

Maryland Association of Boards of Education

Legislative Committee

School Facilities Issues Update

November 18, 2013

FY 2014 School Construction & Renovation Project Funding in the State Budget

The FY 2014 capital budget, House Bill 101, includes \$300 million in General Obligation(GO) bonds for public school construction, of which \$25 million is restricted to fund projects that install air conditioning systems in schools that do not currently have centralized air conditioning systems. The operating budget, House Bill 100, includes another \$25 million to fund school safety enhancement upgrades.



MABE advocated that the FY 2014 school construction budget should meet or exceed the \$350 million provided in the FY 2013 capital budget to ensure that all Maryland schools are better learning environments to prepare our students to be college and career ready.

School Safety-Related Project Funding

The FY 2014 budget includes \$25 million in general funds for security improvements at public schools. The funds will support a range of projects such as facility risk assessments, security cameras, photo identification systems for visitor sign-in, lockset changes for interior and exterior doors, hardening glass areas, relocating school office areas to a school's primary entrance area, and moving relocatable classrooms to improve supervision. Local education agencies (LEAs) will be able to use school security funds for a wide range of projects as small as \$10,000 spread across a number of schools. Because the security improvement initiative will utilize pay-as-you-go funds and not general obligation bond funds, projects may have less than a 15-year life.



MABE supported this funding initiative and other school safety-related initiatives including Senate Bill 143/House Bill 983 which required local boards of education to evaluate their emergency management plans; and House Bill 453, which established a school safety center to serve as a clearinghouse for information and best practices, to provide and facilitate professional staff development, conduct training, and facilitate coordination and collaboration between local school systems.

Task Force to the Study the Applicability of the Maryland Prevailing Wage Law

House Bill 1098 was enacted to establish a Task Force to Study the Applicability of the Maryland Prevailing Wage Law. Specifically, the task force is charged with examining how the prevailing wage law is applied to school construction projects. It must report its findings and recommendations to the Governor and the General Assembly by December 31, 2013.



MABE opposed this legislation, as introduced, because it would have dramatically increased the number of local public works projects, including school construction projects, that would be required to comply with prevailing wage rate requirements. The bill would have done so by eliminating the threshold of 50 percent of state funding that triggers the prevailing wage requirements. After passing in the House, the bill was converted by amendment into a task force bill. MABE is represented on the task force by Carroll County Board of Education Member Jim Doolan.

Indoor Air Quality in Relocatable Classrooms Regulations

Update - the proposed regulation on indoor air quality in relocatable classrooms (COMAR 23.03.06) was withdrawn from the Board of Public Works agenda for November 6. The critical issue is the retroactive vs. prospective application of the requirements; there seems to be little disagreement that Chapter 8 of the International Green Construction Code is an appropriate vehicle for establishing IAQ standards. Dr. Lever plans to meet with the legislative sponsors to discuss the intent of the legislation and perhaps seek an amendment that will clarify the applicability of the requirements.



MABE participated on a work group with PSCP and DHCD representatives to develop the regulations following passage of the legislation in 2007. MABE opposes the imposition of retroactive standards.

Emergency Shelter Compliance Regulations

The Interagency on School Construction (IAC) recently voted to approve preliminary procedures for electrical power at schools that will potentially serve as emergency shelters in the event of a federal, state, or local emergency. The final procedures will be brought to the IAC for approval within six months based on experience gained in the actual implementation of coordinated actions by the Maryland Emergency Management Agency (MEMA), the Department of Human Resources (DHR), the Public School Construction Program (PSCP), the Local Educational Authorities (LEAs), and Local Emergency Managers (LEMs).



MABE monitored the IAC's response to input from local school systems which raised concerns regarding the role of local school systems and their local emergency management authorities, and the scope and cost of any requirement improvements, and the burden on anticipated project funding if these electrical upgrades are mandated for FY 2015.

Nonpublic Aging Schools Program Funding

The FY 2014 capital budget includes \$3.5 million in general obligation bonds added by the General Assembly to support a new Nonpublic Aging Schools Program to provide grants for school construction projects eligible under the Aging Schools program, including school security improvements. Only nonpublic schools that meet the eligibility requirements for the Aid to Nonpublic Schools program will be eligible. Funds will be distributed on a per-student basis with a maximum of \$35 per student except at schools with at least 20% of students are eligible for free or reduced price meals, which will receive \$50 per student. Each school will receive at least \$5,000.



MABE has not take a position to oppose this new program, but did join other education organizations in writing to the IAC to request that it fulfills its legal, statutory and regulatory responsibilities by ensuring that the regulations and rules of the Aging Schools Program are honored through the allocation of these funds.

Solar Technology Design Reviews

Senate Bill 245/House Bill 103 was enacted to require the Board of Public Works to adopt regulations that require the design development documents submitted by local boards of education to IAC for the construction or major renovation of a public school building include an evaluation of the use of solar technology, including photovoltaic or solar water heating, based on life-cycle costs. If an evaluation determines that solar technology is not appropriate for a specific school construction or major renovation project, the local board must submit a report explaining why it is not appropriate.



MABE supported this bill with the amendment to limit the scope of the mandate to new and majorly renovated schools.

Baltimore City School Construction Initiative

The Baltimore City Public Schools Construction and Revitalization Act of 2013 (House Bill 860) was enacted to allocate \$20 million in annual State lottery proceeds and \$40 million in annual Baltimore City revenues to support a multiyear, \$1.1 billion public school construction and renovation initiative in Baltimore City. Subject to the approval of BPW and a four-party memorandum of understanding (MOU) between the Maryland Stadium Authority (MSA), the Baltimore City Board of School Commissioners (BCBSC), IAC, and Baltimore City, MSA is authorized to issue up to \$1.1 billion in bonds to fund public school construction and renovation projects in Baltimore City. MSA will manage the funds and, in accordance with the terms of the MOU and the 10-year school construction plan adopted by BCBSC, the construction of up to 15 new schools. BCBSC will manage the renovation of as many as 40 schools. The State and local funds dedicated to the initiative are pledged to pay debt service on the bonds issued by MSA, and may also be used to cover administrative costs incurred by MSA and BCBSC in implementing the program. MSA may not spend any of its own funds, whether appropriated or non-budgeted, to cover its administrative costs. The bill also raises BCBSC's statutory limit on the principal amount of outstanding bonds from \$100 million to \$200 million.



MABE took no position on this bill.