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DEPARTMENT OF EDUCATION

Testimony
House Education Committee
Public Hearing on HB2124
March 28, 2014

Good morning, Chairman Clymer, Chairman Roebuck and members of the House Education Committee. I am Carolyn Dumaresq and I am the Acting Secretary of Education. Thank you for the opportunity to discuss with you the process of commonwealth reimbursement for public school construction projects, known as Planning and Construction Workbook or “PlanCon.” I would also like to thank Representative Grove for his leadership on this issue and his willingness to bring all interested parties to the table.

Although the commonwealth has been providing funding for public school construction since at least the 1950s, the origins of the current PlanCon process can be traced to Act 34 of 1973. This act codified prior PDE-approval requirements and delegated to the State Board of Education to the requirement to establish standards for public school buildings. After passage of Act 34, the State Board promulgated a complex set of standards and regulatory requirements (Chapter 21 *School Buildings* and Chapter 349 *School Building Standards*) to which school construction must conform. Subsequent to these regulations, PDE developed the multi-step process, known as PlanCon, in order to satisfy the statutory and regulatory requirements placed on the agency.

The PlanCon process is currently voluntary on public schools, unless the Local Education Agency (LEA) seeks reimbursement from the commonwealth. Applicants are required to submit information to PDE, which includes approvals from “Part A” to “Part J” and can take several years for completion.. It’s important to note that the commonwealth obligates funding to the school once the LEA receives “Part H Approval”.

PDE’s staff reviews proposed school building projects, and does not make subjective judgments regarding the merits of the project as these decisions are made locally. Department staff also calculates the amount of state reimbursement for each approved construction project. The level of state reimbursement is formula driven and is based upon many factors, such as total project cost, including debt service, and considers the type of school (elementary or secondary), relative school district wealth and the number of students in each classroom.

The Authority Rentals and Sinking Fund appropriation is funded at \$296.2 million for the current fiscal year. Even though this is a significant amount of funding, the number of projects

given “Part H Approval” over the last decade exceeds available funds. When the Corbett administration took office in 2011, this line-item was over-subscribed by \$30 million.

In the 2012-13 fiscal year, a moratorium on new applications went into effect on October 1, 2012. The moratorium has no impact on projects currently in the pipeline and those that were received prior to the October 1, 2012, deadline. The moratorium has held the amount of projects in the pipeline to 347 and focused attention on the long-term sustainability of the current program. The Governor’s 2014-15 budget proposes that the moratorium be extended again through June 30, 2015.

The Department continues to provide reimbursement for all projects that have received “Part H” approval. In addition, as funds become available, new projects are approved to receive funding.

As of last count in February 2014, there are currently 347 projects in the pipeline (pending review in all areas, but not approved at Part H).

- 42 projects pending (received by PDE but no approval letters issued)
- 54 projects approved through Parts A/B
- 8 projects approved through Part D
- 17 projects approved through Part E
- 23 projects approved through Part F
- 203 projects approved through Part G

There is a significant cost to approve those projects currently in the pipeline; the Department is estimating an additional \$140 million would be needed in the 2014-15 fiscal year in order to fund the 203 projects that have already received Part G approval. In order to provide funding for all projects in the pipeline prior to Part H, the estimated cost would be \$1.7 billion.

The Department recognizes solutions need to be considered in order to make school construction reimbursement sustainable. I raise the following two issues for your consideration:

- 1) The LEAs currently in the pipeline are assuming reimbursement according to the current system and;
- 2) Long-term significant reforms are imperative in order to better fund school construction in a manner that is more efficient for both LEAs and the Department and responsive to the changing education environment.

If significant modifications are not made to the current process, the commonwealth will find itself in the same situation in the future. It is important that any substantive reforms to the system take a two-pronged approach that includes actions to address both the funding of existing LEAs in the pipeline and the future role of the Commonwealth in reimbursing school construction. I strongly advise against clearing out the current pipeline without a long-term approach. The Department began the process of reviewing the current program and examining other state models when it issued its report to the General Assembly in May 2013. In addition to this research, several recommendations were made, including the completion of a School Facilities Study to examine existing and future school construction needs. This process has been initiated and the Department recently sent a survey to all schools. This study will help guide future conversations on how to address school construction reimbursement.

In addition to the studies already completed or underway at PDE, the General Assembly has also begun looking at options. Representative Grove's bill, House Bill 2124, is a good first step to engage the legislature and various interest groups in this conversation. Although PDE has some concerns with the legislation, Representative Grove is to be commended for his willingness to help tackle such an incredibly difficult and complex issue. PDE looks forward to working with him and stakeholders on long-term solutions.

PDE has reviewed this legislation and would like to provide the following preliminary input. First, HB 2124 would codify in legislation some steps of the process that are currently in regulation or guidelines and we understand the desire to streamline the steps by codifying them in law, but you need to be careful not to limit school's flexibility for certain steps. Second, the proposed legislation has several provisions that may add significant cost, including: creation of a database, paying interest if there is a delay at Part H approval, allowing any project to get into the process that was previously excluded due to moratorium, the addition of a hearing process,

thus adding increased duties on PDE. Finally, the proposed legislation does not change the reimbursement formula or provide for other long-term changes. Without these changes in the process, even if you clear the pipeline, the Commonwealth will likely end up back in the same place it finds itself today unless significant funds are added to the line each year.

The current system of reimbursement for specific projects should be reviewed and it should be determined whether a more efficient manner of delivering commonwealth funds for school construction projects can be developed. One idea I have heard from some local officials is to shift the payment system from a reimbursement on specific projects to a simpler payment made through the annual Basic Education subsidy provided to school districts: required to be “banked” in a restricted account, which could only be used for maintenance and construction. This idea is worth considering and may provide funds sooner to districts with less bureaucracy at both the local and state level. I recommend the General Assembly and PDE begin discussing this potential option as it debates HB 2124 and other reform measures to PlanCon.

Chairman Clymer, Chairman Roebuck, Representative Grove and members of the committee, thank you for your interest and leadership on this important issue.

Planning and Construction Workbook: A Report to the General Assembly

May 2013



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DEPARTMENT OF EDUCATION

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DEPARTMENT OF EDUCATION**

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Table of Contents

Executive Summary.....	1
Background	2
Current Status of PlanCon Program	5
State Models for Funding School Construction	6
Online Survey	12
Roundtable Discussions	13
Data and Research	18
Recommendations	19
List of Appendices	22
Appendix A: PlanCon 11-Step Overview	23
Appendix B: PlanCon Appropriation History	25
Appendix C: Online Survey	26
Appendix D: Acknowledgements	32

Executive Summary

Pursuant to Act 82 of 2012, the Pennsylvania Department of Education (PDE) conducted a review of the process by which public school building projects are reviewed and approved for commonwealth reimbursement. This process is known as the Planning and Construction Workbook, or PlanCon. PlanCon has played a major role in addressing the facility needs of schools in the commonwealth, providing nearly \$7.8 billion for this purpose since the 1979-80 fiscal year.

PDE has prepared this report on the status of the PlanCon program with the assistance of school district officials, members of the General Assembly, and other interested organizations and individuals. A list of these individuals can be found in Appendix D.

In addition, PDE posted an online survey on its publicly available website, and conducted roundtable discussions to solicit input on the current process and suggestions for the future.

PDE reviewed the feedback received, and conducted additional research. The common themes that emerged from the feedback include:

1. There is a continued need for state support of school construction and related activities in the commonwealth.
2. The PlanCon process is complicated and should be modified to improve efficiency and ease of use.
3. School districts are uncertain of how to plan for future construction given the moratorium.
4. Funding models used by other states would need to be tailored to Pennsylvania before they could be adopted.

PDE offers the following observations:

1. An additional \$20 million or more may be needed in fiscal year 2012-13 if paperwork for all approved projects is submitted.
2. An additional \$160 million would need to be added to the 2012-13 fiscal year appropriation in order to approve the 166 projects approved through Part G in fiscal year 2013-14.
3. The current backlog of projects would require approximately \$1.2 billion for projects approved through Part G.

Therefore, PDE makes the following recommendations:

1. Conduct a comprehensive, professional analysis of school facilities in the commonwealth and future capital needs.
2. Fulfill the commonwealth's commitment to projects approved through Part H of the PlanCon process.
3. Make modifications to the PlanCon program for projects received and currently pending in Part A through Part G, and process those applications.
4. Extend the moratorium on the acceptance of applications through PlanCon.

Background

The statutory requirements pertaining to the PlanCon process can be found in Articles VII and XXV of the Pennsylvania School Code. Generally, Articles VII and XXV require school districts to obtain PDE approval as a prerequisite to (1) entering into a contract for a construction project and (2) receiving commonwealth reimbursement for that project. Article VII provides that “no public school building shall be contracted for, constructed, or reconstructed in any school district of the second, third, or fourth class until plans and specifications have been approved by [PDE].” (24 P.S. 7-731) Article XXV mandates that only those projects that are PDE “approved” are eligible for commonwealth reimbursement. (24 P.S. § 25-2574)

Although the commonwealth has been providing funding for school district construction since the 1950s, the origins of the modern-day PlanCon process can be traced to Act 34 of 1973. In addition to codifying the PDE approval requirements (now found in 24 P.S. § 7-731), Act 34 contains provisions (now found in 24 P.S. § 7-733) that require public school buildings “hereafter built or rebuilt” to “conform to standards established by the State Board of Education...” (24 P.S. § 7-733)

Shortly after the passage of Act 34, the State Board of Education began promulgating a complex set of standards and regulatory requirements (codified at Chapter 21, *School Buildings* and Chapter 349, *School Building Standards*) to which school construction projects must conform. PDE developed the multi-step PlanCon process that exists today to carry out its duties as the regulatory agency charged by the General Assembly with the oversight of public school construction in the commonwealth. Section 731 of the Pennsylvania School Code provides that PDE “with respect to construction and reconstruction of public school buildings, shall have the power and its duty shall be ... [t]o review all projects, plans and specifications for school building construction and reconstruction...” (24 P.S. 7-731)

Act 24 of 2011 amended the Pennsylvania School Code at Section 703 to only require PDE approval of projects that were seeking reimbursement from the commonwealth.

PlanCon is now an 11-step process which a school district or career and technology center (also referred to as a local education agency (LEA)) uses to apply for commonwealth reimbursement for construction and improvements as authorized by the Pennsylvania School Code and associated regulations. (See Appendix A for a list of the steps) The process is designed to document a local school district's planning process; provide justification for a project to the public; ascertain compliance with state laws, regulations and standards; and establish the level of state participation in the cost of the project.

Participation in PlanCon is voluntary, but required if an LEA seeks reimbursement from the commonwealth. From the initial stages of project development through project completion and debt payoff, applicants are required to submit information to PDE. The PlanCon approval process from Part A to Part J can take several years. The commonwealth may reimburse LEAs for debt payments for as many as 30 years or more.

PDE staff review proposed school building projects, including their plans and specifications, enrollments, building utilization and building condition. PDE does not make quality judgments regarding the merits or demerits of a project. PDE's staff also calculates state reimbursement for qualified construction projects, and reviews and approves financing for reimbursable projects. The level of state reimbursement is determined by a formula, which is based on the total project cost, including debt service and considers the type of school (elementary or secondary), relative school district wealth and number of students in each classroom. Pursuant to the formula, less wealthy school districts receive a higher rate of reimbursement than more wealthy school districts.

The calculation for reimbursement of projects is summarized below:

Total Reimbursable Project Amount Equals:

THE LESSER OF:

(1) Maximum Reimbursable Formula Amount

(A) Full Time Equivalent (FTE) capacity X Conversion Factor = Rated Pupil Capacity

(B) Rated Pupil Capacity X Legislated Per Pupil Amount = Total Reimbursable Formula Amount

OR

(2) Actual Structure Costs Based on Bids

(A) Structure Costs + Architect's Fee (6% cap) + Movable Fixtures & Equipment = Actual Structure Costs Based on Bids

PLUS

(3) Eligible Add-Ons

(A) Incentives (Act 46 of 2005) + Eligible Specified Ancillary Costs = Eligible Add-Ons

Reimbursable Percentage Calculation Equals:

(1) Total Reimbursable Project Amount

DIVIDED BY

(2) Total Project Costs (Total Reimbursable Project Amount + Other Project Costs)

**** Other Project Costs include supervision, printing, financing, legal fees, rental space, etc.**

Commonwealth's Share of Payment Equals:

Semi-Annual Payment (principal & interest) X Reimbursable Percentage X Market Value Aid Ratio

PDE does not commit to reimbursing a project until the project has been approved at Part H.

Since the 1979-80 fiscal year, the commonwealth has expended approximately \$7.8 billion in support of school district facilities. A detailed appropriation history can be found in Appendix B. This support has helped the commonwealth's school districts to address their facility needs, either through the construction of new facilities or the expansion or renovation of new facilities.

Current Status of the PlanCon Program

The fiscal year 2012-13 PlanCon appropriation is \$296 million. The appropriation will not support all projects currently approved if LEAs submit the required paperwork. If LEAs submit the required paperwork, funding commitments are estimated to surpass available funding by more than \$20 million. This funding gap is attributable to the prior management of the program.

The fiscal year 2012-13 appropriation also does not allow PDE to commit to funding additional projects. Therefore, there is a backlog at Part H of projects waiting for approval. As of January 31, 2013:

- 354 total projects currently in the pipeline (pending review in all areas but not approved at Part H)
 - 59 projects pending (received by PDE but no approval letters issued)
 - 78 projects approved through Parts A/B
 - 9 projects approved through Part D
 - 23 projects approved through Part E
 - 19 projects approved through Part F
 - 166 projects approved through Part G

Act 82 of 2012 authorized a moratorium on the acceptance of new PlanCon applications. The moratorium, which was effective Oct. 1, 2012, was necessary due to the backlog and the appropriation amount.

State Models for Funding School Construction

PDE used various sources to gather information related to school construction funding models adopted by other states. Because states have different needs and use a variety of models to fund school construction, it is difficult to make state comparisons.

The most widely cited source of statistics on school construction is co-published by the 21st Century School Fund and National Center for Educational Facilities and is entitled *State Capital Spending on PK-12 School Facilities*. This report suggests:

- From 2005-08, a total of \$209.7 billion in capital outlay for construction and land/building acquisition was expended by public school districts in the United States. The average annual per student spending on capital facilities (construction and land/building acquisition) was \$1,086 per student.
- From 2005-08, 11 states (Indiana, Louisiana, Missouri, Nebraska, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Virginia and Wisconsin) did not contribute to local districts for capital outlay; 14 provided less than 20 percent; 12 states paid between 20 percent and 50 percent; and 13 states and the District of Columbia paid over 50 percent of capital outlay.
- In addition to, or in replace of, providing direct grants and reimbursements, many states provide information, standards, and technical assistance on school design and construction.

A summary of state models is summarized below:

Alabama:	The Alabama Department of Education provides annual grants to school districts.
Alaska:	The Alaska Department of Education and Early Development provides debt reimbursement and grant funding for individual projects.
Arizona:	The Arizona School Facilities Board, through use of the Building Renewal Fund, provides project level grants on a competitive basis for capital improvements to existing facilities. The state also provides formula driven grants for new construction.
Arkansas:	The Arkansas Division of Public School Academic Facilities and Transportation provides funds directly to local school districts for qualifying new construction, renovation, or alteration projects.

California:	The state distributes facility funding directly to the local school districts through matching grants and reimbursements for individual projects. Generally, funds are distributed on a first come, first served basis, based on eligibility for funding, as determined by projected unhoused students for new construction and age of facilities for modernization.
Colorado:	The Colorado Department of Education provides matching grants to local school districts on a competitive basis through the BEST program. The state's minimum match is determined using several measures of school district wealth in comparison with statewide averages, as well as bond election effort and success over the past decade.
Connecticut:	The Connecticut Department of Education provides matching grants to local school districts, with the state share (between 20 and 80 percent) determined by relative district wealth ranking.
Delaware:	The Delaware Department of Education provides funding to local school districts for specific projects. The share of state support for public school facilities ranges from 60 to 80 percent and is determined by using an ability construction ratio that looks at the relative property wealth of a school district.
D.C.:	The District of Columbia provides the Office of Public Educational Facility Modernization (OPEFM) capital funds for building improvements to the schools within the District of Columbia's Public School system.
Florida:	The Florida Department of Education provides monthly disbursements to local school districts based on available revenues, which are allocated by statutory formulas. (In January of 2012, Florida temporarily halted funding for all school construction projects due to lack of available resources. As a result of this decision, funding for projects was discontinued and schools and colleges were asked to return \$250 million to the state until a solution could be identified and agreed upon.)
Georgia:	The Georgia Department of Education provides reimbursements to school districts for approved facility projects, with the state facility funding level set by formula in state law.
Hawaii:	The Hawaii Department of Education pays directly for local facility projects. Prioritization and state funding allocation is determined based on school building age and condition, as well as student demographics, building health and safety and maintenance needs.
Idaho:	The Idaho Department of Education provides local school districts with facility assistance in the form of bond repayment subsidies, allocations for maintenance and emergency funds.

Illinois:	The state provides grants to local schools districts for approved projects, with an automatic set-aside of 20 percent of available state school construction funds allocated to Chicago Public Schools. The level of state funding depends upon district wealth and project type.
Indiana:	Indiana provides no funds for school district capital outlay.
Iowa:	The Iowa Department of Education provides grants to local school districts using a per pupil allocation formula. An equalization formula is used to distribute aid, with lower wealth school districts getting a higher share of state facility support.
Kansas:	The Kansas Department of Education provides funding to local school districts for individual approved projects through three funding streams: bond and interest aid, capital outlay aid and new facilities weighting.
Kentucky:	The Kentucky School Facilities Construction Commission provides annual appropriations to local school districts for facility funding through three primary funding sources.
Louisiana:	Louisiana provides no funding for school capital outlay projects.
Maine:	The Maine Department of Education provides reimbursements to local school districts for capital projects, with funding determinations made based on building condition.
Maryland:	Maryland provides direct payments to vendors and reimbursements to local school districts.
Massachusetts:	The Massachusetts School Building Authority provides matching reimbursement funds to cities, towns and regional school districts for individual projects. Project funding is determined based on building condition and overcrowding, with funds going to the neediest projects first. The state aid matching percentage varies depending on district wealth, with up to 80 percent of project costs covered for low-wealth districts.
Michigan:	Michigan provides school districts with loans (which must be repaid) to assist in making debt service payment on their qualified bonds.
Minnesota:	The Minnesota Department of Education provides facility funding to local school districts through three primary mechanisms: Operating Capital Revenue as a component of the general education funding formula, Debt Service Equalization Aid and Maximum Effort School Aid loans.

Mississippi:	The Mississippi Department of Education provides funds to local school districts for approved projects with the amount determined by project type and square footage.
Missouri:	Missouri provides no funding to local school districts for capital projects.
Montana:	The Montana Office of Public Instruction pays local school districts' debt service, with state funding dependent on district wealth.
Nebraska:	Nebraska provides no financial support to local school districts for capital outlay.
Nevada:	Nevada provides no funding to school districts or public charter schools for capital outlay.
New Hampshire:	New Hampshire provides reimbursements to school districts for approved capital projects. State funds are allocated based on community wealth equalization and the number of towns that utilize the school.
New Jersey:	The New Jersey Department of Education provides project-level funding to Regular Operating Districts, while Abbott districts are managed by the state with funds paid directly to contractors.
New Mexico:	The New Mexico Public School Facilities Authority provides matching grants to local school districts for capital outlay as determined based on state-established facility adequacy standards. The amount of the state match is based on district wealth.
New York:	The New York Department of Education provides school districts with reimbursements for specific projects with state funds allocated based on district wealth and need.
North Carolina:	The North Carolina Department of Public Infrastructure provides annual grants to school districts based on average daily membership and tax rate (higher tax rate qualifies for more state funds).
North Dakota:	North Dakota provides no regular funding for capital outlay, although recently there have been one-time appropriations of grant funds to local school districts for capital improvements.
Ohio:	The Ohio School Facilities Commission provides matching grants to local school districts based on a legislative formula and rank of the district on the equity list.
Oklahoma:	Oklahoma provides no funding to school districts for capital outlay.

Oregon:	The Oregon Department of Education provides no funding to local school districts for capital outlay. However, the State Department of Energy has in the past provided \$10 million annually for school energy conservation.
Pennsylvania:	The Pennsylvania Department of Education provides reimbursements to local school districts for approved school construction projects.
Rhode Island:	The Rhode Island Department of Elementary and Secondary Education provide annual reimbursements to local school districts for approved capital projects. State facility funds are distributed first come, first served, based on need as determined by a community wealth index.
South Carolina:	The South Carolina Department of Education provides reimbursements to school districts for approved capital projects, with funding levels determined by a formula that considers need and economy of the school district.
South Dakota:	South Dakota provides no funding to local school districts for capital outlay.
Tennessee:	Tennessee provides annual capital funds to local school districts through a formula as part of the Basic Education Program (BEP) funds.
Texas:	The Texas Education Agency provides debt assistance to local school districts for capital projects through the Existing Debt Allotment (EDA) and Instructional Facilities Allotment (IFA) programs. State funds are allocated by statutory formula, with funding determinations made based on district wealth.
Utah:	Utah provides annual non-matching grants to local school districts based on formula.
Vermont:	Vermont provides reimbursements to local school districts for approved projects. State reimbursement levels depend on project type.
Virginia:	Virginia provides no grants to counties and cities for their public school capital projects. However, the state does permit the local municipalities to use the state's credit rating and it provides some school construction funds at subsidized interest rates to school districts that meet program criteria.
Washington:	Washington provides reimbursements to local school districts for approved projects. The level of state funding is determined by building condition and need for new space, with a funding formula based on maximum construction cost allocation.

- West Virginia:** The state provides reimbursements directly to individual approved capital projects. The School Building Authority evaluates projects for funding using established criteria that includes health and safety, reasonable travel time, regional planning, adequate space for projected enrollment, history of efforts to pass local bond issues, regularly scheduled preventative maintenance, and efficient use of funds.
- Wisconsin:** The state provides no facilities funding to local school districts.
- Wyoming:** The Wyoming School Facilities Commission (SFC) provides non-matching grants to local school districts for approved capital projects. Project funding is determined by combining scores from a facility condition assessment, educational functionality, and capacity to create a prioritized needs index that identifies the most critical projects across the state. The SFC pays the full cost of all projects it funds – no local match is required.

As shown above, many states provide some level of financial support to LEAs for school construction and/or related costs, but the strategies they use vary significantly. Strategies also vary among the states that do not provide direct funding. To support school construction, these states:

- Permit school districts to use the state's credit rating when borrowing funds for capital projects (with or without qualifiers). (EX: Nebraska, Virginia)
- Develop a permanent school fund that districts can use for credit enhancement (this is an alternative to allowing school districts access to a state's credit rating). (EX: Nevada)
- Provide one-time or extended grants for exceptions and during unusual circumstances, such as natural disasters. (Ex: North Dakota, Louisiana)
- Establish a state construction loan fund that provides low interest loans to public school districts. (Ex: North Dakota)
- Fund school construction through non-traditional sources. For example, schools in Oregon can receive money from the Department of Energy for school energy conservation efforts.
- Assist school districts with non-financial support. For example, the Virginia Public School Authority, through its bond sales program, assists school districts in the sale of their local bonds for school construction.

Online Survey

As part of its review process, PDE conducted an online survey on its publicly accessible website. The survey was conducted from Sept. 12, 2012 through Oct. 12, 2012. The purpose of the survey was to provide a forum for the public to submit comments regarding the PlanCon program.

Survey participants were asked constructed and open response questions regarding the role of the state in school construction, the current PlanCon process and recommendations for change. The survey also allowed respondents to make additional comments and recommendations. A copy of the survey can be found in Appendix C.

A total of 433 responses were received. More than half (265 or 61.2 percent) were complete responses. Survey respondents were offered the option of providing identifying information. According to those that self-identified, the largest number of complete responses was from Allegheny County, followed by Lancaster and then York counties. School employees provided the largest number of responses (165 responses) followed by architectural firms/construction firms (111 responses). Other respondents identified themselves as elected officials, community members or parents. Sixteen respondents did not answer the question.

Many of the respondents indicated support for a state funded program that would assist in funding construction projects. However, respondents varied in the structure of such a program, particularly on the issue of state oversight. Common themes expressed by respondents included the following:

1. Learning environments should be safe, clean, and healthy and have proper lighting.
2. Learning facilities should have adequate climate control systems (heating/cooling systems).
3. The process of a program similar to PlanCon should be easier to follow from start to finish.
4. The program should be less lengthy from start to finish.
5. In determining the state's share of costs, more consideration should be given to the economic status of a district.
6. The 20-year rule, which prohibits the reimbursement of costs for any building which is less than 20 years old or for which a reimbursable project has been approved within the preceding 20 years unless a request for a variance is approved by PDE, should be reviewed.

Roundtable Discussions

In order to better understand the various issues and perspectives on the PlanCon process, PDE hosted two roundtable discussions in October 2012. In both roundtables, the participants were asked to express their comments and opinions regarding the PlanCon program generally, but also to focus on three key questions:

1. What is the proper role for the commonwealth related to funding school construction projects?
2. What changes would you make to current PlanCon processes in order to save resources, improve the delivery of services and increase efficiencies?
3. If a new system would be put in place to replace PlanCon, what should it look like and what essential elements should it include?

Attendees were also told about the online survey and were asked to share the survey with other members in their organizations.

The first roundtable discussion took place on Oct. 4, 2012. The discussion was attended by school district officials, school board members, and representatives of educational associations. Below is a summary of the Oct. 4, 2012, roundtable comments in response to the major questions:

1. What is the proper role for the commonwealth related to funding school construction projects?

With one exception, all school district officials and organizational representatives in attendance believed that the commonwealth should play a role in the funding of school construction. Attendees noted that the commonwealth is required to provide a free and appropriate education, which they considered to be inclusive of school buildings. In many cases, community resources are not enough to supplement the funding needs of each school district and, as such, there is a role for the commonwealth.

The one attendee who differed with the group (a school board member) had two specific issues with the current program. First, the attendee felt that the program allows for school districts to use taxpayer dollars toward projects that they may not need. To this point, the attendee mentioned an example where a school district could have made improvements to existing buildings at a cost of \$16 million, but instead opted to build entirely new at a cost of \$64 million. Second, the attendee felt that the current program requires additional costs to be added to a project to ensure it meets PlanCon reimbursement levels. In place of PlanCon, the attendee believed that additional funds in the form of block grants would allow school districts to pay for school construction projects.

In all, the clear majority believed the commonwealth has a role to play, but that the current system was not ideal.

2. What changes would you make to current PlanCon processes in order to save resources, improve the delivery of services and increase efficiencies?

The stakeholders clearly believed the current PlanCon program should be simplified, and made more flexible to meet the needs of a diverse and constantly changing educational environment in Pennsylvania schools.

As a justification to simplify the current program, many of the attendees commented that the multi-part process is difficult for school administrators to navigate, particularly for new superintendents and those not regularly engaged in the work of PlanCon. Most agreed that because of the complexity, schools rely too heavily on architects and construction firms for advice and input.

One way to simplify the process, it was suggested, is to consolidate Parts A, B, E, and F with one board resolution. This would reduce administrative burdens on staff, and make the process more efficient.

In regards to flexibility, many felt that the decades-old program does not address the needs of today's educational practices. One such outdated part of PlanCon is the requirement in Part H for plans to be provided on microfilm. Many believed that the program is outdated and it limits the creativity of districts to provide innovative classroom structure, specifically for special education classrooms. Increasing flexibility would require the guidelines and reimbursement formula to be updated.

There was a robust discussion about how to amend the current system to reflect the changing dynamics in school districts, and several of the attendees felt that a pay-as-you-go process, which would encourage schools to use funds to maintain and renovate current building structures, would better suit school districts. This would only be able to be accomplished by eliminating the 20-year rule so that school districts could receive funding on an annual basis if necessary. Some argued that the 20-year rule often encourages schools to build bigger and more expensive structures than needed. Additionally, one attendee suggested that the current PlanCon process provides no incentive for schools to maintain their current buildings, suggesting some incentives be added to the current reimbursement formula.

3. If a new system would be put in to replace PlanCon, what should it look like and what essential elements should it include?

Suggestions for a replacement of PlanCon included using a competitive process, or an incentive-based program that focused on content. Instead, they provided a number of suggestions:

1. Design a program that provides incentives to district for buildings that help reduce operating costs, and utilize energy efficiency tools.

2. Standardizing the formula so that administrators are able to have predictability when analyzing construction funding for their school districts, both for cost and taking into account growing school districts and enrollment projects. However, it was suggested that someone different than the architect should be measuring for growth (the suggestion stemmed from the idea of PDE providing prequalified firms for this process).
3. An application that required schools to justify their building needs, based on the condition of the physical plant and the time since investments were last made to the buildings. This would ensure that schools that have not recently made improvements are more likely to receive funds than those more recently upgraded.

Under a new program, some participants suggested that priority status be given to fiscally distressed districts or to those that have faced a recent emergency (fire, flood). In addition, some felt that PDE could play a more proactive role by creating an early warning system, in which it would provide guidance on whether or not a school can afford school construction costs. There was a discussion of models from other states, including the Maryland system of school construction, which provides a sense of subjectivity into their planning processes. The roundtable thoroughly discussed the competitive funding for school construction. It was suggested that schools should apply to PDE for funds and would receive funding based off of a set of criteria or points. One of the representatives felt that this process would provide school districts with a guideline for applying and ensure that schools are prepared to make a good case for why a building needs to be altered or rebuilt. The ability to include the needs of the community and educational practices into the justification was also discussed.

Several of the attendees cautioned against models, citing New Jersey as an example, which provide a set amount to each school district in the state. After a period of time, they argued, many districts could not afford school construction and the disparities in schools across the districts became apparent.

The second roundtable discussion was held on Oct. 9, 2012. The discussion was attended by representatives of architectural firms and construction companies. Below is a summary of the Oct. 9, 2012, roundtable comments in response to the major questions:

1. What is the proper role for the commonwealth related to funding school construction projects?

All stakeholders and industry representatives in attendance felt the commonwealth should play a role in the funding of school construction. The participants agreed that the investments made through the PlanCon program produce a significant return on investment. The general consensus was that as it is the commonwealth's responsibility to provide a free and appropriate education, it is proper for funds to be utilized for this purpose.

A few of the attendees expressed that, given the unequal tax burdens present throughout the rural and urban populations of the state, the commonwealth has a responsibility to ensure all school districts have an adequate ability to pay for school construction and renovation costs.

Additionally, there was concern that, should the PlanCon funding be cut, school districts will not be able to fund construction projects and that the needs will go unmet, resulting in a potential crisis situation. There was also some concern that should funding be eliminated, Pennsylvania will end up in a situation similar to New Jersey's school construction referendum, which left discrepancies in school buildings across the state.

Given that the group felt the commonwealth had a role to play, many felt that the commonwealth should more clearly state a purpose for PlanCon and for funding school construction. The group did not believe the current system provides any direction for school districts, or helps achieve any expected outcomes. As the process moves forward, it was suggested that Pennsylvania define a role for the program in order to better guide school districts in completing school construction projects. Additionally, it was suggested that the commonwealth simplify the process, not only to help architects and superintendents, but also to help inform the local community about construction decisions.

2. What changes would you make to current PlanCon processes in order to save resources, improve the delivery of services and increase efficiencies?

At the outset, many of the attendees indicated that the PlanCon process is helpful to the extent it provides school districts with a framework for school construction planning purposes. However, they noted that since the process is so complex, it is often difficult to educate the local community about the construction because often times both the school administrators, and the public, are not familiar enough with PlanCon.

That said, most agreed the process should be simplified and less prescriptive. They believe the current reimbursement formula forces districts to build classrooms and does not provide flexibility to meet the educational needs of the community. Instead, they suggested that the PlanCon program could be amended in order to help districts and the community determine their needs and help answer questions, such as whether the project supports the educational needs of the community, and whether the project is consistent with the long-term facilities plan of the district.

As it related to specific changes to the program, one attendee discussed the per-pupil classroom and expenditure limits, and recommended these be amended. One of the architects mentioned that, due to PlanCon restrictions, school buildings in Pennsylvania are much smaller as compared to other states because only certain parts of the building are eligible for reimbursement and schools are built to suit the reimbursement. Additionally, current reimbursement formulas prevent architects and schools from being creative with their use of space which results in limited classroom sizes and little innovation to meet the needs of a changing educational experience.

Additional suggestions included that the program eliminate the need for multiple approvals from the school board, and to consolidate or eliminate parts B, C, D, E and F.

3. If a new system would be put in to replace PlanCon, what should it look like and what essential elements should it include?

The framework for a new program was widely discussed by those present, both in terms of the application process, and how funding could be awarded.

In regards to the awarding of funds, there was wide agreement that specific criteria could be developed to ensure certain essential elements would be embedded in the new program. Among the criteria and essential elements discussed were the following:

1. Equity in funding among districts to ensure the proper facilities for all school districts.
2. The allocation of dollars based on the number of students or enrollment projection.
3. Incentives for energy efficiency.
4. Rewards for good financial stewardship and maintenance practices.

As with any program that is more subjective than objective, the attendees noted inherent concerns with a competitive funding process and the potential for political influence to have implications on the program.

In regards to how the commonwealth could provide funding, the group suggested two separate funds: one fund for a school construction subsidy, and the other for upkeep and maintenance costs. They also discussed how important ongoing maintenance of a facility is, as it extends its useful life and helps reduce long-term costs to the district. Some suggested an incentive plan or reward for encouraging schools to maintain their building structures (in the current program, this would require eliminating the 20-year rule). Some in the group suggested that, under a competitive process, the new system would use a point system and, if granted funds, the commonwealth should follow up with the school districts to make sure that their facilities are maintained and that efficiencies are realized.

Some of the attendees thought that incentives for schools to merge should be included into a new system, as it would give local communities a reason to optimize their buildings and save money. It was also suggested that PDE play a more significant role in helping school districts to see the benefits of consolidating and merging in order to maintain structures and combine funding sources.

With the passage of Special Session Act 1 of 2006 as amended, at least one participant felt that the commonwealth could eliminate Act 34, in order to eliminate some constraints to districts.

Data & Research

Over the past 35 years, the commonwealth has spent \$7.8 billion on school construction. Yet there is very little data to understand the impact of those investments. There is no comprehensive inventory of the public school buildings throughout the commonwealth, nor the condition of those buildings. Additionally, there is no conclusive evidence, either from national or state studies, which demonstrates the effect of school facilities on student achievement. There is also no data that demonstrates that the amount of money spent on a school facility is directly related to student achievement.

Much of the research in this area focuses on the impact of certain subsystems in a school building. For example, some research has been done to study the effects of mold remediation, air quality improvements related to environmental health concerns, or the impact of adding new facility systems or products to the school facilities on student performance.

The most recent work on the topic is a 2012 study by the Policy Analysis for California Education (PACE), a think-tank located at the University of California Berkeley, Stanford University and the University of Southern California.¹ The study researched the Los Angeles Unified School District's construction of 131 new schools over 10 years. The results of the study were inconclusive. The study found that while academic performance of elementary students increased as a result of moving to a new facility, similar increases were not found among high school students. In addition, the study noted that the achievement gains among the elementary students did not occur across all disciplines; gains were stronger in English language arts than in mathematics and that the gains could be attributed to several factors that influence student learning.

The finding of this research is consistent with findings of other research that was conducted on the same topic but was unable to definitely link capital outlays with student achievement.²

¹ New Schools, Overcrowding Relief and Achievement Gains in Los Angeles – Strong Returns from a \$19.5 Billion Investment,” http://www.stanford.edu/group/pace/PUBLICATIONS/PB/pace_pb_08.pdf

² Alex J. Bowers and Angela Urick, “Does High School Facility Quality Affect Student Achievement?: A Two-Level Hierarchical Linear Model.” *Journal of Education Finance* 37, No. 1 (Summer 2011): 72-92.

Recommendations

Pennsylvania should support clean, safe, comfortable and healthy environments for students and educators. Given the commitments of the PlanCon appropriation, the commonwealth needs to fulfill existing commitments yet develop a long-term strategy for support of school facilities.

Recommendation 1: PDE recommends that the commonwealth pursue a statewide analysis of school facilities and future capital needs. The analysis should include:

- (a) An inventory of the current state of school facilities in the commonwealth including, but not limited to, the condition and capacity of the commonwealth's school facilities.
- (b) An analysis of the demographic trends and needs in Pennsylvania's school-age population.
- (c) An analysis of international and national trends in school facilities and educational delivery models that support increased academic achievement for students and the capacity of commonwealth school facilities to integrate these trends into school facilities planning.

The results of this comprehensive analysis should be used to guide future decision-making.

Recommendation 2: The commonwealth should continue to fund LEAs who have been notified through a PlanCon Part H Approval Letter that they will receive reimbursement at the approved rate. PDE estimates that the current appropriation of \$296 million annually would need to be sustained for approximately three years before the appropriation could be decreased or new projects could be funded.

Recommendation 2A: If funds were available, the commonwealth could consider making a lump sum payment instead of paying LEAs on a payment schedule. In exchange for a lump sum payment, an LEA might agree to a reduced payment amount. This action would require a statutory change.

Recommendation 2B: Establish a timeline for submission of paperwork for prior payments. PDE recommends that LEAs be required to submit paperwork for reimbursement in a timely manner in order to receive payment. LEAs that did not submit the required paperwork, without an extension, would not be eligible for reimbursement for that portion of their allocation. This change will assist PDE in processing payments and managing the appropriation.

Recommendation 3: PDE should continue to process applications that have been received from Part A through Part G. There are currently 354 projects pending review from Part A through Part G, with an estimated cost of \$1.2 billion. LEAs that engaged in the PlanCon process without knowledge of the potential risks and delays should not be penalized. However, PDE believes that modifications can be made to the existing program to improve and streamline the process for these projects.

Recommendation 3A: Use technology to automate the PlanCon processes. The current PlanCon process is a paper-based system that requires a significant amount of paperwork. PDE recommends automating some of the processes to eliminate this burden on PDE and LEAs.

This recommendation can be made, without a statutory change, during the 2013-14 fiscal year through technology improvements and implemented during the 2014-15 fiscal year.

Recommendation 3B: Eliminate the microfilm submittal of a project's final drawings and specifications. The Pennsylvania Code (22 Pa Code 349.18(a)) requires that an LEA submit a project's final drawings and specifications in microfilm. PDE believes that this requirement is outdated and imposes unnecessary costs on the LEAs. This change would need to be made by the State Board of Education.

Recommendation 3C: Consolidate multiple school board approvals. The consolidation will reduce administrative burdens for both LEAs and PDE.

Recommendation 3C.1: Consolidate Parts A (project justification), and Part B (schematic design) into one PlanCon part for "schematic review." Consolidating these approvals into one resolution would eliminate the need for separate resolution review conferences. This will also allow PDE to review and identify any design or statutory issues with the application in a timely manner to allow for necessary adjustments.

Recommendation 3C.2: Eliminate PlanCon Part E (design development) because it is an interim check which can be accommodated in other parts of the process. This would reduce the administrative burden to LEAs and PDE.

Recommendation 3C.3: Consolidate Part C (site acquisition) and Part D (project accounting based on estimates) when a district requests to do so. Consolidating these approvals into one resolution would eliminate the need for separate resolution review conferences.

Recommendation 3C.4: Allow PDE to waive the requirements for Part I submission unless there is a need for an Act 34 hearing and/or referendum, or if the proposed change to the project would result in a change to the project's reimbursable and/or Act 34 capacities. This would reduce the administrative burden to LEAs and PDE.

These recommendations can all be accomplished within 90 days without statutory changes.

Recommendation 3D: Make full payment at Part J and eliminate Part H and Part K. Currently Part H is where the commonwealth commits to funding, but the commonwealth can be involved for 30 years or more after Part H approval due to refinancing. Providing full payment at Part J may affect the total amount owed to an LEA but the LEA would receive their payments sooner. This would also allow for PDE to have a better ability to budget for future years. This recommendation would require both statutory and regulatory changes.

Recommendation 4: Extend the PlanCon moratorium. The moratorium should continue until a statewide analysis of school facilities and future capital needs is complete. Upon completion of the analysis, PDE, the General Assembly and LEAs can develop a new model for support of school facilities.

List of Appendices

Appendix A: PlanCon 11-Step Overview

Appendix B: PlanCon Appropriation History

Appendix C: Online Survey

Appendix D: Acknowledgements

Appendix A: PlanCon 11-Step Overview

- 1) Part A (Project Justification)
 - District-wide Facility Study (prerequisite)
 - Preliminary calculation of building capacities
 - Bring entire building up to current standards
 - 20-Year rule and 20 percent rule for alteration costs
- 2) Part B (Schematic Design)
 - First of three architectural reviews (advisory in nature)
 - Review schematic site plan, floor plan, educational specifications
 - Discuss applicable Pennsylvania School Code and PDE requirements
 - Focus on health/safety issues
 - Promote sustainable/high performance “green” school design
- 3) Part C (Site Acquisition)
 - Acquisition of land and/or buildings (if applicable)
- 4) Part D (Project Accounting Based on Estimates)
 - Estimated project costs
 - Act 34 of 1973 – First Hearing and Referendum checks
 - Various “financial ability” tests are performed
 - Provides estimate of commonwealth reimbursement
- 5) Part E (Design Development)
 - Second of three architectural reviews (advisory in nature)
 - Interim review of project when the design is more fully developed
- 6) Part F (Construction Documents)
 - Final architectural review (actual bid documents)
 - Final calculation of building capacities
 - Confirm compliance with applicable Pennsylvania School Code and PDE requirements
 - Part F approval letter – First “final” approval
 - Part F approval letter – Needs to be issued prior to entering into contracts
- 7) Part G (Project Accounting Based on Bids)
 - Review actual construction bids
 - Act 34 of 1973 – Second Hearing check and Referendum recheck
 - Various “financial ability” tests are performed again
 - Part G approval letter – Confirms “eligibility” for reimbursement
- 8) Part H (Project Financing)
 - Review financing documents
 - Calculate a temporary reimbursable percent
 - Part H approval letter – Obligates the commonwealth to reimburse the project

- 9) Part I (Interim Reporting)
 - Reporting of change orders and supplemental contracts during construction
 - Act 34 of 1973 – Second Hearing and Referendum rechecks
 - Part F building capacities adjusted (if applicable)
- 10) Part J (Project Accounting Based on Final Costs)
 - Final project accounting after construction is completed
 - Calculation of a permanent reimbursable percent
- 11) Part K (Project Refinancing)
 - Review refinancing documents
 - Used only if a bond issue is refunded, refinanced, or restructured

Appendix B: PlanCon Appropriation History

Department of Education, Authority Rentals 1979-2013
Summary General Fund Budget (Dollar Amount in Thousands)

Fiscal Year	Appropriation
1979-80	153,700
1980-81	145,550
1981-82	145,633
1982-83	145,000
1983-84	137,646
1984-85	147,683
1985-86	141,967
1986-87	136,000
1987-88	135,000
1988-89	134,000
1989-90	142,800
1990-91	142,800
1991-92	214,000
1992-93	214,000
1993-94	183,963
1994-95	182,000
1995-96	227,844
1996-97	225,400
1997-98	239,906
1998-99	233,766
1999-00	253,766
2000-01	267,451
2001-02	276,061
2002-03	283,078
2003-04	291,183
2004-05	294,483
2005-06	296,483
2006-07	296,483
2007-08	318,368
2008-09	315,500
2009-10	318,500
2010-11	314,937
2011-12	295,333
2012-13	296,198
2013-14	296,198 (Recommended)

Appendix C: Online Survey

PlanCon Survey

Name

*** County**

Role

General Questions

What do you consider to be the appropriate role of the Commonwealth in school construction?

What can or should be done to ensure that facilities are appropriate?

What factors should be used in determining state support for school construction?

What factors should the PlanCon reimbursement rate include?

What do students need in terms of physical plant to meet academic achievement targets?

Current Process

What is the impact of PlanCon on school construction in Pennsylvania?

What are the benefits of the current features of PlanCon? Rank in the order of most significance.

What are the challenges with the current features of PlanCon? Rank in the order of most significance.

Are there any particular Department policies or procedures that cause difficulties for a project to move through the PlanCon process?

How does PlanCon affect financial decisions of the School Board?

Has the existence of the PlanCon program/reimbursement changed the way your district pursued a building project? Please explain.

On a scale of 0 to 10 (10 being the most positive) how would you rate the following with regard to PlanCon?

	0	1	2	3	4	5	6	7	8	9	10
Assists in school planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
Distributes a subsidy equitably	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
Ease in understanding	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
Ease in completion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
Fosters better planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
Improves Board decision making	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
PDE architectural reviews	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
20 Year Rule	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										
20% Rule for Alteration Costs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments	<input type="text"/>										

Recommendation Changes for the Future

If the current PlanCon system is replaced, what should a new system look like and what elements must be included?

Please Provide Any Additional Comments:

***Click Here if You Are Interested in Future Contact or Information.**

☐ Yes

☐ No

Thank you for completing the Plan Con Survey. Please select ~~Done~~ below.

Appendix D: Acknowledgements

PDE is grateful for the participation of the following individuals that offered comments and assistance as part of this review:

Jeff Ammerman, Pennsylvania Association of School Business Officials
Mark Barnhardt, EI Associates
Hannah Barrick, Pennsylvania School Boards Association
Leslie L. Bear, Robert W. Baird & Co.
Christopher Berdnik, Centennial School District
Senator Mike Brubaker
Jim Buckheit, Pennsylvania Association of School Administrators
Senator Jake Corman
Dave Davare, Pennsylvania School Boards Association
Representative Garth Everett
Senator Mike Folmer
Phillip Foreman, The Foreman Group Companies
Brad Furey, Brad Furey Consulting
Frank Galicki, Dallas School District
Georgia Glass, Architectural Innovations
Representative Seth Grove
Chad Harvey, Mid Atlantic BX (MABX)
Jay Himes, Pennsylvania Association of School Business Officials
Jennifer Hoover-Vogel, Pennsylvania Association of School Business Officials
David Hutchinson, State College Area School District
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Robert Keaton, AIA Pennsylvania
Daniel Kiefer, Massaro CM Services, LLC
Dwight Knouse, Hayes Large Architects LLP
Steve Krug, Spiegle Architectural Group, Inc.
David Lever, Maryland Public School Construction Program
Maryann Marotta, MM Architects, Inc.
Wayne McCullough, Southern York School District
Vern McKissick, McKissick Associates Architects PC
G. Douglas Rohrbaugh, Crabtree, Rohrbaugh & Associates
Thomas Schneider, North Penn School District
David Schrader, Schradergroup Architecture, LLC
Jamie C. Shelby, Robert W. Baird & Co.
Senator Lloyd Smucker
John Wanner, Wanner Associates
Senator Don White
Online Survey Respondents
PDE Staff