published for the United States Office of Education.

Source

The provisions of this § 349.24 amended November 3, 1978, effective March 10, 1979, 9 Pa.B. 775. Immediately preceding text appears at serial page (38646).

§ 349.25. Amortization payment claims.

(a) *Forms distribution.* The Department will prepare and distribute proper forms for district reimbursement claims against annual or semiannual amortization payments from school district funds.

(b) *Submission of receipts.* The Department will establish a format for amortization payment receipts from the trustee to the school district which receipts must be submitted by the school district along with any reimbursement request.

§ 349.26. Closing out amortization payments.

(a) *Time.* When sufficient balances exist in the various fund accounts of an authority, trustee, or depository to redeem outstanding bonds of a bond issue or sinking fund charges and to pay all other expenses related to closing out the project, rental payments or sinking fund payments by the school district shall cease.

(b) *Amount.* The final district rental or sinking fund payment shall be no more than the amount required to meet the closing obligations, after application of all the fund balances—including interest earned on accrued balances.

(c) *Reimbursable limit.* A district's request for reimbursement for this final payment shall be limited to the actual differential payment made from current school district funds. If the amount contributed by the school district for trustee or administrative expenses over the years has exceeded the actual expenses, the trustee may certify the account surplus as direct payment from the district, and it shall qualify for reimbursement.

§ 349.27. Fund position statement.

For projects financed through a municipal authority, a school district shall require a Fund Position Statement from the authority and the trustee. Such Fund Position Statement shall be submitted for Department consideration at the same time as is the reimbursement claim which most closely approximates two years prior to the anticipated date for retirement of the last outstanding bond.

§ 349.28. Closing of school buildings.

(a) *Notification.* Any school district which closes a school building to educational use shall notify the Department prior to such closing. The notification shall include the reason or reasons for such closing and shall describe how the closing contributes to the orderly development of attendance areas.

(b) *Approval.* When Department approval is a prerequisite for the closing of a school building, such approval will be based upon its conformance to a long-range attendance area plan.

(c) *Reimbursement.* When a school district closes a school building upon which it is receiving school building reimbursement, the Department may—upon receipt of justification—authorize the continuation of reimbursement payments

thereon. In the absence of such Department authorization, reimbursement shall cease following the amortization payment which next falls due. Should the building be reopened for use as a public school, reimbursement shall be reinstated for amortization payments which fall due following such reopening.

Cross References

This section cited in 22 Pa. Code § 349.30 (relating to sale or lease of school buildings).

§ 349.29. Building use by other agencies or groups.

Each school district shall establish rules, regulations, and policies concerning the use of school buildings by other agencies or groups. If fees are to be charged, such rules, regulations, or policies shall contain a fee schedule.

§ 349.30. Sale or lease of school buildings.

(a) *Replaced buildings.* The proceeds from the sale or lease of any school building or buildings which are replaced by a reimbursable school building project shall be placed into a bond redemption fund or otherwise used to reduce the reimbursable amortization of the new project.

(b) *Lease for public school purposes.* Any closed school building which is leased by a school district to another entity for a public school program or programs shall not be subject to reimbursement cancellation as indicated in § 349.28(c) (relating to closing of school buildings). The proceeds of such lease shall be used to reduce any reimbursable amortization of the building.

(c) *Lease for other purposes.* Any lease for a building which has been closed to public school use, but which has been approved for continuing reimbursement by the Department, must receive preapproval from the Department. The proceeds from any such approved lease shall be placed in a bond redemption fund, or otherwise used to reduce the reimbursable amortization of the building.

(d) *Lease of portions of an operating facility.* When a school district leases a portion of an operating public school facility upon which amortization reimbursement is being received, the gross rental receipts shall be placed with the trustee in a bond redemption fund. Such funds, plus interest earned thereon, must be identified and used to reduce the cumulative annual amortization cost of the bond issue.

(e) *Lease amount.* When a school district enters into a lease for any of its facilities, such lease shall differentiate between amounts of money being received *in lieu* of maintenance and operation expenses and amounts being received as rental receipts.

Source

The provisions of this § 349.30 amended November 3, 1978, effective March 10, 1979, 9 Pa.B. 775. Immediately preceding text appears at serial page (38649).

§ 349.31. Insurance recovery on school buildings.

The proceeds of any insurance recovery against any school building being replaced or repaired by a project shall be used to reduce the principal amount of the project costs to be amortized.

§ 349.32. Department guidelines to implement standards, regulations, laws.

(a) *Development.* The Department will develop, using appropriate advisory assistance, guidelines which will assist local school districts and their representatives in the interpretation and application of this chapter, Part I of this title (relating to State Board of Education), and the Public School Code of 1949 (24 P. S. §§ 1-101—27-2702). The guidelines will be subject to a continuous process of development and revision.

(b) *Nature.* Guidelines will include, but not be limited to:

- (1) recommended best practices related to educational, architectural, and engineering considerations;
- (2) instructions for the completion of materials and forms,
- (3) examples of required materials and calculations,
- (4) listings of minimum requirements; and
- (5) Department interpretations of laws and regulations.

(c) *Scope.* Guidelines shall be developed for those regulations, standards and laws which require clarification or may be clarified by Department interpretation; they shall cover all types of building projects which are processed by the Bureau of Educational Administration and Management Support Services.

§ 349.33. Secretary's advisory committee.

(a) *Purpose.* The Secretary of Education will establish an advisory committee to advise upon School Building Standards, and upon the formulation and maintenance of guidelines for their implementation.

(b) *Composition.* Committee membership shall represent persons with appropriate technical expertise: architects, engineers, teachers, school administrators, school board members, medical practitioners and the general citizenry.

(c) *Duties.* The committee shall, in an annual report, advise upon standards and guidelines directly related to building cost/quality control. It shall, at least once each 3 years, review standards and guidelines; it shall report upon recommended changes and upon anticipated benefits which would accrue during the life cycle of school building facilities.

§ 349.34. Use of facilities for emergency period.

(a) *Authorization.* The Department may, in instances of justified emergency, grant permission for the housing of educational programs in facilities which were not constructed for school use or, for other reasons, are less than desirable for educational program use.

(b) *Evaluation.* The Department will, by visit, review of plans or other manner, determine that the facility is suitable for temporary use for the indicated program.

(c) *Duration.* Permission to use temporary facilities may be approved for a period of 3 years, upon receipt of a statement of the district's intent concerning a permanent solution to the problem. Annual extensions may be granted for just cause.

(d) *Condition of approval.* Department approval shall be effective only after an applicant district requests and gains clearance for occupancy from the Department of Labor and Industry and other agencies which have jurisdiction. It shall be the responsibility of the applicant district to maintain such clearances for the duration of the Department approved occupancy.

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