

**BILL:** Senate Bill 538  
**TITLE:** Public School Construction - Regulations - Equitable Distribution of Projects and Improvements  
**POSITION:** OPPOSE  
**DATE:** February 23, 2017  
**COMMITTEE:** Budget and Taxation Committee  
**CONTACT:** John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) opposes Senate Bill 538, because it would arbitrarily require the consideration of legislative district boundaries in the decision making process regarding school construction and renovation projects.

For MABE and Maryland's 24 local school boards, the mission to provide all of Maryland's students with high performing school facilities conducive to learning is a top priority. The Maryland Constitution requires that the State provide a "thorough and efficient" system of public education. MABE believes that this includes the duty to equitably provide safe, high quality school facilities in which all students can learn. On behalf of local boards, MABE requests the General Assembly's continued recognition of local decision making discretion in the prioritization of school facility projects.

Local boards are accountable to our local communities to design, build and maintain outstanding school facilities for student learning. Local school systems not only develop capital improvement plans (CIPs) and construct and maintain school facilities in accordance with adopted procurement and construction laws and regulations, but also strive to reflect our community preferences and priorities. Therefore, MABE believes that local school systems should remain able to prioritize project requests according to locally established criteria, and opposes any state mandated standard school designs or school sizes for elementary, middle or high schools.

Local boards of education are vested with the authority to establish public schools, subject to the approval of the State Superintendent and in accordance with applicable bylaws, rules, and regulations of the State Board of Education (Md. Code Ann., Ed. Art. § 4-109(a)). With the advice of the local superintendent, local boards establish the geographical attendance areas for each public school in their jurisdiction (Md. Code Ann., Ed. Art. § 4-109(c)). Subject to the approval of the State Superintendent, and in accordance with the State Board's rules and regulations, local boards may purchase or otherwise acquire, land, school sites or buildings; and rent, repair, improve, or build school buildings and approve contracts (Md. Code Ann., Ed. Art. § 4-115). Site acquisition and disposition must be approved by the IAC (COMAR 23.03.02.13); site disposals greater than one acre must be approved by the Board of Public Works (COMAR 23.03.02.23).

With regard to a specific school construction project, the local school system is responsible for competitively procuring and awarding the construction contracts to the lowest responsive and responsible bidders, or for otherwise competitively procuring school construction projects in accordance with COMAR 23.03.03.

In addition, the IAC requires that each local board submit an educational facilities master plan (EFMP), one-year and five-year capital improvement plans (CIPs) for school construction, and a comprehensive maintenance plan (CMP) by the dates specified by the IAC.

Each local school system relies on, and greatly appreciates, the significant amount of state funding provided for school construction. At the same time, in many jurisdictions local funding exceeds the state share of funding; and in all jurisdictions, local priorities and preferences in school design must be taken into consideration. MABE opposes this legislation because it would require the allocation of scarce resources for major school construction and renovation projects on the arbitrary basis of legislative district.

For these reasons, MABE requests an unfavorable report on Senate Bill 538.