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BILL: Senate Bill 48
TITLE: Education - Public School Construction - Alterations
HEARING DATE: February 3, 2026
POSITION: FAVORABLE WITH AMENDMENTS
COMMITTEE: Budget and Taxation
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The Maryland Association of Boards of Education (MABE), representing all 24 local boards of education in Maryland, **supports with amendment Senate Bill 48 - Education - Public School Construction - Alterations**. MABE has begun discussions 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 SB 48 and its potential operational and fiscal impacts on local school systems and their county government partners.

SB 48 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. SB 48 authorizes the IAC to set eligibility requirements for state funding through regulations. It also modifies reporting deadlines for the Commission, eliminates some older allocation percentage requirements, establishes an appeal process for local jurisdictions that do not receive project funding, 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 SB 48 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. **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 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.

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. However, this is not currently written in SB 48. MABE recommends the addition of language referencing these monthly reports to ensure that there is an increase in information exchanged, despite the removal of the 75 percent CIP approval stage.

Third, SB 48 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. SB 48 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.

Finally, SB 48 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 SB 48 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 summary, SB 48 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 SB 48 meets the stated goals, namely to increase transparency, efficiency, and collaboration among the IAC and local school systems. For these reasons, MABE supports SB 48 with amendments, and MABE looks forward to continuing to work with the IAC and the Committee to ensure that SB 48 works as intended, for both local school systems and for the State.