

SB 48 IAC Testimony

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Position: FAV



IAC Testimony on SB 48 – Education – Public School Construction – Alterations

Mr. Chair, Mr. Vice Chair, and Members of the Committee, the Commission thanks you for this opportunity to present the IAC’s departmental bill for 2026. Mr. Chair, the Commission is grateful for your sponsorship of this bill.

Context

For five decades, the IAC was first and foremost a grant-management agency, responsible for allocating and awarding the State’s school-construction funding to school districts’ projects. In 2018, the General Assembly passed the 21st Century School Facilities Act, which expanded the IAC’s roles to include regular assessment of the condition of each public-school facility in Maryland and expanded technical assistance to school districts around all aspects of facilities-portfolio management. The IAC has risen to meet the new requirements and obtained a hugely improved understanding of the needs, challenges, and opportunities facing the State when it comes to ensuring that every public school student in Maryland has a safe, healthy, and educationally sufficient school in which to learn.

Just two weeks ago, the IAC presented to the House Appropriations Committee, who were joined by two members of this Committee, an update on school facilities conditions and needs across the state and on the increasing costs of facilities improvements and school construction. The data shows that the cost of facilities improvements and school construction has more than doubled in real terms over the last two decades. Maryland faces an uphill battle in coming years in its quest to ensure educational sufficiency for every public school student in Maryland. But some of the provisions currently in law have been in place since well before the General Assembly directed that the IAC modernize to meet the expanded challenges facing the State. To help the IAC carry out its expanded mission, the Commission submits today and requests your support for the adjustments included in this bill.

Purpose of the Bill

The purpose of these adjustments is to better equip the IAC and two partner agencies – the State Department of Education and the Department of General Services – to carry out our respective oversight responsibilities regarding school districts’ facilities-improvement and school-construction projects. The bill does this by updating, streamlining, and clarifying statutory language regarding eight key topics, some of which are carried out by IAC, some by MSDE, and some by DGS. Because of the interconnected responsibilities of the three agencies around school-facilities projects and out of

respect for your time, we have worked with our partner agencies to bring the related changes for all three agencies as one unified bill.

Nature of Bill Content

The changes proposed here include a number of technical changes to agency operating requirements, some clarifications to previously vague language, and improvements to key processes that the IAC, MSDE, and DGS conduct in concert. Each of these changes either addresses an issue that has posed significant problems for one or more of the three agencies, corrects something that no longer works due to changing circumstances or other changes implemented in the past few years, or will increase the effectiveness of the three agencies by making their operations more efficient.

The Commission is very sensitive to the fiscal challenges facing our State. While these changes will improve efficiency, they are less about saving money in agency operations. The IAC is already operating on an extremely thin 1% overhead rate compared with the capital budget that it manages. That’s far lower than the 5-12% overhead rate more typical of public and philanthropic grant-management organizations. The adjustments proposed in this bill are about being able to obtain more of the needed results against growing demands and static resources and streamlining the efforts of the three agencies involved to provide better customer service to our school systems. These changes further give the State a better chance at not losing the battle against the increasing costs of maintaining the schools that are anchors for our communities.

1. Technical Changes

- 1.1. Adjust due dates for IAC quarterly fiscal reports (Ed. Art. §§ 5-303(j)(4); 5-319(b); 5-325(c)).

Problem	Solution
<p>5-310(j)(4) requires that the IAC report "[o]n or before March 30, June 30, September 30, and December 31 of each year" regarding the balance[s] in the [IAC's capital Reserve] fund[s] as of the reporting date as the result of transfers or reversions required under this subsection and any expenditures." 5-319 and 5-325 required submission by Dec. 31 of each year for the activities in that calendar year, up through Dec. 31.</p> <p>It is administratively impossible for IAC staff to complete the reconciliation of the covered information by the last day of the period reported upon and to complete and submit the reports on that same day. To ensure timely submission in light of the many steps required to complete, proof, and obtain signoff on such reports, IAC staff require at least 60 days for reporting after the close of the quarter that the report covers.</p>	<p>Adjust the due dates for reporting on each quarter or year to be 60 days after the end of the quarter being reported on.</p>

- 1.2. Consolidate duplicative reports for solar energy and for alternative-energy systems (Ed. Art. §§ 5-319(b); 5-325(c)).

Problem	Solution
<p>Generating electricity from solar energy that is captured by photovoltaic panels is one of a number of alternative energy sources. The data analyzed by IAC staff in creating the reports required by these two statutory sections are the same or at least substantially overlapping data. Much of what's stated in the report on solar energy must be restated in the report on alternative-energy used in school facilities. The two are effectively redundant and it is wasting scarce staff resources to generate two separate reports where one report would satisfy the informational needs of the General Assembly.</p>	<p>Consolidate the requirements of § 5-319 and § 5-325 into one statute; eliminate redundant provisions; and roll the submission of required information into one annual report rather than two reports.</p>

- 1.3. Clarify the annual reporting requirements on the IAC relating to its two distinct facilities-assessment programs (Ed. Art. § 5-310(b)).

Problem	Solution
<p>IAC is happy to comply with the intended reports as interpreted by DLS and DBM. The IAC has worked with DLS to ensure we are providing the information requested and is looking to align statute with the data and reporting that the agency is already providing.</p> <p>Statute is unclear on what IAC should report regarding SFA versus MEA programs. From about 2005 through 2018, 5-310(b)(1) mandated that the IAC "survey the condition of school buildings identified by the Department [of Education]" and 5-310(b)(3) mandated that the IAC annually report "on the results of the survey for the prior fiscal year." This IAC complied via its Maintenance-Effectiveness Assessment (MEA) program and provided reports on the MEA results annually using MSAR 14070.</p> <p>In 2018, MGA added a mandate to execute components of the new Statewide Facilities Assessment (SFA) in 5-310(b)(2)(ii) and 5-310(e), but did not distinguish between MEA and SFA for reporting purposes. In 2024, DLS created MSAR 15603 for the SFA reporting but 5-310 does not clearly require reporting for both MEA and SFA programs.</p> <p>Requirements for data relating to the SFA were listed in 5-310(b)(1), which pertains to the MEA instead of in 5-310(b)(2), which contains the balance of the requirements for the SFA.</p>	<p>Amend § 5-310 to clarify the mandate for conducting each of the IAC's two distinct facilities assessments; specify a separate annual reporting requirement for each of the two assessment programs; move the requirements for the SFA to the SFA-related subsection; and clarify the content and timing of required reporting for each.</p>

2. **Policy/Terminology Clarification.**

- 2.1. Update the term "maximum state construction allocation" previously used in statute to "maximum State award" to align with changed grant scope and IAC use of terminology in practice (Ed. Art. §§ 4-126; 5-303).

Problem	Solution
<p>The term "maximum state construction allocation" is no longer used by the IAC or LEAs, and "allocation" is not used to refer to project awards; however this term is used in statute.</p> <p>Once 5-303(a)(4) was added to authorize the IAC to participate in funding project-development and -design activities by LEAs as well as furniture, fixtures, and equipment for LEAs' school-construction projects, the term "construction" needed to be removed from the term referring to the maximum award of State funds to a project. In addition, the IAC began distinguishing between "appropriations" (funds made available by the General Assembly to the IAC for awarding to LEA projects), "allocations" (amounts of funding that the IAC determines are available to an LEA for potential award to eligible costs of projects), and "awards" (actual amounts granted by the IAC to an LEA's project). Because the term "maximum state construction allocation" refers to the latter of the three terms, the statutes mentioning such awards need to be updated to use the term "award," and without the limiting term "construction."</p>	<p>Amend § 5-303(d)(3)(iii) and (l) and § 4-126(e)(3)(i)(2) to replace "maximum state construction allocation" with "maximum state award."</p>

- 2.2. Clarify the conditions that require LEA repayment of outstanding State bond debt on a school facility (Ed. Art. § 5-308).

Problem	Solution
<p>Ed. § 5-308 currently specifies that repayment can only take place when a school meets certain criteria, including the school no longer being used for educational purposes, and the school having been transferred to the County Government. It does not currently address whether bond debt should be collected from an LEA if a facility is no longer being used for school purposes, has not been sold or transferred, but is being retained by the School District but left vacant, used for storage, or used for administrative purposes. Because such cases in fact arise, it is important that the statute clearly address these situations so that the debt payment requirements on LEAs are clear.</p>	<p>Clarify when bond debt may and shall be required to be repaid by the LEA to the State, by clarifying that bond debt shall be repaid when a school facility is no longer used for a purpose that is eligible for State funding for public school construction, which is the on-site provision of programs and services to public school students.</p>

3. Improvements to Interagency Processes

3.1. Streamline the requirements for State Superintendent/MSDE and DGS review and approval/disapproval of plans and specifications for school-construction projects (**Joint Submission with MSDE**) Ed. Art. §§ 2-303(f); 4-115(b).

Problem	Solution
<p>Ed. § 2-303(f)(1) requires that the State Superintendent or her designee "approve or disapprove each . . . Plan or specification for the remodeling of a school building if the remodeling costs more than \$1,000,000; [and each] Plan or specification for the construction of a new school building . . ." whether the State is contributing funding or not. The terms "plan" and "specification" are inclusive of schematic designs (SDs), design-development documents (DDs), and construction documents (CDs) for all types of projects, including systemic-renovation (SR) projects that do not affect educational programs or result in changes to educational programs or spaces, and for which MSDE lacks technical capacity to review. Reviews of SR projects not affecting educational programs or spaces by MSDE are not valuable to LEAs and DGS lacks capacity to review the large number of locally funded projects not affecting educational programs or space configurations in addition to those projects that do.</p> <p>Ed. § 4-115(b) includes parallel language requiring State Superintendent approval for LEA contracts to "rent, repair, improve, and build school buildings" that also needs to be limited to just those projects resulting in changes to educational programs or space configurations and lacks the \$1M cost minimum included in § 2-303.</p> <p>These overlapping responsibilities create confusion, operational delays, and additional and unneeded paperwork for LEAs as well as workloads on MSDE staff that do not provide benefit to either the LEAs or the State considering IAC functions.</p>	<p>Limit reviews by the State of LEA projects by amending as follows:</p> <p>1) Amend § 2-303(f)(1)(i) and § 4-115(b) to limit the approval responsibilities of the State Superintendent to projects with an estimated cost minimum threshold of \$1M and that involve the reconfiguration of space to change the type of program use, program delivery, or program capacity and to acquisitions of land, sites, or buildings used for the education of students.</p> <p>2) Amend § 2-303(f)(1)(ii) to eliminate MSDE review of systemic-renovation projects that do not involve changes to educational programs or space configurations. Leave unchanged the requirement that MSDE review all major projects (new, replacement, and renewal-level renovations).</p>

3.2. Clarify the conditions for mandatory DGS review and IAC approval of LEA projects to align with long-standing State Superintendent and IAC practices as well as with logic and feasibility (**Joint Submission with MDGS**) (Ed. Art. § 5-314(d)(1)).

Problem	Solution
<p>Ed. § 5-314(b)(1) requires that the IAC review educational specifications and schematic designs for "major construction projects," which is appropriate. However, Ed. § 5-314(d)(1) applies the same requirement to design-development (DDs) and construction documents (CDs) for not just major construction projects but also systemic-renovation (SR) projects, the latter of which may be quite small (e.g., on the order of a few thousand dollars' worth of changes to a single building system). SR projects costing less than \$1M generally do not result in a significant modification to a facility. As a result, the significant investment of State staff time required to review DDs and CDs on the very large number annually of projects conducted by LEAs at a cost below \$1M provides insufficient return and value to justify the expenditure of that significant amount of State staff time.</p> <p>These overlapping responsibilities create confusion, operational delays, and additional and unneeded paperwork for LEAs as well as workloads on MSDE staff that do not provide benefit to either the LEAs or the State considering IAC functions.</p>	<p>Limit reviews by the State of LEA projects by amending as follows:</p> <p>1) Amend § 5-314 to authorize and require the IAC to disapprove/approve and DGS to review only those projects that 1) are estimated to cost more than \$1M and 2) to which the State has awarded a capital grant or that the LEA intends to submit for a State capital grant, as well as locally funded projects costing >\$1M that involve replacement of or changes to an HVAC system. This will align with MSDE's Ed. Art. § 2-303(f), which provides parallel authority to the State Superintendent for those projects not receiving or intended to receive State capital grants.</p> <p>2) Grant the IAC authority to promulgate regulations to restrict eligibility for State capital funding to only those projects with an estimated cost of more than \$1M that receive DGS review and IAC approval of both DDs and CDs. This will ensure that LEAs cannot evade State review of plans for significant projects that receive State capital funds.</p>

3.3. Streamline the annual CIP process to eliminate the problematic and low-value December 75% Round (Ed. Art. § 5-304(b)).

Problem	Solution
<p>The IAC is committed to providing incremental information on project reviews, statuses, and proposed allocations and projected awards throughout the CIP process. However, the adoption of preliminary 75% awards in December when the awards unavoidably change significantly by February based upon information the IAC receives from the LEAs in December and January makes IAC action in December misleading and a significant waste of LEA and State resources.</p> <p>Ed. § 5-304(b)(2) requires that, [o]n or before December 31 of each year, the IAC approve public school construction (CIP) projects that comprise 75% of the expected school construction appropriations. The approval of preliminary awards to projects at a 75% level just days after the LEAs complete submission of amended CIP requests in late November is premature because the timing requires faster information-response turnarounds from LEAs than the LEAs can generally support; and it leaves IAC staff a very small fraction of the time needed for reviewing the submissions and performing the required analyses and calculations required to generate usable award recommendations.</p> <p>In addition, due to the timing of county budget cycles, LEAs generally have little to no understanding in December of what local funding may become available, so the LEAs' project prioritization often changes and/or the fundability of specific projects in light of the presence or absence of County commitment to those projects cannot be sufficiently known in December.</p> <p>Finally, the IAC's preliminary awards must be calibrated to an estimated amount of appropriations that is very uncertain until the Governor releases his targets in late January (as acknowledged in § 5-304(a)(2)), making preliminary awards in December subject to significant changes after late January. Making preliminary awards in December that carry no weight and often change significantly – and therefore on which LEAs and counties cannot rely – is challenging not only in terms of agency resource management, but also as it creates misleading and confusing expectations among State stakeholders.</p> <p>Considering that, under 5-304(b)(4), the IAC must approve awards at a 90% level in February, the 75% Round in December provides little value if any at a significant cost to LEAs and the IAC, and is redundant considering the 90% Round in February.</p>	<p>Expand reporting to the LEAs by distributing reports to LEAs and County governments in November, December, and January showing the status of each project-funding request and the projected 100% CIP award amounts as of those dates.</p> <p>Amend § 5-304 to eliminate the 75% Round by deleting subsection (b)(2).</p> <p>Leave the 90% and 100% Rounds unchanged. Move the LEAs' appeal opportunity to the 90% Round.</p>

Testimony in support of SB0048 - Education - Publi

Uploaded by: Richard KAP Kaplowitz

Position: FAV

02/03/2026

Richard Keith Kaplowitz
Frederick, MD 21703

TESTIMONY ON SB#/0048- POSITION: FAVORABLE

Education - Public School Construction – Alterations

TO: Chair Guzzone, Vice Chair Rosapepe, and members of the Budget & Taxation Committee
FROM: Richard Keith Kaplowitz

My name is Richard Keith Kaplowitz. I am a resident of District 3, Frederick County. I am submitting this testimony in support of SB#/0048, Education - Public School Construction - Alterations

The intent of this bill is to provide more certainty to local Boards of Education to undertake projects, including school construction, on a timelier basis to react to critical needs and conditions in their jurisdiction.

It will accomplish that goal 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; authorizing the Interagency Commission on School Construction to adopt requirements for eligibility for certain State funding; repealing the requirement for the Commission to approve 75% of the preliminary school construction allocation by a certain date; etc.

For fast growing school systems such as Frederick County, this flexibility is required to adjust to the rapid growth within our system that has led to schools being over capacity. That affects the quality of the education that school can offer. This bill provides new paths to react to that problem.

I respectfully urge this committee to return a favorable report on SB#/0048.

susannah.paletz.pdf

Uploaded by: Susannah Paletz

Position: FAV

**Written Testimony Submitted to the
Maryland Senate Budget and Taxation Committee
SB0048**

State Personnel - Collective Bargaining - Nontenure Track Faculty

February 03, 2026

FAVORABLE

Good afternoon Chair Guzzone, Vice Chair Rosapepe, and members of the Budget and Taxation Committee.

My name is Susannah Paletz, and I am an Associate Professor at the University of Maryland, College Park, where I have worked since 2013 as both a tenured professor and a professional track professor and research scientist. The state already grants this right towards nearly every other state employee, as well as the faculty at our community colleges and the non-academic workforce at our 4-year institutions. As a Maryland resident, I believe that this right should be extended to the rest of higher education in Maryland.

I received my doctorate in 2003 and have had a variety of occupational positions in government, at university affiliated research centers, and now at the College of Information. Through a series of fortunate events, I became a tenured associate professor in 2021 after being an untenured, professional track faculty (PTK) member for 8 years. While all faculty deserve collective bargaining rights, non-tenure-track faculty are among the most vulnerable. I have three major issues I wish to have on the record that are specific to PTK at the University of Maryland: 1) The intense workload of faculty. 2) The lack of ability to take sick time for teaching faculty due to the unique (rare) inflexibility of faculty jobs. In the past, I also testified about the disempowerment of faculty with regards to public health strategy, which is still true, but I will focus today on workload and fundamental labor protections involving sick time.

As someone who has studied, taught, and practiced organizational psychology and management, and who has worked outside of academia, the sheer number of tasks and constant task switching are overwhelming. For PTK faculty who teach, this is in large part because teaching is more time consuming than officially budgeted. Two courses, the typical number for tenured/tenure-track faculty, is considered by the university to take 40% of a 40-hour work week (16 hours/week). However, this is a massive underestimate. Personally, I have taught anywhere from 11 to over 300 students a semester; while the latter large courses come with support by graders and teaching assistants, I note that the percent of my time spent on teaching has never been what it is supposed to be. Teaching includes organizing, teaching, mentoring, and leading my instructional team (if I have one); answering student emails and questions on a discussion board; preparing lectures and section activities; creating assignments and exams, relevant rubrics for grading them, and instruction/prep materials for students; grading and calibrating grading for my instructional team; and more. As an example, for each new 50-minute lecture, it typically takes me 5-8 hours to research the topic, prepare what I will say, find and assess appropriate images/figures, and create slides. Even updating these slides takes me 2-3 hours each lecture. Speaking with colleagues, this amount of time is typical. As our majors have become more popular and grown, so have our classes. This growth is a good thing for the financial health of our College and University, and for the training and education of our students. But, it also highlights the weaknesses of the system.

Administrative and project management roles: One of the essential tasks of certain kinds of PTK is conducting research. I lead complex multidisciplinary research projects without formal project management support. We have (often understaffed/overworked) financial specialists at the department level who are invaluable in helping us prepare and track budgets, but we lack

the other project management support found in other workplaces (e.g., for creating agendas, reminding people of tasks, watching time and budget, event management for project retreats, other administrative work). Some faculty offload these administrative tasks to graduate students; others have sufficient funds and sponsor/funder permission to hire administrative staff. But, such solutions are not always possible (e.g., hiring staff is not always allowed under all grants, nor do all faculty have grants) or ideal (i.e., having graduate students do some such work is acceptable, but having primarily administrative roles conflicts with the goals of their education and training).

The nature of academic research includes rejection, requiring working extra to meet minimum standards. Of vital importance to people in our roles, I attempt to publish in journals, submit papers for conferences (which I then need to attend), write book chapters, and so on. Many of these end in rejection, and unlike with how most people consider publications, journals do not pay us to publish--and some, even quite legitimate journals, charge us fees of almost \$4,000. I also apply for and write grant proposals, which typically takes 30-50 hours for a brief white paper proposal and 80-120 for a full proposal where I am to be a principal investigator, not including my co-writers' efforts. The nature of academic research having a high rate of rejection often means we have to submit, submit, and submit for potentially little result, working nights and weekends whenever a deadline arises. In the case of PTK research faculty, applying for additional funding or presenting to potential clients often comes as extra work, despite being vital to the university.

Service time varies and is poorly tracked. As with all faculty, I also do "service," which includes: mentoring colleagues and students (undergraduate and graduate), including serving on or chairing thesis and dissertation committees, speaking with students, and writing letters of recommendation; attending faculty meetings such as appointment, promotion, and tenure meetings; directing/organizing a research interest group; and engaging in committee work which ranges from developing curricula to evaluating other faculty, among other tasks. I have been on committees that required 20 hours a week for a month, and others that required one hour a month. Research and anecdotes suggest that women and people of color are overburdened with formal and informal service commitments (Babcock, Peyser, Vesterlund and Weingart, 2022), and that saying 'no' can result in formal and informal punishments more than others (e.g., being seen as not a team player to not being granted promotions). This work can also take from 2-20 hours a week, depending on the week.

We are fortunate to have such varied and interesting tasks, but there is 'too much job'. Gone are the days where faculty were supported by many administrative assistants (e.g., who could submit travel requests and organize receipts/repayment for faculty), and the requirements for obtaining an academic job require more and more publications and grants. The issues of workload I noted are not specific to me but are systematic. This workload takes a toll not only on professional (and tenure) track faculty, but on graduate students and staff, as well as student learning. Should we be able to collectively bargain, we could argue for ways to right-size our workload, including giving more realistic time estimates of specific tasks.

The second issue is the Actual Inflexibility of Faculty Jobs and Sick Time: There is a joke about academia: "you are free to work whatever 12 hours a day you choose." Academia is thought to be flexible, but one cannot simply reschedule classes or meetings with other tightly-scheduled faculty. You also can't simply skip out on most work. What this inflexibility means is that most faculty have poor work-life balance to the point of it making handling normal health issues even more challenging. A series of health issues struck my family in 2023 and have continued in different forms. These experiences made me notice that although we have sick time, faculty do not have 'backfill' in the way other jobs do, and so can only take sick time effectively during school breaks unless incapacitated. Even taking small amounts of 'sick time' results not in a release from work, but in putting that work back into late nights and early mornings. Specifically, my husband was ill in February 2023 and then later required surgery. I could not take off time to care for him because there was no way to offload the work. More recently, I was able to officially take FMLA leave to help

care for other ill and injured family members. I still had to teach - we do not have substitute teachers - and then the work I did not do during my FMLA leave (20 hours in one week) ended up getting moved to the following weeks, resulting in me being dangerously underslept and behind all semester, adding to my already 60-hour/week workload. The United States is infamous for having many jobs with poor sick time rules and realities. Despite the other benefits of the position, faculty here do not have true sick time, unless they are on sabbatical or officially not teaching. The actual inflexibility of the job and its workload make a mockery of the ostensible policies regarding sick time. Collective bargaining would enable us to raise these as real problems and threats to labor regulations and enable us to have a voice in solving them. The lack of job security for employees who give so much to the University is an additional problem.

Collective bargaining would enable us to more effectively bring faculty expertise to bear in solving challenges such as workload, service inequities, and the actual practice of using sick time. The University plays a vital role in the prosperity and intellectual wealth of Maryland and our local community. Should the faculty gain the right to collectively bargain and vote for a union, that union could also add its efforts to protecting our University against federal government overreach and illegal actions.

It is through the right to collectively bargain--a right afforded almost all other Maryland Public Employees and USM peer institutions--that non-tenure-track faculty, and, hopefully soon, all faculty, will have the voice they deserve.

Thank you for your time and consideration.

Reference:

Babcock, L., Peyser, B., Vesterlund, L., & Weingart, L. (2022). *The no club: Putting a stop to women's dead-end work*. Simon and Schuster.

Sincerely,

Susannah Paletz
sbfpalez@gmail.com

This testimony has been submitted on behalf of this individual by the United Academics of Maryland (UAM).

SB 48 - SWA - Public School Construction – Alterat

Uploaded by: Jessica Goff

Position: FWA



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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
CONTACT: Jessica Goff, Governmental Affairs Associate (jgoff@mabe.org)

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.

SB48 - State Board & MSDE - SWA .docx.pdf

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Position: FWA

BILL: Senate Bill (SB) 48 - Education – Public School
Construction – Alterations

DATE: February 3, 2026

POSITION: Support with Amendments

COMMITTEE: Education, Energy,
and the Environment

The Maryland State Board of Education (State Board) and the Maryland State Department of Education (MSDE) support **SB 48** with amendments developed in partnership with the Interagency Commission on School Construction (IAC).

SB48 seeks to make changes to the IAC’s Capital Improvement Program process and clarify and focus the State Superintendent’s oversight of school construction and facility acquisitions to ensure MSDE’s attention remains on student education. Specifically, it limits Superintendent approval to projects and purchases that directly impact student learning spaces, such as new schools, major renovations, or additions, and removes the need for review of routine maintenance or systemic repairs that have minimal effect on educational outcomes. The bill also raises the threshold for Superintendent review of construction change orders, ensuring that attention is given only to changes that meaningfully affect student-occupied spaces. These adjustments reduce administrative burden on MSDE and the Department of General Services, allowing both agencies to concentrate resources on their core missions.

Amendments

MSDE is requesting the following amendments (shown in **BOLD** below) to SB48, which were developed by MSDE’s Office of School Facilities and supported by the IAC. The proposed amendments to SB 48 aim to reinforce the State Superintendent’s commitment to student safety and the effective delivery of educational programs both within school buildings and throughout school sites. These changes will help to ensure that the bill avoids unintended limitations on the State Superintendent’s oversight in all spaces where student learning occurs.

Education Articles §§ 2–303(f)(1)(ii) and 4-115(2) & (3) - Replace the word “**building**” with “**FACILITY**”

Education Article §2–303(f)(1)(iv) - Change to read: “Change order that costs more than [\$50,000] \$200,000 for [the remodeling] AN ADDITION OR RENOVATION restoration, or construction of STUDENT–OCCUPIED SPACES IN a school building **OR ON ITS GROUNDS**.”

MSDE and the State Board look forward to continued collaboration with the Commission to support the implementation of these provisions.

The State Board and MSDE respectfully request consideration of these comments as **SB 48** is discussed and deliberated. For further information, please contact Laurel Cratsley, Interim Executive Director of Government Affairs, at 443-571-5461, or laurel.cratsley@maryland.gov.

Testimony SB 48 - Public School Construction Alter

Uploaded by: Dawana Sterrette

Position: INFO

Letter of Information
Baltimore City Board of School Commissioners
SB 48 – Education – Public School Construction – Alterations

February 3, 2026

The Baltimore City Board of School Commissioners understands that this legislation is to clarify language and procedures for the Interagency Commission. However, this bill will also require LEAs to report building deficiencies annually for Statewide Facilities Assessments: “The Interagency Commission shall include in the assessment of individual school buildings a process for a local education agency to report additional information that is relevant to the assessment, including a place in the Master Facility Asset Library System for the Local Education Agency to: 1. Report each year to the Interagency Commission on deficiencies in a school building, even if an assessment of the school building was not completed in accordance with this paragraph in the immediately preceding year” (5-310 b.2 ii, 1, 2 and 3).

Currently, the IAC conducts this assessment on each building every four years, so City Schools reports on a quarter of our buildings annually. If this language change results in City Schools mandatorily reporting on all schools annually, the lift would be substantial. City Schools would need to add a staff member to the Operations department to handle the requirement. If the additional reporting is optional, we have no concerns with the proposal. We recommend that the language be changed to clarify if the reporting would be mandatory or optional.

Additionally, Section 5-310 b.2.iii appears to require reporting on items for which we do not have reportable data. The current language states that Statewide Facilities Assessment inspections shall include certain listed items. The new language states that LEAs must supply data on those items. This is infeasible for City Schools to implement, and it is impossible to estimate an associated cost based on the language in the bill.

Also, Section 2-303 f.1.iv is unclear. From our understanding, the state no longer participates in funding for change orders, so the purpose of the language change is unclear. Lastly, the purpose of the changes on page 8 (a.2.I and II) is also unclear because City Schools already must submit any projects over \$1M, whether that is local funding or state, according to DGS rules.

For the foregoing reasons, the Baltimore City Board of School Commissioners submits this letter of information to be considered when debating this legislation.

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