



21st Century School Facilities Commission

Martin G. Knott, Jr.
Chairman

January 30, 2017

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

The Honorable Michael E. Busch
Speaker of the House of Delegates

Dear Presiding Officers:

The 21st Century School Facilities Commission is pleased to submit a progress report of the work accomplished during 2016. The commission's charge from the Senate President and Speaker of the House focuses on a critical set of issues related to improving school construction in Maryland. As the commission started delving into the issues outlined in the charge, there was a quick awareness that more time would be needed to sufficiently examine all of them and to develop concrete recommendations. This progress report highlights four major themes that emerged from the eight meetings held in 2016 as a result of the expert presentations and information discussed at the meetings and the input of the commissioners themselves with the varied backgrounds and expertise that they brought to the deliberations. Other themes, in addition to the four major themes, are also identified for further examination in 2017. While consensus was reached on these themes, the commission would like additional time to make specific recommendations.

The first theme is **flexibility**. Each local education agency (LEA) is different and needs varying levels of assistance, yet the idea that one size fits all is how the current school construction program structure and review process is designed. Education specifications, school design, construction documents, and project review are just some of the areas that LEAs differ in capacity and expertise.

By allowing an LEA that has the capacity and expertise the flexibility to complete work in house, both the State and LEAs can realize efficiencies. The current timeframe for reviewing and approving school construction projects as a whole has been stated as extensive, which in part is a direct result of duplication of functions and reviews at both the State and local levels. The review of school construction projects should be differentiated based on an LEA's previous experience in construction and maintenance of schools and the capacity of the LEA to do some of the work or review in house.

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The ability to allow certain LEAs the option to perform steps within the process themselves, with a more focused review by the State, can allow the Interagency Committee on School Construction (IAC) to assist those LEAs without that capacity. The variation in school building by jurisdiction is large, some are building new schools every year while others only have a handful of schools in the entire county. By differentiating the requirements, all jurisdictions are better served by State resources.

While flexibility should be encouraged, the commission believes that maintaining quality and accountability must be considered concurrently. Only jurisdictions that have an excellent track record in quality school construction and ongoing maintenance of their school buildings should receive flexibility. Flexibility also applies to the design and use of school buildings themselves. Building schools that last for decades requires flexibility of the space to adapt to different uses over time. For example, schools are becoming used more and more frequently as community hubs to serve multiple purposes. The variety of uses a school serves is directly related to the initial design. In the event of declining enrollment and the building needs to be closed or experiencing growing enrollment and the space is too small to serve the students adequately, future use of a building should be considered. One size does not fit all for schools either. The commission recognizes that design should stay local so that the LEAs and communities being served by the schools lead the school design process.

A second major theme is the **need to streamline the review process**, which goes hand and hand with the first theme of flexibility. Again and again in meetings it was brought up that the school construction review process is cumbersome and time consuming, resulting in delays and increased costs, time is money. The duplication of work and review at the State and local levels adds to the length and bureaucratic nature of the process. For example, the Department of General Services (DGS) review of construction documents is a lengthy process and referring back up to differentiation, the current process could be delegated to LEAs that have the ability to do some of the work in house. The Office of the State Fire Marshal offers one model of how local delegation of reviews might be accomplished. Other DGS reviews, such as change orders after project contracts are executed, may be unnecessary. A closer look is necessary to pinpoint the jurisdictions or steps in the process that can be eliminated as a point of duplication. The State resources dedicated to the school construction process should be used efficiently and by reducing the amount of duplication, the IAC will be able to allocate resources to those counties who need additional technical assistance.

When a jurisdiction reuses a design for a school, it currently goes through the entire process again. Instead of spending time reviewing a design that was already approved, the review could focus only on changes made since the approval of the previous design. Streamlining the process could lead to less money spent since the review pipeline would not be as clogged and turnaround time could be faster. It would also provide an incentive to LEAs to reuse school designs more frequently when appropriate, which leads to the third theme.

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The third major theme is **providing incentives for LEAs** to try new ideas or approaches that have not been done before and **identifying any impediments** that exist to attempt those new or alternative approaches. The LEAs should be encouraged to take advantage of what is already allowed under State law and regulations but may not have been attempted yet, possibly due to barriers that have not previously been identified. For example, an incentive could be to provide additional funding such as a higher State share of eligible project costs or procedural flexibility. Incentives should drive collaboration and allow for experimental opportunities.

The commission recognizes that some alternative approaches will work and some will not. An LEA that attempts an alternative approach and fails or was rejected through the review process should not be penalized by having its project fall behind its original schedule. There are no current incentives to try new approaches with State funds. Nonetheless, some LEAs are trying new approaches without extra incentives. The commission will be monitoring, with great interest, the pursuit by the Maryland Stadium Authority and Baltimore City Public Schools of a developer-led model for three 21st Century Schools buildings, which would involve the developer earlier in the projects at the school design/education specifications phase.

Providing an alternative to the current requirement for LEED certification is one area the commission plans to explore further. The current process is expensive and requires certain paperwork to be filed. The commission discussed whether an alternative certification could be obtained or simply comply with the LEED standards without the certification. A closer look at what the real goal is with standards could lead to a change in how certain goals are executed.

As the commission continues to delve into the idea of incentives and impediments, it will also focus on who is actually incentivized by the current school construction program structure and funding.

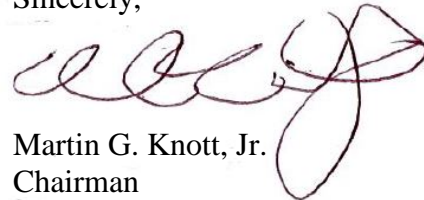
The final major theme that emerged in 2016 was that the role of the State and the IAC should be a **clearinghouse for best practices** and to **provide technical assistance to LEAs** regarding school construction. The commission recognizes that construction is a world of innovation and is constantly changing. The IAC would benefit from the practical knowledge of a working contractor of the new methods or philosophies in construction. The IAC should be a place where research-based best practices are explored and disseminated. School construction happens differently in each state and is constantly changing, and if the State entity could be aware and bring back new ideas to Maryland, the LEAs could benefit. LEAs within Maryland also can – and do – learn from each other, but this could be done more formally and consistently by organizing the school facility officers into an association. By differentiating the review process for LEAs, this will free up resources that the IAC can use to provide technical assistance to those LEAs that need more assistance.

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The commission reached consensus around these four major themes related to improving school construction in Maryland. Several issues within these themes still require further examination, such as the most appropriate process for differentiation of project review among LEAs. The commission also identified other major themes that emerged but need further examination. One theme, funding, was planned to be discussed in 2017 early in the commission's work when it realized the amount of work involved in the charge. Other themes that need additional information before any conclusions can be made include further exploration of alternative procurement and construction methods and materials and the most efficient and effective structure for the IAC and the process that school construction projects go through. Since the position of the executive director of the IAC is currently vacant, the topic will be examined further in 2017.

In closing, these themes do not stand alone. They represent opportunities across the State for a new perspective on school construction. Should you wish to view any of our meetings or review the materials that have been presented to us, all of the materials are available [here](#) and at this link <http://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2016-21st-Century-School-Facilities-Commission.pdf>.

Sincerely,

A handwritten signature in dark ink, appearing to read "Martin G. Knott, Jr.", written in a cursive style.

Martin G. Knott, Jr.
Chairman

MGK/KEH/mlm
Enclosures
cc: Commission Members

Maryland General Assembly
21st Century School Facilities Commission
2016 Interim
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Commission Staff

Kate Henry
Rachel Hise

21st Century School Facilities Commission

The Commission is charged with:

- Reviewing existing educational specifications for school construction projects and determining whether the existing specifications are appropriate for the needs of 21st century schools
- Identifying best practices from the construction industry to determine whether there are efficiencies that can be made in the construction of public schools and public charter schools
- Identifying a long-term plan for jurisdictions with growing enrollment, as well as maintaining facilities in jurisdictions with flat and declining enrollment
- Identifying areas where innovative financing mechanisms including public-private partnerships, as well as alternatives to traditional general obligation debt can be used for construction and ongoing maintenance
- Determining areas for efficiencies and cost-saving measures for construction and maintenance
- Evaluating the appropriate role for State agencies including the Maryland Department of Planning, Department of General Services, State Department of Education, Board of Public Works, as well as the appropriate statutory structure for the Interagency Committee for Public School Construction
- Reviewing the relationship between State agencies and local governments on school construction projects
- Reviewing the Kopp Commission findings and progress toward implementation

**Maryland General Assembly
21st Century School Facilities Commission**

Martin G. Knott, Jr., Chair

SCHEDULE

[Hearing Schedule](#)

Agendas and meeting materials will be posted as they become available at this link
<http://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2016-21st-Century-School-Facilities-Commission.pdf>.

Date	Meeting Materials
April 28, 2016	✓
July 21, 2016	✓
August 25, 2016	✓
September 15, 2016	✓
October 13, 2016	✓
October 27, 2016	✓
November 10, 2016	✓
January 13, 2017	✓