



STATE OF MAINE
DEPARTMENT OF EDUCATION
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JOHN ELIAS BALDACCIO
GOVERNOR

SUSAN A. GENDRON
COMMISSIONER

October 11, 2007

Jeanne Whynot-Vickers, Superintendent
196 Allen Avenue
Portland, ME 04103

Dear Superintendent Whynot-Vickers:

In light of the continuing questions regarding the Nathan Clifford School construction project, I would like to clarify my position on the question of a possible extension for the project and the issue of renovation versus new construction.

First, let me reiterate my conclusion, which I shared with the Portland School Board in a letter dated June 26, that I will not recommend support for renovation to the State Board of Education because of the safety, energy, and other concerns. I did indicate subsequently that I would consider supporting, reluctantly, a renovation if engineering documents could show how the building would meet the safety and energy concerns. Since then it has become apparent that those concerns cannot be adequately addressed.

In two separate letters to Superintendent Mary Jo O'Connor, both dated August 31, 2007, I indicated 1) I cannot waive the energy standard requirement as it is a rule of the State Board of Education and, by law, neither I nor the Board can consider a waiver; and 2) I do not feel I can recommend to the State Board a waiver regarding the safe access requirements found in Section 7, Paragraph 1B of Chapter 61, "Rules for Major Capital School Construction Projects."

Therefore, I am not prepared to recommend the renovation alternative to the State Board.

As an aside, please note that our Department of Education spokesman was quoted last week saying that I would consider supporting renovation, but for no more than the projected construction cost of a new building. His comment was based on old information and that is not my position. I regret any confusion that may have caused.

In regard to the question of whether the State Board of Education will grant an extension beyond the March 31, 2008 deadline for concept approval – it is my belief that failure to meet that deadline does, in fact, place the project in jeopardy. While Portland may request that I recommend a second extension to the State Board, I (and the State Board, if I make the recommendation) will have to consider that request in the context of

the constraints of the school construction bonding cycle. I would only make that recommendation if the money is available. If Portland is moved farther down the list, it is possible that there will not be enough bonding authority to cover the project when its time comes for bonding. I could not support an extension if doing so would adversely impact other projects already in line. I would also note that, to my knowledge, the State Board has not ever approved two extensions for a single project.

Given these issues I strongly urge you and the School Committee to expedite the steps necessary to meet concept approval in March 2008 to preserve the lending capacity allocated to this project.

I do recognize the fiscal dilemma you find yourselves in at this time and if this poses an obstacle to proceeding, I would consider asking the State Board to preserve the project by putting it on the next Major Capital School Construction priority list. That list is likely to be developed sometime in 2009 or 2010 and so it would mean a delay of two or more years, but could protect the project. There are, of course, no guarantees, and it would be the decision of the new State Board whether or not to agree to preserving the project on the next priority list.

I hope this clarifies the process, the rules, and my position. As always, I am eager to work with you and provide any additional information or support that I can in this process.

Sincerely,



Susan A. Gendron
Commissioner of Education