

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. 290 Department or Agency State Department of Education  
Chapter No. 290-2-2.-01

Chapter Title: School Facilities: Approval of Construction  
       New  Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? No

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any matter any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Eric G. Mackey  
Eric G. Mackey  
State Superintendent of Education

Date 02-03-2022

REC'D & FILED  
FEB 10 2022

LEGISLATIVE SVC AGENCY

APA-2  
07/04

STATE DEPARTMENT OF EDUCATION

NOTICE OF INTENDED ACTION

AGENCY NAME: State Department of Education

RULE NO. & TITLE: Rule 290-2-2-.01, School Facilities: Approval of Construction.

INTENDED ACTION: The Alabama State Board of Education will propose to amend Rule 290-2-2-.01.

SUBSTANCE OF PROPOSED ACTION: The Alabama State Board of Education will amend Rule 290-2-2-.01 to be consistent with Act 2021-476 (HB220) pertaining to management of construction and renovation of property that is part of a state educational institution.

TIME, PLACE, MANNER OF PRESENTING VIEWS: A public hearing will be held at 10:00 a.m., April 14, 2022, at the Auditorium, Plaza Level, Gordon Persons Building, 50 North Ripley Street, Montgomery, Alabama. All persons wishing to express their views should contact the State Superintendent of Education (334-694-4900) no later than April 4, 2022, to be scheduled on the agenda. All persons wishing to express their views in writing to the State Superintendent of Education should address all written comments to the State Superintendent of Education, Gordon Persons Building, P.O. Box 302101, Montgomery, Alabama 36130-2101.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: April 14, 2022

CONTACT PERSON AT AGENCY: Dr. Brandon T. Payne  
Assistant State Superintendent of  
LEA Auxiliary Services  
Alabama State Department of Education  
50 North Ripley Street  
P.O. Box 302101  
Montgomery, Alabama 36130-2101  
(334-694-4900)



Eric G. Mackey  
State Superintendent of Education

ALABAMA STATE BOARD OF EDUCATION  
STATE DEPARTMENT OF EDUCATION  
ADMINISTRATIVE CODE

CHAPTER 290-2-2  
SCHOOL FACILITIES

290-2-2-.01 School Facilities: Approval of Construction.

(1) New construction or renovation of school Facilities, not including maintenance or repair of HVAC or roofing, with an estimated cost of \$500,000 or more shall have the approval of the State Superintendent of Education.

(2) New construction shall take school only at place centers approved by the State Superintendent of Education.

**Author:** Jimmy H. Baker and Eric G. Mackey

**Statutory Authority:** Code of Ala. 1975, §§16-3-12, 16-3-14, 16-4-10, 16-4-13 through 14, 16-4-21, 16-8-36, 16-9-22, 16-13-90.

**History:** New October 1, 1927. **Amended** December 29, 1975, September 12, 1978, April 22, 1981. **Amended:** December 12, 1991 section name effective January 16, 1992. **Repealed and Replaced:** Filed September 19, 1997; effective October 24, 1997. Emergency rule adopted 2-10-22; effective 2-10-22; amended rule adopted \_\_\_\_; effective \_\_\_\_;