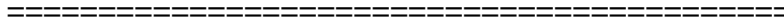


# **CONSULTATION ITEM #1: A Catalog for School Facilities**



**EXISTING APPROACH:**

The No Child Left Behind Act calls for the Negotiated Rulemaking Committee to prepare and submit a catalog of the condition of school facilities at all Bureau-funded schools.

The current mechanism for compiling school facility conditions is the Facility Management Information System (**FMIS**); a database operated and maintained by the Office of Facilities Management and Construction (OFMC).

The data entered into FMIS is the primary factor for allocating facility repair and renovation funding to Bureau-funded schools.

**PROBLEMS WITH EXISTING APPROACH:**

FMIS provides an acceptable basis for meeting Congress’s request for a catalog of the conditions of school facilities. However, the way FMIS is currently used and managed has led to inaccuracies in the data. In particular:

- Access, training, connectivity and support resources are insufficient to ensure users at the schools are able to keep information current and accurate
- FMIS is not given sufficient priority by school and Tribal leaders
- FMIS does not account for educational facility needs

**PROPOSED CHANGES:**

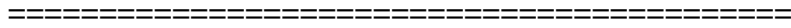
The Committee is recommending a range of improvements, including additional FMIS training, more coordinated support by federal agencies, the inclusion of educational facility needs, greater emphasis on the program’s importance, access via the internet, and further engagement between facility condition assessors and schools they are assessing.

**EXPECTED IMPACT:**

FMIS will be a more collective database of school facility needs and deficiencies, and a basis for equitable formulas to allocate repair, renovation, and new construction funds.

## **CONSULTATION ITEM #2:**

### **A Formula for Replacement School Construction Funding**



**EXISTING APPROACH:**

The No Child Left Behind Act calls for the Negotiated Rulemaking Committee to develop a report on school replacement and new construction needs, creating a formula for the equitable distribution of funds for school replacement. Currently, no formula or other mechanism for prioritizing funding for whole-school replacement exists.

In the past, the Office of Facilities Management and Construction (OFMC) used several different processes to prioritize the replacement of Bureau-funded schools. For example, to develop the FY 1993-2003 lists, the Bureau invited schools to submit applications, which were weighed against a set of criteria with associated points. The most recent list was compiled based on data from FMIS and site visits from schools.

**PROBLEMS WITH EXISTING APPROACH:**

Previous publications of prioritized schools for new construction created confusion, uncertainty, frustration, and disappointment across among affected tribes. Concerns included:

- Bias toward schools with greater skill or resources for completing applications
- Lack of clarity and transparency
- Potential for changes in the list to occur without explanation
- Lack of inclusion of educational facility needs

**PROPOSED CHANGES:**

The Committee's new recommended approach uses FMIS to limit eligibility to the schools in worst condition and to allocate 65 points, on a 100 point scale, based on facility conditions, including educational facility needs. The remaining 35 points will be based on the following criteria:

- Overcrowding (5 points)
- Declining or Constrained Enrollment associated with Poor Facilities (5 points)
- Use of portables or other inappropriate space (5 points)
- Accreditation Risk associated with facilities (5 points)
- School age (10 points)
- Cultural Space needs (5 points)

**EXPECTED IMPACT:**

The formula for replacement schools will be needs based, foster compliance with health and safety standards, be uniformly applied, practical, not susceptible to manipulation, defensible legally and technically, and clear, consistent and transparent.

## **CONSULTATION ITEM #3**

### **A Formula for Minor Renovation and Repair (MI&R) Funding**

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**EXISTING APPROACH:**

The No Child Left Behind Act calls for the Negotiated Rulemaking Committee to provide a renovation repairs report that determines renovation need (minor and major) and a formula for the equitable distribution of funds to address such a need.

The previous allocation process to fund minor repairs (MI&R) begins with a request from OFMC to the schools for submission of MI&R priorities to OFMC's regional offices. OFMC's regional office would organize and prioritize each individual schools list into a combined list of regional priorities. The regional priorities were then organized at the headquarter level to establish an overall MI&R priorities spending across the 183 schools for the fiscal year.

A revised process for 2011 focuses all MI&R funding on the 69 schools in worst condition (according to FMIS), and selects priorities based on risk assessment analysis.

**PROBLEMS WITH EXISTING APPROACH:**

Problems with the current process include, but are not limited to:

- Lack of communication and transparency about funding decisions
- Lack of clear and consistent criteria across regions
- Insufficient input for schools in final decisions
- Concerns about fairness and equity for all schools

**PROPOSED CHANGES:**

The Committee is recommending an MI&R formula that divides funds into two pools, with 2/3 of funds distributed regionally and 1/3 distributed nationally for only critical backlogs (S1, F2, and M1).

- Regions will receive a proportion of funds based on the square footage of all schools' educational and dormitory space in that region. Allocation decisions will be made by Regional Committees consisting of ELOs, regional facility managers, school superintendents and facility managers, deliberating in an open and transparent manner, drawing from eligible backlogs highlighted as priorities by the individual schools.
- OFMC will allocate their portion of the MI&R funds consistent with their 2011 MI&R process, drawing from the eligible (S1, F2, and M1) backlogs highlighted as priorities by the 69 individual schools with the highest FCI rankings but not funded by the regional funds.

**EXPECTED IMPACT:**

The formula for minor repairs (MI&R) will be needs based, foster compliance with health and safety standards, be uniformly applied, practical, not susceptible to manipulation, defensible legally and technically, and clear, consistent and transparent.

## ***CONSULTATION ITEM #4***

### **A Formula for Major Renovation and Repair (FI&R) Funding**

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**EXISTING APPROACH:**

The No Child Left Behind Act calls for the Negotiated Rulemaking Committee to provide a renovation repairs report that determines renovation need (minor and major) and a formula for the equitable distribution of funds to address such a need.

The current FI&R process for allocating funds is based on data collected in the FMIS system. A complex formula is used to generate an overall location score for a school, giving it a priority ranking versus all other schools in the system for facilities and repair funding. The formula is based on the number and severity of the school's facility deficiencies.

**PROBLEMS WITH EXISTING APPROACH:**

The Committee has identified several strengths with the current process. However, there are also some shortcomings, including:

- It's complexity makes it hard to understand; most schools do not know of the formula, how it works, or what it's inputs are
- It is only as good as the data in FMIS, which is inaccurate
- It does not account for educational facility needs

**PROPOSED CHANGES:**

The Committee is recommending several changes to the FI&R formula, as well as changes to the process to increase transparency and communication between OFMC and schools. These include:

- Distributing the FI&R ranking of schools annually, along with a brief explanation of how the rankings were obtained
- Annually publishing the schools and projects to be funded that year along with the rankings
- Including educational facility needs as FMIS backlogs to be averaged in to the overall location score for schools with a weighting factor of 9 (out of 10)
- Give the same Asset Priority Index value to all school buildings, to equalize this factor

**EXPECTED IMPACT:**

The formula for major repairs (FI&R) will be needs based, foster compliance with health and safety standards, be uniformly applied, practical, not susceptible to manipulation, defensible legally and technically, and clear, consistent and transparent.