

HOUSE BILL 657
EMERGENCY BILL

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1998 Regular Session
8lr0485

By: **Prince George's County Delegation**

Introduced and read first time: February 9, 1998

Assigned to: Ways and Means

Re-referred to: Appropriations, February 20, 1998

Committee Report: Favorable with amendments

House action: Adopted with floor amendments

Read second time: April 3, 1998

CHAPTER _____

1 AN ACT concerning

2 **Prince George's County - ~~Construction of Facilities for Joint Use by the~~**
3 **~~Board of Education and Other Public Agencies~~ School Construction**
4 **PG 417-98**

5 FOR the purpose of authorizing the Board of Education of Prince George's County to
6 construct school facilities for joint use by the Board and certain other Prince
7 George's County public agencies on land owned by a public agency in the
8 County; requiring the State and the Prince George's County government to
9 provide certain funding for public school construction for a certain period;
10 requiring a certain State/local cost sharing formula for public school
11 construction costs in Prince George's County; providing that certain funds are
12 contingent on certain conditions; providing that the release of projects for
13 bidding is contingent on receipt of certain information and certain approvals;
14 altering certain provisions relating to school construction, planning, and
15 management in Prince George's County for certain purposes for a certain period;
16 providing for the termination of this Act subject to a certain exception; making
17 this Act an emergency measure; and generally relating to school construction in
18 Prince George's County.

19 BY repealing and reenacting, with amendments,
20 Article - Education
21 Section 5-301(h)
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1997 Supplement)

1 BY repealing and reenacting, without amendments,
2 Article - Education
3 Section 5-307(a) through (c)
4 Annotated Code of Maryland
5 (1997 Replacement Volume and 1997 Supplement)

6 BY adding to
7 Article - Education
8 Section 5-307(d)
9 Annotated Code of Maryland
10 (1997 Replacement Volume and 1997 Supplement)

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

13 **Article - Education**

14 5-301.

15 (h) (1) With respect to public school construction or public school capital
16 improvements, including sites for school buildings, the authority, responsibilities,
17 powers, and duties of the following are subject to the rules, regulations, and
18 procedures adopted by the Board of Public Works under this section:

- 19 (i) The State Board;
20 (ii) The State Superintendent;
21 (iii) The county governments;
22 (iv) The county boards; and
23 (v) All other State or local governmental agencies under this
24 article.

25 (2) THE RULES, REGULATIONS, AND PROCEDURES ADOPTED BY THE
26 BOARD OF PUBLIC WORKS SHALL INCLUDE PROVISIONS THAT IN PRINCE GEORGE'S
27 COUNTY, THE COUNTY EXECUTIVE, THE COUNTY COUNCIL CHAIRMAN, AND THE
28 BOARD OF EDUCATION CHAIRMAN SHALL ENTER INTO BINDING CONTRACTS OR
29 AGREEMENTS FOR SCHOOL CONSTRUCTION, PLANNING, AND MANAGEMENT,
30 INCLUDING PROCEDURES TO HANDLE EMERGENCY MAINTENANCE OR REPAIRS TO
31 SCHOOL FACILITIES, TO BE PLACED UNDER THE DIRECTION OF THE PRINCE
32 GEORGE'S COUNTY GOVERNMENT.

33 (3) If, as to public school construction or public school capital
34 improvements, there is any conflict between the rules, regulations, and procedures of
35 the Board of Public Works and the authority, responsibilities, powers, and duties of

1 the individuals and agencies specified in paragraph (1) of this subsection, the rules,
2 regulations, and procedures of the Board of Public Works shall prevail.

3 5-307.

4 (a) The Interagency Committee on Public School Construction shall assist the
5 Prince George's County Board of Education in developing an education facility master
6 plan that encourages and supports the neighborhood school concept to improve the
7 quality of education for all students in Prince George's County.

8 (b) The education facility master plan under subsection (a) of this section shall
9 be updated annually.

10 (c) To the extent the Prince George's County Board of Education and the
11 county consider appropriate, the neighborhood school concept of the education facility
12 master plan may include interagency utilization of neighborhood schools, including
13 joint use of school facilities and property of:

14 (1) The Maryland-National Capital Park and Planning Commission;

15 (2) The Prince George's County library system;

16 (3) The Prince George's County Health Department;

17 (4) The Prince George's County Police Department;

18 (5) The Prince George's County Department of Social Services; and

19 (6) The Prince George's County Department of Family Services.

20 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PRINCE
21 GEORGE'S COUNTY BOARD OF EDUCATION MAY CONSTRUCT A SCHOOL FACILITY
22 PLANNED FOR JOINT USE BY THE COUNTY BOARD AND A PUBLIC AGENCY LISTED IN
23 SUBSECTION (C) OF THIS SECTION ON PROPERTY OWNED BY A PUBLIC AGENCY
24 OTHER THAN THE COUNTY BOARD.

25 ~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect~~
26 ~~July 1, 1998.~~

27 SECTION 2. AND BE IT FURTHER ENACTED, That for fiscal years 1999
28 through 2002, in each year, the State shall provide at least \$35 million for public
29 school construction projects in Prince George's County and the Prince George's
30 County government shall provide a minimum of \$32 million for public school
31 construction projects, and such additional funds as may be necessary to match the
32 annual State appropriation for public school construction projects in Prince George's
33 County. For fiscal years 2000 through 2002, the full level of State funding shall be
34 contingent on future economic conditions and review and approval by the State
35 Superintendent of Schools of the Prince George's County Board of Education's
36 Comprehensive Plan described in the 1998 Memorandum of Understanding signed by

1 the parties to Vaughns, et al. v. Board of Education of Prince George's County, et al.
2 and submitted to the United States District Court.

3 SECTION 3. AND BE IT FURTHER ENACTED, That for fiscal years 1999
4 through 2002, in each year, the State shall provide 75 percent of the eligible costs for
5 up to \$35 million in public school construction costs in Prince George's County. At
6 least \$20 million of the State funds must be spent each year on neighborhood school
7 projects. For funding above \$35 million, the State shall provide 60 percent of the
8 eligible costs. Neighborhood school projects shall be identified by the Interagency
9 Committee on Public School Construction and shall include new public schools and
10 additions or improvements to existing public schools which serve students reassigned
11 to their local communities based upon the Community Schools Education Plan
12 developed by the Prince George's County Board of Education.

13 SECTION 4. AND BE IT FURTHER ENACTED, That prior to any school
14 construction projects being released for bidding as a result of State funding in fiscal
15 years 1999 through 2002, the Prince George's County Board of Education, the County
16 Executive, and the County Council shall submit to the Interagency Committee on
17 School Construction the most recent Community Schools Education Plan and the
18 Prince George's County Board of Education Capital Improvement Program and a
19 letter of endorsement of the plan and program. The Interagency Committee shall
20 review the information submitted and determine which projects or portions thereof
21 are justified and which qualify as neighborhood school projects. Prior to any approval
22 from the Interagency Committee to release any projects for bidding, the educational
23 programs and services proposed for each project shall be reviewed and approved by
24 the State Superintendent of Schools for consistency with practices and strategies that
25 result in improved student achievement and academic and social success.

26 SECTION 5. AND BE IT FURTHER ENACTED, That:

27 (a) Except as provided in subsection (b) of this section, this Act shall remain
28 effective until June 30, 2002, and, at the end of June 30, 2002, with no further action
29 required by the General Assembly, this Act shall be abrogated and of no further force
30 and effect.

31 (b) As to school construction projects for which the construction contract has
32 been approved by the Interagency Committee on School Construction on or before
33 June 30, 2002, the provisions of § 5-301(h)(2) of the Education Article as enacted by
34 this Act shall remain in effect for the duration of the contract.

35 SECTION 6. AND BE IT FURTHER ENACTED, That this Act is an emergency
36 measure, is necessary for the immediate preservation of the public health and safety,
37 has been passed by a yea and nay vote supported by three-fifths of all the members
38 elected to each of the two Houses of the General Assembly, and shall take effect from
39 the date it is enacted.

