

HOUSE BILL 1390

F1

4lr2277

By: **Delegate Harris**

Introduced and read first time: February 9, 2024

Assigned to: Appropriations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 1, 2024

CHAPTER _____

1 AN ACT concerning

2 **Public Schools – ~~School Safety Grant Program – Extension~~ Public School**
3 **Construction – Funding and Administration**

4 FOR the purpose of repealing the provision of law that established the intent of the General
5 Assembly that a new Workgroup on the Assessment and Funding of School Facilities
6 be formed on or before a certain date; repealing certain requirements for the Prince
7 George’s County Board of Education relating to a certain public–private partnership
8 agreement; altering certain fiscal years for distributions from the Prince George’s
9 County Public–Private Partnership Fund; repealing the provision of law that repeals
10 the School Safety Grant Program on a certain date; altering the purpose of the Nancy
11 K. Kopp Public School Facilities Priority Fund in certain fiscal years; decreasing the
12 mandated appropriation to the Priority Fund; establishing the Workgroup on the
13 Assessment and Funding of School Facilities; clarifying the intent of the General
14 Assembly regarding funding for public school construction; requiring the Prince
15 George’s County Board of Education to give priority to a certain project as the next
16 major project in the capital improvement program of the Public School Construction
17 Program; and generally relating to ~~the School Safety Grant Program~~ public school
18 construction funding and administration.

19 BY repealing

20 Chapter 32 of the Acts of the General Assembly of 2022

21 Section 3

22 BY repealing and reenacting, with amendments,

23 Article – Education

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 4–126(e)(3)(ii), 4–126.1(c) and (e), 4–126.2(f), and 5–326
 2 Annotated Code of Maryland
 3 (2022 Replacement Volume and 2023 Supplement)

4 BY repealing and reenacting, without amendments,
 5 Article – Education
 6 Section 4–126.2(a) and (b) and 5–317
 7 Annotated Code of Maryland
 8 (2022 Replacement Volume and 2023 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Chapter 32 of the Acts of the General Assembly of 2022
 11 Section 4

12 BY repealing and reenacting, with amendments,
 13 Chapter 679 of the Acts of the General Assembly of 2023
 14 Section 1

15 BY repealing and reenacting, without amendments,
 16 Chapter 679 of the Acts of the General Assembly of 2023
 17 Section 4

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
 19 That Section 3 of Chapter 32 of the Acts of the General Assembly of 2022 be repealed.

20 ~~SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,~~
 21 ~~That~~ SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as
 22 follows:

23 **Article – Education**

24 4–126.

25 (e) (3) (ii) In Prince George’s County, projects that use alternative
 26 financing methods under this section and receive State funding for a yearly availability
 27 payment:

28 1. Do not have to comply with the requirements under
 29 subparagraph (i)1 through 3 of this paragraph;

30 2. Shall comply with the requirements under subparagraph
 31 (i)4 through 8 of this paragraph; and

32 3. If the project receives State funding for a yearly
 33 availability payment from the Supplemental Public School Construction Financing Fund
 34 under § 10–658 of the Economic Development Article, the project shall comply with a
 35 four–party memorandum of understanding entered into and signed by the Prince George’s

1 County Board, Prince George's County, the Maryland Stadium Authority, and the
2 Interagency Commission on School Construction that:

3 A. Subject to item G of this item, specifies the roles, rights,
4 terms, and responsibilities of each party with respect to school projects undertaken with a
5 private or public entity using alternative financing methods, including any amounts the
6 parties are required to deposit into the Prince George's County Public-Private Partnership
7 Fund established under § 4-126.2 of this subtitle;

8 B. Specifies that § 2-303(f) and Title 5, Subtitle 3 of this
9 article and regulations governing the Public School Construction Program are not
10 applicable to projects using alternative financing methods;

11 C. Requires the Prince George's County Board to submit
12 projects to the Interagency Commission on School Construction for review before
13 commencement of the project;

14 D. Specifies the time frames in which the Interagency
15 Commission on School Construction shall complete its review of projects;

16 E. Requires the Prince George's County Board to submit
17 annual reports to Prince George's County, the Maryland Stadium Authority, and the
18 Interagency Commission on School Construction during the term of the alternative
19 financing method contract with the public or private entity;

20 F. Specifies the terms under which each party will comply
21 with the provisions of §§ 4-126.1 and 4-126.2 of this subtitle; [and]

22 G. Specifies the roles of the Interagency Commission on
23 School Construction, including the Interagency Commission's rights related to:

24 I. Approval of the Project Agreement;

25 II. Approval of site-specific educational specifications;

26 III. Approval of final site selections; and

27 IV. The role of the governing body of the program; AND

28 H. SPECIFIES THAT THE GOVERNANCE STRUCTURE FOR
29 THE PROGRAM IS THE PRINCE GEORGE'S COUNTY SUPERINTENDENT OF SCHOOLS,
30 THE PRINCE GEORGE'S COUNTY EXECUTIVE, AND THE CHAIR OF THE PRINCE
31 GEORGE'S COUNTY COUNCIL.

32 4-126.1.

1 (c) (1) This section applies only if[, on or before July 1, 2024,] the Prince
2 George’s County Board enters into a public–private partnership agreement with a private
3 entity to enhance the delivery of public school construction in Prince George’s County.

4 (2) (i) Subject to subparagraph (ii) of this paragraph, before entering
5 into a public–private partnership agreement under paragraph (1) of this subsection, the
6 public–private partnership agreement shall be reviewed by the Maryland Stadium
7 Authority and approved by the Interagency Commission on School Construction.

8 (ii) The approval of the Interagency Commission on School
9 Construction may not be unreasonably withheld or delayed as specified in the
10 memorandum of understanding required under § 4–126 of this subtitle.

11 (e) In fiscal year [2026] **2025** and each fiscal year thereafter through not later
12 than fiscal year 2055, if the Prince George’s County Board and the private entity remain in
13 the public–private partnership agreement described under subsection (c) of this section and
14 the Prince George’s County government [and the Prince George’s County Board deposit]
15 DEPOSITS the payment in the manner described under subsection (d)(3) of this section, the
16 Interagency Commission on School Construction shall pay the Prince George’s County
17 Board from the Prince George’s County Public–Private Partnership Fund established
18 under § 4–126.2 of this subtitle for the payment required under the public–private
19 partnership agreement.

20 4–126.2.

21 (a) In this section, “Fund” means the Prince George’s County Public–Private
22 Partnership Fund.

23 (b) There is a Prince George’s County Public–Private Partnership Fund.

24 (f) The Fund consists of:

25 (1) Money deposited into the Fund by Prince George’s County[, the Prince
26 George’s County Board,] and the Maryland Stadium Authority;

27 (2) Money deposited into the Fund by the State;

28 (3) Any investment earnings of the Fund; and

29 (4) Any other money from any other source accepted for the benefit of the
30 Fund.

31 5–317.

32 (a) In this section, “Program” means the School Safety Grant Program.

1 (b) (1) There is a School Safety Grant Program.

2 (2) The purpose of the Program is to provide grants to county boards for
3 school security improvements, including:

4 (i) Secure and lockable classroom doors for each classroom in the
5 school;

6 (ii) An area of safe refuge in each classroom in the school; and

7 (iii) Surveillance and other security technology for school monitoring
8 purposes.

9 (c) The Program shall be implemented and administered by the Interagency
10 Commission, in consultation with the Maryland Center for School Safety.

11 (d) The Interagency Commission shall:

12 (1) Provide grants to county boards for public school security
13 improvements;

14 (2) Develop a procedure for a county board to apply for a grant under the
15 Program; and

16 (3) Develop eligibility requirements for a county board to receive a grant
17 under the Program.

18 (e) In addition to the annual amount otherwise provided in the capital
19 improvement program of the Public School Construction Program, the Governor shall
20 provide an additional \$10,000,000 in the annual operating or capital budget bill that may
21 be used only to award grants under the Program.

22 (f) The State funding provided under the Program is supplemental to and is not
23 intended to take the place of funding that would otherwise be appropriated for public school
24 construction purposes to a county board from any other source.

25 (g) The Interagency Commission shall adopt regulations necessary to implement
26 this section.

27 5-326.

28 (a) In this section, "Fund" means the Nancy K. Kopp Public School Facilities
29 Priority Fund.

30 (b) There is a Nancy K. Kopp Public School Facilities Priority Fund.

1 (c) (1) Except as provided in paragraph (2) of this subsection, BEGINNING IN
2 FISCAL YEAR 2028, the purpose of the Fund is to provide State funds to address the facility
3 needs of the highest priority schools in the State as identified by the statewide facilities
4 assessment completed by the Interagency Commission on School Construction under §
5 5–310(e) of this subtitle, with highest priority given to schools with a severe facility issue
6 that required the school to be closed in the current school year or the previous school year.

7 (2) [If] IN FISCAL YEAR 2027, OR IF the statewide facilities assessment
8 is not completed, the purpose of the Fund is to provide State funds to address the severity
9 of issues in a school, including:

10 (i) Air conditioning;

11 (ii) Heating;

12 (iii) Indoor air quality;

13 (iv) Mold remediation;

14 (v) Temperature regulation;

15 (vi) Plumbing, including the presence of lead in drinking water
16 outlets in school buildings;

17 (vii) Windows; and

18 (viii) Any additional severe issues in the school that require the school
19 to be closed.

20 (d) The Interagency Commission on School Construction shall administer the
21 Fund.

22 (e) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of
23 the State Finance and Procurement Article.

24 (2) The State Treasurer shall hold the Fund separately, and the
25 Comptroller shall account for the Fund.

26 (f) The Fund consists of:

27 (1) Money appropriated in the State budget to the Fund;

28 (2) Any interest earnings of the Fund; and

29 (3) Any other money from any other source accepted for the benefit of the
30 Fund.

1 (g) The Fund may be used only for the purpose established under subsection (c)
2 of this section.

3 (h) (1) The State Treasurer shall invest the money of the Fund in the same
4 manner as other State money may be invested.

5 (2) Any interest earnings of the Fund shall be credited to the Fund.

6 (i) In fiscal year 2027 and each fiscal year thereafter, the Governor shall
7 appropriate in the annual State operating or capital budget bill at least [\$80,000,000]
8 \$70,000,000 to the Fund.

9 (j) Expenditures from the Fund may be made only in accordance with the State
10 budget.

11 (k) Money expended from the Fund is supplemental to and is not intended to take
12 the place of funding that otherwise would be appropriated in the annual State operating or
13 capital budget bill to primary and secondary schools under this article.

14 Chapter 32 of the Acts of 2022

15 SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General
16 Assembly that:

17 (1) beginning in fiscal year 2023, within the current debt affordability
18 guidelines, the State should provide at least \$450,000,000 each year for public school
19 construction in order to maintain a relatively stable number of funded projects in the
20 Capital Improvement Program; and

21 (2) the annual goal established under item (1) of this section:

22 (I) should be recalculated prior to the Public School Facilities
23 Priority Fund being funded; AND

24 (II) DOES NOT INCLUDE FUNDING PROVIDED FOR PUBLIC
25 SCHOOL CONSTRUCTION THROUGH THE BUILT TO LEARN PROGRAM.

26 Chapter 679 of the Acts of 2023

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
28 That Section(s) [5–317 and] 5–324 of Article – Education of the Annotated Code of
29 Maryland be repealed.

30 SECTION 4. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall take
31 effect June 30, 2026.

1 SECTION 3. AND BE IT FURTHER ENACTED, That:

2 (a) There is a Workgroup on the Assessment and Funding of School Facilities.

3 (b) The Workgroup consists of the following members:

4 (1) two members of the Senate of Maryland, appointed by the President of
5 the Senate;

6 (2) two members of the House of Delegates, appointed by the Speaker of
7 the House;

8 (3) the State Superintendent of Schools, or the State Superintendent of
9 Schools' designee;

10 (4) the State Treasurer, or the State Treasurer's designee;

11 (5) the Chair of the Interagency Commission on School Construction, or the
12 Chair's designee;

13 (6) the Secretary of Budget and Management, or the Secretary's designee;
14 and

15 (7) the Secretary of General Services, or the Secretary's designee.

16 (c) The President of the Senate and the Speaker of the House jointly shall appoint
17 the chair of the Workgroup.

18 (d) The Department of Legislative Services, in consultation with the Interagency
19 Commission on School Construction, shall provide staff for the Workgroup.

20 (e) A member of the Workgroup:

21 (1) may not receive compensation as a member of the Workgroup; but

22 (2) is entitled to reimbursement for expenses under the Standard State
23 Travel Regulations, as provided in the State budget.

24 (f) On or after June 1, 2025, the Workgroup shall:

25 (1) consider how the relative condition of public school facilities within the
26 educational facilities sufficiency standards and the facility condition index should be
27 prioritized, taking into account local priorities and in consultation with local jurisdictions,
28 including whether the prioritization should be by category and by local jurisdiction or
29 statewide;

1 (2) determine whether the results should be incorporated into school
2 construction funding decisions; and

3 (3) if the Workgroup determines that the assessment results should be
4 incorporated into school construction funding decisions, determine how the assessment
5 results should be incorporated into school construction funding.

6 (g) On or before January 1, 2026, the Workgroup shall report its findings and
7 recommendations to the Governor and, in accordance with § 2-1257 of the State
8 Government Article, the General Assembly.

9 SECTION 4. AND BE IT FURTHER ENACTED, That the Prince George’s County
10 Board of Education shall give priority to High Point High School as the next major project
11 as a priority in the capital improvement program of the Public School Construction
12 Program after New Northern Adelphi Area High School.

13 SECTION ~~2.~~ 5. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 ~~July~~ June 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.