



BILL: HB1290 **DATE:** March 1, 2022

SUBJECT: Education - Public School **COMMITTEE:** Appropriations
Construction - Funding and
Administration

POSITION: Information Only

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EXPLANATION:

The Interagency Commission on School Construction (IAC) is providing information for consideration regarding HB1290 Education - Public School Construction - Funding and Administration, which requires the IAC to adjust the State share for certain construction projects, sets criteria for the Integrated Master Facility Asset Library (IMFAL), and restricts the use of the facility assessment data.

There are a few provisions of the bill that the IAC thinks may benefit from some additional context and analysis. First, as it relates to the Statewide Facilities Assessment (SFA), the IAC agrees that it is necessary and appropriate to collect the information required in the bill, including temperature, humidity, mold, lead paint, asbestos, lighting, etc. However, language in the bill that requires the IAC to “inspect” each of these conditions is concerning, as a true inspection of each of these aspects would require on site monitors to watch conditions over time because conditions vary depending on weather, climate, occupancy of the building, and other factors. This kind of inspection could not be completed in a single site visit and would require more coordination, equipment, and funding from the State to complete than current or expected resources can support. As an alternative, the IAC recommends putting a clear and specific reporting mechanism in place for LEAs to monitor their own facilities and report issues to the IAC, so the IAC can then conduct further investigation as warranted and if issues are not maintenance related, then record into the SFA according to building systems deficiencies.

Second, another proposed provision prohibits the IAC from making a deduction to eligible enrollment based upon available seats at adjacent schools where the available seat count is less than 15% of the adjacent school’s enrollment. The IAC absolutely agrees that it is sensible and fair to only consider adjacent schools' available capacity in the event that it is significant enough to justify adjusting attendance zones, but also cautions that the proposed threshold fails to consider the impact and efficiency of the entire adjacent portfolio. Adjustment of attendance zones is an effort that can and should be undertaken for multiple adjacent schools at the same time. For this reason, and to avoid the substantial ongoing costs of owning additional unnecessary space – costs that consume funds that could be used instead for teachers, textbooks, and other critical education needs – the IAC recommends considering a threshold of the sum of adjacent school capacity as a percentage of the subject school’s design capacity. This can be established first as IAC policy and when verified through application, become COMAR.



Third, the various project specific incentives that increase the State Cost share, including net zero, may not provide much of an incentive because of the already very high State cost share for many of the State's facilities. The maintenance incentive, in particular, appears to have eligibility criteria that captures far too many facilities to truly incentivize a change in maintenance practices. In FY 2021, 268 schools were assessed. Of those, 2 (0.7%) were rated superior, 61 (22.7%) were rated good, and 131 (48.9%) were rated adequate. If a similar spread is assumed in future years, then around one-quarter of school facilities could be eligible for this incentive based on MEA score alone, and another half could be eligible when combined with the average system expected life. In an analysis of the current number of schools that have an average system life that exceeds the average system expected life, the IAC found the following:

Total Schools	1,383
Count above 100%	1,199
Count above 110%	881
Count above Average	658
Count above 120%	498
Average Percentage Over/Under Expected Lifespans	116.11%

Finally, the proposed legislation recommends delaying use of the assessment data in funding decisions and the implementation of the priority fund until FY 2027. IAC staff understand hesitation around data use after a series of categorization issues and other presentation errors were identified in the data vetting process. However, the IAC has full confidence in the root data collected and affirms that it is technically ready for use immediately, and will be fully vetted with stakeholder confidence by the original use date of FY 2025. The IAC would be happy to present the data to any interested legislator or stakeholder and urges the General Assembly to consider allowing use of this data for FY 2025 funding allocations in order to begin improving conditions for every child in every public school as soon as possible.

We respectfully request that you consider this information as you deliberate HB1290. Thank you for your support as the IAC works to achieve its mission to achieve a safe, healthy, and educationally sufficient learning environment for every child attending a public school in Maryland. For further information, please contact Bob Gorrell at 410-767-0610 or robert.gorrell@maryland.gov.