

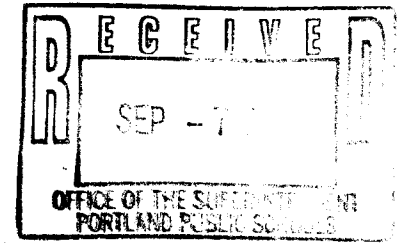


STATE OF MAINE
DEPARTMENT OF EDUCATION
23 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0023

JOHN ELIAS BALDACCI
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

August 31, 2007



Mary Jo O'Connor
Superintendent
Portland Public Schools
196 Allen Avenue
Portland, ME 04103-3799

Dear Superintendent O'Connor:

In response to your letter of August 22, 2007, regarding the Portland School Project and the issues with energy efficiency please consider the following:

Although Chapter 61, "Rules for Major Capital School Construction Projects," contains the provision that a Capital Project shall be targeted to achieve 20% above the State's energy standard, this is a rule that the State Board of Education cannot waive and thus I cannot recommend. The reason for the Board's inability to consider a waiver is the provisions of Title 20-A Section 15908-A, which establishes in statute the same 20% provision.

You have further requested that the historic nature of the building be taken into consideration when considering this project. I feel that at this point in time an historic consideration is a moot point. Unless the architects and engineers on this project can find a way to insulate the Clifford School to meet the standard established in legislation, the project cannot go forward.

I have asked my staff to continue to meet with you and your staff to continue to seek a successful solution to Portland's school housing needs.

Sincerely,

Susan A. Gendron
Commissioner of Education

SAD:klb

c: Scott Brown, AIA, LEED, Director of School Facilities, Department of Education



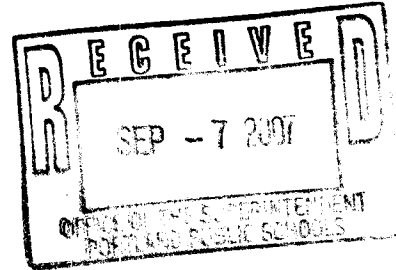
STATE OF MAINE
 DEPARTMENT OF EDUCATION
 23 STATE HOUSE STATION
 AUGUSTA, MAINE
 04333-0023

JOHN ELIAS BALDACCI
 GOVERNOR

August 31, 2007

SUSAN A. GENDRON
 COMMISSIONER

Mary Jo O'Connor
 Superintendent
 Portland Public Schools
 196 Allen Avenue
 Portland, ME 04103-3799



Dear Superintendent O'Connor:

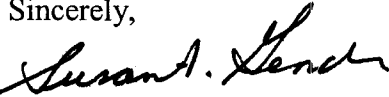
In your letter to me dated August 22, 2007, you told me that Portland would like to obtain a waiver of three sections of Chapter 61, "Rules for Major Capital School Construction Projects." The sections under consideration are in Section 7, "Site Selection." Paragraph 1(B) states that the site provide "safe access for vehicles and pedestrians including appropriate separation of private vehicles, school buses and service vehicles," paragraph 1(C) states that there be sufficient space to accommodate "reasonable future additions to the project" and paragraph 1(E) states that the site provide "sufficient parking for staff, visitors and reasonable continuing community use."

I wish to point out that my role in Chapter 61 is not to grant waivers but to make recommendations regarding waiver requests to the State Board of Education. It is the State Board that is the final authority in waiver consideration.

Because one of the waiver requests directly affects safety issues of children, I do not feel that I can recommend a waiver regarding safe access. Although no incident has taken place to date, with the addition that would become necessary the site would become even more crowded and with the increase in enrollment the potential for an accident on or near the site would increase.

In the cases of paragraphs 1(C) and 1(E), I do not feel as strongly as I do on the safety issues. I am supportive of the provisions as stated in Chapter 61. However, I would reluctantly recommend a waiver if a waiver was necessary to protect a project.

I hope that this response is helpful to you.

Sincerely,

 Susan A. Gendron
 Commissioner of Education

SAD:klb

c: Scott Brown, AIA, LEED, Director of School Facilities, Department of Education