
By: Delegate Brinkley

Introduced and read first time: January 26, 1996

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education - School Construction - Condition for State Aid**

3 FOR the purpose of requiring a county board of education that receives financial aid
4 from the State for construction of a public school project to require certain pupils to
5 begin attending the school in the first year it opens for use; requiring the Board of
6 Public Works to consider county school board plans to comply with the requirement
7 that certain pupils begin attending the school in the first year of use when approving
8 a public school construction project; and generally relating to State financing of a
9 public school construction project.

10 BY repealing and reenacting, without amendments,
11 Article - Education
12 Section 5-301(a) and (b)
13 Annotated Code of Maryland
14 (1992 Replacement Volume and 1995 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Education
17 Section 5-301(e)
18 Annotated Code of Maryland
19 (1992 Replacement Volume and 1995 Supplement)

20 BY adding to
21 Article - Education
22 Section 5-309
23 Annotated Code of Maryland
24 (1992 Replacement Volume and 1995 Supplement)

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

2

1 **Article - Education**

2 5-301.

3 (a) (1) For the purposes of this section other than subsection (c), the Board of
4 Public Works shall define by regulation what constitutes an approved public school
5 construction or capital improvement cost.

6 (2) The cost of acquiring land may not be considered a construction or
7 capital improvement cost and may not be paid by the State.

8 (b) The State shall pay the costs in excess of available federal funds of all public
9 school construction projects and public school capital improvements in each county if:

10 (1) The projects or improvements have been approved by the Board of
11 Public Works; and

12 (2) Contracts have been executed on or after July 1, 1971 for the projects or
13 improvements.

14 (e) (1) The Board of Public Works may adopt rules, regulations, and
15 procedures for the administration of the programs provided for by subsections (b) and (d)
16 of this section.

17 (2) The rules, regulations, and procedures adopted by the Board of Public
18 Works may contain requirements for:

19 (i) The development and submission of long range plans, INCLUDING
20 PLANS TO ENSURE COMPLIANCE WITH § 5-309 OF THIS SUBTITLE;

21 (ii) The submission of annual plans and plans for specific projects;

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

24 (iv) The approval of sites, plans, and specifications for the construction
25 of new school buildings or the improvement of existing buildings;

26 (v) Site improvements;

27 (vi) Competitive bidding;

28 (vii) The hiring of personnel in connection with school construction or
29 capital improvements;

30 (viii) The actual construction of school buildings or their improvements;

31 (ix) The relative roles of different State and local governmental
32 agencies in the planning and construction of school buildings or school capital
33 improvements; and

34 (x) School construction and capital improvements necessary or
35 appropriate for the proper implementation of this section.

3

1 (3) In adopting any of these requirements, the State Board and the Board of
2 Public Works shall provide for the maximum exercise of initiative by school personnel in
3 each county to insure that the school buildings and improvements meet both the needs of
4 the local communities and the rules and regulations necessary to insure the proper
5 operation of this section and the prudent expenditure of State funds.

6 5-309.

7 AS A CONDITION OF STATE PAYMENT FOR A SHARE OF THE COST OF A PUBLIC
8 SCHOOL CONSTRUCTION PROJECT UNDER THIS SUBTITLE, A COUNTY BOARD SHALL
9 REQUIRE THAT ALL PUBLIC SCHOOL PUPILS RESIDING IN THE GEOGRAPHIC
10 ATTENDANCE AREA AND OF THE AGE AND GRADE FOR WHICH THE SCHOOL IS
11 CONSTRUCTED SHALL BEGIN ATTENDING THE SCHOOL IN THE FIRST SCHOOL YEAR
12 IN WHICH THE SCHOOL IS OPEN FOR OCCUPANCY.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 1996.