

# Subtitle 39 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

## 14.39.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-112, and 5-303; State Finance and Procurement Article, §5-7B-07; Annotated Code of Maryland

### Notice of Proposed Action

[22-200-P]

The Interagency Commission on School Construction proposes to adopt amendments to Regulation .06 under **COMAR 14.39.02 Administration of the Public School Construction Program**. This action was considered by the Interagency Commission on School Construction at an open meeting held on August 11, 2022, notice of which was given by publication on the Maryland General Assembly website pursuant General Provisions Article, §3-302(c), Annotated Code of Maryland.

### Statement of Purpose

The purpose of this action is to codify changes to limit the applicability of excess capacity in an adjacent school only if the sum of available seat count in all adjacent schools is 15 percent or more of the project school's enrollment in accordance with Ch. 32, Acts of 2022.

### Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

### Estimate of Economic Impact

The proposed action has no economic impact.

### Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

### Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

### Opportunity for Public Comment

Comments may be sent to Jonathan Borghetti, Policy Analyst, Interagency Commission on School Construction, 200 W. Baltimore Street, Baltimore, MD 21201, or call 410-767-0742, or email to [jonathan.borghetti@maryland.gov](mailto:jonathan.borghetti@maryland.gov), or fax to 410-333-6522. Comments will be accepted through December 5, 2022. A public hearing has not been scheduled.

### Open Meeting

Final action on the proposal will be considered by the Interagency Commission on School Construction during a public meeting to be held on January 12, 2022, at 9 a.m., at the link available at [mdschoolconstruction.org](https://mdschoolconstruction.org).

### .06 Maximum State Construction Allocation.

A.—D. (text unchanged)

E. Gross Area Baselines.

(1) (text unchanged)

(2) *The approved student enrollment may be reduced only if the sum of available seat count in all adjacent schools is 15 percent or more of the project school's enrollment.*

[(2)] (3) (text unchanged)

F.—N. (text unchanged)

ALEX DONAHUE  
Acting Executive Director