

HOUSE BILL 512

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9lr2509

By: **Delegates Ghrist, Krimm, Mautz, and Sample–Hughes**

Introduced and read first time: February 4, 2019

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Construction – Maximum Gross Area Allowance for English**
3 **Learner Students**

4 FOR the purpose of requiring the Interagency Commission on School Construction to
5 include in regulations for certain new construction or major renovations a
6 requirement that the State–funded maximum gross area allowance for certain
7 English learners be equal to the State–funded maximum gross area allowance for
8 special education students; and generally relating to regulations for public school
9 construction.

10 BY repealing and reenacting, with amendments,
11 Article – Education
12 Section 5–303(d)
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2018 Supplement)

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

17 **Article – Education**

18 5–303.

19 (d) (1) The Interagency Commission may adopt regulations for the
20 administration of the programs provided for in this section.

21 (2) The regulations adopted by the Interagency Commission may contain
22 requirements for:

23 (i) The submission of other data or information that is relevant to
24 school construction or capital improvement;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (ii) The approval of sites, plans, and specifications for the
2 construction of new school buildings or the improvement of existing buildings;
- 3 (iii) Site improvements;
- 4 (iv) Competitive bidding;
- 5 (v) The hiring of personnel in connection with school construction or
6 capital improvements;
- 7 (vi) The actual construction of school buildings or their
8 improvements;
- 9 (vii) The relative roles of different State and local governmental
10 agencies in the planning and construction of school buildings or school capital
11 improvements;
- 12 (viii) School construction and capital improvements necessary or
13 appropriate for the proper implementation of this section;
- 14 (ix) The establishment of priority public school construction
15 programs;
- 16 (x) Development of cooperative arrangements that permit the
17 sharing of facilities among two or more school systems;
- 18 (xi) The selection of architects and engineers by school systems;
- 19 (xii) The award of contracts by school systems; and
- 20 (xiii) Method of payments made by the State under the Public School
21 Construction Program.
- 22 (3) The regulations adopted by the Interagency Commission shall contain
23 provisions:
- 24 (i) Establishing a State and local cost–share formula for each county
25 that identifies the factors used in establishing the formulas;
- 26 (ii) Requiring local education agencies to adopt educational facilities
27 master plans and annual capital improvement programs;
- 28 (iii) Providing a method for establishing a maximum State
29 construction allocation for each project approved for State funding;
- 30 (iv) Referencing the policies stated in § 5–7B–07 of the State Finance

1 and Procurement Article;

2 (v) Requiring local school systems to adopt procedures consistent
3 with the minority business enterprise policies of the State as required under the Code of
4 Maryland Regulations;

5 (vi) Establishing a process for appeal of Interagency Commission
6 decisions;

7 (vii) Requiring local education agencies to adopt, implement, and
8 periodically update comprehensive maintenance plans and preventative maintenance
9 plans;

10 (viii) Authorizing the Interagency Commission to withhold State
11 public school construction funds from a local education agency that fails to comply with the
12 requirements of item (vii) of this paragraph;

13 (ix) Requiring the development and submission of long-range plans,
14 including a requirement for the annual submission of a 10-Year Educational Facilities
15 Master Plan; [and]

16 (x) Requiring the submission of an annual Capital Improvement
17 Program, which may only be required to include plans for specific projects and requests for
18 planning and construction projects for the upcoming fiscal year; AND

19 **(XI) FOR NEW CONSTRUCTION OR MAJOR RENOVATIONS**
20 **APPROVED ON OR AFTER JULY 1, 2019, REQUIRING THE STATE-FUNDED MAXIMUM**
21 **GROSS AREA ALLOWANCE FOR ENGLISH LEARNER STUDENTS WITH WIDA**
22 **PROFICIENCY LEVELS OF 1, 2, OR 3, OR THE EQUIVALENT IN A SUCCESSOR ENGLISH**
23 **LANGUAGE PROFICIENCY ASSESSMENT USED IN THE STATE, TO EQUAL THE**
24 **STATE-FUNDED MAXIMUM GROSS AREA ALLOWANCE FOR SPECIAL EDUCATION**
25 **STUDENTS.**

26 (4) In adopting any of these requirements, the State Board and the
27 Interagency Commission shall provide for the maximum exercise of initiative by school
28 personnel in each county to ensure that the school buildings and improvements meet both
29 the needs of the local communities and the rules and regulations necessary to ensure the
30 proper operation of this section and the prudent expenditure of State funds.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2019.