

# HOUSE BILL 880

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By: **Delegate Holmes**

Introduced and read first time: February 7, 2013

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Public School Property – Acquisition and Sale Requirements – Exemptions**

3 FOR the purpose of exempting certain public school property used for certain student  
4 construction training programs from the requirement to obtain approval from  
5 the State Superintendent of Schools for the acquisition and sale of the property;  
6 and generally relating to exemptions from certain acquisition and sale  
7 requirements for certain public school property.

8 BY repealing and reenacting, with amendments,  
9 Article – Education  
10 Section 2–303(f)(1) and 4–115  
11 Annotated Code of Maryland  
12 (2008 Replacement Volume and 2012 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – Education**

16 2–303.

17 (f) (1) Subject to the bylaws, rules, and regulations of the State Board,  
18 **AND EXCEPT AS PROVIDED IN § 4–115 OF THIS ARTICLE**, the State Superintendent  
19 shall approve or disapprove each:

20 (i) Proposal for the purchase or sale of any ground, school site,  
21 or building;

22 (ii) Plan or specification for the remodeling of a school building  
23 if the remodeling costs more than \$350,000;

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (iii) Plan or specification for the construction of a new school  
2 building; and

3 (iv) Change order that costs more than \$25,000 for the  
4 remodeling, restoration, or construction of a school building.

5 4-115.

6 (a) In this subtitle, "county council" means, in Baltimore City, the Mayor and  
7 City Council of Baltimore.

8 (b) (1) **[With] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
9 **SUBSECTION, WITH** the approval of the State Superintendent, each county board  
10 may:

11 **[(1)] (I)** Buy or otherwise acquire land, school sites, or buildings; and

12 **[(2)] (II)** Rent, repair, improve, and build school buildings or approve  
13 contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the  
14 State Board.

15 **(2) A COUNTY BOARD MAY ACQUIRE AND SELL PROPERTY**  
16 **WITHOUT THE APPROVAL OF THE STATE SUPERINTENDENT IF:**

17 **(I) THE PROPERTY WILL BE USED IN A PROGRAM**  
18 **ESTABLISHED BY THE COUNTY BOARD AND APPROVED BY THE STATE**  
19 **SUPERINTENDENT THAT PROVIDES HANDS-ON TRAINING IN THE**  
20 **CONSTRUCTION TRADES FOR STUDENTS WITHIN THE PUBLIC SCHOOL SYSTEM;**  
21 **AND**

22 **(II) AFTER THE CONSTRUCTION TRAINING ON THE**  
23 **PROPERTY IS COMPLETED, THE PROPERTY WILL BE SOLD AT FAIR MARKET**  
24 **VALUE, WITH THE APPROVAL OF THE COUNTY SUPERINTENDENT, AND THE**  
25 **PROCEEDS FROM THE SALE OF THE PROPERTY WILL BE USED TO FINANCE**  
26 **ADDITIONAL HANDS-ON CONSTRUCTION TRAINING FOR STUDENTS WITHIN THE**  
27 **PUBLIC SCHOOL SYSTEM.**

28 (c) (1) (i) Except as provided in this subsection, if, with the approval  
29 of the State Superintendent, a county board finds that any land, school site, or  
30 building no longer is needed for school purposes, it shall inform the county  
31 commissioners or county council of the county board's determination under this  
32 subparagraph.

1 (ii) When the county commissioners or county council receive  
2 notice under subparagraph (i) of this paragraph, the county commissioners or county  
3 council shall notify the county board within 30 days after receiving the notice from the  
4 county board:

5 1. Of the need to transfer the land, school site, or  
6 building to the county commissioners or county council if the land, school site, or  
7 building is an integral component of an existing economic development plan that will,  
8 in the judgment of the county commissioners or county council, significantly benefit  
9 the county; or

10 2. That the county commissioners or county council have  
11 no existing plans for the use of the land, school site, or building.

12 (iii) 1. If the county commissioners or county council provide  
13 the required notice to the county board under subparagraph (ii)1 of this paragraph or  
14 a public charter school does not need the school site or building under § 9–111 of this  
15 article, the land, school site, or building shall be transferred by the county board to the  
16 county commissioners or county council and may be used, sold, leased, or otherwise  
17 disposed of, except by gift, by the county commissioners or county council; or

18 2. If the county commissioners or county council provide  
19 the required notice to the county board under subparagraph (ii)2 of this paragraph,  
20 the county board shall comply with the provisions of § 9–111 of this article.

21 (2) In Harford County, if, with the approval of the State  
22 Superintendent, the county board finds that any land, school site, or building is no  
23 longer needed for school purposes, it shall be transferred by the county board to  
24 Harford County, Maryland, and disposed of in accordance with this section.

25 (3) With the approval of the State Superintendent, the Cecil County  
26 Board may transfer, with or without charge, any of its property to the board of  
27 trustees of a public community college.

28 (d) In Baltimore County, the Baltimore County Board of Education must  
29 notify the Baltimore County Office of Planning and Zoning of any schools it is  
30 considering for closure and request from that Office a written recommendation on the  
31 proposed action. If the Office of Planning and Zoning wishes to make a  
32 recommendation, it must be submitted to the board no later than November 1 of the  
33 calendar year preceding the proposed closure. The board of education shall consider  
34 these recommendations at least 3 months before taking final action. These provisions  
35 may be waived by mutual agreement.

36 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
37 July 1, 2013.