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BILL: House Bill 233
TITLE: Education - Public School Construction - Alterations
HEARING DATE: February 17, 2026
POSITION: FAVORABLE WITH AMENDMENTS
COMMITTEE: Appropriations
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The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education in Maryland, **supports with amendment House Bill 233 - Education - Public School Construction - Alterations**. MABE has had discussions on Senate Bill 48 and House Bill 233 with the Interagency Commission on School Construction (IAC) and looks forward to continued collaboration with the Committee and with the IAC. MABE offers the following comments to assist the Committee in its consideration of House Bill 233 and its potential operational and fiscal impacts on local school systems and their county government partners.

HB 233 amends current law by 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 before a county board may proceed with certain actions, such as adding to or renovating school buildings or approving contracts for doing so if the renovation will cost more than \$1,000,000 and will affect the plan configuration of student-occupied spaces. The bill also eliminates the December 31 requirement for a 75 percent State CIP approval. HB 233 authorizes the IAC to set eligibility requirements for state funding through regulations. It also modifies reporting deadlines for the IAC, eliminates some older allocation percentage requirements, moves the appeal process for school systems to the 90% CIP approval stage, clarifies when counties must reimburse the State for debt service on school facilities, and updates requirements for statewide facility assessments and inspections as part of project review.

MABE recognizes that HB 233 includes several provisions that clarify or improve existing statutory language. For example, the increase in the dollar threshold for State review of change orders under §2-303 is a positive step, particularly given that the State does not participate financially in change orders. This change helps focus State review on more significant modifications rather than relatively minor adjustments.

In addition, revisions to §4-115 appear to narrow the types of land acquisition and construction projects that require approval by the State Superintendent. As interpreted,

minor projects—such as limited paint or patch work—would generally be excluded unless they exceed a dollar threshold and involve substantive structural changes. Although the revised language is more prescriptive than current statute, this clarification may reduce unnecessary State involvement in smaller-scale facilities work.

At the same time, MABE has identified several areas that warrant additional clarification. We have discussed these areas with the IAC, PSSAM, and facilities directors from around the state. **First, section §5-303 would add new subparagraph (xv) to §5-303(d)(2), granting the IAC authority to establish eligibility criteria for State funding for construction and systemic renovation projects through regulation rather than statute.** In communications with the IAC, we understand that this provision is meant to explain or clarify eligibility rather than to change it. The intent is to increase transparency for school systems to assist with decision making. However, this was unclear to many facilities managers across the State's school systems, so additional clarity would ensure that this provision is interpreted consistently with the drafter's intent. In our latest conversation with the IAC, they indicated that they will work with drafters to amend the language to ensure greater clarity on this point.

Second, from communication with the IAC, we understand that the intent behind the removal in §5-304 of the December 31 requirement for a 75 percent State Capital Improvement Program (CIP) approval is to increase reliability and accuracy of the information provided to local school systems. As explained in communication from the IAC, the current 75 percent CIP is, in practice, only a projection and oftentimes relied on too heavily by local school systems. The intent is to replace this 75 percent projection with a more reliable system of monthly data reporting from the IAC (in November, December, and January). However, this is not currently written in HB 233. In our latest conversation with the IAC, they indicated that they would offer an amendment that would require the IAC to provide these monthly reports to local school systems. Further, the removal of the 75 percent CIP report phase concerned facilities directors because it has been critical to begin the contract bidding process. Without the 75 percent CIP in December, school systems are concerned that their bidding process will be delayed such that significant delays in construction are very likely. This December report provided contractors, the county, school systems, and stakeholders with sufficient confidence to move forward. Although the IAC suggested adding language to the bill to indicate that the 90 percent CIP provided in March is akin to an approval, this is too late for many school systems. MABE recommends the addition of language referencing the November,

December, and January reports to ensure that there is an increase in information exchanged, despite the removal of the 75 percent CIP approval stage. Additionally, we would support amendments to ensure that local school systems have sufficiently firm information or approval in the reports by December to be able to utilize the information contained therein for bidding purposes. MABE also recommend that § 5-304 include language to indicate that the 90 percent CIP is an approval of projects.

Third, HB 233 would expand reporting requirements under §5-310, placing additional administrative burdens on school systems. Under current Education Article §5-310(f)(1), local school systems report to the IAC information through a facilities assessment every four years. HB 233 would increase the reporting frequency to annually. This is a significant burden increase for local school systems, and as a result, some have reported likely having to hire an additional full-time employee to be able to meet this requirement. Yet, there is no additional funding tied to this increased burden. In our latest communications with the IAC, we relayed these concerns. The IAC offered to amend this section to state, “at least once every four years” rather than “annually” or “each year.” We look forward to working with the IAC on making these amendments.

Finally, HB 233 amends §5-314 to limit its application to only certain construction projects and systemic renovation projects. However, in communications with the IAC, it seems that the text in HB 233 does not match the intent behind these changes. As we understand from communications with the IAC, the intent is to limit the application of this provision only to projects that cost over \$1,000,000. Thus, MABE recommends that the text be amended as follows:

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

- (I) THAT HAVE RECEIVED STATE FUNDING, OR FOR WHICH A LOCAL EDUCATION AGENCY WILL BE REQUESTING STATE FUNDING; OR**
- (II) THAT REPLACE OR CHANGE A HEATING, VENTILATION, OR AIR-CONDITIONING SYSTEM.**

In our latest conversation with the IAC, facilities directors noted that it is very common for minor upgrades on HVAC systems to cost more than a million dollars, so if the intent is to limit review to only substantial or major projects, the language will need to increase the threshold beyond \$1,000,000. The IAC was open to increasing the dollar threshold.



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In summary, HB 233 makes meaningful changes to Maryland's school construction approval and funding framework. Yet, from communications with the IAC, it seems that there is still work to do to ensure that HB 233 meets the stated goals, namely to increase transparency, efficiency, and collaboration among the IAC and local school systems. For these reasons, MABE supports HB 233 with amendments, and MABE looks forward to continuing to work with the IAC and the Committee to ensure that HB 233 works as intended, for both local school systems and for the State.