

21st Century School Facilities Commission

FINAL REPORT



Annapolis, Maryland
January 2018

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21st Century School Facilities Commission

Martin G. Knott, Jr.
Chairman

January 31, 2018

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

The Honorable Michael E. Busch
Speaker of the House

Gentlemen:

On behalf of the 21st Century School Facilities Commission, I am pleased to transmit to you the Commission's final report.

When you established the Commission, you charged it with accomplishing the following eight tasks:

- review existing educational specifications for school construction projects and determine whether the existing specifications are appropriate for the needs of 21st century schools;
- identify best practices from the construction industry to determine whether there are efficiencies that can be made in the construction of public schools and public charter schools;
- identify a long-term plan for jurisdictions with growing enrollment, as well as maintaining facilities in jurisdictions with flat and declining enrollment;
- identify areas where innovative financing mechanisms including public-private partnerships, as well as alternatives to traditional general obligation debt can be used for construction and ongoing maintenance;
- determine areas for efficiencies and cost-saving measures for construction and maintenance;
- evaluate the appropriate role for State agencies including the Maryland Department of Planning, Department of General Services, State Department of Education, Board of Public Works, as well as the appropriate statutory structure for the Interagency Committee for Public School Construction;

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- review the relationship between State agencies and local governments on school construction projects;
- review the Kopp Commission findings and progress toward implementation.

The Commission has worked diligently for nearly two years, holding 17 meetings, including 6 subcommittee meetings. Although you originally asked that the Commission complete its work by December 2016, it quickly became clear that our work would require more time to address the breadth and depth of our charges. Therefore, we requested and you approved an extension of time. We produced an interim report in January 2017 and are pleased to conclude our work with the delivery of this final report.

The report submitted to you today includes 36 recommendations that, together, address each of the eight tasks with which we were charged. They include a number of steps that can be accomplished administratively by State agencies and local school systems, but others will require legislative action and/or funding commitments.

The Commission members and I thank you for the privilege of serving you and the people of Maryland. Our work reflects our shared dedication to providing the students, teachers, and parents of Maryland with the finest educational facilities in which our children can learn and grow. We especially wish to thank our fine staff from the Department of Legislative Services. We could not have completed our work without their assistance.

Sincerely yours,

A handwritten signature in dark ink, appearing to read 'Martin G. Knott, Jr.', with a stylized, looping flourish at the end.

Martin G. Knott, Jr.
Chair

MGK:MCR/mlm

21st Century School Facilities Commission

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Chapter 1. Introduction

The 21st Century School Facilities Commission was appointed by the President of the Senate and the Speaker of the House of Delegates in January 2016 to review all aspects of the current process by which public school facilities in the State are designed, funded, built, and maintained and to develop recommendations for improving the efficiency and cost-effectiveness of that process as well as ensuring that the State is positioned to build modern schools for the 21st century. Its members include representatives from the private sector, including Martin G. Knott, Jr., who was appointed chair; State and local officials; teachers; and school board representatives. This final report summarizes the Commission's work over the past two years and puts forth 36 recommendations that represent the consensus among the Commission's members regarding strategies for improving and modernizing the construction of public school facilities for Maryland students.

The Work of the 21st Century School Facilities Commission

The 21st Century School Facilities Commission began meeting in April 2016. It held eight meetings leading up to the 2017 General Assembly legislative session, where it heard from experts and stakeholders, discussed the information presented, and provided input. In its charge, the Commission was asked to report back to the General Assembly in December 2016. However, in November 2016 the Commission recognized that it would need more time to complete its charge and announced that it would extend its work into the next calendar year before making recommendations. In January 2017, the Commission produced an interim report that outlined its work up to that point and detailed the four major themes the Commission had identified up to that point: (1) flexibility; (2) streamlining, *i.e.*, time is money; (3) incentives and impediments; and (4) State role as clearinghouse and technical assistance.

The Commission resumed its work in July 2017. At that meeting, it was announced that the Commission would be forming two subcommittees: the Funding Subcommittee, chaired by Treasurer Nancy K. Kopp; and the Process, Procedure, and Educational Specifications Subcommittee, co-chaired by superintendents Theresa R. Alban, Ph.D., and Kevin M. Maxwell, Ph.D. All members of the Commission were seated on one of the two subcommittees. Over the course of six meetings (three meetings each) the subcommittees continued to hear presentations specified for their individual areas, then developed recommendations for the full Commission's consideration. In December 2017, the full Commission held its final meeting and adopted final recommendations. Over the Commission's full two years of work, it met a total of 17 times, including its 6 subcommittee meetings. The agendas for these meetings are included in this report as **Appendix 1**. Additionally, all materials that were presented at the meetings can be found on the Commission [website](#).

Current School Construction System and Funding

Subject to the final approval of the Board of Public Works (BPW), the Interagency Committee on School Construction (IAC) manages State review and approval of local school construction projects. IAC consists of five members: the State Superintendent of Schools, who chairs the IAC; the Secretary of General Services; the Secretary of Planning; and two members of the public appointed by the Senate President and Speaker of the House, respectively. IAC oversees the Public School Construction Program (PSCP) and appoints its executive director with approval by BPW. PSCP staff is responsible for advising and preparing recommendations for IAC.

Each year, local systems develop and submit to IAC a facilities master plan that includes an analysis of future school facility needs based on the current condition of school buildings and projected enrollment. The master plan must be approved by the local school board. Subsequently, each local school system submits a *Capital Improvement Program* to IAC that includes projects for which it seeks planning and/or funding approval for the upcoming fiscal year, which may include projects that the local system has forward funded. In addition to approval from the local school board, the request for the upcoming fiscal year must be approved by the county's governing body. Typically, the submission letter to IAC contains signatures of both the school board president and either the county executive and county council president or chair of the board of county commissioners.

The technical review process is somewhat different for major construction projects (new and replacement schools and major renovations or expansions of existing schools) than for systemic renovation projects (smaller scale projects that seek to replace or upgrade a specific system within a building, such as heating and cooling, roofing, or windows). For major construction projects, the Maryland State Department of Education (MSDE) reviews the educational specifications and schematic designs of the buildings to ensure that they conform to minimum State requirements for instructional and other spaces. In addition, the Department of General Services (DGS) reviews all design documents and construction documents (*i.e.*, the blueprints) to ensure the integrity and constructability of the building. For systemic renovation projects, DGS reviews the design and construction documents, but MSDE has no review responsibility because these projects are technical in nature and do not directly affect the instructional program. Based on the reviews by MSDE and/or DGS, IAC makes recommendations to BPW regarding projects that are ready to move forward and those that should be funded. The required steps in the review process and the timelines are shown in **Appendix 3**.

For major construction projects, projects must first receive planning approval prior to the start of any construction, confirming that the project is eligible for State funding. Funding approval is granted separately, although sometimes concurrently with planning approval, subject to the availability of funds. For major construction projects and some larger systemic renovations, funding is typically provided over several years, reflecting construction timelines and available funding.

Based on its assessment of the relative merit of all the project proposals it receives, and subject to the projected level of school construction funds available, IAC makes recommendations for which projects to fund to BPW for final approval. By December 31 of each year, IAC must recommend to BPW projects comprising 75% of the preliminary school construction allocation projected to be available by the Governor for the upcoming fiscal year. Local school boards may then appeal the IAC recommendations directly to BPW. By March 1 of each year, IAC must recommend to BPW and the General Assembly projects comprising 90% of the allocation for school construction submitted in the Governor's capital budget. Following the legislative session, IAC recommends projects comprising the remaining school construction funds included in the enacted capital budget for BPW approval, no earlier than May 1. It is worth noting that this process was changed for the fiscal 2018 allocation, and in 2006-2008, after the General Assembly added language to the Capital Budget bill that provided that IAC shall allocate 100% of funds available for public school construction projects, and that these allocations shall not be subject to BPW approval and are deemed approved pursuant to State law.

The State pays at least 50% of eligible costs of school construction and renovation projects, based on a funding formula that takes into account numerous factors including each local school system's wealth and ability to pay. The Public School Facilities Act (Chapters 306 and 307 of 2004) requires that the cost-share formula be recalculated every three years. The first recalculation occurred in 2007, the second recalculation occurred in 2010, and the third, begun in 2013, was completed in 2014. The fourth was supposed to be updated in October 2016 for fiscal 2019 through 2021 but did not go to IAC for approval until September 2017.

The updated and revised cost-share formula was submitted to BPW for approval on October 18, 2017. Current practice establishes cost shares for three years, including phasing in decreases if the State share decreases by more than five percentage points. However, because the 21st Century School Facilities Commission was reviewing the factors and process used to calculate the State cost share, BPW voted to approve cost shares only for fiscal 2019. BPW also voted to maintain the State share in effect for fiscal 2018 for nine school systems in which the State share was slated to decrease. The approved State share percentages of public school construction for eligible costs for fiscal 2019 is outlined in **Exhibit 1.1**, reflecting BPW's decision to hold harmless all local school systems for one year. The Maryland School for the Blind's State share remains at 93%.

Exhibit 1.1
State Share of Eligible School Construction Costs
Fiscal 2017-2019

County	FY 2017	FY 2018	FY 2019
Allegany	83%	83%	85%
Anne Arundel	50%	50%	50%
Baltimore City	93%	93%	93%
Baltimore	52%	52%	56%
Calvert	53%	53%	53%
Caroline	80%	80%	81%
Carroll	59%	59%	59%
Cecil	63%	63%	66%
Charles	61%	61%	61%
Dorchester	76%	76%	76%
Frederick	64%	64%	64%
Garrett	50%	50%	50%
Harford	63%	63%	63%
Howard	55%	55%	55%
Kent	50%	50%	50%
Montgomery	50%	50%	50%
Prince George's	63%	63%	70%
Queen Anne's	50%	50%	51%
St. Mary's	58%	58%	58%
Somerset	100%	100%	100%
Talbot	50%	50%	50%
Washington	71%	71%	71%
Wicomico	97%	97%	97%
Worcester	50%	50%	50%
MD School for the Blind	93%	93%	93%

Source: Interagency Committee on School Construction

Chapters 306 and 307 also established the State's intent to provide \$2.0 billion of funding for school construction by fiscal 2013, an average of \$250.0 million each year for eight years. The State achieved the \$2.0 billion target ahead of schedule, and PSCP funding has remained above the \$250.0 million target each year since. **Exhibit 1.2** shows annual State public school construction funding from fiscal 2010 through 2018, by county.

Exhibit 1.2
State Public School Construction Funding
Fiscal 2010-2018
(\$ in Thousands)

County	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018
Allegany	\$0	\$842	\$727	\$1,999	\$2,496	\$6,597	\$10,837	\$24,242	\$12,873
Anne Arundel	25,020	26,200	32,400	33,349	34,870	36,200	39,419	42,598	36,829
Baltimore City	27,733	28,559	41,000	46,102	39,478	35,329	36,788	37,500	37,303
Baltimore	28,000	29,000	39,000	47,394	52,068	34,561	42,177	45,775	45,186
Calvert	8,181	8,450	7,317	7,129	5,577	2,653	1,500	9,964	14,575
Caroline	6,000	3,767	235	756	7,788	0	2,902	36	1,646
Carroll	10,520	8,444	9,079	15,211	4,874	3,915	6,415	3,418	3,853
Cecil	1,538	1,744	2,830	1,915	1,268	8,194	4,723	6,650	6,730
Charles	8,898	8,335	9,180	12,480	9,426	8,200	12,817	8,951	10,516
Dorchester	6,469	5,436	3,639	979	1,590	768	179	5,009	10,975
Frederick	16,226	14,000	16,532	19,254	20,163	15,901	21,000	21,295	19,564
Garrett	666	0	382	319	134	0	0	0	1,567
Harford	16,253	13,835	17,040	16,573	13,214	12,791	9,309	8,732	13,592
Howard	18,262	18,290	26,936	32,811	25,931	20,772	27,820	31,206	21,066
Kent	388	0	104	123	95	817	615	0	0
Montgomery	28,350	30,183	42,000	43,794	38,592	39,950	45,708	50,128	59,194
Prince George's	28,200	29,500	40,348	42,192	39,371	38,539	41,729	44,675	49,625
Queen Anne's	3,947	5,750	5,374	649	4,371	5,112	0	249	2,455
St. Mary's	4,028	6,600	3,354	3,172	7,472	11,876	7,015	1,273	815
Somerset	6,000	6,000	3,371	289	3,811	2,752	2,222	1,771	14,720
Talbot	436	344	135	35	634	0	308	0	0
Washington	7,965	7,970	8,571	9,117	8,494	7,467	8,404	4,847	2,592
Wicomico	13,170	9,975	1,864	11,290	13,327	10,991	7,440	10,373	11,847
Worcester	403	0	165	166	4,882	0	72	0	0
MD School for the Blind				2,800	6,063	14,733	8,616	6,000	9,376
Statewide		500		100	500	660	175	300	500
Total	\$266,653	\$263,724	\$311,583	\$349,997	\$347,277	\$318,778	\$338,190	\$364,992	\$387,399
Amount Over \$250M	\$16,653	\$13,724	\$61,583	\$99,997	\$97,277	\$68,778	\$88,190	\$114,992	\$137,399

Note: Includes new general obligation bonds, pay-as-you-go funds, and reallocated funds that were previously authorized. Counties receiving \$0 did not request any eligible projects to be funded in that year. Fiscal 2016-2018 include funds allocated for the Enrollment Growth and Relocatable Classroom program totaling \$20 million in fiscal 2016, \$40 million in fiscal 2017, and \$62.5 million in fiscal 2018. Fiscal 2017 total for Baltimore County includes \$5 million withheld by the Board of Public Works and later reauthorized by the General Assembly in fiscal 2018.

Chapter 2. Findings and Recommendations

Findings

Throughout the Commission's work and deliberations, members arrived at a series of conclusions that strongly influenced the final recommendations on which they reached consensus. These conclusions encompass the four themes of (1) flexibility; (2) streamlining the process; (3) providing incentives; and (4) focusing the role of the State on providing technical assistance and serving as a clearinghouse for best practices; these were discussed in the Commission's 2016 interim report. During its 2017 deliberations, the Commission added a fifth theme, (5) transparency.

First, responsibility for the design, construction, and maintenance of public school facilities is best left primarily to local school systems. Local control of instructional programming is a longstanding tradition not only in Maryland but throughout the country. Given the symbiotic relationship between instruction and structure, it is indisputable that local school boards should maintain control over designing, building, and maintaining the environments in which their students learn. This allows school systems to design and build facilities that best serve their local needs; local school systems that wish to experiment with alternative approaches to instruction can design facilities that accommodate those approaches.

Second, the State has a critical and appropriate role in overseeing the construction of public school facilities in the State but should, within reasonable boundaries, minimize the burden on local school systems and offer flexibility to accommodate local priorities. For more than a decade, the State has contributed at least \$250 million annually, and usually much more, to public school construction. Over that time, total State funding has represented nearly one-third of the State's annual capital budget and roughly one-quarter of total expenditures on public school facilities. With that level of financial commitment, the State has a clear vested interest in ensuring that the facilities it supports meet minimum educational specifications and construction and maintenance standards. The State also brings considerable expertise in managing large capital construction projects that is lacking in some local school systems. Nevertheless, excessive oversight and bureaucracy, especially with local school systems that have the capacity to manage their own capital construction programs, has the potential to create unnecessary (and ultimately costly) delays in the construction process. Similarly, lack of flexibility to accommodate nontraditional school designs that meet a legitimate instructional purpose can hamper innovation at the local level.

Third, the State must focus its limited resources on critical areas of need, especially in low-wealth jurisdictions including those with a higher proportion of students living in poverty and those experiencing excessive enrollment growth. State education aid for operating costs is aimed at equalizing resources across communities, and school construction funding similarly targets communities with limited resources to support a robust capital program. In recent years, the State has also focused on communities struggling to build facilities that keep up with enrollment growth

that exceeds the State average. The Commission finds that these are appropriate roles for the State to play.

Fourth, resource limitations at both the State and local levels mean that more needs to be done to encourage innovative strategies that either reduce capital and/or facility operating costs or use public funds to leverage private resources. The simple truth is that available State and local resources combined are not sufficient to meet the demand for modern public school facilities in Maryland. For example, local school systems submitted requests to the State totaling \$703 million for fiscal 2019, and the Governor's proposed capital budget includes \$353.9 million for the State's share of school construction. It is imperative to find ways to stretch available dollars by using cost-effective building technologies, constructing green buildings with lower operating costs, pursuing alternative financing arrangements through public-private partnerships, and more. The Interagency Committee on School Construction (IAC) can play a vital role in providing technical assistance and serving as a clearinghouse in these areas but must also be receptive to reasonable innovations introduced by local school systems that can make construction dollars go further.

Finally, the entire process of designing, funding, building, and maintaining public school facilities must be fully transparent. There is perhaps no more important function of government than educating our children, and every community in the State has an intense interest in providing the best possible educational program. In a limited-resource environment, the process of allocating funds for school construction inherently creates "winners" and "losers" and, therefore, has the potential to create conflict and resentment. Only through a fully transparent process based on the merits of each project can all interests be weighed, all options be discussed, and all decisions be understood.

The Commission's final recommendations are discussed below, organized by the specific charges of the Commission to which they relate.

Recommendations

Funding and School Construction Needs

Commission Charge: *Review the Kopp Commission findings and progress toward implementation.*

Commission Charge: *Identify a long-term plan for jurisdictions with growing enrollment, as well as maintaining facilities in jurisdictions with flat and declining enrollment.*

Background: In 2003, the Task Force to Study Public School Facilities, known commonly as the Kopp Commission because it was chaired by Treasurer Nancy K. Kopp, completed a facility assessment survey that assessed the condition of every school building in the State. The Kopp Commission issued its final report in 2004, which included an estimate that it would cost \$3.85 billion in 2003 dollars to bring all school buildings up to minimum standards, of which the

State share was estimated to be \$2.0 billion. The Kopp Commission recommended that the State commit to providing at least \$250 million annually for eight years, beginning in fiscal 2006, to meet this target. The Public School Facilities Act of 2004 (Chapters 306 and 307) implemented the Kopp Commission's recommendations, including the \$250.0 million annual funding goal. The State exceeded that goal, surpassing the \$2.0 billion level after just seven years. Since then, annual State spending on school construction has continued to exceed the \$250 million level, often by large margins, but the goal has not been formally adjusted to account for inflation.

The Kopp Commission also recommended that the statewide facility assessment that it conducted in 2003 be repeated every four years. However, no assessment has been completed since 2003.

The Kopp Commission also recommended a wealth-equalized formula for determining the State share of school construction costs in local jurisdictions. Building on the approach used for allocating State K-12 education aid, the formula favors jurisdictions with limited resources to fund capital projects. The Public School Facilities Act requires that the data used to calculate the State share of school construction projects be updated every three years, which has been done, but the actual funding formula has remained unchanged.

Current State and local resources are insufficient to meet the needs of the State and local school systems. Despite the massive investment in school construction by State and local governments over the past decade, the average age of schools in the State actually increased by three years from 2006 to 2016. As shown above, each year IAC receives far more funding requests than it can meet with current allocations. The shortage of funding is felt most acutely in jurisdictions with enrollment growth that exceeds the State average, because their construction programs must keep pace with rapid growth, and in low-wealth counties that cannot forward fund school construction projects. Chapter 355 of 2015 provided an additional \$20.0 million in State school construction funding for those jurisdictions (and/or those with a large number of relocatable classrooms), and Chapters 365 and 366 increased the dedicated amount to \$40.0 million. Still, many capital projects are delayed and buildings continue to deteriorate.

Recommendation 1: The State should conduct a statewide facility assessment that will enable local education agencies (LEAs) to regularly assess school facilities in a uniform manner statewide. The integrated data system, to be known as the Integrated Master Facility Asset Library, should be managed by the State and the State should provide access to all 24 jurisdictions using a cloud-based system. The assessment and integrated data system should be done by an outside vendor initially and, to the extent feasible, draw from existing data sources that document the condition of school facilities in the State. The State and LEAs should continually update the facility data. The LEAs should work with the State to identify the data elements that should be maintained at the State level, utilizing existing reporting sources such as the Educational Facilities Master Plan and the Maryland Association of Boards of Education (for LEAs that participate in their insurance program) for data reporting to the extent possible. Once the initial facility assessment is completed, the results should be shared with State and local officials, including LEAs, county governments, IAC members, and legislators, a group of whom should determine collaboratively how the results should be incorporated into funding decisions.

Recommendation 2: The State should provide at least \$345 million for school construction in fiscal 2019, which is roughly the fiscal 2018 funding level (including supplemental funds for school systems with significant enrollment growth/relocatable classrooms but not including Aging Schools or Qualified Zone Academy Bonds). Revenues that exceed projections, particularly one-time revenues like bond premiums, should be considered to supplement school construction funding in fiscal 2019. However, the current funding level has not kept up with inflation based on the \$250 million annual goal set in fiscal 2006. As soon as practicable, the State should increase funding to at least \$400 million annually within current debt affordability guidelines. Recognizing fiscal constraints, this goal may be phased in over several years. Once the initial school facility assessment is completed, the new \$400 million goal should be compared to the assessment results, which may result in developing a higher long-term funding goal.

Recommendation 3: The State-local cost-share formula should continue to favor jurisdictions with limited resources to support school construction. After reviewing the cost-share formula as revised by IAC in fall 2017, the Commission does not recommend any changes to the components of the formula or their relative weighting. However, a common definition of local pay-as-you-go included in the local school construction effort calculation should be developed so that all 24 counties are reporting comparable data. In addition, the cost-share formula should be updated every two years (instead of three years) to reflect changes in local conditions.

Recommendation 4: Costs that are eligible and ineligible for State funding should be reviewed and updated in light of changing circumstances within existing State policy that requires eligible costs to have a median useful life of at least 15 years. For example, projectors are ineligible but many classrooms now have projectors permanently mounted to ceilings. Systems or items that have not exceeded their median useful life, based on industry standards, or that do not have a median useful life of at least 15 years, should not be eligible for State funding. However, there should be some exception to this policy for systems that, while still within their median useful life, have failed despite having a documented record of preventive maintenance or are no longer supported by the manufacturer.

Recommendation 5: The State should continue to provide increased financial support to local school systems with increasing enrollment.

Recommendation 6: Local school systems with declining enrollment should be encouraged to consolidate buildings and/or find alternative uses for undersubscribed school buildings. However, final authority for redistricting should remain with local school boards.

Alternative Financing and Public-private Partnerships

Commission Charge: Identify areas where innovative financing mechanisms, including public-private partnerships (P3s), as well as alternatives to traditional general obligation debt can be used for construction and ongoing maintenance.

Background: The Kopp Commission recognized the potential of alternative financing arrangements, including P3s, to extend local capacity to build new or renovated schools. It recommended that the State should assist LEAs in developing alternative financing approaches, and the Public School Facilities Act included provisions that implemented those recommendations. However, with very few exceptions, LEAs have not availed themselves of the opportunities to use alternative financing largely because, in a low-interest rate environment, traditional general obligation debt has been affordable. Nevertheless, as interest rates begin to increase from historically low levels and the demand for school construction also grows, alternative financing may become increasingly attractive, if not necessary.

Recommendation 7: The State should explore the possibility of creating a school construction authority that includes members with expertise in school construction to accelerate State school construction funding and provide more flexibility for financing school construction projects than traditional general obligation (GO) bonds. Although GO debt is typically the least expensive option for the State and moving to appropriation- or revenue-backed bonds increases the cost of debt, these higher costs may be offset by completing projects sooner and avoiding the inflationary costs. Alternative funding such as a dedicated revenue source or perhaps combining State and local revenue should be considered. The State may also wish to consider creating a revolving loan fund (similar to the Water Quality Revolving Loan Fund for local wastewater and sewer costs) to help counties fund the local share of school construction costs.

Recommendation 8: The State should provide technical assistance and help facilitate P3s, such as developing template lease agreements between developers and school systems. The State should encourage innovation through alternative financing by providing a financial incentive to assist one or more LEA(s) interested in pursuing alternative financing to cover the associated risks (*e.g.*, the contingency allowance could be increased and used for a broader set of changes than are currently allowed). If an LEA undertakes a project with alternative financing, IAC and the LEA should fully document the process, expectations, and results so that other LEAs can determine whether they want to pursue alternative financing.

Recommendation 9: To encourage greater use of alternative financing and P3s for school facilities, the State should consider allowing school systems to enter into long-term lease agreements for school buildings that do not require the local board of education to own the building at the end of the lease term. This would enable school systems to lease commercial or other space to serve as school buildings and would also allow the P3 model whereby in addition to design-build, the developer would also maintain and operate the building for a set period of time. The legal and financial implications related to this should be examined.

Recommendation 10: The State should explore the feasibility of regional (multi-district) school construction projects including regional P3 zones, *e.g.*, regional career and technical education high schools, and develop mechanisms and incentives to provide State funding.

State and Local Roles in the School Construction Process

Commission Charge: *Evaluate the appropriate role for State agencies, including the Maryland Department of Planning (MDP), Department of General Services (DGS), Maryland State Department of Education (MSDE), and Board of Public Works, as well as the appropriate statutory structure for IAC.*

Commission Charge: *Review the relationship between State agencies and local governments on school construction projects.*

Background: Chapter 1 of this report describes the basic timeline for State approval and funding of school construction projects and, within that timeline, the multiple layers of review by State agencies. During the construction process and after project completion, IAC must approve all construction contracts and payments to contractors as well as construction change orders, including those that do not affect State funding for the project. For each school construction project that receives State funding, IAC calculates 2.5% of the total project cost and then withholds the State's share of that amount for a contingency fund to cover change orders that add to the cost of a project. If those funds are not needed, they become available for other funded projects by the same local school system. DGS advised the Commission that of the thousands of change orders it has reviewed for IAC in recent years, roughly 99% did not affect State funding. Upon project completion, IAC reviews and approves the final project closeout.

The Commission heard testimony from numerous local school systems that the State's current review process is overly bureaucratic and time consuming, which can delay projects and increase costs. The process is also "one size fits all" with no flexibility for school systems that have greater capacity and a successful track record in managing projects.

Although IAC provides substantial oversight of school construction projects throughout the State, the design, construction, and maintenance of those facilities is largely managed by local school systems. The Commission affirms its support for that basic framework of the school construction management landscape in the State but also spent a great deal of time discussing and deliberating about optimal approaches to giving local school systems greater flexibility and discretion to carry out their responsibilities while ensuring that State interests are safeguarded. Throughout that process, it identified a number of requirements that, with the passage of time or seen from a new perspective, it found to be unnecessarily burdensome or obsolete.

Recommendation 11: Local school systems should have the flexibility to design schools that meet local needs and programmatic priorities.

Recommendation 12: Final project proposals should be subject to review and approval by the State. The process for evaluating school construction projects for State funding should be locally driven using a merit-based, apolitical process. Each stage of the process should include appropriate State oversight that adds value by utilizing professional expertise to build modern, efficient, and high-quality public school facilities for Maryland's students.

Recommendation 13: Although the Commission recommends that the State should maintain a role in the review and approval of State-funded projects, the approval process should be streamlined to minimize unnecessary delays. Specifically, the Commission recommends:

- a. maintain mandatory MSDE review and IAC approval of educational specifications and schematic designs for major construction projects, but explore the possibility of altering the two review processes to save time. A rolling deadline for submission of each document, with schematic designs submitted following completion of educational specifications review, should be considered;
- b. eliminate required DGS review and IAC approval of change orders for both major construction and systemic renovation projects;
- c. eliminate required DGS review and IAC approval of design and construction documents for both major construction and systemic renovation projects for local school systems that successfully complete a voluntary certification process that demonstrates that they have the expertise and capacity in their counties to complete those reviews in-house. A State certification process should (1) be developed by DGS; (2) be reviewed and approved by IAC; and (3) result in a renewable, multi-year certification for successful school systems. The State, in consultation with local school systems, should develop a timeline for submission and review/approval of design and construction documents for those local school systems that continue to rely on DGS/IAC review and approval;
- d. eliminate MSDE review of any projects that are funded wholly with local funds unless they substantially alter or expand an existing school built in part with State funds; and
- e. maintain IAC review and approval of procurement contracts and payments/closeout.

Recommendation 14: The 2.5% withholding for contingencies related to change orders from the State allocation should be eliminated, but LEAs should be required to maintain a contingency fund to address unanticipated construction costs above the State allocation.

Recommendation 15: The State should examine the potential benefits and disadvantages of (1) making project design costs eligible for State funding and (2) reducing or eliminating State support for systemic renovations to focus available resources on major construction projects.

Background: As noted earlier, local school systems must develop 10-year Educational Facilities Master Plans (EFMPs), which provide detailed descriptions and plans for each of their school buildings. When they submit their annual requests for planning and funding approval as part of the *Capital Improvement Program* (CIP) process, local school systems must also include their anticipated planning and funding requests for the next 5 years so that IAC can put their requests in the context of future needs. Given the availability of the EFMPs, the Commission found that requirement to be redundant.

Under State law [Education § 4-115], the State Superintendent of Education must approve the purchase of land, school sites, or buildings to be used for educational purposes. In addition, the Code of Maryland Regulations [COMAR 23.03.02.13] requires local school systems to submit proposed sites to MDP for the acquisition of a site for a new or replacement school. IAC may recommend funding for a site only if it has approved the site within the preceding five years; if circumstances delay use of a new site beyond the five-year period, local school systems must go through the approval process all over again. Local school systems advised the Commission that the approval process for land purchases frequently delays those purchases, making sellers reluctant to enter into sales agreements with them.

COMAR [23.03.02.29] also requires that all new and replacement schools as well as projects that include upgrades of the electrical system in a school building ensure that specified areas of the school be fully powered in the event of an emergency so they can be used as public shelters. This requirement can result in meaningful increases to the cost of a project. Although the provision requires consultation with the Maryland Emergency Management Agency prior to designation of buildings or sections of buildings as public shelters, the presumption that a new or renovated building is well situated to serve as a shelter is not consistent with emergency management planning guidelines.

Recommendation 16: The requirement that LEAs submit future planning and construction project requests in the *CIP* beyond the upcoming fiscal year should be eliminated; LEAs should still be required to submit their 10-year EFMP each year.

Recommendation 17: Site approval should be required within three years of local planning submittal instead of at the time of new land purchase. This will eliminate duplicative site approval by MDP and IAC both at the time a school system purchases land and, sometimes many years later, when the school system moves forward with the planning process to build a new school.

Recommendation 18: The requirement that all schools undergoing renovation qualify as emergency management shelters should be repealed; designation of schools as emergency shelters should be consistent with local emergency management plans and criteria as well as funding availability.

Educational Specifications and Space Guidelines

Commission Charge: *Review existing educational specifications for school construction projects and determine whether the existing specifications are appropriate for the needs of 21st century schools.*

Background: Educational specifications consist of a narrative description of a proposed new or substantially renovated school building. They serve as the basis for the design of the building and include the following elements:

- descriptions of the educational program, instructional delivery methods, enrollment projections, school organization, and other factors affecting the use of the building;
- space requirements to fulfill the building's function;
- performance expectations for the site; and
- relationships among the spaces in the building.

Educational specifications are developed for each proposed project by local school officials and community members with assistance from an MSDE school facilities architect, who advises on issues related to State Board of Education requirements, trends in Maryland and other states, and MSDE facility guidelines. The specifications draw extensively from State board requirements and the MSDE design standards and guidelines. For instance, the State board requires that each new school have a separate gymnasium and a health services suite. The MSDE design standards and guidelines address space and design issues for different areas in the school, including fine arts classrooms, health suites, library media centers, and more.

During the review process, IAC calculates a State Rated Capacity (SRC) for the building based on enrollment projections provided by MDP, the number of proposed classrooms, and space guidelines for each classroom type. It also uses the educational specifications to establish a maximum gross square foot allowance for each project. That allowance forms the basis for the State's determination of the approved funding level for the project. Local school systems may elect to build larger buildings than the maximum square footage allowance determined by the State, and they frequently do, but from a funding perspective, any square footage in excess of the State allowance is entirely the responsibility of the local school system. The State establishes a dollar per square foot funding amount annually, drawing on market data about the cost of construction. Once the maximum gross square foot allowance has been determined, IAC applies the dollar per square foot amount to that allowance and adjusts the amount based on the State share formula. That calculation yields the maximum State funding allocation for the project.

Recommendation 19: The State should convene a stakeholder group that includes LEA facility planners and others to review the square footage allocations that are currently used to calculate the State maximum allowable square footage for a project to identify any overly restrictive requirements and to determine if alternative methodologies or allocations could result in more efficient use of space in school buildings. The stakeholder group should provide its recommendations to IAC, including any regarding allocations for community use space including community schools, especially for schools with high proportions of students eligible for free and reduced-price meals, *i.e.*, living in poverty.

Recommendation 20: The stakeholder group recommended above should also review MSDE-issued design standards and guidelines to ensure that they are aligned with the space allowances for each type of space (*e.g.*, health suites, classrooms, community use areas, etc.) and are not overly specific.

Recommendation 21: The State should consider using regional cost per square foot figures rather than one statewide amount in the State allowable cost per square foot figures established annually to reflect the different construction and labor markets in regions of the State.

Recommendation 22: The SRC process should be reviewed and updated to address special programs/adjacent schools/etc. utilizing enrollment projections provided by MDP.

Construction Efficiencies and Maintenance

Commission Charge: *Identify best practices from the construction industry to determine whether there are efficiencies that can be made in the construction of public schools and public charter schools.*

Commission Charge: *Determine areas for efficiencies and cost-saving measures for construction and maintenance.*

Background: COMAR [24.03.04.03] authorizes multiple project delivery methods for school construction projects, including several alternatives to straightforward general contracting. These include construction management agency (CMA), construction management at risk (CMR), design-build (DB), and job order contracting (JOC). Under CMA, the LEA contracts with multiple trade contractors but engages a professional construction manager to provide pre-construction consultation and construction-phase management services. This approach is widely used in Maryland. For CMR, a construction management entity offers a guaranteed maximum price before construction documents are complete and then carries all the risk associated with the construction of the facility. This has been used by a small number of local school systems in Maryland. Under DB, a single entity is responsible for both design and construction of the project; this has been used mostly for smaller (systemic) projects in Maryland. With JOC, a contractor bids only on the overhead and profit associated with an extensive fixed-price list of construction items. This has been used in only a limited number of cases in Maryland, primarily for system renovations.

Competitive sealed bidding remains the preferred method for procuring the construction of school buildings. With competitive sealed bidding, the school system develops a detailed project scope and then awards the contract to a responsible bidder who submits the lowest-price bid (assuming it is fully responsive to the project scope). Other possible methods include multi-step sealed bids, competitive negotiations, or intergovernmental purchase agreements. The first two allow greater leeway in selecting contractors based on factors other than price, while the latter allows a school system to by-pass the procurement process and “piggy back” on contracts already awarded competitively by another governmental entity.

Some local school systems have begun using prototype school designs as a means of minimizing the costs associated with designing new school buildings. The prototypes must still be adapted to the unique dimensions and other factors associated with each building site, but their use generally reduces design costs since they can be used multiple times.

The Commission heard testimony from multiple witnesses about recent advances in building designs and technologies, construction management approaches, and procurement methods, many of which have the potential to increase efficiency and reduce costs. Many of these strategies can be accommodated within the State's current legislative and regulatory framework for the oversight and funding of public school construction facilities, but others would require statutory or regulatory changes. For instance, the use of prototype designs, geothermal heating and cooling systems, and intergovernmental purchasing options, to name just a few strategies that were advocated, are all allowed under the existing framework. However, letting local school systems use alternative building specifications would require changes to current State guidelines.

State law requires that new and substantially renovated public school buildings be built to meet, at a minimum, the Silver standard of the Leadership in Energy and Environmental Design Program (LEED Silver). Since this standard was enacted by the State a decade ago, LEED strategies have increasingly become standard practice within the construction industry, in large measure because many of them have been incorporated into building codes. This has minimized the additional cost incurred to meet the LEED Silver standard. However, LEED Silver certification requires third-party validation, which can add thousands of dollars to the cost of a new building. The Commission also heard testimony advocating the use of strategies to reduce building life cycle costs, including "net-zero" or "energy-plus" designs, as described below.

State law also requires that any public school construction project valued at more than \$500,000 and in which State funds make up at least 25% of the total project cost pay workers the prevailing wage. This means that the vast majority, but not all, public school construction projects in the State must pay prevailing wages. The Commission heard from both opponents and proponents of the State's prevailing wage requirement. Opponents point to some analyses that show that payment of prevailing wages can add at least 10% to the cost of a construction project, while proponents argue that research on the effects of prevailing wages on project costs has been inconclusive and that payment of prevailing wages has social and economic benefits.

Recommendation 23: IAC should be a central repository for information on the use of pre-fab and building system options, procurement methods, school facility design and construction and, generally, best practices in school construction.

Recommendation 24: The State should provide technical assistance and support to local educational agencies on the use of alternative project delivery methods.

Recommendation 25: The State and local school systems should use technological advances to the greatest extent possible to both make building design more efficient and innovative, and utilize technology to streamline compliance reviews and project deliveries.

Recommendation 26: All required documents/data should be able to be submitted electronically to IAC.

Recommendation 27: Incentives should be provided for the use of prototype school designs, including expedited State review of projects that use them, but use of prototypes should not be required.

Recommendation 28: School construction procurement should be reoriented toward obtaining best value rather than lowest price, consistent with State procurement law for State projects.

Recommendation 29: Local school systems should be allowed to bundle (for approval and procurement purposes) similar systemic renovation projects at different schools (*e.g.*, roofs at three schools) and interrelated systemic projects at a single school (*e.g.*, windows and HVAC at one school).

Recommendation 30: Bulk purchasing, bundling, and intergovernmental purchasing for common items (*e.g.*, HVAC, windows) should be encouraged, consistent with competitive bidding requirements.

Recommendation 31: The State should encourage and provide technical support for agreements between and among LEAs and county governments, including regional partnerships, to improve efficiencies.

Recommendation 32: The Maryland Green Building Council should be asked to develop guidelines for achieving the equivalent of LEED Silver standards without requiring LEED certification of new school buildings, including some independent certification that school systems have achieved the required standards.

Recommendation 33: Incentives should be established for the construction of “net-zero” school buildings, in which the total amount of energy used by a building on an annual basis is roughly equal to or less than the amount of renewable energy created on the site.

Recommendation 34: Local education agencies should continue to be allowed choice in construction materials but incentives for energy efficient or other preferred materials should be given.

Recommendation 35: Local school systems should be required to report annually on their preventive maintenance schedules, which should be based on industry standards, and the preventive maintenance measures they have carried out on all major functional systems in each of their school buildings. The State should collect and monitor maintenance data through a comprehensive maintenance management system that is integrated with the facility assessment information system.

Recommendation 36: The effect of prevailing wage requirements on school construction costs should be further examined.

Chapter 3. Review of School Construction in Other States

Other States

During the 2016 interim, the Department of Legislative Services (DLS) examined financial support provided by states for school construction. DLS also selected 14 states for a more in-depth examination of how different states manage their financial support of school construction. In these states, DLS examined the underlying governing arrangements, funding histories, and the structure and membership of school construction entities. The 14 states were selected based on three categories:

- neighboring states – Delaware, Pennsylvania, Virginia, and West Virginia;
- states that recently changed their program (mostly in response to a court case) – Arizona, Massachusetts, New Jersey, New Mexico, New York, Ohio, and Wyoming; and
- states that provide a mix of funding shares and fiscally independent and dependent school districts – Alaska, Connecticut, and Florida.

School districts in about half of the states that were examined are fiscally dependent (Alaska, Connecticut, Massachusetts, New Mexico, and Virginia) or a hybrid (Arizona, New York, and Pennsylvania). Like Maryland, these fiscally dependent school systems rely on local governments to fund the local share of school construction costs. School systems in the remaining states (and most states in the country) have the authority to tax their residents and issue their own debt.

Funding

Like Maryland, many other states help fund school construction projects in local communities. Besides Maryland, 37 states provide funding for school construction, including two states (Hawaii and Wyoming) that cover 100% of school construction costs. (The District of Columbia also funds 100% of costs.) That leaves 12 states that provide no financial support for school construction, leaving local school systems to bear the full cost.

Maryland pays at least 50% of *eligible* school construction costs, but its level of participation in *total* school construction costs is substantially lower, although still higher than most states. When factoring in ineligible costs, including planning and design, movable furnishings, and square footage in excess of eligible amounts, Maryland covered 26% of total school construction costs from 1994 through 2013, the fifteenth highest level among the 50 states, as reported in the 2016 *State of Our Schools* report on K-12 facilities in the United States.

The 14 states examined by DLS provide different levels of funding support. Four of the states (Connecticut, Delaware, Massachusetts, and Wyoming) covered more than 50% of total school construction costs in their communities, with Wyoming covering 100% of those costs since 2002. Four states (Alaska, New Jersey, New York, and Ohio) provided between 25% and 50% of

school construction costs, and the remaining six states covered less than 25% of costs (Arizona, Florida, New Mexico, Pennsylvania, Virginia, and West Virginia). Thus, with the exception of Delaware, Maryland covers a higher percentage of school construction costs than each of its neighbors.

Governance Structure

Maryland has a unique structure for the approval of school construction projects and funding. Maryland's Board of Public Works, which is composed of the Governor, Comptroller, and Treasurer, has final approval of school construction projects and funding. No other state has an executive function board like the Board of Public Works that has final approval of school construction projects or funding.

Of the 14 states examined, 8 states have an independent agency or board with final authority over state school construction funding (Arizona, Massachusetts, New Jersey, New Mexico, Ohio, Virginia, West Virginia, and Wyoming). In 5 other states, the state board of education or department of education has final approval of school construction projects or funding (Alaska, Delaware, Florida, New York, and Pennsylvania). Connecticut is unique with a 12-member legislative committee that reviews a preliminary list of projects that has been approved by the Commission of Administrative Services. Among the states examined, the state with the structure that is the closest to Maryland's Board of Public Works is Ohio's Controlling Board, which must release all construction-related capital funding in Ohio.

The states with boards have a wide variation in the size and composition of the boards. The boards range in size from 7 to 15 members, with 7 being the most common (3 states). The composition of the boards varies as well. For example, in Wyoming and Arizona (2 states) the boards are composed entirely of members appointed by the Governor. In Massachusetts, New Jersey, Virginia, and West Virginia (4 states) the boards are a mix of *ex-officio* members and appointed officials. In New Mexico and Ohio (2 states) the boards are composed entirely of *ex-officio* voting members.

In all 8 of the states that have boards, the chief state school officer serves on the board; the officer chairs the board in some states, while in 2 states the officer serves in a nonvoting capacity. Most states that have boards have representatives of the department of education, a state construction management agency, and the department of budget serving as either *ex-officio* members or voting members of the board. In 3 states, the State Treasurer serves on the board. Two states include legislators on the board (the 9-member New Mexico board has 3 legislators and the 7-member Ohio board has 4 nonvoting legislators). Alaska has a review committee that includes 2 legislators that makes recommendations to the state board of education.

Most board appointments (other than legislators) are made by the Governor subject to confirmation by the Senate or General Assembly; however, appointments in Massachusetts are made by the State Treasurer. Additionally, many states require board members to have demonstrated experience in relevant fields or represent stakeholder groups.

Minority Statement



THE MARYLAND GENERAL ASSEMBLY
ANNAPOLIS, MARYLAND 21401

Andrew A. Serafini
Maryland State Senate
Legislative District 2

Jefferson L. Ghrist
Maryland House of Delegates
Legislative District 36

December 14, 2017

21st Century Schools Facilities Commission
Attention: Martin Knott Chair
Annapolis Maryland

Dear Chairman Knott,

First, we would like to thank you for your efforts in chairing this commission. We are not necessarily offering a dissenting opinion but a different opinion that we would like to have submitted to the legislature. While we would agree with most of the recommendations, and only dispute a few, the greater cause of this letter is simply that we feel it does not go far enough. We also believe that as we reflect on the original mission of the commission, several items have been omitted and emphasis has been placed on a retrospective basis instead of a prospective basis.

- o Bullet point 6 in the charge to the Commission, ***“Evaluating the appropriate role for State agencies including the Maryland Department of Planning, Department of General Services, State Department of Education, Board of Public Works, as well as the appropriate statutory structure for the Interagency Committee for Public School Construction.”***
- o We must first accept and concur that certain State agencies need to improve. While we applaud recent developments, we must push for even more streamlining and efficiencies for those who have oversight and approval powers for school construction. We would challenge the legislature not to dwell on the problems but focus on solutions.
- o There is also a clear need for accountability and oversight. This has always been the responsibility of the BPW. It should be remembered that the IAC was created by the BPW to assist with school construction as it is the largest piece of the Capital Budget.
- o “Whenever you remove any fence, always pause long enough to ask why it was put there in the first place.” Malcolm Muggeridge.

- o We are stewards of the citizen's money. The Governor, Treasurer, and Comptroller are tasked with asking the tough questions to create that accountability and one should be careful before removing that oversight. With so much at stake and recent accounts of unfortunate examples of mismanagement, this accountability is needed more than ever.
- o Bullet point 1 of charge to the Commission, ***“Reviewing existing educational specifications for school construction projects and determining whether the existing specifications are appropriate for the needs of 21st century schools.”***
- o We are educating children for today's workforce - a workforce that will not exist tomorrow. All of this exists within a system based upon 100-year-old thinking. The first question is how innovative do we want to become? For example, the whole decisions document is about bricks and mortar in some form. There is no mention of the LEA's projected learning program. Another example, is if you want a new high school, the plan should result in 25% of your high school population (and that is a low estimate) being outsourced now or, in 5 years, scaling up to 85%. High School space is expensive and the kids do not need to be there all the time.
- o Herein lies the issue: structure always has and always will, in this case, drive form or program. When, indeed, function should drive form.
- o Questions to consider:
 - o A. Come to the State with a futuristic plan, and you might just get more help.
 - o B. What about A/B scheduling or layers that have the child in secondary with the teacher 50% of the time and in another learning format (as in odd day research, group effort etc.) during the remaining time? How does that impact space?
 - o C. What about a child that really can learn remotely and only needs to attend certain subjects? How much is our babysitting ethos of value anymore in secondary schools?
 - o D. What about required one-to-one technology, birth to graduation? How does that impact space?
 - o E. How can assets like Kahn academy and other virtual learning sites (as in foreign language/history) be implemented to free space?
 - o F. With local qualification standards, why not require that all children do an internship/apprenticeship based upon interest?
- o Prevailing Wage has been identified as the single most expensive component of school construction adding at least 10% or as much as \$30 million annually.
- o From Dr. Lever's report, several years ago to recent projects, the reality of this added expense has been verified. In the 5th bullet point The Commission is charged with **“Determining areas for efficiencies and cost-saving measures for construction and maintenance.”**
- o THERE IS NO SUCH THING AS BEST PRACTICE - if it is being practiced, it is antiquated 'now thinking' ---- and if there were best practice, everyone would be doing it.
- o How about considering, “what does the learning research suggest?” For example, we know how to solve most of the issues facing learning/education, but many

times we simply do not have the will to implement them. By the way, newer, bigger, and fancier buildings is not one of the solutions.

- o Why are portable classrooms pictured as a tool of the devil? Truthfully, when done right, they are learning efficient and effective - providing huge flexibility in an area with fluid populations. One problem we always face after we build is a fixed school where there are no longer kids. We might suggest some R&D relative to portable learning environments on learning performance. What is a mobile project? What does it look like, and how can it be done? Flexible thinking is the future.
- o Have we considered why T. Rowe Price in Baltimore, IBM in Gaithersburg, and for that matter most McDonalds franchisees do not own their buildings? That is because they are not property management companies and therefore do not tie up capital trying to act like Real Estate Investment firms. (If you do not want to read about this watch the movie “Founder “about McDonalds founder Ray Kroc).
- o Why do we want to own all our buildings? Why if we lease must we lease to own?

Recommendations

Some specifics related to improving the current processes:

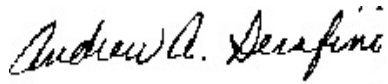
1. Prevailing Wage –
 - i. Return to the 50% state funding level before PW is required.
 - ii. Jurisdictions that do not receive the GCEI will not be subject to PW.
2. Expedited Review process
 - a. Work toward one single application for all. LEA’s will submit to one State Agency and then that information would be shared between IAC/DGS.
 - b. Consider a stated timeframe for all agencies to reach out to IAC/DGS for comment and feedback.
 - c. Locals would then have to respond in a certain timeframe.
 - d. IAC/DGS would coordinate with all state agencies such as MHT, MSDE and others for a single-source approval process.
3. Standardized funding amount for all schools
 - a. Consider Florida Frugal Schools program that could do the following:
 - i. Set a per student amount (This is preferable to the per square foot method)
 - ii. Provide incentives based on
 1. Innovative Instruction Concepts.
 2. Proven superior maintenance record.
 3. Sharing of costs savings below the Per Pupil amount.
4. Consider an option where an LEA could lease without the requirement to own.
5. Use two outside groups to assist LEA’s with both innovative education concepts and construction techniques. The first could be utilizing EDCO for the innovative educational

concepts clearing house. The second could include individuals with real life construction experience as the innovative resource for construction efficiencies. This could be coordinated through the IAC.

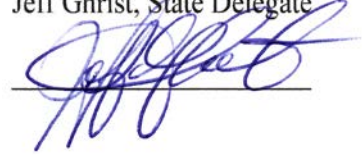
6. Develop an Elementary, Middle, and High School model that is deemed appropriate across the State and fund to that model with local authorities to go above the model at their own expense.

Respectfully,

Andrew Serafini, State Senator

Handwritten signature of Andrew A. Serafini in black ink.

Jeff Ghrist, State Delegate

Handwritten signature of Jeff Ghrist in blue ink, written over a horizontal line.

Appendix 1. Commission Meeting Dates and Agendas

Full Commission Meeting Dates

April 28, 2016
July 21, 2016
August 25, 2016
September 15, 2016
October 13, 2016
October 27, 2016
November 10, 2016
December 1, 2016 (Cancelled)
January 13, 2017
July 17, 2017
November 14, 2017
December 14, 2017

Funding Subcommittee Meeting Dates

September 27, 2017
November 2, 2017
December 4, 2017

Process, Procedure, and Education Specifications Subcommittee Meeting Dates

October 3, 2017
October 17, 2017
December 4, 2017

All materials are available on the Commission website: <http://bit.ly/SchoolFacilities>.

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

Thursday, April 28, 2016

10:00 a.m.

House Office Building

Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Introduction of Commission Members

III. Overview of Task Force to Study Public School Facilities 2004 Report

Hon. Nancy K. Kopp, State Treasurer

Ms. Rachel H. Hise, Department of Legislative Services

IV. Overview of Public School Construction Processes

Dr. David G. Lever, Executive Director, Interagency Committee on School Construction

Ms. Rachel H. Hise, Department of Legislative Services

V. Overview of Interim Schedule and Workplan

VI. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

July 21, 2016

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Panelist Presentations

10:10 a.m. – *Local Government*

- William R. Valentine, Board of County Commissioners, Allegany County, Vice Chair, Maryland Association of Counties Education Subcommittee
- Janice P. Spiegel, Education Liaison, Frederick County Government
- Robert F. Sandlass, Jr., Treasurer, Harford County Government
- John R. Hammond, Budget Officer, Anne Arundel County Government
- Gregg A. Todd, County Administrator, Queen Anne's County Government

10:30 a.m. – *Local Education Agencies*

- Dr. S. Dallas Dance, Superintendent of Baltimore County Public Schools
- Dr. Kevin M. Maxwell, Chief Executive Officer of Prince George's County Public Schools
- Donna Brightman, President, Washington County Board of Education
- Joy Schaefer, Board Member, Frederick County Board of Education
- Stacey Korbalek, President, Anne Arundel County Board of Education

10:50 a.m. – *Building Trades*

- Brian Cavey, Director, Apprenticeship and Training, International Association of Heat and Frost Insulators & Allied Workers, Local 24
- Norbert Klusmann, Apprentice Director, International Association of Sheet Metal, Air, Rail and Transportation Workers, Local 100
- Dr. Thomas Kriger, Director of Research and Education, North America's Building Trades Unions

11:10 a.m. – *School Facility Planners*

- Ray Barnes, Chief Operating Officer, Frederick County
- George Leah, Jr., Director of School Construction, Calvert County
- David Lever, Executive Director, Interagency Committee on School Construction

11:30 a.m. – *Teachers*

- Robert Rankin, Organizational Specialist, Maryland State Education Association (MSEA)
- Betty Weller, MSEA President and Teacher from Kent County
- Kyle De Jan, Teacher, Prince George's County
- Henoah Hailu, Teacher, Montgomery County
- Annie Cumberland, Elementary Media Specialist, Montgomery County

11:50 a.m. – *Parents and Students*

- Elizabeth Leight, President, Maryland Parent Teacher Association (PTA)
- Rick Tyler, Maryland PTA and Co-chair of Maryland Education Coalition
- Eric Guerri, Student Member, Montgomery County Board of Education
- Yara Cheikh, parent from Baltimore County
- Deeksha Walia, Former Baltimore County student board member, Current President of Kenwood High School Student Council

12:10 p.m. – *Break (15 minutes)*

12:30 p.m. – *School Design*

- Randy Sovich, Principal, RM Sovich Architecture
- Gary Cearfoss, Owner, SBS, Inc.
- James Determan, Hord, Principal, Coplan Macht, Inc.
- Philip Scott, Property Manager, Baltimore City Public Schools

12:50 p.m. – *Building Schools*

- Scott Saxman, Group/Regional Manager, Whiting Turner Contracting Co.
- John Diehl, Vice President, Southway Builders

III. Public Testimony

IV. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

August 25, 2016

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Classrooms of the Future

- Victoria Bergsagel, Architects of Achievement
- Mary Filardo, 21st Century School Fund

III. The Cost of School Construction

- **Comparison of Conventional School Facilities and the Monarch Global Academy; School Facility Cost Containment Study**
 - David Lever, former Executive Director of the IAC
- **Case Study Analysis of Alternative Approaches to School Construction**
 - Gary McGuigan, Maryland Stadium Authority
 - Jay Brinson, City School Partners
 - Will Mangrum, City School Partners

IV. Public Testimony

V. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

September 15, 2016

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Structure and Funding of Public School Construction Programs in Maryland and Other States

- Rachel Hise, Department of Legislative Services
- Kate Henry, Department of Legislative Services
- Michael Rubenstein, Department of Legislative Services
- Kyle Siefering, Department of Legislative Services

III. Educational Specifications in Maryland

- Barbara Bice, School Facilities Branch Chief, Maryland State Department of Education
- Beth Pasierb, Supervisor of Facilities Planning, Frederick County Public Schools
- Christopher Morton, Supervisor of Facilities Management, Harford County Public Schools

IV. Cost Containment Alternatives

- David Lever, former Executive Director of the Interagency Committee on School Construction

V. Public Testimony

VI. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

October 13, 2016

10:00 a.m.

**House Office Building, Room 120
Annapolis, Maryland**

I. Call to Order and Chair's Opening Remarks

II. Discussion of School Construction Approval Process

- Rich Hall, former member of the Interagency Committee on School Construction
- Andy Zuckerman, Chief Operating Officer, Montgomery County Public Schools
- Seth Adams, Director of the Division of Construction, Montgomery County Public Schools
- Mike Frenz, Executive Director, Maryland Stadium Authority
- Gary McGuigan, Senior Vice President, Maryland Stadium Authority

III. School Maintenance and Inspections/Building Maintenance Plans

Interagency Committee on School Construction Process

- Joan Schaefer, Acting Executive Director, Interagency Committee on School Construction
- William Levy, Program Manager, Public School Construction Program

Baltimore City Schools Revitalization Program – Use of Building Maintenance Plans and Commissioning

- Gary McGuigan, Senior Vice President, Maryland Stadium Authority
- Eric Johnson, Vice President, Maryland Stadium Authority
- Mignon Anthony, Executive Director 21st Century Buildings, Baltimore City Public Schools
- Lynette Washington, Executive Director of Facilities, Baltimore City Public Schools

IV. Public Testimony

V. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

October 27, 2016

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

- I. Call to Order and Chair's Opening Remarks**
- II. Role of State Agencies and Local Governments in Interagency Committee on School Construction (IAC) School Construction Project Review/Decision Process**
 - Maryland Department of Planning
 - Secretary Wendi W. Peters
 - Department of General Services
 - Secretary Ellington Churchill, Jr.
 - Maryland State Department of Education
 - Kristy Michel, Deputy State Superintendent Finance and Administration
 - Barbara Bice, School Facilities Branch Chief
 - Local Education Agencies and County Governments
 - Kevin Kamenetz, County Executive, Baltimore County
 - Ray Barnes, Frederick County Public Schools
 - George Leah, Calvert County Public Schools
 - Chris Hauge, Dorchester County Public Schools
- III. Review of Existing and Alternative State Procurement and Construction Methods**
 - David Lever, former Executive Director of the Interagency Committee on School Construction
 - Leisl Ashby, Wicomico County Public Schools
- IV. Public Testimony**
- V. Chair's Closing Remarks and Adjournment**

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

November 10, 2016

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

- I. Call to Order and Chair's Opening Remarks**
- II. Role of the Interagency Committee on School Construction (IAC) and Maryland State Department of Education (MSDE) in School Construction Project Review/Decision Process**
 - IAC
 - Joan Schaefer, Acting Executive Director of the IAC
 - MSDE
 - Kristy Michel, Deputy State Superintendent, Finance and Administration
 - Barbara Bice, School Facilities Branch Chief
- III. Review of Existing and Alternative State Procurement and Construction Methods**
 - David Lever, former Executive Director of the IAC
- IV. Public Testimony**
- V. Chair's Closing Remarks and Adjournment**

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

January 13, 2017

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

- I. Call to Order and Chair's Opening Remarks**
- II. Work Session**
- III. Chair's Closing Remarks and Adjournment**

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

July 17, 2017

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Framework to Fiscally Sustainable School Facilities

- Robert Gorrell, Executive Director, Interagency Committee on School Construction (IAC)

III. School Construction Funding Trends in Maryland

- Michael Rubenstein, Department of Legislative Services (DLS)
- Kyle Siefering, DLS

IV. IAC Process for Capital Improvement Program

- Joan Schaefer, Public School Construction Program (PSCP)
- Kim Spivey, PSCP
- Arabia Davis, PSCP

V. Chair's Closing Remarks and Adjournment

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

November 14, 2017

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

I. Call to Order and Chair's Opening Remarks

II. Overview of Revised Version of Senate Bill 994 of 2017

- Senator James Rosapepe

III. Review Subcommittee Recommendations

IV. Chair's Closing Remarks and Adjournment

Final Commission meeting scheduled for December 14, 2017 at 1:00 p.m.

21st Century School Facilities Commission

Martin G. Knott, Jr., Chair

Agenda

December 14, 2017

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

Final Decision Meeting

- I. Call to Order and Chair's Opening Remarks**
- II. Review and Finalize Funding Subcommittee Recommendations**
- III. Review and Finalize Process, Procedure and Educational Specifications Subcommittee Recommendations**
- IV. Chair's Closing Remarks and Adjournment**

21st Century School Facilities Commission

Funding Subcommittee

Nancy K. Kopp, Chair

Agenda

September 27, 2017

10:00 a.m.

**House Office Building, Room 120
Annapolis, Maryland**

Work Session

Discuss School Construction Funding Trends in Maryland

- Rachel Hise, Department of Legislative Services (DLS)
- Michael Rubenstein, DLS

Discuss IAC Process for Capital Improvement Program

- Joan Schaefer, Public School Construction Program (PSCP)
- Kim Spivey, PSCP
- Arabia Davis, PSCP

Educational Facility Standards – revised draft

- Bob Gorrell, PSCP

21st Century School Facilities Commission

Funding Subcommittee

Nancy K. Kopp, Chair

Agenda

November 2, 2017

10:00 a.m.

**House Office Building, Room 120
Annapolis, Maryland**

Work Session

State–Local Cost Share Formula

- Steve Brooks, Maryland State Department of Education

Local School Construction Funding

- Michael Rubenstein, Department of Legislative Services (DLS)

Alternative Financing/P3s

- David Lever, Former Executive Director, Public School Construction Program (PSCP)
- Paul Lebo, COO, Frederick County Public Schools

Review Draft Potential Consensus Documents

- Rachel Hise, DLS
- Alex Donahue and Cassandra Viscarra, PSCP

21st Century School Facilities Commission

Funding Subcommittee

Nancy K. Kopp, Chair

Agenda

December 4, 2017

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

Work Session

21st Century School Facilities Commission

Process, Procedure, and Educational Specifications Subcommittee

Dr. Kevin Maxwell, Co-Chair

Dr. Theresa Alban, Co-Chair

Agenda

October 3, 2017

1:00 p.m.

House Office Building, Room 120

Annapolis, Maryland

Work Session

Timeline of Current Process for a Project

- Bob Gorrell, Public School Construction Program (PSCP)
- Kim Spivey, PSCP
- Fred Mason, Maryland State Department of Education
- Michael Bayer, Maryland Department of Planning

Educational Facility Standards – revised draft

- Bob Gorrell, PSCP

Alternative Construction Materials and Delivery Methods

- David Lever

Co-chair memo regarding proposed changes by LEAs

21st Century School Facilities Commission

Process, Procedure, and Educational Specifications Subcommittee

Dr. Kevin Maxwell, Co–Chair

Dr. Theresa Alban, Co–Chair

Agenda

October 17, 2017

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

Work Session

Designing for Students: Maximizing the Efficiency and Effectiveness of School Design and Construction

- Scott Walters, AIA LEED AP, Senior Associate, Hord Coplan Macht Architects
- Michael Archbold, AIA, Senior A/E Supervisor of Design, Baltimore County Public Schools

Discussion of DRAFT Potential Consensus Documents

- Alex Szachnowicz, Anne Arundel County Public Schools
- Michael Rubenstein, Department of Legislative Services

21st Century School Facilities Commission

Process, Procedure, and Educational Specifications Subcommittee

Dr. Kevin Maxwell, Co-Chair

Dr. Theresa Alban, Co-Chair

Agenda

December 4, 2017

10:00 a.m.

House Office Building, Room 120

Annapolis, Maryland

Work Session

Appendix 2. 2016 Interim Report



21st Century School Facilities Commission

Martin G. Knott, Jr.
Chairman

January 30, 2017

The Honorable Thomas V. Mike Miller, Jr.
President of the Senate

The Honorable Michael E. Busch
Speaker of the House of Delegates

Dear Presiding Officers:

The 21st Century School Facilities Commission is pleased to submit a progress report of the work accomplished during 2016. The commission's charge from the Senate President and Speaker of the House focuses on a critical set of issues related to improving school construction in Maryland. As the commission started delving into the issues outlined in the charge, there was a quick awareness that more time would be needed to sufficiently examine all of them and to develop concrete recommendations. This progress report highlights four major themes that emerged from the eight meetings held in 2016 as a result of the expert presentations and information discussed at the meetings and the input of the commissioners themselves with the varied backgrounds and expertise that they brought to the deliberations. Other themes, in addition to the four major themes, are also identified for further examination in 2017. While consensus was reached on these themes, the commission would like additional time to make specific recommendations.

The first theme is **flexibility**. Each local education agency (LEA) is different and needs varying levels of assistance, yet the idea that one size fits all is how the current school construction program structure and review process is designed. Education specifications, school design, construction documents, and project review are just some of the areas that LEAs differ in capacity and expertise.

By allowing an LEA that has the capacity and expertise the flexibility to complete work in house, both the State and LEAs can realize efficiencies. The current timeframe for reviewing and approving school construction projects as a whole has been stated as extensive, which in part is a direct result of duplication of functions and reviews at both the State and local levels. The review of school construction projects should be differentiated based on an LEA's previous experience in construction and maintenance of schools and the capacity of the LEA to do some of the work or review in house.

The ability to allow certain LEAs the option to perform steps within the process themselves, with a more focused review by the State, can allow the Interagency Committee on School Construction (IAC) to assist those LEAs without that capacity. The variation in school building by jurisdiction is large, some are building new schools every year while others only have a handful of schools in the entire county. By differentiating the requirements, all jurisdictions are better served by State resources.

While flexibility should be encouraged, the commission believes that maintaining quality and accountability must be considered concurrently. Only jurisdictions that have an excellent track record in quality school construction and ongoing maintenance of their school buildings should receive flexibility. Flexibility also applies to the design and use of school buildings themselves. Building schools that last for decades requires flexibility of the space to adapt to different uses over time. For example, schools are becoming used more and more frequently as community hubs to serve multiple purposes. The variety of uses a school serves is directly related to the initial design. In the event of declining enrollment and the building needs to be closed or experiencing growing enrollment and the space is too small to serve the students adequately, future use of a building should be considered. One size does not fit all for schools either. The commission recognizes that design should stay local so that the LEAs and communities being served by the schools lead the school design process.

A second major theme is the **need to streamline the review process**, which goes hand and hand with the first theme of flexibility. Again and again in meetings it was brought up that the school construction review process is cumbersome and time consuming, resulting in delays and increased costs, time is money. The duplication of work and review at the State and local levels adds to the length and bureaucratic nature of the process. For example, the Department of General Services (DGS) review of construction documents is a lengthy process and referring back up to differentiation, the current process could be delegated to LEAs that have the ability to do some of the work in house. The Office of the State Fire Marshal offers one model of how local delegation of reviews might be accomplished. Other DGS reviews, such as change orders after project contracts are executed, may be unnecessary. A closer look is necessary to pinpoint the jurisdictions or steps in the process that can be eliminated as a point of duplication. The State resources dedicated to the school construction process should be used efficiently and by reducing the amount of duplication, the IAC will be able to allocate resources to those counties who need additional technical assistance.

When a jurisdiction reuses a design for a school, it currently goes through the entire process again. Instead of spending time reviewing a design that was already approved, the review could focus only on changes made since the approval of the previous design. Streamlining the process could lead to less money spent since the review pipeline would not be as clogged and turnaround time could be faster. It would also provide an incentive to LEAs to reuse school designs more frequently when appropriate, which leads to the third theme.

The third major theme is **providing incentives for LEAs** to try new ideas or approaches that have not been done before and **identifying any impediments** that exist to attempt those new or alternative approaches. The LEAs should be encouraged to take advantage of what is already allowed under State law and regulations but may not have been attempted yet, possibly due to barriers that have not previously been identified. For example, an incentive could be to provide additional funding such as a higher State share of eligible project costs or procedural flexibility. Incentives should drive collaboration and allow for experimental opportunities.

The commission recognizes that some alternative approaches will work and some will not. An LEA that attempts an alternative approach and fails or was rejected through the review process should not be penalized by having its project fall behind its original schedule. There are no current incentives to try new approaches with State funds. Nonetheless, some LEAs are trying new approaches without extra incentives. The commission will be monitoring, with great interest, the pursuit by the Maryland Stadium Authority and Baltimore City Public Schools of a developer-led model for three 21st Century Schools buildings, which would involve the developer earlier in the projects at the school design/education specifications phase.

Providing an alternative to the current requirement for LEED certification is one area the commission plans to explore further. The current process is expensive and requires certain paperwork to be filed. The commission discussed whether an alternative certification could be obtained or simply comply with the LEED standards without the certification. A closer look at what the real goal is with standards could lead to a change in how certain goals are executed.

As the commission continues to delve into the idea of incentives and impediments, it will also focus on who is actually incentivized by the current school construction program structure and funding.

The final major theme that emerged in 2016 was that the role of the State and the IAC should be a **clearinghouse for best practices** and to **provide technical assistance to LEAs** regarding school construction. The commission recognizes that construction is a world of innovation and is constantly changing. The IAC would benefit from the practical knowledge of a working contractor of the new methods or philosophies in construction. The IAC should be a place where research-based best practices are explored and disseminated. School construction happens differently in each state and is constantly changing, and if the State entity could be aware and bring back new ideas to Maryland, the LEAs could benefit. LEAs within Maryland also can – and do – learn from each other, but this could be done more formally and consistently by organizing the school facility officers into an association. By differentiating the review process for LEAs, this will free up resources that the IAC can use to provide technical assistance to those LEAs that need more assistance.

The commission reached consensus around these four major themes related to improving school construction in Maryland. Several issues within these themes still require further examination, such as the most appropriate process for differentiation of project review among LEAs. The commission also identified other major themes that emerged but need further examination. One theme, funding, was planned to be discussed in 2017 early in the commission's work when it realized the amount of work involved in the charge. Other themes that need additional information before any conclusions can be made include further exploration of alternative procurement and construction methods and materials and the most efficient and effective structure for the IAC and the process that school construction projects go through. Since the position of the executive director of the IAC is currently vacant, the topic will be examined further in 2017.

In closing, these themes do not stand alone. They represent opportunities across the State for a new perspective on school construction. Should you wish to view any of our meetings or review the materials that have been presented to us, all of the materials are available [here](http://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2016-21st-Century-School-Facilities-Commission.pdf) and at this link <http://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2016-21st-Century-School-Facilities-Commission.pdf>.

Sincerely,

Martin G. Knott, Jr.
Chairman

MGK/KEH/mlm

Enclosures

cc: Commission Members

**Maryland General Assembly
21st Century School Facilities Commission
2016 Interim
Membership Roster**

Martin G. Knott, Jr., Chair

Senators

Senator James E. DeGrange, Sr.
Senator Nancy J. King
Senator Andrew A. Serafini

Delegates

Delegate Jefferson L. Ghrist
Delegate Adrienne A. Jones
Delegate Aruna Miller

Public Members

Stephen M. Baldwin
John L. Bohanan, Jr.
Gary Brennan
Galen R. Clagett
Judith “J” Davis
Donna S. Edwards
Mel Franklin
Jan H. Gardner
Brian J. Gibbons
Barbara A. Hoffman
Jan Holt
Pless B. Jones, Sr.
Treasurer Nancy K. Kopp
Donald Manekin
Kevin M. Maxwell, Ph.D.
Richard M. Resnick
Andrew M. Roud
Kathleen P.S. Sherrill
Rowena Shurn
Warner I. Sumpter
Alex L. Szachnowicz, P.E.
Clayton M. Wilcox, Ed.D.

Commission Staff

Kate Henry
Rachel Hise

21st Century School Facilities Commission

The Commission is charged with:

- Reviewing existing educational specifications for school construction projects and determining whether the existing specifications are appropriate for the needs of 21st century schools
- Identifying best practices from the construction industry to determine whether there are efficiencies that can be made in the construction of public schools and public charter schools
- Identifying a long-term plan for jurisdictions with growing enrollment, as well as maintaining facilities in jurisdictions with flat and declining enrollment
- Identifying areas where innovative financing mechanisms including public-private partnerships, as well as alternatives to traditional general obligation debt can be used for construction and ongoing maintenance
- Determining areas for efficiencies and cost-saving measures for construction and maintenance
- Evaluating the appropriate role for State agencies including the Maryland Department of Planning, Department of General Services, State Department of Education, Board of Public Works, as well as the appropriate statutory structure for the Interagency Committee for Public School Construction
- Reviewing the relationship between State agencies and local governments on school construction projects
- Reviewing the Kopp Commission findings and progress toward implementation

**Maryland General Assembly
21st Century School Facilities Commission**

Martin G. Knott, Jr., Chair

SCHEDULE

[Hearing Schedule](#)

Agendas and meeting materials will be posted as they become available at this link
<http://mgaleg.maryland.gov/Pubs/CommTFWorkgrp/2016-21st-Century-School-Facilities-Commission.pdf>.

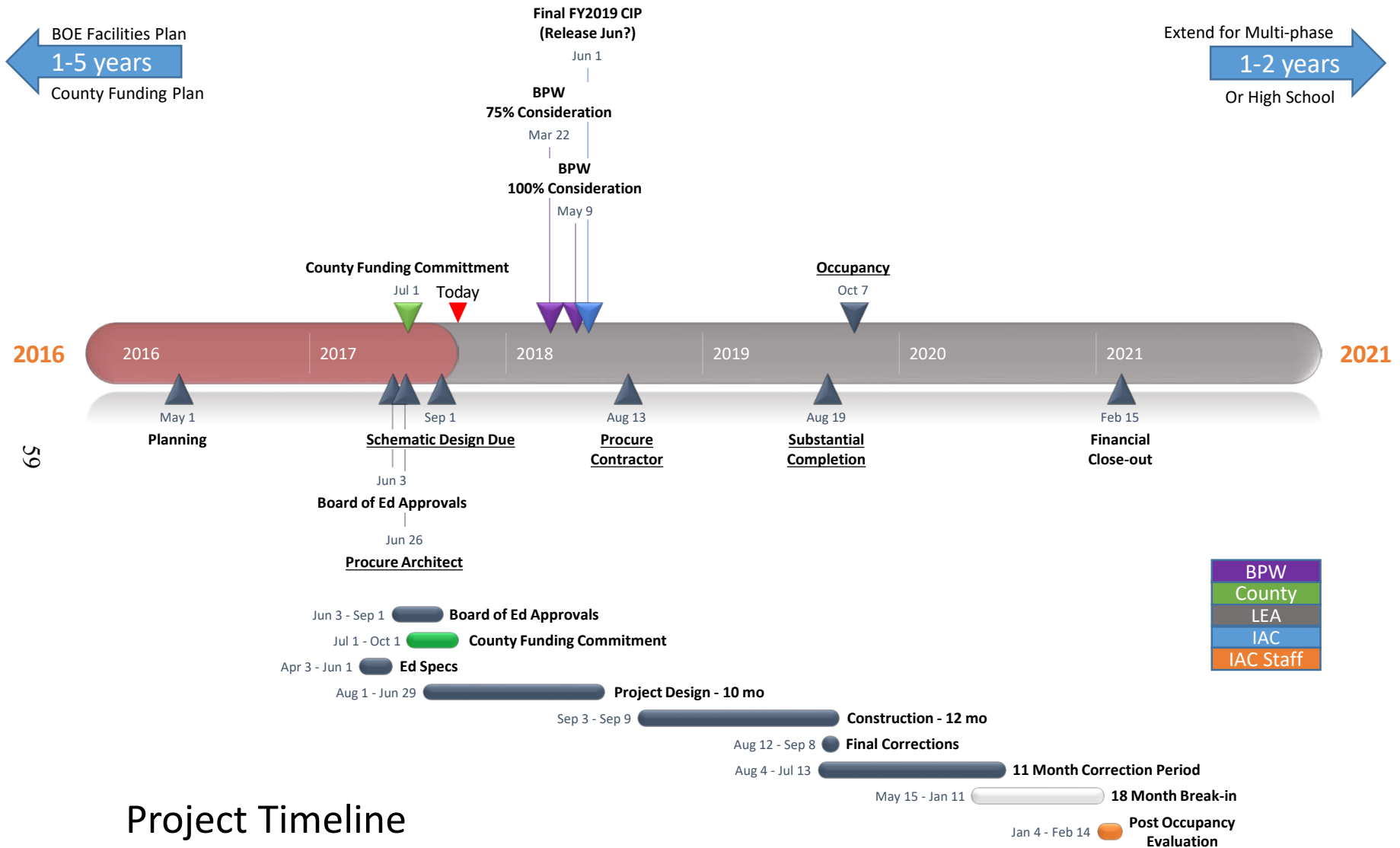
Date	Meeting Materials
April 28, 2016	✓
July 21, 2016	✓
August 25, 2016	✓
September 15, 2016	✓
October 13, 2016	✓
October 27, 2016	✓
November 10, 2016	✓
January 13, 2017	✓

Appendix 3. Timelines for School Construction Projects

BOE Facilities Plan
1-5 years
County Funding Plan

Extend for Multi-phase
1-2 years
Or High School

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BOE Facilities Plan
1-5 years
County Funding Plan

Extend for multi-phase
1-2 years
Or High School

