



# Massachusetts School Building Authority

Funding Affordable, Sustainable, and Efficient Schools in Partnership with Local Communities

## Module 1 – Eligibility Period (“EP”) Deliverables

### Eligibility Period Definition:

Assists the Massachusetts School Building Authority (the “MSBA”) with managing its financial resources by identifying early in the process whether a district is ready to manage and fund a capital school project as well as its financial and community readiness. EP is a 270-day period for districts to complete certain preliminary requirements within timeframes as defined below.

EP commencement will begin after the Board of Directors vote to invite the district to collaborate with the MSBA. The specific commencement start date will be determined in collaboration with the district and will take the district’s local funding authorization schedule into consideration.

- **Initial Compliance Certification (“ICC”)** *(due 30 days after the EP Commencement start date)*
  - Standard legal document that is executed by the district, verifying its understanding of the grant program’s rules and regulations. The three signatories are: the Local Chief Executive Officer, the Superintendent, and the Chair of the School Committee.
  - By signing the ICC, the district acknowledges the MSBA’s regulations and agrees to work in collaboration with the MSBA and in compliance with its enabling legislation and regulations.
  
- **School Building Committee (“SBC” Form)** *(due 60 days after EP Commencement start date)*
  - Formed to oversee and facilitate the proposed building project in accordance with the district’s local charter and/or by-laws and the MSBA’s regulations.
  - Submitted to MSBA for review and approval.
  - Standard template form, which must adhere to MSBA’s minimum requirements for membership however, the district may add members as deemed appropriate.
  - Comprised of voting or non-voting members as determined by the district’s local charter and/or by-laws
  - Recommended that the SBC be diverse and comprised of community members, first responders, building professionals, etc.
  - The SBC form is not a static document and will likely be updated throughout the life of the project and must be resubmitted to the MSBA for approval within 20-days of membership change.
  
- **Educational Profile Questionnaire (“EPQ”)** *(due 90 days after EP Commencement start date)*
  - Overview of the district’s current and proposed educational program and helps inform the MSBA’s understanding of its current school facilities and how the district envisions the school facilities as a result of a potential building project in partnership with the MSBA.
  - In summary, the EPQ requests the following information:
    - Confirmation of the district’s school facilities
    - Room types currently in the Priority Statement of Interest (“SOI”) school and how they are utilized

- What the district proposes to study during Feasibility Study: proposed school consolidations and/or grade reconfigurations, teaching methodology and technology needs
  - If the Priority SOI is a comprehensive high school or vocational school, the district is also required to complete and submit the Chapter 74 Viability Form, which includes information regarding the current and proposed Chapter 74 programs and conversations with the Department of Elementary and Secondary Education (“DESE”), if any. The MSBA reviews and transmits the Viability Form to DESE and collaborate to ensure the current and proposed Ch. 74 Programs are viable and includes the appropriate spaces dedicated to the delivery of such programs.
- **Online Enrollment Projection** *(due 90 days after EP Commencement start date)*
  - An agreed upon study or design enrollment is a key component to a building project with the MSBA
  - Comprised of two online questionnaires completed by the district along with data from DESE, the Department of Public Health, US Census Bureau, and the UMass Donahue Institute, the MSBA completes its enrollment projections utilizing its methodology. The two enrollment questionnaires request the following:
    - Upcoming housing development(s), sales and permits
    - Current and historical enrollment data as reported to DESE
    - Student migration patterns
    - Private/Parochial/Charter school openings and/or closures
    - Potential school consolidations and/or grade configuration changes as discussed in the district’s Priority SOI or during the Senior Study
    - Space deficiencies affecting delivery of the educational program
    - District class size policies
    - Any supplemental materials/information the district feels may affect enrollment
  - If the Priority SOI is a vocational technical school, districts are required to complete one online enrollment questionnaire, which requests information related to application, acceptance, waitlist and enrollment data.
  - The EPQ described above is also a component utilized during the enrollment process.
- **Enrollment Meeting / Executed Enrollment Certification** *(due 180 days after EP Commencement start date)*
  - Upon the MSBA’s completion of the enrollment projections utilizing the information described above, a meeting or conference call is scheduled to review the enrollment projections and as a result, the design enrollment or study enrollments that will be used to inform the feasibility study and building project
  - There are two types of enrollment certifications, which accompanies the enrollment letter and must be signed by the district as indicated below:
    - Design Enrollment Certification: the district does not plan to make any changes to its current Priority SOI school, therefore the certification includes one grade configuration and one enrollment number (i.e. grades 6-8, 450 students).
    - Study Enrollment Certification: District wants to explore a different grade configuration or redistricting of their school facilities.
  - Upon the meeting or conference call’s conclusion, the MSBA sends the district’s enrollment letter, which describes the MSBA’s methodology taken and summarizes the projections as discussed during the meeting or conference call as well as the MSBA proposed enrollment(s) and configuration(s) determined for the SOI facility’s proposed building project. The enrollment certification is attached to the letter and must be signed by the Chief Executive Officer, Duly Authorized Representative of School Committee and the Superintendent of Schools, which signifies the district’s agreement with the enrollment(s) and configuration(s).

- The initial enrollment conference call or meeting may result in the need for additional information being provided to the MSBA and/or another conference call(s) or meeting(s).
- As noted, enrollment is a crucial component of the EP as it informs the enrollment parameter during the feasibility study and building project.
- **Maintenance and Capital Planning (“MCP”)** *(due 180 days after EP Commencement start date)*
  - District-level information about maintenance and capital planning practices and budget using an MSBA web-based system.
  - The information filed by the district is used to facilitate the MSBA’s assessment of the district’s maintenance and capital planning practices as established by the MSBA’s enabling legislation and regulations.
  - The MSBA’s assessment of the MCP information filed awards up to two incentive reimbursement points, which are reflected in a district’s reimbursement rate and impacts the Project Scope and Budget Agreement and the Project Funding Agreement. The reimbursement rate incentive points received is based upon 20 best practices for routine and capital maintenance upkeep of school facilities. This methodology is the culmination of research, discussions with industry professionals, school superintendents, maintenance staff and other school business officials.
- **Local Vote Authorization** *(must occur 270 days \*after EP Commencement start date)*
  - The district must vote to appropriate the funds necessary for the Feasibility Study and Schematic Design phases of the potential project. Specifically, these costs are associated with the Owner’s Project Manager, Designer, environmental and site testing, and contingency related expenses. The appropriation will also include costs associated with three robust MSBA submissions: the Preliminary Design Program, Preferred Schematic Report, and the Schematic Design submission.
  - The MSBA has standard template vote language for cities and towns and regional school districts, which must be used by the district and submitted to the MSBA for review and approval ahead of the district’s local vote authorization. Communities should always consult with local counsel and/or bond counsel to ensure that all warrant articles, motions, orders, and votes comply with municipal finance law and all other applicable laws, regulations, local bylaws, and local ordinances.
  - Following a successful local funding vote, the district should provide an original, certified hard copy and an electronic copy of the vote to the MSBA.
  - The specific amount to be appropriated for these phases of the project is at the discretion of the local community and may vary based on a number of factors, including the size and complexity of a potential project, the number and complexity of potential sites to be investigated, and the potential consolidation and/or reconfiguration decisions that have been previously determined, discussed and agreed upon between the district and the MSBA.

\*The district may elect to appropriate its feasibility study and schematic design funding ahead of its EP commencement start date. This is acceptable to the MSBA, and the associated vote language is the only EP deliverable that the MSBA will review ahead of such.

- **Feasibility Study Agreement (“FSA”)** *(must occur 270 days after EP Commencement)*
  - First of three legal agreements that is executed by the MSBA and the district following the completion of all EP deliverables.
  - Standard funding agreement that establishes the process and the parameters by which the district can be reimbursed for the eligible expenses incurred during the Feasibility Study and Schematic Design phases of the MSBA grant process.

- Sets a 913-day deadline from the date on which the MSBA Board of Directors votes to invite the District into Feasibility Study.
- The FSA includes three exhibits: Exhibit A, B, C:
  - Exhibit A, which is completed by the district, is the budget for the feasibility study and is broken down into four-line items:
    - Owner’s Project Manager
    - Designer
    - Environmental and Site Testing
    - Other
  - Exhibit B, which is completed by the MSBA, is the scope of the feasibility study
  - Exhibit C, which is completed by the MSBA, is the district’s current calendar year’s base reimbursement rate
    - Reimbursement Rate is made up of three economic indicators and the range is between 31% and 80%

Once the pre-requisites of EP are completed to the satisfaction of the MSBA, the district is eligible to receive an invitation from the MSBA Board of Directors at an upcoming Board Meeting, which occur every other month, into the Feasibility Study phase of the grant program. Upon the Board’s vote into Feasibility Study, the district will begin working with the MSBA to procure its Owner’s Project Manager.