MABE
MARYLAND ASSOCIATION OF BOARDS OF EDUCATION

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BILL: **House Bill 1295**
TITLE: **Public School Construction – School District Energy Use – Policy and Study**
DATE: **March 10, 2020**
POSITION: **OPPOSE**
COMMITTEE: **Appropriations Committee**
CONTACT: **John R. Woolums, Esq.**

The Maryland Association of Boards of Education (MABE) opposes House Bill 1295. MABE recognizes the bill's intent to promote increased efficiencies and energy cost savings in the operation of school facilities. However, MABE opposes the strict prohibition on eligibility for state funding for school construction and renovation projects.

For MABE and Maryland's 24 local school boards, the mission to provide all of Maryland's students with high performing school facilities conducive to learning is a top priority. The Maryland Constitution requires that the State provide a "thorough and efficient" system of public education; and MABE believes that this includes the duty to equitably provide safe, high quality school facilities in which all students can learn.

In the 2020 session, MABE's top school facility funding and policy priorities are the passage of the Built to Learn Act and a capital budget that includes a state funding level of at least $400 million for school construction and renovation projects for FY 2021 to provide the State's share of approved projects to build, renovate, and improve schools. In this context, MABE is not supporting other major reforms to the school construction program beyond those already included in the Built to Learn Act.

MABE assures the legislature that Maryland has long placed emphasis on building and renovating schools which are energy efficient and utilize principles of sustainable design. In 2004, the Public School Construction Program was directed by the General Assembly to "develop design guidelines and provide financial incentives, such as supplemental design funds or additional construction funding, for school construction projects that use innovative building techniques or include energy conservation, sustainable building, or green architecture design features."

Similarly, school construction projects must be designed "in a manner which will minimize the initial construction cost to the State and the consumption of energy resources used in the operation and maintenance of the building." More specifically, school systems must conduct a life cycle cost analysis regarding energy conservation which requires submission of four alternative mechanical systems at the design development phase; one of which must use a geothermal ground source heating and cooling system.

In 2008, the General Assembly enacted the High Performance Buildings Act, which required new or renovated state buildings and new school facilities to satisfy the following standards:

- The building must meet or exceed the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) criteria for a silver rating; or
- The building must achieve a comparable numeric rating according to a nationally recognized, accepted, and appropriate standard approved by the Department of Budget and Management and the Department of General Services.

MABE supported Senate Bill 245, enacted in 2013, as a reasonable addition to the array of energy efficient and sustainable, or “green”, design standards applying to the construction and renovation of Maryland’s public schools. This legislation required regulations to ensure that the design development documents submitted by local boards of education to the Interagency Committee on School Construction (IAC) for the construction or major renovation of a public school building include an evaluation of the use of solar technology, including photovoltaic or solar water heating, based on life-cycle costs. If an evaluation determines that solar technology is not appropriate for a specific school construction or major renovation project, the local board must submit a report explaining why it is not appropriate.

The State also created a solar energy grant program in statute, under §5–318 of the Education Article, to promote the use of solar energy systems to generate electricity in public school buildings. In these ways, Maryland has adopted statutory and regulatory efforts to ensure the pursuit of energy efficient school facilities.

Maryland has an outstanding public school construction program that has achieved a remarkable degree of equity and excellence across the diverse landscape of Maryland’s 24 local school systems. And yet, MABE recognizes that continuous improvement must be promoted and pursued in order to incorporate new best practices and optimize what are always limited, and therefore inadequate, state and local resources. This is why we are supporting the Built to Learn Act and look forward to future discussions on other funding and policy initiatives such as those proposed in this bill, following passage off the landmark Built to Learn Act.

For these reasons, MABE requests an unfavorable report on House Bill 1295.