

**HB1290-BT\_MACo\_SUP.pdf**

Uploaded by: Brianna January

Position: FAV



## House Bill 1290

### *Education - Public School Construction - Funding and Administration*

MACo Position: **SUPPORT**

To: Budget and Taxation Committee

Date: March 29, 2022

From: Brianna January

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1290. This bill establishes a series of policies to guide future school construction and capital projects as Maryland moves into implementation of the landmark education legislation The Blueprint for Maryland's Future and Built to Learn Act. The bill also addresses some major concerns of local governments about the funding and state/local share of said projects.

This bill represents the hard work of the Workgroup on the Assessment and Funding of School Facilities, on which counties were pleased to participate. The recommendations of that workgroup, which have become the foundation for the policy suggestions of HB 1290, reasonably balance the needs of local governments to build and maintain safe, long-lasting school facilities and manage fiscal responsibility.

Counties are particularly pleased with the bill's state add-on incentives regarding total cost of ownership, net zero projects, and aid to school projects with high concentrations of poverty. Counties are also enthusiastic about HB 1290's establishment and implementation of the Local Revolving Loan Fund, to allow low-debt capacity counties to forward fund state and local funding for capital school projects. Notably, Frederick County Executive and former MACo President Jan Gardner helped inform and guide the interim workgroup's recommendations for the loan program and ensured that its terms were favorable for the diverse fiscal needs and realities of Maryland's 24 jurisdictions.

The House adopted technical and clarifying amendments that further implement the intentions of the interim work group. Counties were pleased to participate on the interim Workgroup on the Assessment and Funding of School Facilities. HB 1290 represents the hard work of that group to ensure equitable policies to guide school construction under The Blueprint for Maryland's Future and Built to Learn Act implementation. For these reasons, MACo **SUPPORTS** HB 1290 and urges a **FAVORABLE** report.

# **Copy of HB1290-Public School Construction-Budget&T**

Uploaded by: Diana Younts

Position: FAV



**Committee: Budget & Tax**

**Testimony on: HB1290 - Education-Public School Construction - Funding and Administration**

**Organization: MLC Climate Justice Wing**

**Submitting: Diana Younts, Co-Chair**

**Position: Favorable**

**Hearing Date: March 29, 2022**

Dear Mr. Chairman and Committee Members:

Thank you for allowing our testimony today in support of HB1290. The MLC Climate Justice Wing, a statewide coalition of over 50 grassroots and professional organizations, urges you to vote favorably on this bill.

This bill furthers the work of the Built to Learn Act and advances equity and environmental justice goals for disadvantaged communities by increasing state matching funds for important improvements for school construction, major renovations, and maintenance; and for building new schools to be net-zero (i.e., schools that produce more electricity than they use), and imposes monitoring and reporting requirements on the Interagency Committee on School Construction (IAC). The bill:

- Increases the State share by 10% for schools with a high concentration of poverty (and by 5% for schools with a somewhat lower concentration of poverty) for construction and renovation projects;
- Increases By 5% the State share for construction of net-zero schools (i.e., schools that produce at least as much electricity as they use);
- Provides incentives for schools to be well-maintained; and
- Requires the IAC to annually inspect and report schools for health & safety issues, including lead paint, asbestos hazards, air quality (including carbon dioxide pollutants), comfort and sanitary issues, emergency communication equipment, and functionality of the schools operating infrastructure.

Currently, too many of Maryland's students and educators are burdened with inadequate and outdated public school buildings, which causes disproportionate harm to Black and Brown school children. Baltimore City has a childhood asthma rate at double the national average which significantly boosts absenteeism among students. This issue is compounded by the vicious combination of warming temperatures and poor school infrastructure — 35 Baltimore City schools closed at one point recently because their air conditioning was insufficient to deal with heat waves. These schools, and others in the state, need the help that HB1290 offers.

It is also important that the bill extends help in funding net-zero new schools. Buildings in Maryland are 40% of Maryland's greenhouse gas emissions and Maryland's 1400 schools need to be part of the solution to reaching Maryland's climate goals. As demonstrated by the three new net-zero schools in Maryland (two in Baltimore City and one in Howard County), net-zero and net-zero ready schools cost no more than conventional schools to build and because they produce the same or more energy than they use, they are substantially cheaper to operate. Further, net-zero and net-zero ready schools offer so much more than cost savings. The improved ventilation and air quality are known to improve student mood, alertness and health. The increased funding for new net-zero schools provided in HB1290 more than offsets any potential extra cost for the installation of the solar panels themselves and provides an important incentive for schools to research and act on this option. Further, by building net-zero now, we will be reducing operating costs for those schools and we will be insulating the schools from the projected dramatic increase in gas delivery rates. The MCCC (Maryland Commission on Climate Change) has projected that as we transition to cleaner buildings, gas delivery rates will increase 2 to 5 times over what they are now. See MCCC [Building Energy Transition Plan](#). And of course, current events are showing that gas rates are already rising.

We owe it to our children to educate them in clean, healthy, and environmentally sustainable buildings. Other pending bills this session on school energy systems (HB365), making our universities and colleges carbon neutral (SB471/HB729), school composting (HB150/SB124, HB566), and replacing diesel school buses with electric (HB696/SB528) are exciting and important steps forward. We should all support this legislation to make our children's future brighter.

For these reasons, we request a FAVORABLE report for HB1290.

**MLC Climate Justice Wing:**

Assateague Coastal Trust

Maryland Legislative Coalition

MD Campaign for Environmental Human Rights  
Chesapeake Climate Action Network  
WISE  
Frack Free Frostburg  
Mountain Maryland Movement  
Clean Water Action  
Howard County Indivisible  
Howard County Sierra Club  
Columbia Association Climate change and sustainability advisory committee  
HoCo Climate Action  
CHEER  
Climate XChange - Maryland  
Mid-Atlantic Field Representative/  
National Parks Conservation Association  
350 Montgomery County  
Glen Echo Heights Mobilization  
The Climate Mobilization Montgomery County  
Montgomery County Faith Alliance for Climate Solutions  
Montgomery Countryside Alliance  
Takoma Park Mobilization Environment Committee  
Audubon Naturalist Society  
Cedar Lane Unitarian Universalist Church  
Environmental Justice Ministry  
Coalition For Smarter Growth  
DoTheMostGood Montgomery County  
MCPS Clean Energy Campaign  
MoCo DCC  
Potomac Conservancy  
Casa de Maryland  
Nuclear Information & Resource Service  
Clean Air Prince Georges  
Laurel Resist  
Greenbelt Climate Action Network  
Unitarian Universalist Legislative Ministry of Maryland  
Concerned Citizens Against Industrial Cafos  
Wicomico NAACP

Chesapeake Physicians for Social Responsibility  
Chispa MD  
Climate Law & Policy Project  
Maryland Poor Peoples Campaign  
Labor for Sustainability  
The Nature Conservancy  
Clean Air Prince Georges  
350 Baltimore  
Maryland Environmental Health Network  
Climate Stewards of Greater Annapolis  
Talbot Rising  
Adat Shalom Climate Action  
Chesapeake Earth Holders  
Climate Parents of Prince Georges  
Echotopia  
Maryland NAACP State Conference,  
Environmental Justice Committee

**HB1290\_CEGardner\_fav.pdf**

Uploaded by: Jan Gardner

Position: FAV



**JAN H. GARDNER**  
**Frederick County**  
**Executive**

**HB 1290**

**Education – Public School  
Construction – Funding and  
Administration**

**County Position: FAVORABLE**

Date: March 29, 2022  
Committee: Budget & Taxation

Frederick County Executive Jan Gardner urges your **SUPPORT** for House Bill 1290 – Education – Public School Construction – Funding and Administration.

School facilities should provide an optimal environment for teaching and learning. Adequate and safe school facilities support the State’s commitment to a K-12 public school system that provides excellence, access and opportunity for every Maryland student and compliment the goals of the Blueprint for Maryland’s Future. A robust and responsive public school construction program is a priority for all of us.

County Executive Gardner supports the provisions in the proposed legislation that:

- Reflects the recommendations of the Workgroup on the Assessment and Funding of School Facilities which was established based on recommendations of the Knott Commission;
- Provides incentives for school construction projects meeting certain established criteria, including having a high percentage of students receiving free or reduced-priced meals, receiving good maintenance ratings, or constructing “net-zero” buildings;
- Establishes a revolving loan fund which will help local jurisdictions forward-fund the State’s share and, in some instances the local share, of school construction projects that may otherwise be deferred because of a local jurisdiction’s limited debt capacity; and
- Ensures an environment in which all students can learn and supports the goals of the Blueprint for Maryland’s Future.

Frederick County Executive Gardner urges a **FAVORABLE** report for House Bill 1290.



**BaltimoreCounty\_FAV\_HB1290.pdf**

Uploaded by: Joel Beller

Position: FAV



JOHN A. OLSZEWSKI, JR.  
*County Executive*

JOEL N. BELLER  
*Acting Director of Government Affairs*

JOSHUA M. GREENBERG  
*Associate Director of Government Affairs*

MIA R. GOGEL  
*Associate Director of Government Affairs*

**BILL NO.:**            **House Bill 1290**

**TITLE:**              Education - Public School Construction - Funding and Administration

**SPONSOR:**         Delegate McIntosh

**COMMITTEE:**      Budget and Taxation

**POSITION:**        **SUPPORT**

**DATE:**              March 29, 2022

Baltimore County **SUPPORTS** House Bill 1290 – Education - Public School Construction - Funding and Administration. This legislation directs funding from enhanced Built to Learn school construction funds to be distributed by the Interagency Commission on School Construction (IAC).

Since taking office, County Executive Johnny Olszewski Jr. has advocated for and provided historic investments in school construction. These types of investments are immediately needed as the County has the third largest and third oldest school stock in the State of Maryland. Last year, the Maryland General Assembly ensured the passage of the landmark Built to Learn Act, a first-of-its-kind investment in Maryland’s school infrastructure and a historic investment in students across the State.

House Bill 1290 ensures that Built to Learn funding is disseminated in a manner that achieves the many and varied school construction goals held by local jurisdictions throughout the State. This legislation would increase the State’s share of funding for low-income schools, enhance the IAC’s inspection process to include numerous life-saving provisions for student health, and introduce an equitable process for the distribution of additional Built to Learn dollars. With a potential additional provision allowing unused State school construction funding to go directly back into Built to Learn funds, this bill would ensure that Maryland’s schools will once again be a model for educational agencies across the world.

Accordingly, Baltimore County requests a **FAVORABLE** report on HB 1290. For more information, please contact Joel Beller, Acting Director of Government Affairs at [jbeller@baltimorecountymd.gov](mailto:jbeller@baltimorecountymd.gov).

# **HB 1290.School Construction Funding and Admin - SE**

Uploaded by: John Woolums

Position: FAV

**BILL:** House Bill 1290  
**TITLE:** Education - Public School Construction - Funding and Administration  
**POSITION:** SUPPORT WITH AMENDMENTS  
**DATE:** March 29, 2022  
**COMMITTEE:** Budget and Taxation  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 1290, which would enact several meaningful reforms to the administration and financing of Maryland’s public school construction program. MABE’s top priorities for the 2022 legislative session relating to school facilities, include:

- ✓ Support for a state funding level of at least \$400 million for school construction and renovation projects for FY 2023 to provide the State’s share of approved projects to build, renovate, and improve schools;
- ✓ Support for continued funding and implementation of the Built to Learn Act and its \$2 billion school construction program financed through the Maryland Stadium Authority; and
- ✓ Support for continued funding of projects to improve the health and safety of school facilities.

House Bill 1290 is aligned with MABE’s legislative priorities, including the \$450 million baseline amount for annual investments in the State Capital Improvement Program (CIP) for school construction, renovation, and systemic projects in order to maintain a relatively stable number of funded projects in the CIP. Local boards have long understood that the conditions of classrooms and the physical amenities of our schools are integrally related to reforms and increased funding for operations. Today, Maryland is benefitting from the parallel launches of the Blueprint for Maryland’s Future Act and the Built to Learn Act, landmark initiatives that demonstrate the State’s commitment to educational excellence.

MABE is joining local school systems in requesting amendments to strike lines 14-19 on page 8, in order to remove the provision which would impose confusing and counter-productive requirements regarding the role that underutilized space in adjacent schools should play in determining the size and capacity of a new school. Other clarifying amendments are being requested regarding the scope of projects available for financing through the revolving loan fund.

Maryland is poised to dramatically increase demands for State and local investments in school construction. First among these demands is for new and expanded elementary school facilities required to meet the demands of providing full-day prekindergarten to income-eligible 3-year-olds and 4-year-olds. Another Blueprint related program initiative impacting school construction is the need for technical high schools to meet student and community needs for high quality career and technical education for many more students than currently enroll in these programs. In addition, MABE anticipates the adoption of enhanced high performance building design and construction standards.

Local boards recognize the value of a high-quality state assessments of the condition and critical needs of each school facility in which teaching and learning occur. Such assessments should provide the comprehensive data to inform decision-making in each local school system, for each local government, and for the Governor and legislature as funding priorities are adopted.

Therefore, MABE endorses the comprehensive approach taken in House Bill 1290 to identify the many building attributes to needing to be assessed. House Bill 1290 reflects the work of the Workgroup on the Assessment and Funding of School Facilities, and MABE appreciates the opportunity to participate in the collaborative analysis and identification of areas for improvement in State and local school construction policies and financing systems. House Bill 1290 includes key provisions which MABE believes will advance the State's commitment to investing in high quality school facilities and learning environments for all students.

For these reasons, MABE requests a favorable report on House Bill 1290 with the amendments requested by local school systems and described above.

# **HB1290 for Sentate - Public School Construction –**

Uploaded by: Joseph Jakuta

Position: FAV

**Committee: Budget & Taxation**

**Testimony on: HB 1290 - "Public School Construction – Funding and Administration"**

**Organization: Climate Parents of Prince George's**

**Person Submitting: Joseph Jakuta, Lead Volunteer**

**Position: Favorable**

**Hearing Date: March 29, 2022**



Dear Mr. Chairman and Committee Members:

Thank you for considering our testimony in support of HB 1290, which concerns Public School Construction – Funding and Administration. Climate Parents is a campaign to reduce climate change causing pollution in our schools and our group is active in Prince George's County. In particular, we are currently working directly with Prince George's County Public Schools (PGCPS) technical staff and other advocates to develop a Climate Action Plan for PGCPS.

There are a good number of provisions in this bill that are quite valuable, but we wish to focus on the additional match funds for net-zero schools, since that is our area of expertise and advocacy.

In a 2019 Report from the US Green Building Council that looked at net-zero buildings in a northeastern state, a variety of different buildings were examined, but most germane to HB 1290, schools.<sup>1</sup> The study looked at a life cycle cost analysis of schools. This study assumed an upfront cost of \$365/GSF based on an existing net-zero school, which is slightly higher than \$320/GSF, which is what the net-zero Wilde Lake was constructed for. Despite the upfront costs, the energy use at the net-zero school decreased by 45%, and they projected that net-zero schools would break-even after 13-16 years with a 3-9% decrease in the total cost of ownership over 30 years. This is proof that wise upfront costs pay dividends to the taxpayer and should be encouraged through increased funding.

But is this transferable to Maryland? PGCPS has shown that nearly fossil fuel free schools are not just possible, but are often the best decision financially. PGCPS is relying on a new financing model for six new schools. Of these six schools five will be heated and cooled using geothermal systems rather than fossil fuel, and geothermal was chosen because it was the option that made the most economic sense in light of the 30 year total cost of ownership calculations required by the IAC. It is not just alternatively financed schools where this is possible, PGCPS constructed six elementary schools, one middle school, and one high school with geothermal heating using conventional financing.

However, while PGCPS has shown that fossil fuel free heating and cooling is economical, when it comes to the other side of net-zero, the installation of solar panels, the upfront costs become a bit prohibitive. They have found success installing solar when additional grant funding is available, but it is more often than not that grant funding cannot be found, which leaves potential net-zero schools lacking solar power. By providing an additional 5% in funding for net-zero schools this could allow for additional upfront costs to be surmountable.

While we have focused on the additional funding for net-zero schools, the other provisions proposed under § 5-303 (k)(3) will go to benefit communities that have been historically disadvantaged in terms of receiving new or rebuilt schools. These buildings often have intractable problems with mold and lead and are often the biggest

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<sup>1</sup> US Green Building Council. "Zero Emissions Buildings in Massachusetts: Saving Money from the Start" <https://builtenvironmentplus.org/wp-content/uploads/2019/09/ZeroEnergyBldgMA2019.pdf>

wasters of energy too. These provisions will be beneficial to correct for injustices that have plagued school capital project decisions in Maryland.

Every Maryland child needs access to a healthy learning environment and shouldn't have to mortgage their futures so that we don't have to move to the more cost effective technologies of the future. HB 1290 goes a long way to reduce multiple problems facing our schools and our children will thank you for this work.

We encourage a **FAVORABLE** report for this important legislation.



**HB 1290 - MoCo\_Elrich\_FAV (Senate)(GA 22).pdf**

Uploaded by: Marc Elrich

Position: FAV



OFFICE OF THE COUNTY EXECUTIVE

Marc Elrich  
County Executive

March 29, 2022

TO: The Honorable Guy Guzzone  
Chair, Budget and Taxation Committee

FROM: Marc Elrich  
County Executive

RE: House Bill 1290, *Education – Public School Construction – Funding and Administration*  
Support

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I am writing in support of House Bill 1290, *Education – Public School Construction – Funding and Administration*, which reflects the statutory changes to the State school construction program that were recommended by the Maryland General Assembly’s Workgroup on the Assessment and Funding of School Facilities. Montgomery County was pleased to have two representatives from its State Delegation serve on the Workgroup – Senator Nancy King and Delegate Marc Korman.

The School Facilities Workgroup meetings were followed closely by the members of an internal County workgroup that was created over the summer to pursue why State financial participation in Montgomery County Public Schools (MCPS) construction projects was so low. While Montgomery County is among those counties that by formula receives State support for 50% of a project’s eligible costs, the State support was only averaging about 20%. It had become increasingly important to better understand this dynamic since the County’s budget staff was finding it difficult to identify the matching funds required to access *Built to Learn* school construction funds. Thus, the County workgroup was tasked with identifying possible modifications to State policies and/or MCPS practices that may increase school construction aid to MCPS.

The County workgroup completed its work at about the same time as the School Facilities Workgroup and some of the recommendations turned out to be similar. In particular, the changes recommended by the School Facilities Workgroup that allow for “add-ons” to the State share percentages and the calculation of enrollment at schools adjacent to a project are meaningful. Coupled with the requirement that gross area baselines be recalculated to better align with the programmatic standards and requirements reflected in the *Blueprint*, House Bill 1290 will certainly make a positive difference for Montgomery County, and I would assume other counties as well. Therefore, I urge the Committee to act favorably on the bill.

cc: Members of the Budget and Taxation Committee

**HB1290-BT-FAV.pdf**

Uploaded by: Natasha Mehu

Position: FAV



**BRANDON M. SCOTT**  
MAYOR

*Office of Government Relations  
88 State Circle  
Annapolis, Maryland 21401*

**HB 1290**

March 29, 2022

**TO:** Members of the Senate Budget and Transportation Committee

**FROM:** Natasha Mehu, Director, Office of Government Relations

**RE:** HB 1290 - Education – Public School Construction – Funding and Administration

**POSITION: SUPPORT**

Chair Guzzone, Vice Chair Rosapepe, and Members of the Committee, please be advised that the Baltimore City Administration (BCA) **supports** House Bill (HB) 1290.

HB 1290 increases the State’s share of school construction costs up to 10% based on Concentration of Poverty Program (CPP) thresholds established under the Blueprint for Maryland’s Future. House Bill 1290 further increases the State’s share of school construction costs by 5.0% if the proposed project is a net-zero school. The bill includes at least \$40 million in fiscal 2023 for the School Construction Revolving Loan Fund and requires the IAC to prioritize loans to counties that have (1) not advanced funding in the Public School Construction Program; and (2) limited debt capacity.

Increasing the State’s share of school construction costs based on the Concentration of Poverty Program would benefit Baltimore City. CPP is a key component of the Blueprint and provides grants directly to schools with at least 55% of students eligible for free and reduced-price meals for a full-time community school coordinator and in-school health care coverage for students. CPP provides per-pupil funds, in addition to compensatory education funds for wraparound services including before- and after-school academic programs and enrichment activities.

HB 1290 will increase the State’s share of school construction costs on a sliding scale and provide critical capital improvement funds for targeted Baltimore City schools that are most in need. The General Assembly has prioritized educational equity for traditionally underserved communities. This will greatly benefit Baltimore City Schools, our students, and our community.

For these reasons, we respectfully request a **favorable** report on HB 1290.

*Annapolis – phone: 410.269.0207 • fax: 410.269.6785  
Baltimore – phone: 410.396.3497 • fax: 410.396.5136  
<https://mogr.baltimorecity.gov/>*

# **GHHI Written Testimony - HB1290 - Senate BT Commit**

Uploaded by: Ruth Ann Norton

Position: FAV



2714 Hudson Street  
Baltimore, MD 21224-4716  
P: 410-534-6447  
F: 410-534-6475  
[www.ghhi.org](http://www.ghhi.org)

March 29, 2022

Senator Guy Guzzone, Chair  
Senate Budget and Taxation Committee  
Miller Senate Office Building  
3 West  
Annapolis, Maryland 21401

Re: **FAVORABLE** – HB1290 – Public School Construction – Funding and Administration

Dear Chairman Guzzone and Members of the Committee:

The Green & Healthy Homes Initiative (GHHI) is the nation's largest healthy homes organization, dedicated to addressing the social determinants of health and advancing racial and health equity through the creation of healthy, safe, and energy efficient homes. By delivering a standard of excellence, GHHI aims to eradicate the negative health impacts of unhealthy housing and unjust policies for children, seniors, and families to ensure better health, economic, and social outcomes with an emphasis on black and brown and low-income communities. The Green & Healthy Homes Initiative has been on the frontline of holistic healthy housing in Maryland for over thirty years.

For decades, lead poisoning has been a leading contributor to learning disabilities, speech development problems, loss of IQ, attention deficit disorder and aggressive behavior, which results in poor school performance and increased school drop-out rates. Millions of dollars are spent on special education and juvenile justice costs in Maryland to combat the effects of lead poisoning, and thousands of children enter our public school systems with impediments to their development, unable to achieve academically at the rate of their classmates.

Lead is a toxic substance that can accumulate in the body over time and our youngest school age children are most at risk. The CDC states that young children are the greatest at risk of absorbing lead from their environments and research shows that lead in paint, soil and dust is a significant source of exposure for this age group. We must ensure that lead's harmful impacts on the developing brains and bodies of children is not occurring in the very buildings where they have come to learn and grow. HB1290 improves school safety standards by supporting more frequent inspection and remediation of surfaces in schools that may contain lead-based paint, and improving public reporting regimens for identified lead paint in schools.

Elevated carbon dioxide levels in classrooms negatively impacts school performance including decision making, focus, cognitive performance, and problem resolution. Elevated carbon dioxide levels affect respiratory amplitude and can cause asthma episodes or difficulty breathing. In addition to cognitive impairment and respiratory impacts on the human body, elevated carbon

GHHI Written Testimony – HB1290  
March 29, 2022  
Page Two


dioxide levels cause fatigue, headaches, dizziness, and physiological changes in circulatory and cardiovascular systems such as elevated blood pressure and increased heart rate.

Over 500,000 children and adults in Maryland have been diagnosed with asthma. Asthma is the number one reason that children miss school. Nationally, 14.4 million school days and 14.2 million work days are missed due to asthma episodes. Poor indoor air quality contributes to the exacerbation of asthma conditions and results in asthma episodes and increased absenteeism for students from school.

Improving the frequency and standards for carbon dioxide testing and establishing levels at which remediation is required for schools is needed in Maryland to improve indoor air quality. Cost effective measures are available to improve ventilation and increase air filtration in schools to reduce carbon dioxide levels that are elevated.

Maryland students, parents, teachers, and school administrators need to know that the inspection and regulatory standards we have set for lead paint hazards and levels of carbon dioxide in schools is based on current science and that their schools are safe. Maryland must improve the frequency of lead paint and carbon dioxide inspections, improve remediation protocols for lead hazards and elevated carbon dioxide levels and make the investments necessary for safer schools. The passage of HB1290 will better protect children's health and provide them with the opportunity to thrive. We ask for a Favorable report on HB1290.

Respectfully submitted,

DocuSigned by:  
  
1A42B3060D6A435...  
Ruth Ann Norton  
President and CEO

**HB1290 Howard Co BOE Testimony 032922 for B&T - Ca**

Uploaded by: Staff Howard County

Position: FWA





**Board of Education of Howard County  
Testimony Submitted to the Maryland Senate,  
Budget and Taxation Committee  
March 29, 2022**

**Board of Education  
of Howard County**

Vicky Cutroneo, *Chair*  
Antonia Watts, *Vice Chair*  
Christina Delmont-Small  
Yun Lu, Ph.D.  
Jennifer Swickard Mallo  
Jolene Mosley  
Chao Wu, Ph.D.  
Peter J. Banyas  
*Student Member*  
Michael J. Martirano, Ed.D.  
*Superintendent  
Secretary/Treasurer*

**HB1290: FAVORABLE W/AMENDMENTS  
Education - Public School Construction - Funding and Administration**

The Board of Education of Howard County (the Board) supports **HB1290 Education - Public School Construction - Funding and Administration** with amendments to ensure local school systems retain flexibility to set funding priorities for capital and maintenance projects.

HB1290 focuses on furthering recommendations of the Workgroup on the Assessment and Funding of School Facilities which issued a [final report](#) in January 2022. Changes include State funding levels for school construction, State/local cost-share formulas, school construction project approval requirements, and the implementation of and use of data from the ongoing statewide school facility assessment.

Of its many provisions, HB1290 has the possibility of increasing the State cost share percentage. These include:

- a 10% increase in the State share for schools with a concentration of poverty level of 80%;
- a 5% increase in the State share for schools with a concentration of poverty level of between 55% and 80%;
- a 5% increase in the State share for schools that achieve specified ratings on their most recent maintenance assessment;
- a 5% increase in the State share for schools built as net-zero buildings; and
- a 5% increase in the State share for projects with an estimated total cost of ownership that is at least 15% less than baseline levels, subject to repayment if the completed project does not meet that threshold.

Howard County Public School System (HCPSS) Capital Construction staff notes while the increases would be beneficial in many circumstances, there are some uncertainties in their application. It is important to note, where the State share may increase for an individual project, the total State funding for school construction in the capital budget is not impacted, thus less State funding is available for other projects. An amendment before passage in the House included an increase in intended annual funding for public school construction by \$50,000,000 in order to maintain a relatively stable number of funded projects in the Capital Improvement Program.

One initial uncertainty regarding application of the State share increases was the identification of projects with a concentration of poverty. An amendment in the House clarified this will be for school construction projects at a school with a concentration of poverty at the time the school system submits the project to the Interagency Commission on School Construction (IAC). For new school construction, however, it is still unclear how a yet to be determined school boundary/population would be used for funding purposes. Secondly, the possible increase for projects at schools that receive a high maintenance effectiveness rating is supported, but contrary to discussions of focusing funding on lower rated schools, as well as later provisions of the bill (outlined below) that allow the IAC to use the facility assessment results to inform the construction funding decisions starting in FY27.

An additional section allows the IAC, when calculating the maximum State allocation for an approved school construction project, to make an enrollment deduction for the project only if the available seat count in an adjacent school is 15% or more of the adjacent school's enrollment. An amendment in the House indicates the sum of available seat counts in all adjacent schools is 15% or more of the project school's enrollment, which staff indicates could negatively impact Howard County by increasing the cases in which the IAC reduces our State allocation. The bill is also not clear if this is State or local capacity, nor what year/projection they will look at for enrollment percent. As such, the Board recommends an amendment to strike this entire provision of the bill, leaving the current demonstrated need process in place.

To address any remaining uncertainties in the existing calculations of demonstrated need, the provision within the bill giving school systems the opportunity to appeal IAC staff enrollment determinations to the IAC Board will be beneficial. The bill also requires that prior to October 2023, the IAC must update the baseline gross square footage per student for the Gross Area Baselines calculation to account for needed space under mandates of the Blueprint.

The 21st Century School Facilities Act of 2018 brought forth educational facilities sufficiency standards for Maryland public schools, which include a set of criteria and measures for evaluating the physical attributes and educational suitability of facilities. Moreover, the Act also required IAC to develop a facility condition index, giving schools a score based on these criteria.

Under existing requirements for school inspections and the creation and use of the facility condition index, HB1290 requires the use of an Integrated Master Facility Asset Library which must allow local school systems to report deficiencies in school buildings including maintenance data, even when not inspected. Future inspections to update the statewide facility assessment must include an inspection of a new list of items for each school building, including temperature, humidity, carbon dioxide levels, and the functionality of building systems.

The Integrated Master Facility Asset Library must also include preventive maintenance schedules accessible to local school systems. It is unclear in the bill if these schedules are determined by the State rather than the local school system or dependent on funding availability.

Once the IAC has established the Integrated Master Facility Asset Library, the IAC must adopt regulations establishing the use of facility assessment results in annual school construction funding decisions beginning not sooner than FY27. While the further enacted language of HB1290 indicates it is the intent of the General Assembly that a new workgroup be formed by July 2024 to determine how the relative condition of public school facilities should be prioritized, taking into account local priorities and in consultation with local jurisdictions, as a legislative platform the Board cautions against statutes that require “ranking” of statewide projects, which would inhibit local decision-making authority when setting funding priorities. Going beyond this intent language, the Board recommends an amendment to indicate the regulations themselves must incorporate local input.

Lastly, HB1290 renames the Local Share of School Construction Costs Revolving Loan Fund - which although created in 2018 was funded for the first time in the Governor’s proposed FY23 capital budget at \$40 million - to be the School Construction Revolving Loan Fund, and requires the Governor to include in the annual budget bill at least \$50 million in FY23, \$20 million in FY24, and \$10 million in each FY25 and FY26. Currently this fund is used to forward fund local share of projects, and under the bill could also be used for the State share. This may provide additional funding but is limited based on applying and be awarded, with priority given to counties that have not advanced construction funding for projects and have limited debt capacity. If aspirational budgets are put forth and the State or local authorities cannot fund a project fully, Howard County may be able to go this route to pay for the portion that cannot be funded to get the project started. The loan also needs to be paid back within 5 years of award, which would affect funding in the subsequent fiscal years.

For these reasons, we urge a FAVORABLE report of HB1290 from this Committee with the following specific amendments:

- *strike on page 6 SUBJECT in line 9 through and including PROVIDING in line 10 of the amended bill;*
- *strike on page 8 lines 14-19 of the amended bill; and*
- *include on page 11 after line 24 of the amended bill (III) THE REGULATIONS MUST TAKE INTO ACCOUNT LOCAL PRIORITIES AND BE ESTABLISHED IN CONSULTATION WITH LOCAL JURISDICTIONS.*