

Chapter 600

(Senate Bill 48)

AN ACT concerning

Education – Public School Construction – Alterations

FOR the purpose of clarifying the type of proposals and plans that require the approval of the State Superintendent of Schools; requiring a county board of education to request and receive approval from the State Superintendent or the State Superintendent's designee before the county board may proceed with certain actions; ~~authorizing the Interagency Commission on School Construction to adopt requirements for eligibility for certain State funding;~~ modifying the due dates of certain reports the ~~Commission~~ Interagency Commission on School Construction is required to submit; repealing the requirement for the Commission to approve a certain percentage of the preliminary school construction allocation by a certain date; requiring the Commission to establish a certain appeal process; requiring the Commission to provide certain information to each county board and each local governing body; clarifying the circumstances when the State may not require or shall require counties to reimburse the State for debt service; altering the requirement for certain assessments and inspections the Commission is required to conduct; requiring the Commission, at least once during a certain period of time, to review a certain cost threshold amount; providing for the applicability of certain provisions of law related to the process for review and approval of public school construction projects; and generally relating to public school construction.

BY repealing and reenacting, with amendments,

Article – Education

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

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

BY ~~adding to~~ repealing and reenacting, without amendments,

Article – Education

Section ~~5-303(d)(2)(xv)~~ 5-303(d)(2)(xiii) and (xiv)

Annotated Code of Maryland

(2025 Replacement Volume and 2025 Supplement)

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

Article – Education

2-303.

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

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

(ii) Plan or specification for the [remodeling] **ADDITION TO OR RENOVATION** of a school ~~building~~ **FACILITY** if the [remodeling] **ADDITION OR RENOVATION** costs more than ~~\$1,000,000~~ **\$1,250,000** **AND WILL AFFECT THE PLAN CONFIGURATION OF STUDENT-OCCUPIED SPACES**;

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

(iv) Change order that costs more than [~~\$50,000~~] **\$200,000** **\$350,000** for the [remodeling] **ADDITION TO OR RENOVATION**, restoration, or construction of **STUDENT-OCCUPIED SPACES IN** a school building **OR ON ITS GROUNDS**.

4-115.

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

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

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

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

(I) COSTS MORE THAN ~~\$1,000,000~~ \$1,250,000;

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

(III) CONFORMS TO THE BYLAWS, RULES, AND REGULATIONS OF THE STATE BOARD.

4-126.

(e) (3) (i) Projects that use alternative financing methods under this section and receive State funding shall comply with the following requirements:

2. Except as provided in subparagraph (ii) of this paragraph, the maximum State [construction allocation] **AWARD** for each project approved for State funding;

5-303.

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

(xiii) Methods of payments made by the State under the Public School Construction Program; ~~and~~

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

~~(xv) ELIGIBILITY FOR STATE FUNDING FOR CONSTRUCTION PROJECTS AND SYSTEMIC RENOVATION PROJECTS.~~

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

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

(j) (4) On or before [March 30] **FEBRUARY 28**, [June 30] **MAY 31**, [September 30] **AUGUST 31**, and [December 31 of] **NOVEMBER 30** each year, the Interagency Commission shall report to the General Assembly, in accordance with § 2-1257 of the State Government Article, and the Department of Legislative Services on the balance in the fund as of the [reporting date] **LAST DAY OF THE IMMEDIATELY PRECEDING QUARTER** as the result of transfers or reversions required under this subsection and any expenditures.

5-304.

(b) (1) Before May 1 [of] each year, the Interagency Commission may not approve public school construction projects that comprise more than 75% of the preliminary

school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

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

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

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

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

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

(4) (I) ON OR BEFORE NOVEMBER 30 EACH YEAR, THE INTERAGENCY COMMISSION SHALL PROVIDE TO EACH COUNTY BOARD AND EACH LOCAL GOVERNING BODY A REPORT CONTAINING THE FOLLOWING INFORMATION FOR EACH PROJECT THAT A LOCAL EDUCATION AGENCY HAS REQUESTED FOR STATE FUNDING IN THE CAPITAL BUDGET BILL:

1. THE STATUS OF THE REQUEST; AND

2. IF AVAILABLE, THE MAXIMUM STATE AWARD ESTIMATED OR ADOPTED BY THE INTERAGENCY COMMISSION.

(II) ON OR BEFORE DECEMBER 31 AND JANUARY 31 EACH YEAR, THE INTERAGENCY COMMISSION SHALL PROVIDE TO EACH COUNTY BOARD AND EACH LOCAL GOVERNING BODY A REPORT CONTAINING THE FOLLOWING INFORMATION FOR EACH PROJECT THAT A LOCAL EDUCATION AGENCY HAS REQUESTED FOR STATE FUNDING IN THE CAPITAL BUDGET BILL:

1. THE STATUS OF THE REQUEST;**2. IF AVAILABLE, THE MAXIMUM STATE AWARD ESTIMATED OR ADOPTED BY THE INTERAGENCY COMMISSION; AND****3. THE PROJECTED 100% CAPITAL AWARD.**

5-308.

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

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

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

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

(4) Is being used for local governmental purposes other than public education; provided, however, that if a former school building is sold by a county government the State shall be reimbursed for outstanding debt service, and if more than 10 percent of usable space within a former school is rented for an amount exceeding the cost of operating and maintaining such space, such rental profit shall be used toward retiring outstanding bonded indebtedness.

(b) Subject to subsection (c) of this section, this State shall require reimbursement of outstanding debt service from a county for a school that:

(1) Was constructed under this subtitle;

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

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

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

(5) Is being used for local governmental purposes by the State or a county or by any instrumentality of the State or county other than public education; and

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

5-310.

(b) (1) (i) Each fiscal year, the Interagency Commission shall [survey the condition of] **CONDUCT A MAINTENANCE EFFECTIVENESS ASSESSMENT ON** school buildings identified by the Department.

(ii) The Interagency Commission shall include in the [inspections] **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:

A. Report each year to the Interagency Commission on any deficiencies in a school building, even if the school building was not inspected in accordance with paragraph (2) of this subsection in the prior year;

B. Identify spaces in a school building likely to have been painted with lead paint; and

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

2. A] A process to incorporate maintenance data for individual school buildings.

(2) (i) The Interagency Commission shall conduct [the inspections] **A STATEWIDE FACILITIES ASSESSMENT** of individual school buildings [that are necessary to complete the survey required in paragraph (1) of this subsection].

(ii) **THE INTERAGENCY COMMISSION SHALL INCLUDE IN THE ASSESSMENT OF INDIVIDUAL SCHOOL BUILDINGS A PROCESS FOR A LOCAL EDUCATION AGENCY TO REPORT, AT LEAST ONCE EVERY 4 YEARS IN ACCORDANCE WITH A SCHEDULE DEVELOPED BY THE INTERAGENCY COMMISSION, ADDITIONAL INFORMATION THAT IS RELEVANT TO THE ASSESSMENT, INCLUDING A PLACE IN THE MASTER FACILITY ASSET LIBRARY SYSTEM FOR THE LOCAL EDUCATION AGENCY TO:**

1. REPORT ~~EACH YEAR~~, IN ACCORDANCE WITH THE SCHEDULE DEVELOPED BY THE INTERAGENCY COMMISSION, TO THE INTERAGENCY COMMISSION ON DEFICIENCIES IN A SCHOOL BUILDING, EVEN IF AN ASSESSMENT OF THE SCHOOL BUILDING WAS NOT COMPLETED IN ACCORDANCE WITH THIS PARAGRAPH IN THE IMMEDIATELY PRECEDING YEAR;

2. IDENTIFY SPACES IN A SCHOOL BUILDING LIKELY TO HAVE BEEN PAINTED WITH LEAD PAINT; AND

3. REPORT CERTIFICATION OF THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT PLAN FOR THE SPACE.

(III) The [inspections completed under paragraph (1) of this subsection] **STATEWIDE FACILITIES ASSESSMENT** shall include **DATA PROVIDED BY LOCAL EDUCATION AGENCIES, AT LEAST ONCE EVERY 4 YEARS IN ACCORDANCE WITH THE SCHEDULE DEVELOPED BY THE INTERAGENCY COMMISSION**, ON the following items for each school building:

1. Temperature;
2. Humidity;
3. Carbon dioxide level;
4. Acoustic levels;
5. Lead paint;
6. Asbestos;
7. Kitchen sanitary equipment;
8. Lighting;
9. Emergency communication system, with respect to remaining useful life;
10. Health room attributes;
11. Safety equipment in each laboratory space; and
12. The functionality of:
 - A. Heating, ventilation, and air-conditioning building systems;
 - B. Life safety building systems;
 - C. Roofs; and

D. Any additional critical building systems identified by the Interagency Commission.

~~[(iii)]~~ **(IV)** During an inspection **CONDUCTED AS A PART OF THE STATEWIDE FACILITIES ASSESSMENT**, if an item under subparagraph ~~[(ii)1]~~ **(III)1** through 6 of this paragraph rises to such a severe level that requires the school to be closed, the local education agency shall submit a plan to the Interagency Commission on how to address the issue and the Interagency Commission shall work to prioritize funding to address the issue.

(3) ~~[The]~~ **ON OR BEFORE OCTOBER 1 EACH YEAR, THE** Interagency Commission shall report to the Governor and, **IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE**, the General Assembly~~[, on or before October 1 of each year, in accordance with § 2-1257 of the State Government Article,]~~ on the results of the ~~[survey]~~ **MAINTENANCE EFFECTIVENESS ASSESSMENT** for the ~~[prior]~~ **IMMEDIATELY PRECEDING** fiscal year.

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

5-314.

(a) **(1)** Notwithstanding § 2-303(f) of this article, the process for the review and approval of public school construction projects shall be in accordance with the provisions of this section.

(2) THIS SECTION APPLIES ONLY TO CONSTRUCTION PROJECTS AND SYSTEMIC RENOVATION PROJECTS THAT COST MORE THAN \$1,250,000 AND:

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

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

~~2. FOR,~~ **OR FOR** WHICH A LOCAL EDUCATION AGENCY WILL BE REQUESTING STATE FUNDING; **OR**

(II) THAT REPLACE OR ~~CHANGE~~ MAKE CHANGES TO A HEATING, VENTILATION, OR AIR-CONDITIONING SYSTEM THAT ARE NOT LIKE-FOR-LIKE REPLACEMENTS OF SYSTEM COMPONENTS.

(3) AT LEAST ONCE EVERY 4 YEARS, THE INTERAGENCY COMMISSION SHALL REVIEW THE COST THRESHOLD AMOUNT UNDER PARAGRAPH (2) OF THIS SUBSECTION.

(b) (1) Except as provided in subsection (e) of this section, educational specifications and schematic designs for [major] APPLICABLE construction projects **THAT WILL AFFECT THE PLAN CONFIGURATION OF STUDENT-OCCUPIED SPACES IN A SCHOOL BUILDING OR ON ITS GROUNDS** are required to:

(i) Be reviewed by the Interagency Commission; and

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

(2) To provide efficiency within the process, the Department and the Interagency Commission shall consider altering the review and approval process required under paragraph (1) of this subsection, including a rolling deadline for submission of documents, with schematic designs submitted following the completion of the educational specifications review.

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

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

(ii) Approved by the Interagency Commission.

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

(3) Local education agencies shall maintain contingency funds for each approved project to address unanticipated construction costs above the State allocation.

(d) (1) Except as provided in subsection (e) of this section, design and construction documents for [major] APPLICABLE construction projects and systemic renovation projects are required to be:

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

(ii) Approved by the Interagency Commission.

(2) The Department of General Services and the Interagency Commission, in consultation with local education agencies, shall develop a timeline for submission, review, and approval of design and construction documents.

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

5-325.

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

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

Approved by the Governor, May 26, 2026.