

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.



1 (2025 Replacement Volume and 2025 Supplement)

2 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

3 That the Laws of Maryland read as follows:

4 **Article – Education**

5 2–303.

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

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

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

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

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

20 4–115.

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

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

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

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

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

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

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

6 4–126.

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

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

12 5–303.

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

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

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

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

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

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

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

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

3 5–304.

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

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

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

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

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

24 [(5)] (3) On or after May 1 each year, the Interagency Commission shall
25 approve 100% of the school construction allocation included in the capital budget bill as
26 enacted.

27 5–308.

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

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

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

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

2 (4) Is being used for local governmental purposes other than public
3 education; provided, however, that if a former school building is sold by a county
4 government the State shall be reimbursed for outstanding debt service, and if more than
5 10 percent of usable space within a former school is rented for an amount exceeding the
6 cost of operating and maintaining such space, such rental profit shall be used toward
7 retiring outstanding bonded indebtedness.

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

10 (1) Was constructed under this subtitle;

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

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

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

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

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

20 5–310.

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

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

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

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

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

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

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

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

10 (ii) **THE INTERAGENCY COMMISSION SHALL INCLUDE IN THE
11 ASSESSMENT OF INDIVIDUAL SCHOOL BUILDINGS A PROCESS FOR A LOCAL
12 EDUCATION AGENCY TO REPORT ADDITIONAL INFORMATION THAT IS RELEVANT TO
13 THE ASSESSMENT, INCLUDING A PLACE IN THE MASTER FACILITY ASSET LIBRARY
14 SYSTEM FOR THE LOCAL EDUCATION AGENCY TO:**

15 1. **REPORT EACH YEAR TO THE INTERAGENCY
16 COMMISSION ON DEFICIENCIES IN A SCHOOL BUILDING, EVEN IF AN ASSESSMENT
17 OF THE SCHOOL BUILDING WAS NOT COMPLETED IN ACCORDANCE WITH THIS
18 PARAGRAPH IN THE IMMEDIATELY PRECEDING YEAR;**

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

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

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

- 26 1. Temperature;
- 27 2. Humidity;
- 28 3. Carbon dioxide level;
- 29 4. Acoustic levels;
- 30 5. Lead paint;
- 31 6. Asbestos;

- 1 7. Kitchen sanitary equipment;
- 2 8. Lighting;
- 3 9. Emergency communication system, with respect to
- 4 remaining useful life;
- 5 10. Health room attributes;
- 6 11. Safety equipment in each laboratory space; and
- 7 12. The functionality of:
 - 8 A. Heating, ventilation, and air-conditioning building
 - 9 systems;
 - 10 B. Life safety building systems;
 - 11 C. Roofs; and
 - 12 D. Any additional critical building systems identified by the
- 13 Interagency Commission.

14 [(iii)] **(IV)** During an inspection **CONDUCTED AS A PART OF THE**
15 **STATEWIDE FACILITIES ASSESSMENT**, if an item under subparagraph [(ii)1] **(III)1**
16 through 6 of this paragraph rises to such a severe level that requires the school to be closed,
17 the local education agency shall submit a plan to the Interagency Commission on how to
18 address the issue and the Interagency Commission shall work to prioritize funding to
19 address the issue.

20 (3) **[The] ON OR BEFORE OCTOBER 1 EACH YEAR, THE** Interagency
21 Commission shall report to the Governor and, **IN ACCORDANCE WITH § 2-1257 OF THE**
22 **STATE GOVERNMENT ARTICLE**, the General Assembly[on or before October 1 of each
23 year, in accordance with § 2-1257 of the State Government Article,] on the results of the
24 [survey] **MAINTENANCE EFFECTIVENESS ASSESSMENT** for the [prior] **IMMEDIATELY**
25 **PRECEDING** fiscal year.

26 **(4) ON OR BEFORE NOVEMBER 1 EACH YEAR, THE INTERAGENCY**
27 **COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §**
28 **2-1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE**
29 **RESULTS OF THE STATEWIDE FACILITIES ASSESSMENT FOR THE IMMEDIATELY**
30 **PRECEDING FISCAL YEAR.**

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

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

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

7 1. **THAT HAVE RECEIVED STATE FUNDING; OR**

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

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

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

15 (i) Be reviewed by the Interagency Commission; and

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

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

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

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

26 (ii) Approved by the Interagency Commission.

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

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

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

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

5 (ii) Approved by the Interagency Commission.

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

9 5–319.

10 (b) On or before [December 31 of] FEBRUARY 28 each year, AS PROVIDED IN §
11 5–325 OF THIS SUBTITLE, the Interagency Commission shall submit a report on the
12 number of public school construction and major renovation projects in each jurisdiction that
13 [use] USED solar technologies OR ALTERNATIVE ENERGY SYSTEMS IN THE
14 IMMEDIATELY PRECEDING CALENDAR YEAR to the Governor and, in accordance with §
15 2–1257 of the State Government Article, the General Assembly.

16 5–325.

17 (c) On or before [December 31] FEBRUARY 28 each year, AS PROVIDED IN §
18 5–319 OF THIS SUBTITLE, the Interagency Commission shall submit a report to the
19 General Assembly, in accordance with § 2–1257 of the State Government Article, on the
20 number of public school construction and major renovation projects in each jurisdiction that
21 [use] USED SOLAR TECHNOLOGIES OR alternative energy systems IN THE
22 IMMEDIATELY PRECEDING CALENDAR YEAR.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2026.