Bill as Introduced

SB 451 - AS INTRODUCED

2000 SESSION

00-2785
04/09

SENATE BILL ***451***

AN ACT relative to site size standards for new school building construction.

SPONSORS: Sen. Russman, Dist 19; Sen. McCarley, Dist 6; Sen. J. King, Dist 18; Rep. Welch, Rock 18; Rep. J. Flanders, Rock 18; Rep. Gleason, Rock 13; Rep. Whittier, Rock 18; Rep. Langone, Rock 13

COMMITTEE: Education

ANALYSIS

This bill provides that site size standards relative to the construction of new school buildings which may be adopted by the state board of education shall not be mandatory but may be considered as a factor in approving or disapproving a plan requesting building aid for new school construction.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2785
04/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to site size standards for new school building construction.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 School Building Aid; Approval of Plans, Specifications, and Costs of Construction; Minimum Site Size. Amend RSA 189:15-c to read as follows:

198:15-c Approval of Plans, Specifications and Costs of Construction or Purchase.

I. A school district maintaining approved schools, desiring to avail itself of the grants herein provided shall have the plans, specifications, and cost estimates for school plant construction or proposals for the purchase of school buildings, or both, and the costs for them approved by the state board prior to the start of construction. For this purpose the district shall submit its plans, specifications, cost and purchase estimates in writing to the state board on such forms as the board prescribes. Application for school building aid shall be submitted before January 1 of each year in order to be eligible for school building aid in the fiscal year following the year of submittal.

II. The state board shall not approve the plans, specifications, cost or purchase estimates, if in the board's judgment the facilities planned will not adequately meet the educational requirements, or if its cost estimates are excessive or unreasonable[~~. The state board shall not approve the plans, specifications, cost or purchase estimates if in the board's judgment~~], ***or if*** the proposed construction or purchase is in conflict with effective statewide planning. Necessary costs of the purchase of school buildings may be determined by any recognized method of real estate appraisal with appropriate adjustments for remodeling or other expenditures. Upon approval of the construction or purchase, or both, by the state board of education, the school district shall be entitled to receive an annual grant as provided herein.

III. The state board of education shall adopt no rule establishing minimum mandatory size requirements for building sites for new school construction. Any rule adopted by the state board of education, pursuant to RSA 541-A, relative to building site sizes shall be advisory only and may be considered as a factor in approving or disapproving a plan requesting building aid for new school construction.

2 Applicability. The provisions of this act shall apply only to those applications for school building aid submitted after the effective date of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

Committee Minutes

Date: **February 23, 2000**
Time: **8:35 a.m.**
Room: **105-A - State House**

The Senate Committee on Education held a hearing on the following:

SB 451 **relative to site size standards for new school building construction.**

Members of Committee present: ***Senator McCarley***
Senator Eaton
Senator D'Allesandro
Senator Disnard
Senator Johnson

The Chair, **Senator Caroline McCarley,** opened the hearing by calling on a co-sponsor of the bill, Representative Whittier, as the first speaker.

Representative John Whittier, District 18: I represent **Brentwood**, **Kingston** and **Newton**. **Kingston** and **Newton** are linked in the **Sanborn Regional School District** and I speak in favor of this bill.

We are undergoing, at the present time, the initial stages of a building program at the high school. There is, on the warrant articles this year, a warrant article for **$600,000** to buy a piece of land on which we can place a school.

The reason that's on there is because we have guidelines that are more or less.....Although, I understand that variances are granted on this, generally speaking, outlines a specific acreage of land for a specific type school. In other words, for an elementary school, there's a basic requirement. Then, a per student requirement in addition. I'm talking about a high school

program. **Sanborn Regional High School** sits on **21 acres** of land with a population slightly over **500 students**.

The requirement for a high school is 20 acres – and, an acre for **each 100 students**. So, the requirement for **Sanborn's** new school would be **25 acres**. The present school sits on **21 acres** and has a historic – recently restored building on it in the center of town. In order to build a new high school, we have to go down the street a couple miles. We're looking at a piece of land which is open (currently) gravel pit and they're looking at paying **$600,000** for that piece of land – which that amount includes some charges for initial architectural designs and so forth.

So, the land is somewhat less than **$600,000**, but that number is not broken out in the warrant article.

The purpose of this bill is to make these standards advisory as opposed to mandatory and allow the local community to determine whether or not they wish to vary from the guidelines presented. As I've said in this case, we're talking about **25 acres** for a high school. We have **21 acres**. Although it would be disruptive to the educational program for a season – a year, perhaps, to have construction going on outside the doors – a new school could be built on this property and the old one torn down saving the historic building and keeping the school located in the center of town.

Since **Senator Russman** represents **Derry, Plaistow** – as well as **Kingston** and **Hampstead**, I think his point was that land in the southern tier is getting more and more difficult to come by and costs more and more money and that adds substantially to the tax payers burden when they look into the possibility of a new school building.

That's essentially what I have to say and I would be happy to answer any questions.

Senator George F. Disnard, D. 8: I'm reading a list of specifications for a site for a high school..... *"the minimum size shall be 15 acres of usable land plus one additional acre for each 100 students."* So, I don't know if I am correct or you are correct. But, if I am correct, I don't think you would need this bill.

Representative Whittier: You say one five acres?

Senator George F. Disnard, D. 8: It says one five acres. **Fifteen acres**, as I read the rules.

Representative Whittier: Well, I'm sorry. I've been misinformed, apparently.

Senator George F. Disnard, D. 8: Did your school board apply to the **State Board of Education** for a variance?

Representative Whittier: I'm not aware of any application.

Senator George F. Disnard, D. 8: I can tell you from experience – if I may, my home community, **Claremont**, had a similar situation for enlargements and the **State Board of Education** was very realistic in wanting a variance. I would think that you would still want state aid. I hate to see the micro management, but especially when you are of the opinion it's **28**. I may be corrected, but this just came off the web site.

Representative Whittier: Well, my apologies. It was my understanding that the purpose of this is to make all of those guidelines for all of those schools advisory as opposed to mandatory. I'm sorry if I had the wrong number. That's the last I remember from my exploration with the school committee.

Senator Caroline McCarley, D. 6: Thank you.

Judy Fillion?

Judith Fillion, Director – Division of Program Support for the Department of Education: I have **Bill Porter** with me today and Bill actually administers the school building aid program.

We're in opposition to this bill because there is a rule permitting a waiver and Bill can probably speak to the number of requests that we get each year and in almost every instance, I would say that the waiver has been approved.

It does require the school district to look at its options. Frequently, they have access to a municipality's playing fields, etc. It gives them an

opportunity to look at that and to justify the request. And, since we have a rule that deals with that, we are here in opposition.

In terms of the reference to the high school, it is **15 acres**. There is an additional line there that says, *"plus an additional acre for each 100 pupils to be in attendance at the school."* But, Bill works very closely with school districts in terms of school building aid and if you have some specific questions, I'm sure that Bill would be more than willing to answer them.

Senator Lou D'Allesandro, D. 20: **Ms. Fillion**, how often are these rules looked at in terms of what's going on in communities?

Judith Fillion: Well, Bill can speak more specifically to this, but we're looking at all of the rules for school building aid. We have contracted with an individual who is helping Bill do that. Bill?

Senator Lou D'Allesandro, D. 20: **Mr. Porter**, in light of what's happening, how often do you re-think these rules in terms of....For example, availability of land in the southern tier? In Manchester, we could never meet these requirements to build a school. There is not 15 acres of land that's available in the community. And yet, our high schools are growing in population. We're going to need additions. We've put additions on a junior high school – what we call our middle school.....When do you look at things in terms of *"this is what's happening right now?"*

Bill Porter, Department of Education: **Senator D'Allesandro**, let me say that we look at them every day. How often we change them is not very often. I don't know....I'm not trying to dodge the question. Most of these rules have been in effect since about **1975**. Education doesn't change very rapidly, but it does change a little over time.

We try to administer the rules in a reasonable fashion. I can only speak for the last 20 years. I don't know what happened before that, but my recollection is that in that time period, we disapproved one site and that was for reasons other than size. I believe that before we were done with that, we were overruled by somebody – the state board or the legislature. So, this is not a big issue – I don't think.

Manchester's got at least 7 or 8 different projects going right now and probably none of which meet those site requirements. **Manchester** has other features which help.

Senator Lou D'Allesandro, D. 20: We've had a proliferation of private entities – private schools. Do they come under the same restrictions?

Bill Porter: No. This only applies to public schools who are interested in receiving state building aid. If you want to build something and don't ask for building aid, you're pretty much told....meet other codes – safety codes and so on{sic}.

Senator George F. Disnard, D. 8: The thing that is interesting to note then is part of the rules, it indicates information presented for outdoor play areas, municipal playing fields, municipal pool, recreation center.....The Department has had a history of bending situations in the compact areas.

Senator Caroline McCarley, D. 6: So, it sounds like in summary that the Department feels that because of the flexibility that's allowed in Rules and the actual language in Rules that provides you the ability to offer waivers, that the need to have in legislation these guidelines, is not something that you think is a good idea.

Judith Fillion: That's correct.

Bill Porter: If you read a little bit further in (inaudible), there's a clear waiver procedure there. Not only is the procedure there, but it even tells you what to put in the letter so it will get approved.

Senator Caroline McCarley, D. 6: Okay. Further questions for the Department? ***(No Response).***

Dean Michener?

Dean Michener, Representing the School Boards Association: I am here in opposition to the bill, simply for the reasons that have already been stated. We feel that it is not needed. This authority already exists. School districts can apply for the waiver. They need to give explanations as to why and give an outline of plans and we think that is entirely appropriate and we really don't see the necessity for this bill.

Senator Caroline McCarley, D. 6: Thank you, **Mr. Michener**. Are there any questions for **Mr. Michener**? *(No Response).*

Is there anyone else who wishes to speak to this bill?

Representative John Gleason, District 13: I would support what the principle sponsor has suggested.

I think this gives a better balance – particularly in those parts of the state – as **Senator D'Allesandro** very eloquently portrayed and which we see in our community in our area - particularly in those areas that are developing or are a very concentrated population area. We feel that this might be a bit of a balance in order to assist the decision making.

We recognize that there is a waiver process, but in some cases – as they try to adhere to standards or what is felt to be standard design practice, there are extenuating circumstances in terms of land availability. So, therefore, I would suggest it would be in the public's best interest to consider this.

With that, I will answer any questions.

Senator Caroline McCarley, D. 6: Questions for **Representative Gleason**? *(No Response).* Thank you.

Is there anyone else who wishes to speak on **Senate Bill 451**? Seeing none, I will close the hearing.

Hearing adjourned at 8:50 a.m.

Respectfully submitted,
Rosalie Brooks Patch, secretary

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Speakers

SENATE EDUCATION COMMITTEE

Date 2/23/00 Time 8:30 A.M. Public Hearing on SB 451

Appearing in FAVOR: (Please print) Please check box at left to speak.

Speaking?	Name	Address	Representing
☑	John M. Whittier	P.O. Box 191 Kingston NH	Rock 18
☑	John Mason	45 English Range Rd. Derry	Rock 13
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION: (Please Print) Please check box at left to speak.

☑	Judith D. Gillian / Bill Porter	
☑	Dear Michener	NHSBA -
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Committee Report

Date: February 23, 2000 Time: 8:35 a.m.

The Senate Committee on Education held its hearing in Room 105-A SH, Concord, New Hampshire.

BILL NO.: SB 451 TITLE: relative to site size standards for new school building construction.

Members of the Committee present:

Senator McCarley
Senator Eaton
Senator D'Allesandro
Senator Disnard
Senator Johnson

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☐ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☒ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON **Education**

to which was referred **Senate Bill 451**

AN ACT **relative to site size standards for new school building construction.**

VOTE: 6-0

Having considered the same, report the same with the following resolution:
Resolved, that it is: **INEXPEDIENT TO LEGISLATE.**

Senator Caroline McCarley
For the Committee