

HOUSE BILL 233

F1

(PRE-FILED)

6lr0292
CF SB 48

By: **Chair, Appropriations Committee (By Request – Departmental – Public School Construction)**

Requested: September 22, 2025

Introduced and read first time: January 14, 2026

Assigned to: Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public School Construction – Alterations**

3 FOR the purpose of clarifying the type of proposals and plans that require the approval of
4 the State Superintendent of Schools; requiring a county board of education to request
5 and receive approval from the State Superintendent or the State Superintendent's
6 designee before the county board may proceed with certain actions; authorizing the
7 Interagency Commission on School Construction to adopt requirements for eligibility
8 for certain State funding; modifying the due dates of certain reports the Commission
9 is required to submit; repealing the requirement for the Commission to approve a
10 certain percentage of the preliminary school construction allocation by a certain date;
11 requiring the Commission to establish a certain appeal process; clarifying the
12 circumstances when the State may not require or shall require counties to reimburse
13 the State for debt service; altering the requirement for certain assessments and
14 inspections the Commission is required to conduct; providing for the applicability of
15 certain provisions of law related to the process for review and approval of public
16 school construction projects; and generally relating to public school construction.

17 BY repealing and reenacting, with amendments,
18 Article – Education
19 Section 2–303(f)(1), 4–115(b), 4–126(e)(3)(i)2., 5–303(d)(2)(xiii) and (xiv) and (3)(iii)
20 and (j)(4), 5–304(b), 5–308(a) and (b), 5–310(b), 5–314(a) through (d), 5–319(b),
21 and 5–325(c)
22 Annotated Code of Maryland
23 (2025 Replacement Volume and 2025 Supplement)

24 BY adding to
25 Article – Education
26 Section 5–303(d)(2)(xv)
27 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2025 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Education

2–303.

(f) (1) Subject to the bylaws, rules, and regulations of the State Board, and except as provided in paragraph (5) of this subsection, the State Superintendent, or the State Superintendent’s designee, shall approve or disapprove each:

(i) Proposal for the purchase or sale of any ground, school site, or building **THAT WILL BE USED FOR THE EDUCATION OF STUDENTS;**

(ii) Plan or specification for the [remodeling] **ADDITION TO OR RENOVATION** of a school building if the [remodeling] **ADDITION OR RENOVATION** costs more than \$1,000,000 **AND WILL AFFECT THE PLAN CONFIGURATION OF STUDENT–OCCUPIED SPACES;**

(iii) Plan or specification for the construction of a new school building;
and

(iv) Change order that costs more than [\$50,000] **\$200,000** for the [remodeling] **ADDITION TO OR RENOVATION**, restoration, or construction of **STUDENT–OCCUPIED SPACES IN** a school building.

4–115.

(b) [With the approval of the State Superintendent, or the State Superintendent’s designee, each county board may] **EACH COUNTY BOARD SHALL REQUEST AND RECEIVE THE APPROVAL OF THE STATE SUPERINTENDENT, OR THE STATE SUPERINTENDENT’S DESIGNEE, BEFORE THE COUNTY BOARD MAY:**

(1) Buy or otherwise acquire land, school sites, or buildings **THAT WILL BE USED FOR THE EDUCATION OF STUDENTS; [and]**

(2) Rent[, repair, improve, and] **OR** build school buildings or approve contracts for doing so, if the plans conform to the bylaws, rules, and regulations of the State Board; **OR**

(3) ADD TO OR RENOVATE SCHOOL BUILDINGS OR APPROVE CONTRACTS FOR DOING SO, IF THE ADDITION OR RENOVATION:

(I) COSTS MORE THAN \$1,000,000;

(II) WILL AFFECT THE PLAN CONFIGURATION OF
STUDENT-OCCUPIED SPACES; AND

(III) CONFORMS TO THE BYLAWS, RULES, AND REGULATIONS OF
THE STATE BOARD.

4–126.

(e) (3) (i) Projects that use alternative financing methods under this
section and receive State funding shall comply with the following requirements:

2. Except as provided in subparagraph (ii) of this paragraph,
the maximum State [construction allocation] AWARD for each project approved for State
funding;

5–303.

(d) (2) The regulations adopted by the Interagency Commission may contain
requirements for:

(xiii) Methods of payments made by the State under the Public School
Construction Program; [and]

(xiv) The use of a standard statewide computerized maintenance
management system for school facilities maintenance work order tracking and reporting;
AND

(XV) ELIGIBILITY FOR STATE FUNDING FOR CONSTRUCTION
PROJECTS AND SYSTEMIC RENOVATION PROJECTS.

(3) The regulations adopted by the Interagency Commission shall contain
provisions:

(iii) Subject to subsection (l) of this section, providing a method for
establishing a maximum State [construction allocation] AWARD for each project approved
for State funding;

(j) (4) On or before [March 30] FEBRUARY 28, [June 30] MAY 31,
[September 30] AUGUST 31, and [December 31 of] NOVEMBER 30 each year, the
Interagency Commission shall report to the General Assembly, in accordance with § 2–1257
of the State Government Article, and the Department of Legislative Services on the balance
in the fund as of the [reporting date] LAST DAY OF THE IMMEDIATELY PRECEDING

QUARTER as the result of transfers or reversions required under this subsection and any expenditures.

5–304.

(b) (1) Before May 1 ~~[of]~~ each year, the Interagency Commission may not approve public school construction projects that comprise more than 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.

(2) ~~[On or before December 31 of each year, the Interagency Commission shall approve public school construction projects that comprise 75% of the preliminary school construction allocation, determined under § 8–113 of the State Finance and Procurement Article, for the following fiscal year.~~

(3) The Interagency Commission shall establish an appeal process to allow local jurisdictions to request funding for projects that were not approved by the Interagency Commission under paragraph (2) of this subsection.

(4) **(I)** On or before March 1 ~~[of]~~ each year, the Interagency Commission shall provide recommendations to the presiding officers and the budget committees of the General Assembly and the Department of Legislative Services for public school construction projects that comprise 90% of the school construction allocation included in the capital budget submitted by the Governor for the following fiscal year.

(II) THE INTERAGENCY COMMISSION SHALL ESTABLISH AN APPEAL PROCESS TO ALLOW LOCAL JURISDICTIONS TO REQUEST FUNDING FOR PROJECTS THAT WERE NOT APPROVED BY THE INTERAGENCY COMMISSION UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

~~[(5)]~~ **(3)** On or after May 1 each year, the Interagency Commission shall approve 100% of the school construction allocation included in the capital budget bill as enacted.

5–308.

(a) Notwithstanding the provisions of Title 10, Subtitle 3 of the State Finance and Procurement Article, ~~[this]~~ **THE** State may not require reimbursement of debt service from a county for a school that:

(1) Was initially constructed on or before February 1, 1971;

(2) Is no longer used for ~~[school purposes]~~ **A PURPOSE THAT IS ELIGIBLE FOR STATE FUNDING FOR PUBLIC SCHOOL CONSTRUCTION;**

(3) Has had title transferred to a county government; and

(4) Is being used for local governmental purposes other than public education; provided, however, that if a former school building is sold by a county government the State shall be reimbursed for outstanding debt service, and if more than 10 percent of usable space within a former school is rented for an amount exceeding the cost of operating and maintaining such space, such rental profit shall be used toward retiring outstanding bonded indebtedness.

(b) Subject to subsection (c) of this section, this State shall require reimbursement of outstanding debt service from a county for a school that:

(1) Was constructed under this subtitle;

(2) Was initially constructed or substantially altered by [addition(s)] **ADDITIONS**, alterations, or renovations and the cost of the construction at the time of execution exceeded \$100,000 and the work was accomplished after February 1, 1971;

(3) Is no longer used for [school purposes] **A PURPOSE THAT IS ELIGIBLE FOR STATE FUNDING FOR PUBLIC SCHOOL CONSTRUCTION;**

(4) Has had title transferred to a county government;

(5) Is being used for local governmental purposes by the State or a county or by any instrumentality of the State or county other than public education; and

(6) Has outstanding debt which exceeds \$5,000.

5–310.

(b) (1) (i) Each fiscal year, the Interagency Commission shall [survey the condition of] **CONDUCT A MAINTENANCE EFFECTIVENESS ASSESSMENT ON** school buildings identified by the Department.

(ii) The Interagency Commission shall include in the [inspections] **ASSESSMENT** of individual school buildings[:]

1. A process for a local education agency to report any additional information relevant to the inspection, including a place in the Master Facility Asset Library System for the local education agency to:

A. Report each year to the Interagency Commission on any deficiencies in a school building, even if the school building was not inspected in accordance with paragraph (2) of this subsection in the prior year;

B. Identify spaces in a school building likely to have been painted with lead paint; and

C. Report certification of the Asbestos Hazard Emergency Response Act plan for the space; and

2. A] A process to incorporate maintenance data for individual school buildings.

(2) (i) The Interagency Commission shall conduct [the inspections] A STATEWIDE FACILITIES ASSESSMENT of individual school buildings [that are necessary to complete the survey required in paragraph (1) of this subsection].

(ii) 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;

2. IDENTIFY SPACES IN A SCHOOL BUILDING LIKELY TO HAVE BEEN PAINTED WITH LEAD PAINT; AND

3. REPORT CERTIFICATION OF THE ASBESTOS HAZARD EMERGENCY RESPONSE ACT PLAN FOR THE SPACE.

(III) The [inspections completed under paragraph (1) of this subsection] STATEWIDE FACILITIES ASSESSMENT shall include DATA PROVIDED BY LOCAL EDUCATION AGENCIES ON the following items for each school building:

1. Temperature;
2. Humidity;
3. Carbon dioxide level;
4. Acoustic levels;
5. Lead paint;
6. Asbestos;

5-314.

(a) **(1)** Notwithstanding § 2–303(f) of this article, the process for the review and approval of public school construction projects shall be in accordance with the provisions of this section.

(2) THIS SECTION APPLIES ONLY TO CONSTRUCTION PROJECTS AND SYSTEMIC RENOVATION PROJECTS:

(I) THAT COST MORE THAN \$1,000,000 AND:

1. THAT HAVE RECEIVED STATE FUNDING; OR

2. FOR WHICH A LOCAL EDUCATION AGENCY WILL BE REQUESTING STATE FUNDING; OR

(II) THAT REPLACE OR CHANGE A HEATING, VENTILATION, OR AIR-CONDITIONING SYSTEM.

(b) (1) Except as provided in subsection (e) of this section, educational specifications and schematic designs for [major] **APPLICABLE** construction projects are required to:

(i) Be reviewed by the Interagency Commission; and

(ii) Prior to finalization by a local education agency, have any concerns or recommendations of the Interagency Commission satisfactorily resolved.

(2) To provide efficiency within the process, the Department and the Interagency Commission shall consider altering the review and approval process required under paragraph (1) of this subsection, including a rolling deadline for submission of documents, with schematic designs submitted following the completion of the educational specifications review.

(c) (1) Change orders for [major] **APPLICABLE** construction projects and systemic renovation projects may not be:

(i) Reviewed by the Department of General Services; and

(ii) Approved by the Interagency Commission.

(2) A percentage of the State allocation related to change orders may not be withheld.

(3) Local education agencies shall maintain contingency funds for each approved project to address unanticipated construction costs above the State allocation.

(d) (1) Except as provided in subsection (e) of this section, design and construction documents for [major] **APPLICABLE** construction projects and systemic renovation projects are required to be:

(i) Reviewed by the Department of General Services; and

(ii) Approved by the Interagency Commission.

(2) The Department of General Services and the Interagency Commission, in consultation with local education agencies, shall develop a timeline for submission, review, and approval of design and construction documents.

5–319.

(b) On or before [December 31 of] **FEBRUARY 28** each year, **AS PROVIDED IN § 5–325 OF THIS SUBTITLE**, the Interagency Commission shall submit a report on the number of public school construction and major renovation projects in each jurisdiction that [use] **USED** solar technologies **OR ALTERNATIVE ENERGY SYSTEMS IN THE IMMEDIATELY PRECEDING CALENDAR YEAR** to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

5–325.

(c) On or before [December 31] **FEBRUARY 28** each year, **AS PROVIDED IN § 5–319 OF THIS SUBTITLE**, the Interagency Commission shall submit a report to the General Assembly, in accordance with § 2–1257 of the State Government Article, on the number of public school construction and major renovation projects in each jurisdiction that [use] **USED SOLAR TECHNOLOGIES OR** alternative energy systems **IN THE IMMEDIATELY PRECEDING CALENDAR YEAR**.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2026.