



Meeting Minutes – May 11, 2023

Call to Order:

Chair Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 9:01 a.m.

Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair
Linda Eberhart, Appointee of the Speaker of the House, Vice-chair
Superintendent Mohammed Choudhury, Maryland State Department of Education
Michael Darenberg, Appointee of the Governor
Secretary Rebecca Flora, Maryland Department of Planning
Gloria Lawlah, Appointee of the President of the Senate
Courtney League, designee for Secretary Atif Chaudhry, Maryland Department of General Services

Members Not in Attendance:

Brian Gibbons, Appointee of the Speaker of the House

Revisions to the Agenda:

There were no revisions to the agenda.

Public Comment:

Joseph Jakuta, Lead Volunteer for the Climate Parents of Prince George's County, requested that the commission adopt regulations in accordance with MD. Education Code Ann. § 5-319 as it was adopted in 2018 through HB1783.

IAC Correspondence:

None.

1. Executive Director Report – [Informational Only]

Alex Donahue, IAC Executive Director, commented on the historic increase in funding for the Capital Improvement Program (CIP) being the largest in the last ten years and the impact this will have on school environments.

Mr. Donahue provided updates on several initiatives that the IAC is undertaking. In the months of May and June, the IAC will be meeting with Superintendents and Board leadership from at least nine LEAs to engage in discussions to better understand needs and ability to assist the LEAs. IAC Staff are working with the Department of Budget and Management for assistance with retaining and attracting qualified staff.

2. Consent Agenda – [Motion Carried]

Upon a motion by Vice-chair Eberhart, seconded by Mr. Darenberg, the IAC voted unanimously to approve the consent agenda.

A. Approval of the April 20, 2023 Minutes

To approve the minutes of the April 20, 2023 Interagency Commission on School Construction Meeting.

B. Contract Awards

To approve contract procurement as presented.

C. Approval of Revisions to Previously Approved Contract

To approve the revisions to previously approved contract awards as presented to accurately reflect the project type, adjustments to the State and local participation in the contract amounts and corrections to project allocation information.

D. Property Transfer – Frederick County Public Schools - Oakdale Elementary School Property

To approve the transfer of 0.8506 acres of the Oakdale Elementary School property (10.062) from the Frederick County Board of Education (FCBOE) to the Frederick County Council for a right-of-way for the Lake Linganore Boulevard extension.

E. Pass-Through Grant Funding Approvals

To approve the Pass-Through Grant program projects as presented in this item with a total allocation of \$186,173,791 subject to reconciliation and potential adjustment at project closeout.

F. Built to Learn Project Status Report – [Informational Only]

3. Public School Enrollment Projections – [Informational Only]

Jamie Bridges, IAC Planning Manager, and Al Sundara, Manager of Projections and State Data Center, Maryland Department of Planning (MDP), presented the 10-year enrollment projections for Maryland.

Commission members had several inquiries on the enrollment and functionality of homeschooled students, tracking of migration, and how Maryland's birth rates compare to the national level. Staff explained that homeschooled students are not enrolled in their local education agency (LEA) and are governed by MSDE. Migration is calculated using the birth and kindergarten ratio to observe the immigration and out-migration levels. MDP has compared Maryland's birth rate with the national level and seen similar trends of a decrease of births.

4. Priority Funding Area Waiver – Calvert County Public Schools – Northern Middle School – [Motion Carried]

Gene Shanholtz, IAC Capital Projects Manager, presented Calvert County Public Schools' request for a Priority Funding Area (PFA) waiver. The Northern Middle School project will replace the existing facility, will be located outside of the PFA, and will increase the State Rated Capacity of the school. The project will be co-located with Northern High School whose replacement project received a PFA waiver at the February 23, 2012 IAC meeting.

Upon a motion by Vice-chair Eberhart, seconded by Mr. Darenberg, the IAC voted unanimously to approve the Priority Funding Area (PFA) Waiver Request for the Calvert County Public Schools Northern Middle School (PSC 04.006) Replacement project.

5. Maximum State Allocation Increase Requests - Baltimore City Public Schools – [Motion Carried]

Mr. Shanholtz presented Baltimore City Public Schools' (City Schools) request to increase funding for the FY 2022 Healthy School Facility Fund Cecil Elementary #7 window/door project and the William Paca Elementary School #83 roof replacement project. These projects have seen higher bids due to construction market costs and lead times. Commission members asked when project costs were originally estimated. Staff informed the members that the project estimates were most likely from

2020 or 2021. Funding is locked in when projects are awarded funds but there is a process that allows LEAs to request adjustments.

Upon a motion by Vice-chair Eberhart, seconded by Ms. Lawlah, the IAC voted unanimously to approve increases to the Maximum State Allocations for the Baltimore City Public Schools (City Schools):

1. Cecil Elementary School #7 (PSC 30.250) Window/Door project from \$290,400 to \$961,236; and,
2. William Paca Elementary School #83 (PSC 30.042) Roof project from \$739,200 to \$1,575,206.

6. FY 2024 100% Capital Improvement Program – [Motion Carried]

Arabia Davis, IAC Funding Programs Manager, presented IAC staff recommendations for 100% of the school construction allocation for the FY 2024 CIP. Staff recommended the approval of approximately \$659 million, including funding for 189 projects and planning approval for 15 projects for the 100% allocation round based on the enacted Capital Budget.

Commission members inquired about the current increase in construction costs and if LEAs may request the IAC to increase their allocation in the future. Staff explained that the IAC is monitoring the trend of construction costs with partner agencies and costs are expected to come down in the coming months. Staff will work with LEAs on a project-by-project basis to address any concerns. Staff work with the LEAs to collect data on costs per square foot to accurately address and fund projects. The current cost per square foot is \$385 without site development and \$458 with site development.

Upon a motion by Mr. Darenberg, seconded by Ms Lawlah, the IAC voted unanimously:

1. To approve the Fiscal Year 2024 Capital Improvement Program as presented in the total amount of \$663,928,487, including \$658,894,758 for allocation to funding requests, \$500,000 for Department of General Services (DGS) design consultant fees, and reserving \$4,082,129 in new authorization for design/planning services and unanticipated project costs; and
2. To authorize the IAC staff to make minor adjustments to allocations based on calculation of the project's net state funding amount to avoid the over or under funding of a project.

7. FY 2022 Healthy School Facility Fund Extension Requests – [Motion Carried]

Mr. Shanholtz presented requested deadline extensions for the FY 2022 Healthy School Facility Fund program due to an increase in bid costs, reduced availability of contractors, and extended lead times. The extensions will assist in accommodating current market conditions and provide sufficient time to complete projects. IAC staff held discussions with each LEA and confirmed their ability to complete the projects by the new deadline.

Upon a motion by Mr. Darenberg, seconded by Mr. League, the IAC voted unanimously to approve adjustments to the FY 2022 Healthy School Facility Funding project schedule by extending the:

1. Encumbrance deadline from June 1, 2023 to December 31, 2023;
2. Expenditure deadline from October 3, 2023 to August 31, 2025; and,
3. Last day to submit requests for reimbursement from May 1, 2024 to October 31, 2025.

8. Built to Learn Funding Approval – Caroline County Public Schools – North Caroline High School – [Motion Carried]

Melissa Wilfong, Capital Projects Supervisor, presented Caroline County Public Schools' Built to Learn (BTL) funding request for \$4,802,284 for Phase 1 of the roof replacement project at North Caroline High School. Phase 1 will be completed in summer 2023 to replace 103,525 square feet of the 175,000 square foot roof. Phase 2 is anticipated to be requested in the FY 2025 CIP to complete the remaining 71,475 square feet.

Upon a motion by Mr. League, seconded by Vice-chair Eberhart, the IAC voted unanimously to approve the Built to Learn funding request from Caroline County Public Schools for the North Caroline High School (PSC 05.002) roof replacement project totaling \$4,802,284.

9. FY 2023 Capital Improvement Program Amendment – Prince George's County Public Schools – Charles H. Flowers High School – [Motion Carried]

Ms. Davis presented Prince George's County Public Schools' request to amend the FY 2023 CIP Charles H. Flowers HVAC/Roof project by increasing the State allocation by approximately \$4.3 million using the LEA's reserve funds.

Upon a motion by Mr. Darenberg, seconded by Vice-chair Eberhart, the IAC voted to amend the FY 2023 CIP allocation for the Prince George's County Public School's Charles H. Flowers High School HVAC/Roof project by applying \$4,341,179 from the LEA's reserve account.

10. FY 2023 Capital Improvement Program Project Recission – Montgomery County Public Schools – Silver Spring International Middle School – [Motion Carried]

Ms. Davis presented Montgomery County Public Schools' (MCPS) request to rescind planning approval for the FY 2023 CIP Silver Spring International Middle School addition project. MCPS has re-evaluated the project and plans to request funding through the BTL program.

Upon a motion by Vice-chair Eberhart, seconded by Mr. League, the IAC voted six in favor and one abstention to approve the recission of the FY 2023 Capital Improvement Program (CIP) Local Planning approval of the Montgomery County Public Schools (MCPS) Silver Spring International Middle School (PSC 15.002) Addition.

11. Policy to Allow the Use of Bond Proceeds for Capital Improvements in Leased Public School Buildings – [Motion Carried]

Mr. Donahue presented a policy to allow for the allocation of State bond proceeds to capital-improvement projects in leased facilities that are not owned by an LEA. The policy would allow the IAC to allocate State bond proceeds to LEAs that meet policy criteria including a minimum 25-year lease duration and, in the case of a facility leased by a charter school operator, a written guarantee by the LEA that granted the charter. The policy would require the LEA to repay a prorated amount of any State allocations if the leased facility ceases to be used for a public school purpose for more than a 24-month period during the 25-year period after project closeout. State bond proceeds may not be used for operating costs.

Commission members had several questions about the criteria of the policy by LEAs and Charter Schools on lease length, location, and program commitment. 25-years duration was chosen based on the lifespan of the capital improvement and return on State investment which is standard to current

funding practices in public schools. The locations of leased facilities will still be reviewed under PFA requirements. The ability of charter schools to commit to a 25-year lease will depend on the school.

Upon a motion by Mr. Darenberg, seconded by Vice-chair Eberhart, the IAC voted unanimously to adopt the policy as set forth in this item and to direct staff to make appropriate changes to the IAC's Administrative Procedures Guides in accordance with this adopted policy.

Announcements:

There were no announcements.

Adjournment:

Upon a motion by Mr. League, with a second by Vice-chair Eberhart, the IAC voted unanimously to adjourn the meeting at 10:15 a.m.