

# HOUSE BILL 1252

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7lr3068

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By: **Dorchester County Delegation**

Introduced and read first time: February 10, 2017

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **County Boards of Education – Disposition of School Property**

3 FOR the purpose of repealing provisions of law requiring the approval of the State  
4 Superintendent of Schools before a county board of education may dispose of any  
5 land, school site, or building that is no longer needed for school purposes; and  
6 generally relating to the disposition of surplus school property by a county board of  
7 education.

8 BY repealing and reenacting, with amendments,

9 Article – Education

10 Section 4–115

11 Annotated Code of Maryland

12 (2014 Replacement Volume and 2016 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

14 That the Laws of Maryland read as follows:

15 **Article – Education**

16 4–115.

17 (a) In this subtitle, “county council” means, in Baltimore City, the Mayor and City  
18 Council of Baltimore.

19 (b) With the approval of the State Superintendent, each county board may:

20 (1) Buy or otherwise acquire land, school sites, or buildings; and

21 (2) Rent, repair, improve, and build school buildings or approve contracts  
22 for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

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

27 (3) [With the approval of the State Superintendent, the] **THE** Cecil County  
28 Board may transfer, with or without charge, any of its property to the board of trustees of  
29 a public community college.

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

37 (e) (1) In Baltimore City, the Board of School Commissioners shall notify the  
38 Baltimore City Department of Planning of any school buildings the board is considering for

1 closure simultaneously as the board releases its school building closure list in accordance  
2 with COMAR 13a.02.09, and request from that department a written recommendation on  
3 the proposed action and the relative merit for Baltimore City.

4 (2) A recommendation by the Baltimore City Department of Planning shall  
5 be submitted to the board no later than 30 days after notification by the board.

6 (3) The board shall consider these recommendations before taking final  
7 action.

8 (4) The requirements of this subsection may be waived by mutual  
9 agreement between the board and the Baltimore City Department of Planning.

10 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2017.