

# SENATE BILL 48

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(PRE-FILED)

6lr0291

CF HB 233

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By: Chair, Budget and Taxation Committee (By Request – Departmental – Public School Construction)

Requested: September 22, 2025

Introduced and read first time: January 14, 2026

Assigned to: Budget and Taxation

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## A BILL ENTITLED

1 AN ACT concerning

### 2 Education – Public School Construction – Alterations

3 FOR the purpose of clarifying the type of proposals and plans that require the approval of  
4 the State Superintendent of Schools; requiring a county board of education to request  
5 and receive approval from the State Superintendent or the State Superintendent's  
6 designee before the county board may proceed with certain actions; authorizing the  
7 Interagency Commission on School Construction to adopt requirements for eligibility  
8 for certain State funding; modifying the due dates of certain reports the Commission  
9 is required to submit; repealing the requirement for the Commission to approve a  
10 certain percentage of the preliminary school construction allocation by a certain date;  
11 requiring the Commission to establish a certain appeal process; clarifying the  
12 circumstances when the State may not require or shall require counties to reimburse  
13 the State for debt service; altering the requirement for certain assessments and  
14 inspections the Commission is required to conduct; providing for the applicability of  
15 certain provisions of law related to the process for review and approval of public  
16 school construction projects; and generally relating to public school construction.

17 BY repealing and reenacting, with amendments,

18 Article – Education

19 Section 2–303(f)(1), 4–115(b), 4–126(e)(3)(i)2., 5–303(d)(2)(xiii) and (xiv) and (3)(iii)  
20 and (j)(4), 5–304(b), 5–308(a) and (b), 5–310(b), 5–314(a) through (d), 5–319(b),  
21 and 5–325(c)

22 Annotated Code of Maryland

23 (2025 Replacement Volume and 2025 Supplement)

24 BY adding to

25 Article – Education

26 Section 5–303(d)(2)(xv)

27 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2025 Replacement Volume and 2025 Supplement)

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

3 That the Laws of Maryland read as follows:

4 **Article – Education**

5 2–303.

6 (f) (1) Subject to the bylaws, rules, and regulations of the State Board, and  
7 except as provided in paragraph (5) of this subsection, the State Superintendent, or the  
8 State Superintendent's designee, shall approve or disapprove each:

9 (i) Proposal for the purchase or sale of any ground, school site, or  
10 building **THAT WILL BE USED FOR THE EDUCATION OF STUDENTS**;

11 (ii) Plan or specification for the [remodeling] **ADDITION TO OR**  
12 **RENOVATION** of a school building if the [remodeling] **ADDITION OR RENOVATION** costs  
13 more than \$1,000,000 **AND WILL AFFECT THE PLAN CONFIGURATION OF**  
14 **STUDENT–OCCUPIED SPACES**;

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

17 (iv) Change order that costs more than [\$50,000] **\$200,000** for the  
18 [remodeling] **ADDITION TO OR RENOVATION**, restoration, or construction of  
19 **STUDENT–OCCUPIED SPACES IN** a school building.

20 4–115.

21 (b) [With the approval of the State Superintendent, or the State Superintendent's  
22 designee, each county board may] **EACH COUNTY BOARD SHALL REQUEST AND**  
23 **RECEIVE THE APPROVAL OF THE STATE SUPERINTENDENT, OR THE STATE**  
24 **SUPERINTENDENT'S DESIGNEE, BEFORE THE COUNTY BOARD MAY**:

25 (1) Buy or otherwise acquire land, school sites, or buildings **THAT WILL BE**  
26 **USED FOR THE EDUCATION OF STUDENTS**; [and]

27 (2) Rent[, repair, improve, and] **OR** build school buildings or approve  
28 contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the State  
29 Board; **OR**

30 (3) **ADD TO OR RENOVATE SCHOOL BUILDINGS OR APPROVE**  
31 **CONTRACTS FOR DOING SO, IF THE ADDITION OR RENOVATION**:

**(I) COSTS MORE THAN \$1,000,000;**

2 (II) WILL AFFECT THE PLAN CONFIGURATION OF  
3 STUDENT-OCCUPIED SPACES; AND

6 4-126.

12 5-303.

13 (d) (2) The regulations adopted by the Interagency Commission may contain  
14 requirements for:

15 (xiii) Methods of payments made by the State under the Public School  
16 Construction Program; [and]

17 (xiv) The use of a standard statewide computerized maintenance  
18 management system for school facilities maintenance work order tracking and reporting;  
19 **AND**

20 (XV) ELIGIBILITY FOR STATE FUNDING FOR CONSTRUCTION  
21 PROJECTS AND SYSTEMIC RENOVATION PROJECTS.

22 (3) The regulations adopted by the Interagency Commission shall contain  
23 provisions:

24 (iii) Subject to subsection (l) of this section, providing a method for  
25 establishing a maximum State [construction allocation] **AWARD** for each project approved  
26 for State funding;

1    **QUARTER** as the result of transfers or reversions required under this subsection and any  
2    expenditures.

3    5–304.

4                (b)    (1)    Before May 1 [of] each year, the Interagency Commission may not  
5    approve public school construction projects that comprise more than 75% of the preliminary  
6    school construction allocation, determined under § 8–113 of the State Finance and  
7    Procurement Article, for the following fiscal year.

8                (2)    [On or before December 31 of each year, the Interagency Commission  
9    shall approve public school construction projects that comprise 75% of the preliminary  
10   school construction allocation, determined under § 8–113 of the State Finance and  
11   Procurement Article, for the following fiscal year.

12               (3)    The Interagency Commission shall establish an appeal process to allow  
13   local jurisdictions to request funding for projects that were not approved by the Interagency  
14   Commission under paragraph (2) of this subsection.

15               (4)]    (I)    On or before March 1 [of] each year, the Interagency Commission  
16   shall provide recommendations to the presiding officers and the budget committees of the  
17   General Assembly and the Department of Legislative Services for public school  
18   construction projects that comprise 90% of the school construction allocation included in  
19   the capital budget submitted by the Governor for the following fiscal year.

20               (II)    **THE INTERAGENCY COMMISSION SHALL ESTABLISH AN  
21   APPEAL PROCESS TO ALLOW LOCAL JURISDICTIONS TO REQUEST FUNDING FOR  
22   PROJECTS THAT WERE NOT APPROVED BY THE INTERAGENCY COMMISSION UNDER  
23   SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

24               [(5)]    (3)    On or after May 1 each year, the Interagency Commission shall  
25   approve 100% of the school construction allocation included in the capital budget bill as  
26   enacted.

27    5–308.

28               (a)    Notwithstanding the provisions of Title 10, Subtitle 3 of the State Finance and  
29   Procurement Article, [this] **THE** State may not require reimbursement of debt service from  
30   a county for a school that:

31               (1)    Was initially constructed on or before February 1, 1971;

32               (2)    Is no longer used for [school purposes] **A PURPOSE THAT IS ELIGIBLE  
33   FOR STATE FUNDING FOR PUBLIC SCHOOL CONSTRUCTION;**

(3) Has had title transferred to a county government; and

10 (1) Was constructed under this subtitle;

11 (2) Was initially constructed or substantially altered by [addition(s)]  
12 **ADDITIONS**, alterations, or renovations and the cost of the construction at the time of  
13 execution exceeded \$100,000 and the work was accomplished after February 1, 1971;

14 (3) Is no longer used for [school purposes] A PURPOSE THAT IS ELIGIBLE  
15 FOR STATE FUNDING FOR PUBLIC SCHOOL CONSTRUCTION:

16 (4) Has had title transferred to a county government;

19 (6) Has outstanding debt which exceeds \$5,000.

20 5-310.

24 (ii) The Interagency Commission shall include in the [inspections]  
25 ASSESSMENT of individual school buildings[.]

1. A process for a local education agency to report any additional information relevant to the inspection, including a place in the Master Facility Asset Library System for the local education agency to:

3 C. Report certification of the Asbestos Hazard Emergency  
4 Response Act plan for the space; and

10 (ii) THE INTERAGENCY COMMISSION SHALL INCLUDE IN THE  
11 ASSESSMENT OF INDIVIDUAL SCHOOL BUILDINGS A PROCESS FOR A LOCAL  
12 EDUCATION AGENCY TO REPORT ADDITIONAL INFORMATION THAT IS RELEVANT TO  
13 THE ASSESSMENT, INCLUDING A PLACE IN THE MASTER FACILITY ASSET LIBRARY  
14 SYSTEM FOR THE LOCAL EDUCATION AGENCY TO:

## 26 1. Temperature;

## 2. Humidity:

28 3. Carbon dioxide level:

#### 4. Acoustic levels:

## 30 5. Lead paint:

## 31 6. Asbestos:

7. Kitchen sanitary equipment;
8. Lighting;
9. Emergency communication system, with respect to
10. Health room attributes;
11. Safety equipment in each laboratory space; and
12. The functionality of:
  - A. Heating, ventilation, and air-conditioning building
  - B. Life safety building systems;
  - C. Roofs; and
  - D. Any additional critical building systems identified by the

**[(iii)] (IV)** During an inspection **CONDUCTED AS A PART OF THE**  
**ILITIES ASSESSMENT**, if an item under subparagraph **[(ii)1] (III)1**  
paragraph rises to such a severe level that requires the school to be closed,  
agency shall submit a plan to the Interagency Commission on how to  
and the Interagency Commission shall work to prioritize funding to

26 (4) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE INTERAGENCY  
27 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §  
28 2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE  
29 RESULTS OF THE STATEWIDE FACILITIES ASSESSMENT FOR THE IMMEDIATELY  
30 PRECEDING FISCAL YEAR.

**(I) THAT COST MORE THAN \$1,000,000 AND:**

**1. THAT HAVE RECEIVED STATE FUNDING; OR**

**2. FOR WHICH A LOCAL EDUCATION AGENCY WILL BE  
ENDING; OR**

(II) THAT REPLACE OR CHANGE A HEATING, VENTILATION, OR

## 11 AIR-CONDITIONING SYSTEM.

12 (b) (1) Except as provided in subsection (e) of this section, educational  
13 specifications and schematic designs for [major] **APPLICABLE** construction projects are

16 (ii) Prior to finalization by a local education agency, have any  
17 concerns or recommendations of the Interagency Commission satisfactorily resolved.

23 (c) (1) Change orders for [major] APPLICABLE construction projects and  
24 systemic renovation projects may not be:

25 (i) Reviewed by the Department of General Services; and

26 (ii) Approved by the Interagency Commission.

27 (2) A percentage of the State allocation related to change orders may not  
28 be withheld.

4 (i) Reviewed by the Department of General Services; and

5 (ii) Approved by the Interagency Commission.

9 5-319.

10 (b) On or before [December 31 of] **FEBRUARY 28** each year, AS PROVIDED IN §  
11 **5-325 OF THIS SUBTITLE**, the Interagency Commission shall submit a report on the  
12 number of public school construction and major renovation projects in each jurisdiction that  
13 **[use] USED** solar technologies **OR ALTERNATIVE ENERGY SYSTEMS IN THE**  
14 **IMMEDIATELY PRECEDING CALENDAR YEAR** to the Governor and, in accordance with §  
15 2-1257 of the State Government Article, the General Assembly.

16 5-325.

17 (c) On or before [December 31] **FEBRUARY 28** each year, **AS PROVIDED IN §**  
18 **5-319 OF THIS SUBTITLE**, the Interagency Commission shall submit a report to the  
19 General Assembly, in accordance with § 2-1257 of the State Government Article, on the  
20 number of public school construction and major renovation projects in each jurisdiction that  
21 **[use] USED SOLAR TECHNOLOGIES OR** alternative energy systems **IN THE**  
22 **IMMEDIATELY PRECEDING CALENDAR YEAR.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
24 1, 2026.