

State of Maryland

**Interagency Commission on
School Construction**

**Administrative
Procedures Guide**



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This Administrative Procedures Guide (APG) is regularly updated to address changes in policies, procedures, legislation, and administrative requirements. All users of this document are required to follow the most recent updates.

Record of Changes

Version	Description	IAC Approval Date
1.0	Initial Adoption	5/8/2025
1.1	Revisions to sections 1, 2, and 3, as shown in the 4/9/2026 IAC Meeting Agenda.	4/9/2026

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1. Interagency Commission on School Construction Overview

1.A. General Information

1.A.1. Purpose and Use of this Document

This Administrative Procedures Guide (APG) serves to clarify the regulations, policies, and procedures of the IAC. This guide is intended to help identify which processes should be followed for annual LEA activities and at each stage of a project, regardless of project type.

1.A.2. IAC Mission

To achieve a safe, healthy, and educationally sufficient learning environment for every child attending a Prekindergarten–12 (Pre-K–12) public school in Maryland.

1.A.3. IAC Vision

A fiscally sustainable statewide portfolio of Prekindergarten–12 school facilities that will remain educationally sufficient for current and future generations of students and teachers.

1.A.4. Website

The IAC's website houses all the forms, tools, and resources needed to carry out a State-funded project. For funding application information for a particular IAC program, be sure to also review the specific program instructions for that program located on the [IAC website](#) and linked in [Section 3.A.](#) of this APG. To learn more about the IAC Members, public meetings, history of the IAC, IAC staff, current initiatives, and resources, visit the IAC's website at www.mdschoolconstruction.org.

1.A.5. Business Management System

The Business Management System (BMS) is the IAC's web-based document management system and is the mechanism for LEAs to provide required documentation and submit requests related to Pre-K–12 public school facility construction in Maryland. Use of the BMS replaces most form-based submissions used prior to 2024. The link to access the BMS, instructions for requesting accounts and technical support, and User Guides for the system and specific submission processes are available on the [IAC website](#).

1.B. IAC Authority

1.B.1. Statutory Authority for the IAC

For the specific details of the IAC's statutory authority, see Education Article, Title 5 Subtitle 3, Annotated Code of Maryland; Education Article, Title 4 Subtitle 1; State Finance and Procurement Article § 5-7b-07; Education Article § 4-126; and Economic Development Article § 10-650. In some cases, this APG provides directions for State Superintendent required submissions, authorized under Education Article, §§ 2-303 and 4-115.

1.B.2. IAC Regulations

The IAC's Regulations can be found in Title 14, Subtitle 39 of the [Code of Maryland Regulations \(COMAR\)](#), provided by the Division of State Documents. The regulations related to Maryland State Department of Education (MSDE) reviews can be found in COMAR 13A.01.02.03 and 13A.01.02.05.

1.B.3. Hierarchy of Authorities

When interpreting State rules and policies, the Maryland Constitution takes precedence over Maryland statute, statute takes precedence over COMAR, COMAR takes precedence over this APG, and this APG takes precedence over any other policies or procedures approved by the IAC or implemented by IAC staff. Please notify IAC staff in the event of an apparent conflict between authorities or documents.

1.C. Definitions

Acronym or Term	Definition
Addition	A project to add space to an existing school to provide additional student capacity and/or to address educational programming requirements. Eligible project costs may include limited funding for portions of the existing building that need to be renovated in order to allow connection to the new addition(s). Projects that add space may be combined with renewal or renovation projects.
Adjacent School	An adjacent school is an existing or proposed school that is of the same grade band configuration or shares grade band overlap with the project school and either: <ul style="list-style-type: none"> - Has an attendance area that is at any point geographically contiguous with that of the subject school; - Has an attendance area that is not geographically contiguous with that of the subject school, but that can be readily accessed for the purposes of redistricting; or - Is part of a larger redistricting plan.
Allocation	Funds within an IAC funding program that are reserved for a specific LEA.
Alternative Education	A public elementary/secondary school or program that addresses the needs of students that typically cannot be met in a regular school setting and is designed to meet the needs of students with academic difficulties and/or discipline problems. Alternative education programs as defined by the IAC are programs that temporarily assign students to a location for personalized, direct instruction for a specified time period before returning to their home program. Alternative Education Programs are not specifically providing special education services but students in these programs may have Individualized Education Programs.
Appropriation	Funds approved by the General Assembly for a specific purpose and/or IAC Funding Program.

Architect/Engineer (A/E)	A design consulting firm or individual, either a licensed architect or engineer, who holds a contract for professional services with the LEA for performance of the work required for the project.
Award	Funds approved by the IAC to be used towards a specific capital-improvement project.
Business Management System	The Business Management System (BMS) is the IAC’s web-based mechanism for LEAs to submit requests and provide documentation related to Pre-K–12 public school facility construction in Maryland.
Capital Maintenance (Systemic Renovation) Projects	Repair, alteration, and replacement of building systems, equipment, finishes, and components, including their removal and disposal. These system and component renewals occur more often at the end of a building system’s or piece of equipment’s useful life. They will sustain or extend the useful life of the entire facility but are insufficient to result in the facility becoming like-new. Sometimes called “Systemic Renovation” in statute.
Code of Maryland Regulations (COMAR)	The official compilation of all administrative regulations issued by agencies of the State of Maryland. See Section 1.B. for information regarding the IAC’s COMAR regulations.
Construction Management Agency (CMA)	A project delivery method in which the LEA directly contracts with prime contractors, and either engages a construction manager as its agent to manage the project or acts as the construction manager.
Construction Management at Risk (CMR/CMaR)	A project delivery method in which a Construction Manager procures the contractor’s work, obtains a guaranteed maximum price (GMP), and provides technical assistance to the owner during the development of the project documents. During the construction of the project the CMR will function as the contractor for the project.
Cooperative Use Space (CUS)	Areas in a school serving school children and/or other members of the community through documented arrangements with agencies and organizations outside of the local school system, in addition to space in the school needed for educational functions or student support.
Contingencies	Funds specified in a project budget to pay for unforeseeable or unexpected costs, should they arise.
Demolition Area	The area of an existing building that is demolished in its entirety, from roof to floor slab, and all building components.
Design-Build (DB)	A project delivery method in which a single entity is contractually responsible for both design and construction of a project.

Designees	Staff members of the IAC, the Maryland State Department of Education, the Maryland Department of General Services, and the Maryland Department of Planning who have been specifically designated by their principals to act in the place of an IAC member or the IAC's Executive Director.
Design SRC	An estimated SRC based on the current design documents or Educational Specifications that reflects the anticipated capacity of the facility but is not reflective of the Eligible Enrollment and therefore not reflective of the level of anticipated funding.
Eligible Enrollment	The net difference between the sum of the SRC and the sum of the projected seven-year enrollments (full-time equivalents) for the project school and for the schools adjacent to the project school at the time of first construction funding approval. Eligible Enrollment is used to determine the Maximum State Award for the project.
Emergency Repair Project	A project that addresses an emergency condition in a school building or school grounds that presents an immediate health or safety hazard, or a threat of severe damage to the school building or grounds, that could not have been reasonably foreseen through regular inspections or corrected through a regular preventive maintenance program, as specified in COMAR 14.39.02.18.
Enrollment Growth or Relocatable Classrooms (EGRC)	Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms established in the Maryland Code, Education Article § 5-313. This funding program provides additional funding for LEAs that have either enrollment growth that is more than 150% of the Statewide average over the past five years or currently utilize more than 250 relocatable classrooms for educational purposes.
Estimated Eligible Enrollment	Estimated Eligible Enrollment is calculated in the request for planning approval and is a preliminary figure intended for use to estimate potential State participation.

Facility Condition Index (FCI)	<p>A Facility Condition Index is a metric used to provide comparative data for the physical condition of facilities over the Statewide portfolio at a specific point in time. The IAC’s FCI is calculated as:</p> $\frac{\text{Expected Useful Lifespan (EUL)} - \text{Observed Remaining Useful Lifespan (ORUL)}}{\text{Expected Useful Lifespan (EUL)}}$ <p>The FCI is represented as a percentage of the expected useful lifespan that is depleted at the time of observation and can neither exceed 100% nor be less than 0%.</p>
Feasibility Study	<p>An evaluation of capital project options and costs that assesses multiple renewal, renovation, or renovation/addition options including a 40-year life cycle cost comparison and a list of educational program benefits and deficiencies of each option. See Section 3.F. for information regarding Feasibility Studies.</p>
Forward-Funded Project	<p>Forward-funded projects are those projects that the State has approved for planning and for which the LEA has paid some portion of the State share with local funds.</p>
Full-time Equivalent Enrollment (FTE)	<p>Per Education Article § 5-201(g), FTE refers to the sum of students enrolled in kindergarten through grade 12 or their equivalent in regular day school programs on September 30 of the prior school year, plus the number of full-time equivalent students, as determined by regulation of MSDE, enrolled in evening high school programs during the prior school year, plus the number of Pathways in Technology Early College High School Program students enrolled in the region of question.</p>
Funding Award	<p>The entire or portion of the State share of eligible costs for a school construction project that the State commits to fund in a given fiscal year, pending the availability of funds.</p>
Furniture, Fixtures, and Equipment (FF&E)	<p>A category of items such as chairs, desks, movable equipment, and fixed components that are required for the delivery of education within a school facility and are normally not included in the construction contract. FF&E can include IT equipment that meets the requirements, including the 15 year life expectancy, and is an eligible cost under COMAR and the APG as is required for all furniture and equipment in this category.</p>
Gross Area Baseline (GAB) Square Footage	<p>The GAB is the total eligible gross square footage for which the IAC will participate in funding for a given project. It is calculated based on the approved eligible student enrollment multiplied by the baseline gross square footage per student plus any eligible square footage add-ons, as described in Section 3.K.</p>
Gross Square Footage (GSF)	<p>The total of all habitable areas in a building and on all floors from the outside face of exterior wall to the outside face of exterior wall and excluding vertical penetrations on upper floors such as stairs, elevators, and shafts.</p>

Guaranteed Maximum Price (GMP)	Typically in school construction, a GMP is a price provided by a construction manager (CM) in a Construction Manager at Risk or a Design Build procurement process early enough in the design process to allow the Owner to make adjustments to the project to control costs. The GMP sets a maximum price the Owner will pay for the project at the defined scope.
High Performance School	A school building that satisfies the definition of a high performance building under State Finance and Procurement Article, § 3-602.1(a)(2), Annotated Code of Maryland.
IAC Staff	Refers to the staff members of the IAC under direction of the Executive Director. Does not refer to the IAC members or MSDE, MDP, or MDGS staff.
Job Order Contracting (JOC)	A project delivery method in which the LEA selects a contractor through a competitive procurement process based on a multiplier or coefficient that reflects the bidder's determination of the actual cost to perform the work plus overhead and profit, and is applied to a fixed-price list of construction items and activities.
Kindergarten and/or Prekindergarten (Pre-K) Addition	An Addition Project that specifically adds space to an existing school to provide additional student capacity for early childhood education.
LEA	Local Education Agency.
Life Cycle Cost (LCC)	As defined in relation to the school funding process, the estimated cost of owning, operating and maintaining the total project over a 50 year period as required by COMAR and as specified in the MDGS manual.
Life Cycle Cost Analysis (LCCA)	An economic evaluation technique that determines the total cost of owning and operating a facility over a period of time.
Local board or Local BOE	The board of education of a county and including the Baltimore City Board of School Commissioners.
Locally Funded Project	A project that has not been approved for State planning or funding, and for which the LEA does not intend to request State funding.
Maintenance	The work required to keep a facility (plant, building, structure, ground facility, utility system, or other real property) in such condition that it may be fully functional and continuously utilized for its expected lifespan and intended purpose at maximum energy efficiency. Includes routine, preventive, and capital maintenance.
Major Deficiency	A facility issue that poses an immediate threat to life, safety or health of occupants; delivery of educational programs or services; or the expected life span of the facility.

Maryland State Clearinghouse (Clearinghouse) Review Process	The Clearinghouse review process is an intergovernmental comprehensive review process spearheaded by the Maryland State Clearinghouse for Intergovernmental Assistance, a division of the Maryland Department of Planning. The review involves the cooperation of State agencies, local governments, and other public entities, and ensures that State projects are consistent with both State and local plans, policies, and programs.
Maximum State Award (MSA)	The estimated maximum amount of State construction funding through the IAC's standing funding programs and that is established at the time the project is first approved for construction funding. Sometimes referred to as 'maximum State construction allocation' in statute.
MDGS	Maryland Department of General Services
MDP	Maryland Department of Planning
Minor Deficiency	A facility issue that poses a potential threat to life, safety or health of occupants; delivery of educational programs or services; or the expected life span of the facility.
Minority Business Enterprise (MBE)	A legal entity, other than a joint venture, that meets the definition of MBE pursuant to the State Finance and Procurement Article, § 14-301.
MSDE	Maryland State Department of Education
Net Square Feet (NSF)	The interior usable area of each space of a building that is programmable and required to meet general or specific programmatic needs.
Net-Zero School	A facility that is designed and constructed to, over the course of a year and using site-based renewable energy, produces an amount of energy equivalent to or greater than is used by the facility.
Net-Zero-Ready School	A facility that is designed to achieve the Net-Zero School definition but has delayed the purchase and installation of renewable energy sources due to financial constraints.
Observed Remaining Useful Life (ORUL)	The number of years past the assessment date for which, based upon the assessor's observation and professional judgment, an Asset is expected to remain functional given reasonable properly scheduled routine maintenance
Office of School Facilities (OSF)	The unit of the Maryland State Department of Education that reviews school sites and projects on behalf of the State Superintendent of Education, including providing support to the LEAs and the IAC.
Owner	The legal entity that owns the facility and land that the project affects (generally the LEA's Board of Education).

Pay-as-you-go (PAYGO)	A funding method by which current funds in the State budget are utilized rather than borrowed funds for capital purposes. PAYGO funding can be made up of general, special, federal, or reimbursable funds.
Planning Approval	The commitment by the State, assuming the availability of funds, to fund the State share of eligible costs for a school construction project in some future fiscal years.
Prevailing Wage Rate	The hourly rates of wages paid in the locality as determined by the State Commissioner of Labor and Industry under State Finance and Procurement Article, § 17-208, Annotated Code of Maryland.
Preventive Maintenance	The planned and regular inspection and servicing of equipment and systems in order to achieve the full expected lifespan and prevent prematurely degraded performance, premature failure, unplanned downtime, and related avoidable costs.
Project Cost	All costs associated with constructing the facility as well as all associated costs including but not limited to design, surveying, permits, FF&E, financing, and other consulting services. Project cost does not include land acquisition costs.
Project Development and Design Funding	Project Development and Design Funding is funding awarded by the IAC for eligible project development and design costs for a public school construction project and is set in the State Capital Improvement Program. Project development and design funding may not exceed 10% of the preliminary Maximum State Award.
Proposal	The response by an offeror to a request for proposals.
PSC Number	Unique identifier assigned by IAC staff used to relate State funding to projects at a specific school facility. Only modifiable by IAC staff. These numbers are formatted as L##F###, with the first two numbers denoting the LEA, and the three following numbers denoting the facility. These numbers were formerly in the format ##.###.
Relocatable Unit	A classroom unit that is capable of being disconnected and transported from one school site and reinstalled at another school site.
Renewal Project	A capital improvement project for an existing school that, on completion, results in a like-new operational condition for the school without the need for further significant capital maintenance investments for at least 15 years. The scope of work must reduce the school's FCI to 15% or lower, as estimated by the IAC at the time of receipt of Construction Documents for the project. Renewal projects are sometimes referred to as full renovation or modernization projects.

Renovation Project	A construction project to upgrade an existing building and site, or a portion of a building and site, to significantly improve its educational, building and/or performance but that does not achieve a renewal or like-new condition. Some projects of this type were sometimes referred to as 'Limited Renovation' or 'multi-systemics' in the past. Renovations are projects that involve more than one system upgrade or replacement but do not reach the threshold to be considered as a Renewal project.
Replacement Project	A project to replace the majority of an existing school where an analysis, including a Feasibility Study and associated cost estimate as required in the Feasibility Study Checklist, demonstrates that replacing rather than renovating the school is programmatically and financially advantageous.
Request for Proposals (RFP)	Any documents used for soliciting proposals from offerors that may request the offeror's price and terms for the proposed contract, a description of technical expertise, work experience, or any other related information.
Request for Qualifications (RFQ)	Any documents used to solicit statements of qualifications including experience, references, team composition, financial stability and condition, or availability of equipment from bidders.
Resource Room	A room outside of or separated from the classroom where educational programming and/or student-support services are delivered either individually or in a small group setting. These spaces provide a setting for the delivery of a variety of services as well as an opportunity for students to work independently outside the classroom setting
Scope Study	A process used to determine the appropriate work to be included in a renovation, renewal, or addition project based on a thorough understanding of the current building conditions. A scope study should include a full building analysis, typically provided by an A/E team, as well as recommendations and cost estimates for each component of the building. This is intended to get an accurate reflection of project needs and allow the LEA to properly budget the project prior to the request for funding when a Feasibility Study is not required.
Soft Costs	Required project costs not normally included in the bid price for the construction of a project. Planning, design, geotechnical, and site surveys are examples.
Solicitation	An invitation for bid, request for proposals, request for qualifications, or other formal notification to the public of the owner's interest in receiving prices or other information for a proposed public school construction project or related services, which contains all relevant information to allow members of the public to submit responsive bids, offers, or proposals.

Special Education Classroom	A classroom that is used primarily for students with Individualized Education Plans who receive special education and related services for more than 60% of the day outside of general-education classrooms. As defined by the IAC, special education classrooms count toward the facility SRC and do not include rooms where students receive special education services for less than 60% of the day, such as resource rooms.
State	The government of the State of Maryland.
State-Funded Project	A project is considered to be State Funded when it is approved for Project Development & Design Funding, Planning, or Construction Funding. For funding approvals that occur in the Capital Improvement Program, “approval” means upon approval of the 100% CIP in May and does not include preliminary 75% or 90% approvals.
State-Rated Capacity (SRC)	The number of students that the IAC or IAC staff designee determines that an individual school facility has the physical capacity to enroll, based upon a calculation using standardized class sizes published by the IAC (see Section 2.F. of this APG for more information).
Teaching Station	Any space, including an open space area, classroom, or suite of classrooms for a specific program of study, that serves as an area in which to provide pupil instruction
Total Cost of Ownership (TCO)	The costs of constructing the facility (including the building and site construction and soft costs but excluding land-acquisition costs and costs outside the property lines) plus the costs of operating and maintaining the facility over 30 years and the costs of renewing building systems and components over 30 years.
Utilization	The ratio of the number of students that are enrolled at a school facility compared to the number of students that the school facility has the physical capacity to enroll.

2. Portfolio Level Policies and Tools

2.A. Facility Inventory

2.A.1. General

LEAs are required to provide updated information to IAC staff on an ongoing basis as needed to maintain the accuracy of the Facility Inventory Database (FIDB), per COMAR 14.39.02.02. Reporting is required for each school when a locally funded or State-funded project at that school is substantially completed, when facility circumstances change, such as when grade configurations or programs are moved or reconfigured, when new sites are acquired, or when facilities are transferred to the County. Annually, the Facility Inventory Update Assurance Form 101.4, signed by the Superintendent of Schools should be submitted to iac.pscp@maryland.gov by July 1. Information in the FIDB is used for various IAC reports and as a resource for funding decisions throughout the IAC's various programs. It is essential that the database be kept up to date to avoid delays in funding processes. The FIDB can be viewed on the [Facility Inventory Database](#) page of the IAC website.

2.A.2. Update Request Submission Process

Updates to the FIDB should be requested via the [FIDB Update Request BMS Process](#). New facilities should be requested using a 'New Facility' request type in the process, and updates to an existing entry should be requested using the 'Change/Edit Facility' request type. The 'Add/Remove Adjacent' request type should only be used for corrections to incorrect adjacents in the FIDB, and **should not** be used to request exclusions or inclusions of adjacent schools.

2.B. Site Approval

2.B.1. General

School sites are selected by the LEAs as appropriate to support their school facilities and programs and may be acquired for the purpose of constructing a specific school facility or may be banked for later use. LEA acquisition of banked land for the intention of later use as a school site is done at the LEA's risk, as sites are not evaluated by the IAC until a school is planned to be built on a site. The State Clearinghouse process may help LEAs determine later issues with a site, but this review should not be interpreted as approval to use a site for a school facility.

2.B.2. Applicability

2.B.2.a. Approval Requirements

Per COMAR 14.39.02.14, IAC approval is required for:

- Site approvals and/or acquisitions for which an LEA will request local planning approval in the IAC's Capital Improvement Program within the next three years;
- The use of previously approved sites for school construction purposes if the approval was given more than three years prior;

- Previously approved sites where there is a change in use of the school (e.g., elementary school becomes a middle school) or a second school or regional program is co-located at the site; and,
- Replacement facilities when there is an increase in capacity on the school site.

2.B.2.b. Exceptions

Other types of site approvals must receive State Superintendent approval, but do not require IAC approval. These types of acquisitions can still be performed via the BMS system. See [Section 2.B.4.](#) for information on when State Superintendent approval is required.

2.B.3. Clearinghouse Review

Clearinghouse review is a prerequisite for site approval by the IAC and the State Superintendent. Prior to requesting site approval, the LEA shall submit Site Review materials to the Maryland State Clearinghouse to mdp.clearinghouse@maryland.gov with a cover letter requesting a review.

The submission must include:

- The Site Analysis Report Form 104.1 and all necessary attachments
- Environmental Assessment Form 104.2

Both of the above forms are available on the IAC's website under [LEA Resources](#).

Clearinghouse review is valid for three years. The Maryland Department of Planning's [State Clearinghouse Division Intergovernmental Monitor is available online](#). Please see the Intergovernmental Monitor for site review information.

Note that Clearinghouse review is required only for acquisition of properties that will be used for school facilities. Partial acquisitions of land, such as small strips of land added to an existing nearby school site, are not required to have Clearinghouse review.

2.B.4. State Superintendent Approval

Approval from the State Superintendent of Schools is required separately from IAC approval pursuant to Education Article, §§ 2-303(f)(1) and 4-115(b)(1). Submission of the IAC's Site Approval process in the BMS notifies MSDE of the need for a letter from the State Superintendent. A letter addressed to the Superintendent requesting site approval will be required to be uploaded as part of the BMS process. No separate request has to be made. MSDE staff may reach out to the LEA to request additional information as needed to facilitate review and approval by the State Superintendent.

Certain types of site approvals must be approved by the State Superintendent, but do not require IAC approval. If land is being acquired to add to an existing school site, State Superintendent approval is required, but IAC approval is not. LEAs should still submit a request for State Superintendent approval via the BMS Site Approval process to facilitate State Superintendent approval and to maintain accurate records of land acquisitions.

2.B.5. IAC Approval Process

The IAC, MDP, and OSF will review site approval requests. State Superintendent approval pursuant to Education Article § 2-303(f)(1) will also be provided through the BMS if granted. The submission must include:

- Information on the property including the address, the proposed use of the site, the justification for the purchase, and a probable timeline for use of the site, if known;

- State clearinghouse comments, including resolution of any issues identified in the Clearinghouse review;
- Approval by the Local Board of Education, either in the form of approved meeting minutes in which a vote on site approval is recorded, or a letter of approval from the Local Superintendent;
- A formal letter of request addressed to the State Superintendent for site approval;
- Information on if the site is in a Priority Funding Area (PFA), see [Section 2.B.6](#). For more information on PFAs;
- Any legal documentation concerning the property (such as information on the Contract of the Site and/or building purchase) and a statement from the LEA's legal counsel noting that they had reviewed provided documents; and,
- Information on any co-located facilities on the site and if the planned facility will share space with any existing facilities.

2.B.5.a. Site Visits

IAC and partner agency staff may request a site visit prior to recommending action by the IAC.

2.B.5.b. Expiration

IAC site approval is only required for sites which will be submitted for planning approval in the next three years, once IAC approval is granted, it is valid for three years. If the site was approved for acquisition over three years ago, the LEA must obtain approval for the proposed site again.

2.B.6. Priority Funding Area (PFA)

2.B.6.a. General

As described in State Fin. & Proc. Art. § 5-7B-02, Md. Code Ann., PFAs are existing communities and places designated by local governments indicating where they want State investment to support future growth. The intent of the PFA is to support new growth and economic development in existing growth areas (communities/places) and promote more compact development, thereby reducing vehicle miles traveled and encouraging walkability. The designation is administered by the local government, which requires some level of collaboration and coordination with State officials to better assist with prioritizing State funding.

2.B.6.b. PFA Applicability

New school sites, and sites for replacement schools that have an increased capacity or an expanded core area, shall be located in a Priority Funding Area (PFA) unless a waiver is granted by the IAC. Areas that qualify to be designated as PFAs are those that comply with the specifications outlined in State Finance and Procurement Article § 5-7B-02. The following school construction projects are not subject to this requirement:

- A locally funded project that was funded by an LEA prior to or in Fiscal Year 2012;
- A project that was approved for planning in an annual Capital Improvement Program prior to or in Fiscal Year 2012;
- A replacement school on the same site when there is no increase of capacity; or
- A renewal, renovation, addition, or systemic renovation project.

2.B.6.c. Waiver Process

In accordance with State Finance and Procurement Article, § 5-7B-07 and COMAR 14.39.02.31B, an LEA may request, in writing, a PFA waiver for approval of a site for a new or replacement school that adds capacity located outside of a PFA. The IAC strongly encourages LEAs to contact MDP to discuss the LEA's PFAs and the possibility of creating a new PFA where the school project is located prior to requesting a PFA waiver. If an LEA

does wish to request a waiver, the written request must be sent to iac.pscp@maryland.gov with a copy to the LEA's [assigned Capital Projects Manager](#). PFA waivers must be requested prior to site approval and are granted on a case-by-case basis. Required information for all PFA waiver request submissions includes:

- Evidence of efforts made by the LEA and the local government to secure a site within a PFA that is suitable, including costs of options and benefits of each site considered, and costs and benefits of the proposed site located outside of a PFA;
- Evidence that the proposed site not within a PFA is as close to the PFA as possible, and how potential negative effects as a result of the site not being in a PFA may be mitigated;
- Information pertaining to local government tools for control and land use, including the comprehensive plan and zoning that will restrict the growth of housing development outside of the PFA that may result from the project school;
- Evidence of exhaustive efforts made by the LEA to achieve needed capacity through additions to existing schools within the PFA, reuse of existing facilities, and opportunities for co-location or joint use with another facility within the district;
- The location of the student body that will be served by the project school; and,
- Impacts to a local Adequate Public Facilities Ordinance (APFO) as a result of the project school being located within a PFA and outside of a PFA.

2.B.7. Submission Process

To request a site approval, an authorized LEA representative should submit a request via the Site Review process in the IAC's BMS. The Site Review Process has four request types that LEAs should select from when submitting, see the below table for information on when to select each option.

Request Type	When to select
Site Approval and/or Acquisition for a school for which the LEA will request planning within three years	Select this option for the purchase of a new plot of land by the LEA that the LEA intends to request planning approval for within the next three years.
Adding Capacity to Existing Site	Select this option for land that will see an increase in capacity due to a project, or , if there is a major educational use change to the land, such as an elementary school property becoming a high school property.
Land Added to an Existing School Site	Select this option for the addition of small parcels of adjacent land to an existing school site.
Acquisition of banked land, or land intended for a school that the LEA will NOT request planning approval for within the next three years.	Select this option for the purchase of new plots of land for the purpose of site-banking, or for parcels that an LEA does not intend to request planning approval for within the next three years.

2.C. Facility Status Changes

2.C.1. General

The IAC tracks and approves the status of school sites, school facilities, and any property owned by State and County Boards of Education. To submit a notification or request for State approval, an authorized representative of the LEA or County should initiate a Facility Status Change Process in the BMS under their Global LEA project with the relevant type of request selected. For information on how to initiate a Facility Status Change Process, refer to the IAC's [FSC Process User Guide](#).

2.C.2. Applicability

LEAs and/or County governments must submit a request for approval or a notification of any school name change, change in school use, easement, right-of-way, lease, transfer, or disposal of any property owned by the Board of Education or formerly owned by the Board of Education and transferred to local government. The State Superintendent has delegated authority to approve the transfer, disposal, and sale of public school property, in accordance with Education Articles §§ 2-303(f)(1)(i), 4-115(c), and COMAR 14.39.02.25 to the IAC.

2.C.2.a. Requests for Approval

Education Article, § 5-303, Ann. Code of MD, and COMAR 14.39.02.22–.27 require LEAs to request IAC approval to:

- Grant easements or rights-of-way on a school property;
- Lease of 10% or more of a school to a third party (outside of a space with a cooperative use agreement);
- Transfer a school site or school building; and
- Dispose of an educational facility or former school property by selling, leasing, or other disposal.

2.C.2.b. Notification Only; No Approval Required

Education Article, § 5-303, Ann. Code of MD, and COMAR 14.39.02.22 require LEAs to report:

- School name changes; and
- Change in school use, including school closures, changes in educational function, and grade reconfigurations.

2.C.3. Bond Debt and Repayment of State Investment

Transferring or disposing of a school facility or former school property, or electing to change the use of a school facility from educational use for more than five years, may result in a requirement for reimbursement of outstanding bond debt and/or a requirement to pay the State a proportional share of disposition proceeds based on the proportion of the State's investment in the property, per Education Article, § 5-308, Ann. Code of MD, and COMAR 14.39.02.27.

When a property is transferred or disposed of and has outstanding bond debt in excess of \$5,000, the submitting LEA and the local County government will receive a copy of the executed Property Transfer Agreement (PTA) upon approval by the IAC, and signature by the IAC's Assistant Attorney General and Chair. School facilities with outstanding bond debt should be paid by the responsible County or City where the facility is located by mailing a check, remittance to State of Maryland to 351 W. Camden St. Suite 701, Baltimore, MD 21201. With their check, they should include a copy of the [Bond Debt Repayment Form](#), indicating the school in which the bond debt is being repaid, the amount of debt, and the LEA's contact information for any questions

IAC staff may have. Counties or LEAs that are required to pay back State bond-debt have a two year grace period after transfer before they must make a lump-sum payment of bond debt or begin scheduled payments on an agreed upon repayment schedule outlined in the approved PTA.

2.D. Facilities Maintenance

2.D.1. General

Effective facilities maintenance practices protect investments made both locally and by the State and ensure that facilities reach their optimal lifespan. Good maintenance practices prioritize student and educational needs and provide safe and healthy learning environments. The IAC encourages the use of a computerized maintenance management system (CMMS) and its many trackable data elements to support these efforts.

2.D.2. Comprehensive Maintenance Plans (CMPs)

2.D.2.a. General

The purpose of the annual CMP is to communicate to the LEA's stakeholders, including the State, the LEA's intentions for the coming fiscal year for its facilities maintenance program. Per COMAR 14.39.02.19A, CMPs must be approved by the local board of education, and must be consistent with the local EFMP and local Capital Improvement Program. The CMP must be submitted by October 15 and be approved by the local board of education prior to submission. The CMP must be coordinated with Educational Facilities Master Plan (EFMP) and Capital Improvement Program (CIP).

2.D.2.b. Concerns and Concern Resolution

Per COMAR 14.39.02.19, the LEA shall resolve to the reasonable satisfaction of the IAC or IAC staff any concerns raised by the IAC in its review of the LEA's CMP. The IAC may determine a project is ineligible for planning approval or funding approval if the IAC has determined that the project school facility is not properly maintained or the LEA does not have an adequate preventive maintenance plan, which should be included in the CMP.

2.D.2.c. Submission Process

CMPs are submitted via email to iac.pscp@maryland.gov. The required data elements are available within the CMP Instructions on the [IAC website](#).

2.D.3. Maintenance-Effectiveness Assessments (MEAs)

2.D.3.a. General

Each year, IAC staff conducts site visits to assess the effectiveness of each LEA's maintenance of its school facilities. Prior to the start of each fiscal year, IAC staff will send each LEA a letter containing the dates that assessments will take place within the LEA. The location of each assessment will be provided two weeks prior to the assessment. Per COMAR 14.39.02.19, the IAC may determine that a project is ineligible for funding or planning approval if that facility's MEA demonstrates that the school is not properly maintained, or if there is not an adequate preventative maintenance program in place.

2.D.3.b. Methodology

For each facility visited, the IAC assessment team reports a Maintenance Effectiveness Assessment score. These MEA scores are developed in accordance with the MEA rubric and guidelines, which are available on the [IAC website](#). The assessor reviews the LEA-submitted documentation, inspections, and CMMS data prior to the site

visit. During the assessment, the assessor makes observations and photographs assets of each category to determine maintenance effectiveness, including any deficiencies present. Based upon the findings, category scores are assigned by the assessor and then weighted to reflect the maintenance’s importance to the facility. The scoring is then converted to a 100-point scale. Any category not applicable to a facility or that could not be assessed is not scored, and its weighting is removed.

2.D.3.c. Requirements

The IAC will notify LEAs two weeks prior to scheduled MEA assessments. LEAs should provide all required documentation to IAC staff no later than two business days prior to the MEA date for each school facility. Pre-assessment documentation is essential in order to complete accurate, on-time assessments of school facilities, and failure to provide the required documentation may result in a “poor” rating in the omitted categories. Poor ratings in these categories may have an impact on future funding decisions per COMAR 14.39.02.19. The following documentation is required:

- CMMS work order data extractions in Excel format per the Definitions/Directions tab in the Work Order Template. The data should be filterable, and should include for each facility:
 - All open work orders
 - All closed work orders for one year
 - Preventive Maintenance Schedule
 - Asset List
 - List of DLLR regulated equipment
- The custodial scope of work or standard task list, including the frequency of each task.
- The integrated pest management plan.
- The most recent inspection reports performed by a qualified inspector for:
 - Annual fire alarm test
 - Sprinkler system
 - Kitchen hood fire suppression
 - Roof
 - Playgrounds
 - Bleachers

2.D.3.d. Exemptions

MEA exemptions are considered according to the following guidelines:

Case Type	Guideline
1: Active or holding facility with replacement, renewal, or renovation scheduled to start within 12 months	Assess unless the LEA’s Superintendent requests in writing a temporary exemption from eligibility for MEA for that facility and the IAC Executive Director grants it. Criteria: 1) The school is scheduled to have a capital project that (a) has been approved by the LEA’s board to start within 12 months of the date of the request, and (b) will result in the replacement or renewal of all or a substantial part of the facility.

Case Type	Guideline
	<p>2) The LEA's Superintendent has submitted to the IAC's Manager of Assessment & Maintenance a signed letter requesting that the IAC not conduct an MEA at the facility and stating that, if students and staff will remain in the facility during the project duration, the LEA will ensure the safety and health of students and staff.</p> <p>3) If the project is to involve a replacement, renewal, or renovation of part of the school's square footage, the letter must include supporting documentation such as floor plans or drawings detailing the scope of the project and the gross square footage affected such that the IAC can determine which areas should not be assessed.</p>
2: Active or holding facility scheduled by LEA to close but not yet finalized by BoE for surplus	Assess the facility as scheduled. The IAC assesses facilities or portions of facilities that are actively housing students and those portions of facilities that are directly associated with occupied portions.
3: Closed (not active or holding) facility that has not been finalized by BOE for surplus and could be reactivated	Do not assess the facility. However, if the LEA decides to reactivate the facility to house students, the LEA must provide notice to the IAC at least 60 calendar days prior to the planned occupancy date and the IAC may choose to assess the facility at any time.
4: Active or holding facility that is split between instructional spaces and non-instructional administrative or support spaces such as central offices or maintenance offices	Assess all areas used to deliver programs or services to the students being served in the facility, including common areas such as restrooms and relevant hallways, and all areas and systems required to support such delivery, including mechanical rooms and outdoor areas used by students and student-support staff. Do not assess areas and assets that support only non-instructional activities and areas.
5: Active, holding, or closed facility that has been finalized by BOE for surplus or transfer within 18 months	Do not assess the facility.
6: Non-LEA Owned Facilities	Do not assess the facility.

2.D.3.e. Response Required

After completion of the onsite assessments, LEAs will be required to respond to certain items. Identified items in a category rated "not adequate" or "poor" must be responded to within 45 calendar days from the delivery of the preliminary report.

2.D.3.f. Submission Process

LEAs should submit all pre-assessment documentation via the LEA MEA Pre-Assessment Document Upload process in the BMS. Required documentation to be included is outlined above in [Section 2.D.3.c.](#)

2.D.4. Remediation of Major and Minor Deficiencies

2.D.4.a. General

For any Major or Minor Deficiency noted in a preliminary report, the LEA may correct the deficiency in a timely manner and request that the IAC remove the deficiency's negative score effect from the overall facility score in the IAC's final MEA report. Failure to submit according to the requirements in [the deficiency remediation](#)

[guidance document on the IAC's website](#) on time or in the required formats will prevent the associated deficiencies' negative score effects from being removed and may have an impact on future funding decisions per COMAR 14.39.02.19.

2.D.4.b. Response Requirements

Remediation plans must be submitted within 15 calendar days of LEA receipt of the preliminary report. Submission of 15-day responses will extend the final response deadline from 30 calendar days to 45 calendar days. Proof of remediation, including but not limited to invoices for vendor-performed work, photographs, etc., must be submitted within 45 calendar days of LEA receipt of the preliminary report. Final responses for all "not adequate" and "poor" category comments and updated responses to all deficiency-related comments must be submitted in the required format within 45 calendar days of the LEA receipt of the preliminary report. For fiscal years 2026 and following, failure to submit final responses that comply with the IAC's stated guidelines will result in a reduction of five percentage points in the overall score for the assessment of that facility.

2.D.5. Reassessments

Reassessments are conducted at the IAC Executive Director's discretion based upon the severity of the issues noted during the assessment, the LEA's responses, and/or LEA and IAC staff availability. An LEA wishing to appeal an assessment may do so in accordance with [Section 2.L.](#) of this APG.

2.D.6. Annual Report

An annual report on school maintenance is provided to the Governor and the General Assembly by October 1 and posted to the IAC's website.

2.E. Statewide Facilities Assessment (SFA)

2.E.1. General

The SFA was initially established by the 21st Century School Facilities Act of 2018, which established the Nancy K. Kopp Public School Facilities Priority Fund (KPF) and mandated that the IAC conduct an assessment of the condition and educational sufficiency of each Pre-K–12 public school facility in Maryland. The Act mandated that the SFA allow for comparison of the condition of all school facilities to identify and rank facility needs for potential future funding through the KPF. The SFA was not designed to identify potential solutions to address facilities' needs.

2.E.2. Applicability

Education Article § 5-310 requires the IAC to assess enough school facilities annually to ensure that SFA data for any facility is never more than four years old. To achieve this, IAC staff aim to assess 25% of active and holding school facilities annually. Additionally, to ensure the comparability of data, any facilities not assessed in a given year are estimated to have natural system aging; IAC staff update actual enrollment data and mathematically age the condition data, resulting in a data update for 100% of school facilities each year.

2.E.3. Methodology

To create this comparable needs evaluation, the SFA uses both Facility Condition Index (FCI) physical condition measures and Educational Sufficiency attribute measures. The FCI calculation is a depleted-value measure based

on observed remaining useful lifespan (ORUL) of each major building-system component and not the cost of repairs. This produces comparable data regardless of the replacement costs.

2.E.4. LEA Engagement

2.E.4.a. Data Refresh

Education Article § 5-310(f)(2) requires that each LEA cooperate with the IAC to update the SFA data and contribute data requested by the IAC for that purpose. Annually, this will include at a minimum:

- LEA review of the list of schools to be assessed that year and any relevant comments an LEA may have on those facilities;
- LEA comments on any changes to data for the 75% of schools that are not assessed and for which systems will be mathematically aged one year;
- The provision of relevant new information about facilities; and
- A post-assessment review of data.

2.E.4.b. Submission Process

All documents should be submitted via the SFA Pre-Assessment Document Upload process in the BMS. LEAs should initiate the process on their Global LEA project.

2.E.4.c. Scheduling and Coordination

IAC staff will provide the list of schools to be assessed and the scheduled assessment dates to the LEA. IAC staff will work with the LEA to schedule assessments to minimize disruption to the delivery of educational services. LEAs generally do not have input on which facilities are assessed each year. Assessments can be rescheduled due to facility issues or educational needs (i.e. testing weeks) on a case-by-case basis at the discretion of IAC staff. Scheduling issues are to be brought to the attention of IAC staff during the annual kickoff meeting or at least 30 days before the assessment date. Exemptions from assessment are granted according to the following guidelines:

Case Type	Guideline
1: Active or holding facility scheduled by LEA to close but closure has not yet been finalized by the local BOE for surplus.	Assess the facility as scheduled. IAC staff assess facilities that are actively housing students and portions of facilities that are directly associated with occupied areas, such as shared mechanical rooms.
2: Active or holding facility that is split between instructional spaces and non-instructional administrative or support spaces such as central offices or maintenance offices.	Assess all areas used to deliver programs or services to the students being served in the facility and all areas and systems required to support such delivery, including mechanical rooms and outdoor areas used by students and student-support staff.
3: Active, holding, or closed facility that the local BOE has approved for surplus and intends to transfer to another owner within 18 months.	The facility will not be assessed.

Case Type	Guideline
4: Active, holding, or closed facility for which the local BOE has approved a replacement project in the form of a BOE-approved request to the State for funding participation for construction OR has published a request for bids for a locally funded replacement project.	The facility will not be assessed.
5: Non-LEA Owned Facilities	The facility will not be assessed.

2.E.4.d. Kickoff Meeting

A kickoff meeting invitation, including data requests, will be sent annually at least 30 days before the LEA's first assessment. An LEA may opt to decline the invitation if they feel the kickoff isn't necessary. However, all requested data items are due two weeks before the first assessment and must include at a minimum:

- A spreadsheet/questionnaire provided by the IAC and completed by the LEA to facilitate collecting building data;
- Current Schematic floor plans for all facilities to be assessed (vectored, to scale, numbered, labeled by use, with room NSF);
- Changes to facility assets since the last assessment, including both local and State funded projects;
- Updates to relocatable units on-site;
- Updates to HB 1290 Survey documentation provided by the IAC;
- Updates to Facility Space Use;
- Updates to planned future use (imminent closings, swing space, etc.) of each facility; and,
- The point of contact for each site assessment.

2.E.4.e. Summary and Replies

IAC staff will provide a summary of each site visit for review after assessment. LEAs will then have 30 days to review and provide comments for consideration. Non-responses will be considered an acceptance of assessment results. LEAs should contact the Assessment & Maintenance Manager and the Data Assessment Coordinator to request an extension to the review timeline if needed. Requests for extensions are reviewed on a case-by-case basis, and extra review time is not guaranteed.

2.E.4.f. Additional Facility Information

LEAs will have the opportunity to provide input on any facility not assessed during the assessment cycle. This should be discussed with the Data Assessment Coordinator during the kickoff so an appropriate time for a discussion can be scheduled during the LEA's assessment cycle. Any updates to a facility's data in a non-assessment year do not change the assessment cycle calendar for that facility. The facility would still be subject to an in-person inspection within four years of the last cycle-based site visit. The window of opportunity for LEAs to submit requests to change data on the 75% of the portfolio that is not receiving a site visit in the cycle will open on July 1 and close on a date specified by IAC staff, but will be no more than seven months later.

2.E.5. Annual Report

At the end of the assessment cycle each LEA will receive a copy of all of their SFA data and generated metrics. The IAC will produce an Annual Report detailing aggregated Statewide facilities data for publication.

2.F. State-Rated Capacity (SRC)

2.F.1. General

State-rated capacity is the number of students that IAC staff determines that an individual school facility has the physical capacity to enroll (COMAR 14.39.02.05A). Note that a facility's SRC may be different from the facility's design capacity. The specific function of the SRC is to establish —*for funding-award purposes*— a single statewide basis on which to consistently estimate the number of FTE students that a facility can serve in delivering State-required educational programs and services. The actual enrollment and the SRC are used by the IAC to establish the utilization of a facility. Projected utilization of a school facility and the adjacent school facilities is used in IAC decisions to award State capital funding, including to determine Eligible Enrollment for school facilities as a result of capital school construction projects.

2.F.2. Reserved for Future Use

This section is reserved for future use.

2.F.3. Applicability

All school facilities that are either in active educational use or are available for educational use must have an IAC-approved SRC.

2.F.4. Setting and Updating the SRC

While the SRC may be estimated during project planning and design, it is not set until after a project that changes the amount of educational space is complete and the school is occupied. The SRC can be updated when changes to the educational program change the use of the educational space. In both cases, the SRC must be based on the educational spaces and programs in place at the time of the request to set or update the SRC.

2.F.4.a. Timeline

A request to set the SRC for a school project should be submitted no later than three months after a school construction project that changes capacity is complete and the school is occupied. A request to update the SRC for a school can be submitted whenever changes to the educational program at a school change the use of educational space at the school.

However, if an LEA desires that an updated SRC or SRCs be used to determine the Eligible Enrollment for a request for planning or construction funding approval for a school project, then the LEA must submit the request to update the SRC of the project school and/or the schools adjacent to the project school at least three months prior to the submission of the request for planning or construction funding approval for the school project

2.F.5. Elementary Schools

For purposes of calculating SRC, elementary schools are defined as schools enrolling students in one or more grades from Pre-K through grade 6 (COMAR 14.39.02.05B), but not grade 7. An elementary school classroom is a

space of 550 net square feet or greater in which the majority of the school day is spent in the instruction of the core curriculum. This does not include special subject classrooms such as music classrooms, art classrooms, science labs, etc.

2.F.5.a. Approved, Standard Capacities for Elementary School Classrooms

The standard capacities for elementary school classrooms are:

Elementary School Type	Standard Capacities
Prekindergarten	20
Kindergarten	22
Grades 1-5	23
Grade 6: if classroom is in an elementary school	23
Grade 6: if classroom is in an elementary/middle school or a secondary school	25
Alternative Education	10
Special Education	10

2.F.5.b. SRC Calculation

SRC for an elementary school is calculated using the following formula: Multiply the number of classrooms in each grade by the approved capacity for that grade and then add the resulting products. For facilities where open-space classrooms are included, see [Section 2.F.7](#).

2.F.6. Secondary Schools

For purposes of calculating SRC, secondary schools are schools enrolling students in one or more grades from 6 through 12 (COMAR 14.39.02.05C). A secondary school classroom is a space of 600 net square feet or greater, unless the LEA designates a space smaller than 600 square feet as a classroom. All spaces in which students are regularly receiving secondary school content are considered classrooms and include laboratories, technology rooms, career and technology education rooms, music rooms, fine and performing art rooms, family and consumer science rooms, gymnasiums, and auxiliary physical education classrooms. One physical education classroom up to 2,500 square feet which contains specialized equipment that cannot be stored or relocated may be excluded upon LEA request with supporting documentation. A gymnasium up to 13,000 square feet counts as two classrooms. A gymnasium exceeding 13,000 square feet counts as three classrooms.

2.F.6.a. Approved, Standard Capacities for Secondary Classrooms

The standard capacities for secondary classrooms are:

Secondary School Type	Standard Capacities
Grade 6-12 classrooms	25
Career and Technology Programs	20
Alternative education classrooms	10
Special educational classrooms	10

2.F.6.b. SRC Calculation

SRC for an individual secondary school is calculated according to the following formula: Multiply the number of regular classrooms by the applicable approved capacity and multiply this product by 85% and rounded up to the nearest whole number. Then, multiply the number of special education classrooms by the applicable approved capacity. Finally, sum the results. For facilities where open-space classrooms are included, see [Section 2.F.7.](#)

2.F.7. Open-Space Classrooms

Open-space classrooms are rooms in which the instructional areas are not structurally defined, with or without temporary partitions. Partially enclosed classrooms are rooms in which the instructional areas are structurally defined by permanent (non-removable) partitions, which may be calculated according to the regular SRC calculation for the applicable room type.

For elementary open space schools, divide the open space area by 900 square feet, then multiply that result by the state approved capacity. For Secondary open space schools, divide the open space area by 900 square feet and then multiply the rounded quotient by the State-approved capacity for the applicable grade. Finally, multiply this product by 85% and round to the nearest whole number.

Upon request of the LEA, IAC will reconsider the SRC based upon the number of usable classrooms possible given the limitation of the space.

2.F.8. Career and Technology Programs

Career and technology education (CTE) programs are instructional programs approved by MSDE’s Division of College and Career Pathways (DCCP) and designed to prepare students for the global economy and workforce needs. Please note that for CTE, “Classroom” may mean a suite of classrooms for a specific program of study. CTE programs are aligned to nationally or state-recognized industry and academic standards. The approved capacity for a CTE classroom is 20. CTE programs are offered in comprehensive high schools and in stand-alone or colocated CTE centers. Given the nature of CTE instruction, a CTE classroom may consist of a suite of multiple types of classrooms, potentially including both laboratory and lecture spaces designed for specialized instruction, which may or may not be structurally separated. In these instances, both classrooms are counted as a single CTE classroom when determining the SRC of CTE spaces. SRC for a CTE program is calculated by multiplying the number of CTE classrooms by 20, and then by 85% for CTE classrooms in comprehensive high schools, or by 100% for CTE classrooms in stand-alone CTE centers.

2.F.9. Alternative Education Programs

Alternative education programs are programs for students who need specialized instruction outside of the traditional classroom setting on a temporary basis. The approved capacity for an alternative education classroom is 10. Alternative programs are offered in both stand-alone alternative education centers and in both primary and secondary schools.

2.F.10. Modular Construction and Temporary Relocatables

2.F.10.a. Modulars

For IAC purposes, modular construction classrooms are a building assembly or system of building subassemblies manufactured in its entirety, or in substantial part, off site and transported to a site for installation or erection, with or without other specified components, as a finished building or as part of a finished building that comprised two or more modular building units. These classrooms are included in the calculation of SRC as outlined above, depending on their use.

2.F.10.b. Relocatables

For IAC purposes, relocatable classrooms are factory-fabricated structures meeting State standards, as defined in COMAR 09.125.52, that are designed and certified for educational use, installed on a school site, and designed for relocation. State or locally owned relocatable classrooms are not included in the calculation of SRC.

2.F.11. Undefined Facilities

The IAC or its designee shall determine on a case-by-case basis the SRC for a school that is not defined in the above sections or includes space types not defined in the above sections.

2.F.12. Cooperative Use Space (CUS)

CUS dedicated in a written agreement to noneducational purposes is not included in the SRC. The SRC excludes Cooperative Use Spaces used by an outside provider.

2.F.12.a. Exclusions

CUS will be excluded from the calculation of SRC if a copy of the current, signed cooperative use agreement(s) is included with the request to set the SRC for a school project or update the SRC for a school. The agreement must demonstrate that the space cannot be used for LEA educational purposes during the LEA's standard school operating hours in order for it to be excluded.

2.F.13. Submission Process

Requests to update the SRC of a given facility should be made via the State-rated Capacity Update Request process in the BMS under an LEA's global project. Required attachments are as follows:

2.F.13.a. Floor Plan

Floor plans may be hand or digitally rendered, but must be color-coded and provide a key. A template is available on the IAC's website.

2.F.13.b. Room Inventory

A room inventory spreadsheet (in Microsoft Excel format, or the like) that, for all rooms (not just classrooms and support spaces) includes:

- Assigned room number
- Room use including grade level(s)

- Capacity of room per Standard State Capacities
- Area of room in net square feet (NSF)

2.F.13.c. Cooperative Use Spaces (CUS)

All spaces identified as CUS must include the most recent, ratified cooperative use agreements that show the terms and duration of the agreement(s) with the partner organization(s), unless the use of the space falls under the eligible exceptions for LEA provided services outlined in [Section 3.Q.3](#).

2.F.13.d. Update Specific Requirements

For SRC updates, also include a description of the physical or programmatic changes that warrant the update. Indicate changes to individual room uses on the room inventory spreadsheet.

2.G. Enrollment Projections

2.G.1. General

As part of preparation of the annual Educational Facilities Master Plan (EFMP), each LEA develops its own detailed Pre-K–12 enrollment projections for each school program. Each LEA utilizes their own methodology to determine the projections for each school, but local facility planners typically utilize data regarding birth rates, mortality rates, in/out migration, and the cohort survival projection method to arrive at projections for each grade within each school.

2.G.2. MDP Requirements and Review of District-Wide Enrollment Projections

Each spring, the Maryland Department of Planning (MDP) provides the State’s total district-wide K-12 enrollment projections. Total district-wide K-12 enrollment projections used in the LEA’s EFMP must be within 5% of those generated by MDP. Each LEA has the opportunity to agree or disagree with MDP’s total county-wide enrollment projections and may provide an explanation of the methodology used to determine differing projections. Once the LEA’s total district-wide enrollment projections are within 5% of those generated by MDP, the LEA can then use their total district-wide enrollment projections to generate enrollment projections for individual schools, which must add up to the MDP approved district-wide control totals for grades K-12.

2.G.3. School Level Enrollment Projections

Total district-wide enrollment projections are not the same as those required for individual school projects, for which K-12 projections must add up to the total district wide projection that is within 5% of MDP's total district wide projection. School level enrollment projections are required for each grade in each school and may reflect many if not all of the factors reflected in the county-wide projections. In addition, individual school enrollment projections may reflect planned portfolio actions such as consolidation of educational programs and disposition of school facilities, approved residential and/or mixed-use developments, anticipated shifts in demographic composition, and other regional and/or cluster-scale drivers that could influence enrollment at an individual school. Where applicable, individual school enrollment projections must include projected enrollment for 3 and 4 year-old Pre-K programs, respectively, that the LEA intends to house at applicable school(s).

2.H. Educational Facilities Master Plans (EFMP)

2.H.1. General

An EFMP is a 10-year plan produced by an LEA that demonstrates the long-term portfolio-management strategies that the LEA intends to employ. It should address the future needs required by the LEA to provide an educationally sufficient and fiscally sustainable school portfolio. Pursuant to Education Article § 5-303(d)(3)(ix), the IAC requires that each LEA submit a new or amended EFMP each year. The EFMP is a platform to inform the State, the local government, and the public of each LEA's long-term plans; and is the foundation of each LEA's annual CIP. The EFMP must substantiate each project requested in the CIP. As a result, the EFMP serves as a reference to evaluate CIP projects in particular and educational facilities needs in general. Each LEA must have a current EFMP approved by their local board of education (BOE) on file to be eligible for State planning or funding awards.

2.H.2. Process

Each LEA must annually submit or amend its EFMP by July 1 through the Educational Facilities Master Plan process in the BMS. Prior to the July 1 submission, IAC staff will provide a detailed list of required elements that must be included in the EFMP document. At a minimum, the required elements list will include the following:

- Written verification of agreement between MDP and the LEA on the county-wide population and enrollment data on which the plan is predicated.
- A letter from the local planning board, commission, or director stating that the EFMP is consistent with the adopted comprehensive plan of the local jurisdiction.
- A letter, resolution, or board agenda item adopting the plan.
- Goals, standards, and guidelines including;
 - Student-to-teacher and student-to-staff ratios
 - Transportation policies
 - Provisions for Special Education
 - Provisions for Career and Technology Education
 - Districting and redistricting
 - School closures
- Community Analysis done on a county-wide basis but focused on the attendance zone for a school whenever possible. References may include:
 - Current population distribution
 - Adopted comprehensive plan of the local jurisdiction
 - Building and subdivision plans
 - Water and sewer plans
 - Transportation plans
 - Shifts in housing and employment patterns
- Inventory and evaluation of facilities, including buildings for which construction money has been awarded, even when the building may not yet be occupied. For each facility in the inventory, include the following:

- Facility name
- PSC Number
- Address
- Grades served
- SRC
- MSDE Reported FTE Enrollment as of the previous September 30
- Utilization rate
- Acreage
- Age and square footage of the original construction, renovation(s), addition(s), and demolition(s)
- Total current square footage
- Physical condition and an explanation of the system used for evaluating the physical condition of the school.
- Other information that should be submitted if available:
 - Floor plans, preferably to scale
 - Number of classrooms/teaching stations
 - Number and type of special purpose rooms
 - Number and intensities of special education classrooms
 - A county map that shows the location of the facility, the attendance area, and the locations and attendance areas of adjacent schools
 - Feeder system for each middle and high school
- Discussion of capital maintenance and facilities operations budgets and costs
- Enrollment data that is agreed to by MDP on a county-wide basis (Form 101.2) including projected enrollment and utilization for all school facilities by grade for each of the next ten years.
- Enrollment projections for Pre-K 3 and Pre-K 4 by grade for each of the next ten years.
- Facility Needs Analysis (Form 101.3)
- A list of any changes to BOE goals, standards, and guidelines that impact facilities. Community demographic changes that impact the facility needs must also be amended.

Projects submitted for funding through any IAC funding program will be reviewed against the submitted EFMP.

2.H.3. Amendments

The BOE can delegate in writing to their Superintendent full or partial authority to make amendments to the EFMP. Master plans that have been annually updated by means of amendments shall be completely revised and adopted by the BOE at least every five years.

2.H.4. Submission Process

To submit a given EFMP, LEAs should initiate the [Educational Facilities Master Plan process](#) in the BMS. A submission from LEAs should contain four files; the EFMP Required Elements List, the EFMP itself, the enrollment projections, (in Microsoft Excel format), and the Annual Facility Inventory Update Assurance Form.

2.H.5. Review and Response by the IAC

Written comments and recommendations will be returned to the LEA within 60 days of IAC receipt of the plan. The comments will be advisory but will inform the decisions of the IAC with respect to project approvals

requested by the LEA. The local EFMP together with any LEA amendments and IAC or its designee comments is the plan of record.

2.I. Disposal of State-Owned Relocatable Facilities

2.I.1. General

State-owned relocatable facilities that are past their useful life can be decommissioned and disposed of with approval of the IAC. Requests for disposal and related funding for disposal of these units must be approved by the commission at an IAC meeting.

2.I.2. Process

LEAs who currently have State-owned relocatables at school facilities that are no longer used for educational purposes should write a letter to the IAC requesting approval of disposal of the relocatable unit, and, if available, funding for disposal. Letters of request should be emailed to iac.pscp@maryland.gov and the LEA's assigned CPM should be copied.

2.I.2.a. Funding for Disposal of Relocatables

LEAs may request funds available in the Statewide Relocatable Repair Fund for demolition of State-owned relocatables that are beyond their useful life and are unable to be repaired to extend their useful life. If awarded, funding for disposal of relocatables is provided at the level of State-local cost share applicable to the LEA making the request.

2.I.3. IAC Approval

If IAC approval is granted, the IAC will obtain disposal approval from the Maryland Department of General Services (MDGS). Once this is granted, the LEA's assigned CPM will inform them of their approval to dispose of the unit. LEAs must notify IAC staff immediately upon completion of the disposal in writing via email to their CPM.

2.J. LEA Signature Authority

2.J.1. General

Each LEA Superintendent shall complete an LEA Signature Authorization form to designate individuals authorized to submit payment or reimbursement requests to the IAC for state-funded school construction projects and to designate individuals authorized to request user accounts for LEA staff within the IAC's BMS to ensure only authorized individuals are granted access.

2.J.2. Process

[The Signature Authority form](#) will be requested from LEA staff annually, and requires wet signatures throughout the form. The original form shall be mailed to the IAC. Digital signatures and/or digital copies of the form will not be accepted. In the event that updates to LEA staff need to be made outside of the annually requested update, revised forms can be provided at any time. Additions to the authorized individual list can be provided as a supplemental form with only the new individuals listed, but deletions require a revised full form to replace the

existing form on file with the IAC. In cases of both additions and deletions, a hard copy with a wet signature must still be mailed to the IAC at 351 W. Camden St. Suite 701, Baltimore, MD 21201.

2.K. PSC Numbers

2.K.1. General

PSC numbers serve as the IAC's unique identifying codes for school facilities and sites. The number is assigned to the facility and site, not the educational program or programs operating at the facility, which are tracked according to the School Number and reported by the LEA to the Maryland State Department of Education (MSDE). PSC numbers are assigned by the IAC in the IAC's Facility Inventory Database (FIDB) at the IAC's discretion. These numbers are formatted as L##F###, with the first two numbers denoting the LEA and the three following numbers denoting the facility. These numbers were formerly in the format ##.###.

2.K.2. Applicability and Exceptions

New schools are assigned a new PSC number by the IAC after a site has been designated for use as a school site, typically in the project development phase of a project. School sites that are acquired for site bank purposes are typically not assigned PSC numbers.

Buildings previously utilized as school facilities that no longer function as educational facilities retain their former PSC number, even if they are now being used as admin spaces, storage space, or are being held in the LEA's portfolio. This is known as a Facility Status Change; for more information on Facility Status Changes, see [Section 2.C.](#)

2.K.2.a. Collocated Schools

Collocated schools on the same site share a PSC number if the building system and internal spaces are shared, or if the collocated schools are housed in the same facility.

For example, a special education program that is in the same building as an elementary school would share a PSC number with the elementary school. However, a CTE program that is housed in an annex building separate from a main high school building would be assigned its own PSC number even if the two buildings were on the same site.

If two existing facilities are connected or combined, through construction resulting in sharing of the buildings' mechanical systems, the number for the facility of greater size will be retained and the other retired by the IAC.

2.K.2.b. Replacement Schools

Replacement schools that are built on the same site as a prior school facility are not assigned a new PSC number, and instead keep the original building's PSC number so that the IAC can track State investment in a facility at a site over time. However, replacement schools that are planned and constructed on a different site will be assigned a new PSC number. If the two facilities have the same name, the former building that is being replaced will be renamed to include 'former', 'old', or 'demolished' depending on the circumstances.

2.K.2.c. Non-LEA Owned and Leased Facilities or Sites

LEAs may request PSC numbers for non-LEA owned or leased facilities as they may qualify for IAC funding. For additional information regarding project funding at leased facilities, see [Section 3.O.2.d.](#) on Eligible Expenditures.

2.K.3. Requesting a PSC Number

LEAs need not request a PSC number in any manner separate from the typical approval process of sites and new facilities. Upon submission of a Site Approval process via the BMS, a FIDB update process will be created to assign a PSC number to the new facility. An LEA's assigned Capital Projects Manager (CPM) will notify the LEA once the PSC number has been assigned to a new facility.

For facilities that are not new, but require a PSC number change, update, or reassignment, an LEA should request a FIDB Update via the [FIDB Update process](#) in the BMS, and talk to their assigned CPM about any additional steps that need to be taken.

2.L. Appeals and Request for Reconsideration

2.L.1. General

If an LEA is dissatisfied with a recommendation proposed to the IAC by IAC staff or a determination made by the IAC, the LEA may request the IAC to reconsider the determination.

2.L.2. Process

Any LEA wishing to appeal should submit a written request for reconsideration within 45 days of the decision being communicated to the LEA. The written request should include any information, circumstances, or documentation that the LEA would like the IAC to consider, reasons in support of the appeal, and a statement of the result sought. The LEA's request should be in the form of a letter signed by the Superintendent and addressed to the IAC Executive Director, and should be sent via email to iac.pscp@maryland.gov.

2.L.3. Oral Arguments

In the written appeal, an LEA may request to present an oral argument to the IAC. Oral argument will not be permitted without a prior written request to the IAC. IAC staff will notify the LEA of the date at which the oral argument will be heard.

2.L.4. Determination

The IAC shall issue a final decision to the LEA. This determination is the final decision of the agency and cannot be appealed again.

2.L.5. Eligible Enrollment

For information on the Eligible Enrollment Appeal process, see [Section 3.D.7](#).

3. School Construction Projects

3.A. General

This APG contains general requirements applicable to the majority of the IAC's programs and to locally funded school construction projects. Project specific application requirements are found in each program's APG or instructions, available on the IAC website.

- [Capital Improvement Program](#) (CIP) (Including EGRC)
- [Built To Learn](#) (BTL)
- [School Safety Grant Program](#) (SSGP)
- [Healthy School Facility Fund](#) (HSFF)
- [Aging Schools Program](#) (ASP)
- [Non-Public Aging Schools Program](#) (NASP)

3.B. State Grants for Projects

3.B.1 General

By accepting State funds through any IAC program, LEAs agree to the following:

1. The LEA will adhere to IAC reporting requirements, including the submission of all required reports. Failure to submit complete, accurate, and timely progress and final reports may result in the withholding of subsequent grant payments until such time as the reports are filed.
2. The LEA shall provide fund accounting, auditing, monitoring, evaluation procedures, and such records as the IAC may require, from time to time, to assure fiscal control, proper management, and efficient disbursement of funds.
3. The grantee shall maintain such data and information and submit such reports in such form, at such times, and containing such information as the IAC may reasonably require to administer the grant.

3.B.2 Purpose of Grants

The IAC awards grants of State funding to specific projects pursuant to considerations provided in statute, regulation, and this Guide, as well as its authority and discretion under Maryland law. Because local boards of education hold the authority and responsibility to determine the assignment of public-school students to public-school programs and facilities, the IAC's grants are provided to approved projects at specific facilities, not to specific groups of students. Decisions regarding which students are served within that facility are a matter for the local board of education. Any person who desires to appeal a final decision of a local board of education may avail themselves of the appeal process provided in Code of Maryland Regulations (COMAR) 13A.01.05.01, et seq.

3.C Planning Approval for CIP Projects

Planning approval is a prerequisite for funding approval for certain IAC programs. Typically, LEAs request planning approval for projects that are in the planning phases of development but are not yet ready to receive

funding in the IAC’s CIP. However, in some cases, planning approval is requested in the same year as requests for construction funding approval. While planning approval represents a commitment of future State funding if the project continues to be justified, planning approval cannot be interpreted as a guarantee that construction funding will be awarded in any specific future fiscal year, since funding depends on the availability of State resources and the priority in which the project is presented by the local board. For planning approval requirements, see the [CIP Instructions](#).

Per COMAR 14.39.02.10A, if within two years after a project is approved for planning and no part of the project is under contract for design, the IAC may rescind planning approval. An LEA that seeks reapproval of a project for which planning approval has been rescinded must submit a new planning request should they wish to pursue the project in another Capital Improvement Program fiscal year.

3.D. Eligible Enrollment

3.D.1. General

Once an LEA has determined a general need for a renewal, replacement, or new school project, the extent of the need must be specified in order to deliver an educationally sufficient and fiscally sustainable school. In order to do so, the Estimated Eligible Enrollment should be calculated, project specific Educational Specifications (Ed Specs) must be developed, and, if applicable, a Feasibility Study must be completed before project design can be started.

Eligible Enrollment is the net difference between the State-rated capacity (SRC) and the projected, seventh-year (full-time equivalent) enrollment for a project school and the schools adjacent to the project school. While Eligible Enrollment can and should be calculated early and often in the planning and design phases of a project, the IAC calculates the Estimated Eligible Enrollment at the time of local planning approval, and determines Eligible Enrollment at the time of construction funding approval. Eligible Enrollment is then used to determine the Maximum State Award for the project.

For projects at schools for which student assignment is not based upon the geographic location of a student’s residence, the IAC will consider Eligible Enrollment for each project on a case-by-case basis upon complete submission of all information requested by the IAC.

3.D.2. Purpose

The use of adjacent schools to determine Eligible Enrollment is intended to ensure the most effective, efficient, and equitable allocation of constrained capital construction funds in order to best meet the constitutional charge of the Commission. The use of adjacent schools to determine Eligible Enrollment and therefore State participation in a school project does not constitute a requirement or a recommendation by the State that an LEA adjust attendance zone boundaries.

3.D.3. Applicability

The IAC determines the Eligible Enrollment for all replacement, renewal, and renovation projects. Unless there is a substantive change (including but not limited to changes in SRC, projected seven-year enrollment, educational

programs, and attendance zone boundaries) at the project school or at the schools adjacent to the project school between the time of planning approval and the time of construction funding approval, the same adjacent schools used to determine the Estimated Eligible Enrollment at the time of planning approval will be used to determine the Eligible Enrollment at the time of construction funding approval. Upon LEA request, the IAC may consider the eligibility of Pre-K enrollment separately from the eligibility of K-5 enrollment.

3.D.4. Development

Based on the Facility Inventory Database (FIDB) and the most recent Educational Facilities Master Plan (EFMP) for the LEA, IAC staff will develop a draft Estimated Eligible Enrollment for the project school.

3.D.5. Calculation

Estimated Eligible Enrollment is calculated in the request for either project-development & design funding or planning approval and is established at that time. Eligible Enrollment is calculated in the request for construction funding approval and is established at the time of construction funding approval.

3.D.6. Adjacent Schools

3.D.6.a. General

An adjacent school is an existing school or proposed school that is of the same grade band configuration or shares one or more grade bands with the project school; and,

- Has an attendance area that is at any point geographically contiguous with that of the subject school;
- Has an attendance area that is not geographically contiguous with that of the subject school, but that can be readily accessed for the purposes of redistricting; and/or,
- Is part of a larger redistricting plan.

3.D.6.b. Combined Schools

Combined schools (elementary/middle, middle/high, etc.) that possess grade bands that overlap with the project school are included as adjacent schools in the calculation of Eligible Enrollment.

3.D.6.c. Identification

In order to calculate Eligible Enrollment, IAC staff will compare the adjacent schools listed in the FIDB with the adjacent schools shown in the most recent EFMP. If there is a difference, IAC staff will determine the adjacent schools consistent with the requirements of 3.D.6.a above. LEAs should update the adjacent schools listed in the FIDB to reflect the most recent EFMP via the Facility Inventory Database Update process within the BMS.

3.D.6.d. Requests to Exclude or Include Adjacent Schools

An LEA may submit a request to exclude or include an adjacent school(s) from the calculation of the Eligible Enrollment for a school construction project. Requests should be submitted at least two months before a request for construction funding is submitted in order to be considered.

Requests will be evaluated based on the following criteria:

- *Disparate program type:* An adjacent school possesses a program that is dissimilar to the project school, such as a Regional Special Education program.
- *Geographic barriers:* An adjacent school is inaccessible due to geographic circumstances that prohibit the student population from passing from one attendance area to the other. Barriers may include waterways, topography, active railroads, and/or major roads, without available crossings.

- **Travel time:** Travel time between attendance areas for the considered population exceeds approved LEA Board of Education Transportation Policy guidelines.
- **Regional Plans:** If the LEA has plans to redistrict students or adjust grade bands at the project school or at schools adjacent to the project school, the IAC may consider those plans in the evaluation of eligible enrollment for the project school.
- **Other:** Whenever an LEA does not consider a geographically adjacent school to be a functionally adjacent school, but the adjacent school does not meet the above adjacency criteria, the LEA may still submit a request for an adjacency exclusion or inclusion. Any rationale(s) supporting a request falling under “Other” must be consistent with the Board of Education-approved EFMP in effect at the time of the request or be otherwise approved by the LEA Board of Education.

In some instances, the IAC may grant a partial exclusion based on the evaluation of the data provided by the LEA. A partial exclusion indicates that the IAC has determined that a limited portion of the available capacity projected at an adjacent school should be considered in the determination of Eligible Enrollment. Partial exclusions will be considered on a project-by-project basis. Partial exclusions will be at the discretion of IAC staff and can be appealed via the appeal process in [Section 3.D.7](#). An approved or partially approved request to exclude/include adjacent schools will be considered good for up to two years from the date of approval so long as the school project and attendance zone boundaries and student assignment policies for the project school and the schools adjacent to the project school remain the same. An approved or partially approved request to exclude/include adjacent schools for a school project will not be reflected in the FIDB.

3.D.6.e. Limitations

Education Article § 5-303(l) and COMAR 14.39.02.07 limit the applicability of excess capacity in adjacent schools when evaluating projected enrollments for school construction projects. Excess capacity in adjacent schools will be considered only if the sum of available seats in all adjacent schools is 15% or more of the project school’s projected seven-year enrollment at the project school. For the purposes of performing this calculation when determining Eligible Enrollment, all adjacent schools within this context represent those determined following an approved Eligible Enrollment Exclusion/Inclusion request, if applicable.

3.D.6.f. Submission

Requests to include or exclude schools as adjacencies from a project school should be made via the [Adjacent School Inclusion/Exclusion Request process](#) in the BMS. LEAs submitting this process request should indicate which of the following reasons for inclusion or exclusion apply:

- Geographic Barriers;
- Travel Time;
- Disparate Program Type;
- Regional Plans;
- FIDB Error; and/or
- Other.

If ‘Other’ is indicated, the submitter should explain in detail the reason for adjacency inclusion or exclusion. All submissions should provide adequate justification for the inclusion or exclusion of the adjacent school.

3.D.7. Appeal of Decision

Within 45 calendar days after IAC staff have provided the LEA's designated Facility Planner with the Estimated Eligible Enrollment, including a computation supplement worksheet, an LEA may submit an Eligible Enrollment Appeal to the IAC by submitting a letter to the Executive Director explaining the basis for the appeal to iac.pscp@maryland.gov. If the appeal is on the basis of adjacent inclusion or exclusion, an updated request must also be submitted.

3.E. Educational Specifications (Ed Specs)

3.E.1. Applicability

Project-specific Ed Specs are required for all new, replacement, and renewal projects, as well as any project executed in association with changes in educational programming or grade band configurations. If you are unsure whether Ed Specs are required, contact your assigned OSF Architect and CPM.

3.E.2. Purpose and Content

Ed Specs serve as a written communication from the LEA to the project design team describing the educational programs and services that the school plan should accommodate, present and future, and create a vision to guide the design of the resulting facility. The document should articulate in written and graphic form the educational philosophy of the LEA, the educational goals of the specific facility, the specific educational programs of study, the activities required to facilitate these programs, the spaces in which these activities are to occur, the interrelationships between these spaces and activities, and the administrative, safety, operational, and maintenance needs of the facility.

In addition to being critical to the design process, the Ed Specs define the scope of design services to be provided and are therefore an important procurement document. LEA's should develop Ed Specs with this in mind and provide content needed to ensure all parties understand the desired outcome.

3.E.3. Development

The Ed Specs development process serves an important purpose in soliciting the active participation of all stakeholders, including educators, facility experts, and design professionals to collaborate on the development of a unified goal, taking into account both education needs and long term facility ownership concerns.

A critical component of the Ed Specs development process is the creation of a target for the total building area. This target should be based on anticipated schedule, project budget estimates, Estimated Eligible Enrollment and a comparison to the estimated calculation of the GAB for the project. Please contact your CPM if you have questions regarding this estimate. To aid in alignment of the educational programming requirements and the total project budget, a space summary spreadsheet should be developed and used throughout the Ed Specs process to calculate both net and gross square feet for the project and compare the results to the project targets. All spaces required for the functioning of the students, faculty and maintenance staff in the building should be included in the Ed Specs and in the net square footage. The IAC recommends for planning purposes that an efficiency of 70% be used for elementary schools and 67% be used for middle and high schools. These numbers may vary due to site conditions or programming requirements and the LEA should set these goals aggressively

and based on previous project experience to ensure maximum efficiency in the design. In the case where the LEA is planning for a school larger than what would be supported by the Eligible Enrollment, it is recommended that the spreadsheet track both design State-rated capacity and potential Eligible Enrollment to clearly indicate anticipated levels of local funding.

Since Special Education and CTE programs required MSDE approval from the respective departments in order to secure funding, it is recommended that LEAs begin the approval process during the Ed Spec development process.

3.E.4. Contents and Characteristics

Ed Specs will describe the grades to be served, current and projected enrollments, any location-specific requirements, educational programs and services to be delivered in the facility, strategies to be used in their delivery, and associated functional, spatial, and environmental characteristics of the facility. Ed Specs should:

- Define the project's scope, budget, and expected timeline sufficient to support a predetermined educational program for a specific enrollment.
- Balance the educators' concept of facility and program needs with the affordability of the facility, both to initially construct the project and sustain the facility in good condition over time.
- Consider ways in which to conserve space through multi-use spaces and sharing of spaces. Maximizing the utilization of all space is essential to fiscally sustainable facilities.

An MSDE/IAC Ed Specs submission checklist can be found on the [Design Submissions page](#) of the IAC's website.

3.E.5. Prototype Ed Specs

Prototype Ed Specs are Ed Specs developed based on generic grade band configurations without specific reference to a facility or site location. LEAs who prefer to develop standard grade band Ed Specs that apply district-wide must also develop a more detailed site specific Ed Specs for each project to which the prototype Ed Specs will apply. Both the prototype Ed Specs and the site specific Ed Specs must be approved by the BOE and submitted via the IACs [Ed Spec process](#) in the BMS for review. The site specific Ed Specs can be a document attachment that describes only the project details that differ from the prototype Ed Specs as well as the specific information related to the site and project location. The combination of these two documents must satisfy all the Ed Specs submission requirements.

Prototype Ed Specs can be used for the development of a Feasibility Study when it is not in the best interest of an LEA to develop site specific Ed Specs prior to a Feasibility Study. See section 3.F.3 for details regarding Feasibility Study requirements. A Prototype Ed Spec must be approved by the BOE and submitted to the IAC via the BMS Educational Specification process. Prototype Ed Specs must include all of the items listed above in Section 3.E.4 that can be provided except the site specific components. In order for a Prototype Ed Spec to be used for a Feasibility Study it should give a complete picture of the educational goals of the Local BOE for all facilities within the LEA's portfolio. For questions about the content of Prototype Ed Specs, please contact your assigned Capital Projects Manager.

3.E.6. Submission Process

The [Ed Specs process](#) in the BMS should be used for all Ed Specs Submissions. LEAs submitting the process should complete the current Ed Specs Checklist, and complete all question fields required in the form. Questions regarding specific fields or forms to be attached should be directed to the [LEA's assigned CPM](#).

3.E.7. Review and Response

The State Superintendent of Schools has approval authority for all Ed Specs per Education Article § 2-303 and COMAR 13A.01.02.03. The LEA's assigned MSDE OSF Architect shall review the Ed Specs submission in consultation with IAC staff, and provide written comments back to the LEA. Additionally, COMAR 14.39.02.15C requires that the LEA submit Ed Specs to the IAC and resolve, to the reasonable satisfaction of the IAC, any concerns or recommendations of the IAC. Comments may be addressed to the LEA via the BMS process by IAC staff to request answers to specific questions or to provide missing information. The LEA shall acknowledge and respond to all comments in writing. The LEA shall submit an electronic copy of any amendments or revisions to the IAC as soon as they are locally approved.

3.F. Feasibility Studies

3.F.1. General

The purpose of a Feasibility Study is to identify the issues that will be addressed by the proposed project, evaluate and compare technically feasible alternatives and the fiscal impact of each alternative, both for total project costs and costs of the facility over a 30-year period, and propose a recommended course of action that is supported by the LEA.

Feasibility studies compare potential building solutions to accommodate project specific Ed Specs requirements and should be conducted for all replacement and renewal options. All alternatives evaluated must utilize the same Ed Specs as the primary statement of requirements that must be met by any proposed solution. The Feasibility Study Checklist can be found on the 'LEA Forms' section of [the IAC's website](#).

3.F.2. Applicability

3.F.2.a. General Requirement

Unless a waiver is granted per [Section 3.F.7.](#), a Feasibility Study must be completed and approved by the IAC's Executive Director for a replacement or renewal project, or any project executed in association with changes in educational programming or grade band configurations. Feasibility Study approval is a part of the IAC's process of agreement with the LEA's proposed project scope that precedes planning and funding approval.

3.F.2.b. Locally Funded Projects

For locally-funded projects, per statute, the State Superintendent has authority to approve Feasibility Studies for locally-funded projects. Please contact OSF regarding the requirements for applicability and submission of feasibility studies. Any required submissions are routed through the BMS.

3.F.3. Process Prior to Development

Before initiating a Feasibility Study, contact the [LEA's assigned IAC CPM and MSDE OSF Architect](#), who may be invited to participate in the development of and provide review comments on drafts of the study. Please note

that submission of Ed Specs is a prerequisite for Feasibility Study Approval. The Ed Specs process must be submitted and preliminary comments received prior to submission of the Feasibility Study.

3.F.4. Content

The Feasibility Study Checklist includes a list of required content and can be found on the [IAC's website](#) under "Feasibility Studies". The Feasibility Study shall include the following;

- At a minimum, two options must be included that both fully address the requirements of the Ed Specs, one of which involves renewal and reuse of the existing building. Options to include are renewal (if additional area is not needed) or renewal plus addition (if additional area is needed), and replacement. Additional options should be included on a site-specific basis as required to fully investigate the alternatives or as required by the LEA for analysis purposes.
- At least one option that does not demolish over 50% of the existing facility. If it is determined that no such option can be provided without major educational program deficiencies and/or overriding limitations that preclude the use of the existing building, a Feasibility Study Waiver should be requested.
- For a new or replacement project, at least one option that provides full electrification of the facility per the requirements of the High Performance Green Building Program.
- A Net-Zero study indicating whether the project will pursue Net-Zero and justification for why or why not.
- Lists of major and minor educational program deficiencies, building-systems requirements and deficiencies, safety and security concerns, and accessibility considerations related to each building and site-development option considered.
- A space summary comparison spreadsheet that analyzes how the program is met, or varies positively or negatively, in the existing building, the renewal or renewal/addition options, and the replacement option. See Feasibility Study Submission Checklist for further clarification.
- For each option that involves the use of student transportation, swing space, or temporary facilities, a description of those uses and their estimated durations and costs as well as any required phasing.
- Any facility issues relating to historic preservation requirements that may be applicable and that may affect the options presented.

3.F.5. Feasibility Cost Estimate

The purpose of a cost estimate developed at the feasibility study phase of a project is to provide the information needed to make an informed decision regarding the potential project options considered by the study. The cost estimates should highlight the differences between the options in a way that can clearly be understood. The [Feasibility Study Cost Estimate Guide](#) and the below information is designed to assist LEAs in the development of an appropriate method of evaluation. Each section in the guide is required and the organization structure of this guide should be followed, but detailed formatting can be altered as needed to fit the project and options in consideration.

The following is a description of each section required in the feasibility study cost estimate:

3.F.5.a. Total Cost of Construction

This section should include all labor and materials to be procured via the construction contract and should represent the total cost of construction broken down into the two categories provided:

- **Building and Site Construction Cost:** This section should include the total cost of each option at the current dollar value. Three sections are included in this portion to clearly indicate the difference between the selected options for comparison.
 - **Building Construction Costs:** This section should include separate values for each type of building construction and demolition needed to address the conditions of each option. Provide separate line items as needed to properly distinguish between different scopes of work included in each cost per square foot provided.
 - For example, if one option uses an addition to the existing building to meet the educational specification requirements, while a separate option replaces the entire building, the cost per square foot of each type of construction would be different. As a result, these two items would be listed as separate line items to highlight the difference in cost per square foot.
 - **Site Construction Costs:** This section should include both a lump sum site cost for each item, as well as separate line items for work required and not required for each option.
 - For example, if a new construction requires a large retaining wall to create a buildable area for a replacement project, the cost of that retaining wall should be included as a separate line item.
 - **Exceptions Construction Cost:** In this section include additional construction costs related to the unique aspect of each option. This should allow a clear understanding of the potential impact costs of selecting a certain option that may exceed the typical construction costs.
 - For example, if a replacement project requires selective demolition of the existing school in order to provide the required site space for the replacement, this is a unique condition of the site that would require multiple mobilizations and generate atypically high phasing costs.
- **Additional Construction Costs:** This section should include costs that are included in the construction budget that are outside the direct estimate of labor and materials, including fees, contingencies and escalation. In some cases the project will carry additional costs as part of the construction that are not part of the contract for construction but are still a unique project cost related to one or multiple options.
 - For example, if portables are required but the LEA will not procure those portables through the contract for construction, a line item here could be carried to ensure that cost of the portables is captured in the total.

3.F.5.b. Total Project Costs

This section should include all items outside the cost of construction that will be required for the project to succeed. These include all soft costs for the project, costs related to site selection and procurement, swing space, and other items that would result from the options being studied. This section is intended to create a comprehensive look at all project related expenses and represents the LEA's total anticipated budget for the project.

3.F.5.c. Eligible State Costs

Eligible State costs are determined in accordance with [Sections 3.K.-3.O.](#) of this APG.

3.F.5.d. Additional Information

This section should include all other information the Owner and the design team feel is pertinent to the decision making process for the selection of a preferred option from the Feasibility Study. It should contain the below two sections.

- **Estimated Project Life Cycle Costs:** This section should estimate the annual project expenditures for the project over the first 30 years of the life of the facility. There are three required fields in the section. However, the LEA should use this portion of the form to fully investigate and inform themselves of the differences between the options during a 30 year life cycle of the building.
 - **Estimated Annual Energy Cost:** This should be determined using a Simple Box Model to estimate the energy usage for each option using accurate representations of project massing, location, percentage of fenestration, anticipated R-values, and the recommended HVAC systems.
 - **Estimated Annual Maintenance Costs:** This should represent the LEAs estimate of annual maintenance costs based on what has been spent in the past on similar projects. In this section, all unique or exceptional cases for each option should be added as separate line items.
 - **Estimated One Time Operations Costs:** This section should represent one-time operation costs such as equipment replacement or energy efficiency improvements that may be required at a later date and will be unique depending on options and systems selected for each option.
- **Additional Project Information:** This section should include any additional information pertinent to the decision making process for the selection of the preferred option.

3.F.6. Submission Process

To initiate review of a Feasibility Study, all required submission steps should be completed in the BMS [Feasibility Study Review process](#). Upon process initiation, LEAs will be prompted to select whether the submission is for a Feasibility Study or a Feasibility Study Waiver. The process will be routed back to the LEA for completion of requisite fields depending on whether they selected a Feasibility Study or a Waiver.

3.F.6. Process for Review and Approval

IAC staff will review Feasibility Study submissions and may ask for additional information to complete the Feasibility Study evaluation. IAC staff shall present the findings from their review and their recommendation to the IAC Executive Director who shall either approve or disapprove the Feasibility Study. The IAC may elect to estimate the Maximum State Award (MSA) for an individual project to be based on the estimated construction cost for the alternative with the lowest life cycle costs. If the IAC elects to limit the MSA based upon the alternative with the lowest life cycle costs, this shall be noted on the computation supplement for the project and/or in the project description for the publication of the applicable funding program.

3.F.7. Feasibility Study Waiver

If, for a specific project, an overriding limitation exists that would preclude the use of the existing building or there exist no options that demolish less than 50% of the facility and would not result in major educational program deficiencies, the LEA may request a waiver of the requirement to conduct a Feasibility Study. To request this waiver, the BMS Feasibility Study Review process should be initiated, and the 'Feasibility Study

Waiver' option should be indicated. The submission should be in compliance with the [IAC Feasibility Study Submission Checklist](#).

3.F.8. Scope Study

The LEA may request that a Scope Study be performed in lieu of a Feasibility Study for projects that do not demolish over 50% of the existing building or projects that are not considered renewal projects. A Scope Study does not have to comply with all requirements of the Feasibility Study but can be geared toward project specific requirements in order to minimize the cost and effort of a full Feasibility Study. Scope Studies are recommended but not required for any project which is anticipated to impact multiple systems in a facility to ensure project budgets accurately reflect anticipated conditions.

In order to request approval to perform a scope study in lieu of a Feasibility Study, the LEA should send a written request via email to iac.pscp@maryland.gov.

The IAC recommends that scope studies be done for all projects that include HVAC replacement in order to study the implications of full electrification per the 2045 State decarbonization targets.

3.G. Schematic Design (SD) Submissions

3.G.1. General

During the SD phase of a project, the LEA should work with the design team to explore alternative concepts that meet the project requirements. From these alternates, a preferred design should be selected and the SD submission should be prepared from this selection. Design contracts with the Architect/Engineer should define the requirements of the SD submission to include all items required on the [SD Submission Checklist](#) as well as the project requirements indicating anticipated project scope in GSF, project capacity and total project budget.

An SD submission to the IAC is required for all State funded nonsystemic projects or any project in which changes are made to the educational spaces layout or equipment. For projects that include changes to the educational programming of the school, such as renovations and replacement projects, Educational Specifications approval is required before proceeding to SD. For replacement of an existing school or projects proposing abandonment of an existing building or demolition of more than 50% of the building's gross square footage, Feasibility Study approval or approval of a Feasibility Study Waiver is required before a project can proceed into SD.

3.G.2. Purpose

The purpose of the SD submission is to allow the State to confirm that the project meets educational programming requirements for State funded facilities. This includes the following:

- Comparison to the educational specifications if applicable.
- Review of project estimates to ensure they are in keeping with anticipated standards.
- Review of the project schedule to ensure that timely submissions are planned in a manner that allows for expenditure of anticipated or allocated funding.
- Review of updates to project scope and changes to any applicable funding factors.

- Preliminary review of Eligible Enrollment if the project has not yet received construction funding.
- Preliminary estimation of GAB add-ons for CUS, Concentration of Poverty, English Learners and CTE.
- Confirmation that the project will achieve its intended purpose with the selected concept.
- Confirmation that the proposed option as outlined in the drawings and narratives meets the project requirements of budget, schedule, size and capacity.

Comments provided might include references to applicable Federal, State, and local codes but these are only provided to assist the LEA. Conformance to all codes and standards is strictly the responsibility of the LEA.

3.G.3. Applicability

An SD Submission to the IAC is required for all State funded nonsystemic projects or any project in which changes are made to the educational spaces layout or equipment. If deemed appropriate, the IAC Executive Director, in consultation with the OSF Executive Director, may waive this requirement at the request of the LEA for projects with minimal impacts to educational spaces.

3.G.3.a. State Superintendent Approval

Per Education Article §2-303(f), the State Superintendent of Schools approves or disapproves the designs and contracts for all projects in excess of \$1,000,000. In order to streamline process submission, the IAC and MSDE both utilize the BMS for review of SD submissions. No separate submission need be made to the State Superintendent for SDs.

3.G.3.b. Locally Funded Projects

Review of locally funded projects is through the MSDE Office of School Facilities (OSF), who have partnered with the IAC to use the BMS for these submissions to streamline submissions by the LEAs. Refer to locally funded project submission requirements on the [IAC website](#). LEAs should submit locally funded project SD submissions via the BMS Schematic Design Submission process, selecting the “local funds only” option.

3.G.4. Review Process

The IAC and MSDE work in consultation with one another and other partner agencies to complete design reviews. SD submissions are primarily reviewed by MSDE OSF. Required elements and submission instructions are listed in the [SD Submission Checklist](#), which should be submitted via the BMS’s “Schematic Design Submission” process. After the submission has been deemed complete, OSF staff will perform a review and develop a set of comments distributed via an uploaded memo. OSF staff and/or the IAC may request a meeting to discuss these comments prior to finalization. Comment responses are expected from the LEA within ten business days of receipt of the comments. Once all comments have been satisfactorily addressed, OSF will inform the IAC that the project has met the requirements and will coordinate issuance of an approval letter by the State Superintendent of Schools. If at any point in the process it does not appear that the project will be able to meet applicable MSDE or IAC requirements, OSF will coordinate with the State Superintendent of Schools a letter indicating the unresolvable issues.

3.H. Design Development (DD) Submissions

3.H.1. General

During the DD phase of a project, the design team further refines the Schematic Design and evaluates and selects systems and materials for the project. The design team works closely with the Owner to develop and refine the project and provide drawings and specifications that define the design details, building systems, material selection, construction types, equipment and other components required to ensure delivery of the project. The design team also prepares a detailed cost estimate and project schedule to confirm that the design intent is achieved within the allocated project budget. All major design decisions should be finalized and approved by the Owner at the completion of the DD phase. The design team and Owner should endeavor to make coordinated and cost-conscious decisions that will provide optimum performance and reduce the long-term cost of ownership.

A DD Submission to the IAC is required for all State funded projects. The design scope should include all items required in the [Design Development Checklist](#). Project schedules should be coordinated to ensure all elements of this checklist are available in a timely sequence including site investigation as required, geotechnical reports, outline specification and detailed project cost estimate. These documents along with the completed submission package must be reviewed and approved by the Owner before submission to the IAC.

3.H.2. Purpose

The purpose of the DD submission is to confirm that the project meets educational programming requirements, ensure budget compliance, review details and material selection, and confirm that the timeline for project progress meets funding requirements. This includes the following:

- Review of furniture and equipment drawings to ensure compliance with educational specification requirements;
- Review of any changes to the design that has occurred since Schematic Design;
- Review of detailed cost estimate to confirm that cost control measures have been taken to ensure the project is on budget;
- Confirmation that the project remains on schedule and will meet the anticipated opening date;
- Review of alternatives to confirm the project includes the flexibility needed to account for changes in the bidding market;
- Detailed review of project systems, including layout and specifications, to ensure they are in conformance with State requirements;
- Review of project design parameters to ensure optimum efficiency has been achieved;
- Confirmation that the life cycle costs of the building systems selected were considered prior to selection; and
- Detailed review of design calculations include electrical, structural, mechanical and plumbing calculations.

3.H.3. Applicability

A DD Submission to the IAC is required for all State funded projects.

3.H.3.a. State Superintendent Approval

Per Education Article § 2-303(f), the State Superintendent of Schools approves or disapproves the designs and contracts for all projects in excess of \$1,000,000. In order to streamline process submission, the IAC and MSDE both utilize the BMS for review of DD submissions. No separate submission need be made to the State Superintendent for DDs.

3.H.3.b. Locally Funded Projects

Review of locally funded projects is through the OSF. Refer to locally funded project submission requirements on the IAC website and submit locally funded project DD submissions in accordance with the [MSDE Submission Requirements for Locally-Funded Projects](#) document.

3.H.4. Process

Required elements and submission instructions are listed in the DD Submission Checklist, which should be submitted via the BMS Design Development Submission process. DD reviews are conducted collaboratively by the MDGS Office of Design, Construction, and Energy and the OSF. MDGS staff serve as lead reviewers for State and Federally funded projects. OSF staff serve as lead reviewers for locally funded and forward funded projects.

Collaborative reviews are not required for charter school construction projects (unless State-funded and in an LEA-owned building), for which OSF will review, and for capital maintenance projects that do not involve spatial changes, for which MDGS will review.

Per COMAR 14.39.02.15D(1)(b), State funded, and forward funded projects for which State funding is anticipated at a later date, should not proceed to the Construction Document (CD) phase without receipt of a DD approval letter.

3.H.5. Combined DD and CD Submissions

MDGS may, on a case-by-case basis, approve the submission of a combined DD and CD submission. LEAs should contact the MDGS representative via email to request a combined DD and CD submission.

3.I. Construction Document (CD) Submissions

3.I.1. General

During the CD phase of a project, the design team prepares the documents required to ensure construction contracts include all information necessary to accurately bid and build the project. CDs clearly outline contractual requirements and specify the rights and responsibilities of all parties to the contract and should include all documents required including drawings, specifications, schedules, scopes, and contractual documents required to ensure completeness. The contents of the CDs provide the information needed to ensure compliance to the design intent and resolve any disputes. The design team and Owner should review updated cost models throughout the CD phase of the project to ensure project budgets and schedules can be met and that cost-conscious decisions are made that reduce the long-term cost of ownership.

A CD Submission to the IAC is required for all State funded projects. Design scope procurement should specifically include all items required for compliance to the CD submission requirements. Because CD approval is

required prior to issuance of Bid Documents, design schedules should provide detailed deadlines to ensure timely submissions are coordinated with requirements of procurement and construction schedules. The completed submission package must be reviewed and approved by the LEA prior to submission to the IAC.

3.1.2. Purpose

The purpose of the CD submission is to ensure that all documentation is provided as required to conform with standards, provide the required outcome, and reduce long-term risks to State investment. The following are critical considerations in the CD review:

- Review of the complete Project Manual including all required specifications;
- Review of any changes since Design Development that could impact project outcomes;
- Review of detailed cost estimates to confirm that cost-control measures have been taken to ensure the project is on budget;
- Confirmation that the project remains on schedule and will meet the anticipated opening date;
- Review of alternatives to confirm the project includes the flexibility needed to account for changes in the bidding market;
- Detailed review of drawings to ensure the information is included at a level required to reduce risk and allow confirmation of compliance with State requirements; and
- Review of the project's contractual documents included in the front end of the Project Manual, including schedules, scopes, bid announcement, sample contracts and contract attachments, insurance requirements, prevailing wage, MBE, and other documents required to ensure completeness.

3.1.3. Applicability

A CD Submission to the IAC is required for all State funded projects. For projects of limited scope, a combined Design Development and Construction Document submission may be acceptable. The MDGS in conjunction with the IAC must approve a combined submission prior to the LEA proceeding with submission.

3.1.3.a. State Superintendent Approval

Per Education Article § 2-303(f), the State Superintendent of Schools approves or disapproves the designs and contracts for projects in excess of \$1,000,000. In order to streamline process submission, the IAC and MSDE both utilize the BMS for review of CD submissions. No separate submission need be made to the State Superintendent for CDs.

3.1.3.b. Locally Funded Projects

Review of locally funded projects is through the OSF. Refer to locally funded project submission requirements on the IAC website and submit locally funded project CD submissions in accordance with the [MSDE Submission Requirements for Locally-Funded Projects](#) document.

3.1.4. Process

The IAC works with its partner agencies who assist in review of design submissions on behalf of the IAC. For State funded CD submissions, authority has been delegated to the MDGS. Required elements and submission instructions are listed in the [CD Submission Checklist](#). After the submission has been deemed complete, MDGS staff will perform a technical review and develop a set of comments distributed via an uploaded comment letter. Once all comments have been satisfactorily addressed, MDGS will inform the IAC that the project has met the

requirements and will coordinate issuance of an approval letter. If at any point in the process it does not appear that the project will be able to meet applicable requirements, MDGS will coordinate with the IAC to issue a letter indicating the unresolvable issues.

An approval letter from MDGS is required before Bid Documents can be issued. Project schedules must be planned in order to achieve this requirement. If, for any unforeseen reason, this can not be achieved, please request consideration for an exception from MDGS and the IAC. This consideration will only allow Bid Documents to be issued and in no circumstance should LEAs open or accept bids on State funded projects prior to receipt of a CD approval letter.

Per Education Article § 2-303, the State Superintendent of Schools approves or disapproves school designs. In order to perform this function, the OSF works collaboratively with MDGS to conduct project reviews. In the case where collaborative reviews are required, OSF will provide separate review memos with comments that must be satisfactorily addressed for an approval letter to be issued. See the [IAC's website](#) for a more detailed description of the collaborative review process.

3.J. Pedestrian Safety Plans

3.J.1. General

The Safe Walk to Schools Act (2022 Md. Laws, Ch. 553) requires that a Pedestrian Safety Plan be included when applying for funding for certain types of projects. Pursuant to Education Article § 5-329(b)-(c), Annotated Code of Maryland, the IAC shall evaluate each submitted plan and approve it if it complies with the requirements of the Act, but will not advise LEAs on the contents of a submitted Pedestrian Safety Plan.

3.J.2. Applicability

New School projects may be required to submit a Pedestrian Safety Plan at the time of funding application. If required, Pedestrian Safety Plans must be submitted with an LEA's CIP request before approval of construction funding will be considered. Planning approval and Project Development and Design approval may be granted before this requirement is met.

3.J.2.a. High-density County

High-density counties include Anne Arundel, Baltimore City, Baltimore, Howard, Montgomery, and Prince George's. A construction funding application for a new school project in a high-density county or for a project that will increase the capacity of the school by more than 100 students must include a pedestrian safety plan.

3.J.2.b. Low-density County

Low-density counties are any county not named in 3.J.2.a. A construction funding application for a new school project in a city with more than 10,000 residents for a new school or renovation or addition project that will increase capacity by more than 100 students must include a pedestrian safety plan.

3.J.3. Contents

Pursuant to Education Article, § 5-329(c), all Pedestrian Safety Plans are statutorily required to:

- Be developed in collaboration with the County Department of Transportation or equivalent agency of the local jurisdiction and the State Highway Administration;

- Be limited to the area surrounding the school for which the County Board will not provide transportation to students;
- Identify existing and potential safe routes for students to walk or bike to the school;
- Evaluate the infrastructure, including sidewalk infrastructure, along existing and potential pedestrian or cyclist routes to the school to determine whether increased capacity is necessary;
- Analyze existing and potential school zones, including the need for expanding school zones on State and county roads; and
- Include documentation of public participation and input related to the Pedestrian Safety Plan, including minutes from a public hearing and written comments.

3.K. Gross Area Baselines (GABs)

3.K.1. General

The Gross Area Baseline (GAB) is one of the core funding factors used to estimate the Maximum State Award for each new, replacement, or renewal capital project. The GAB represents the total Eligible Enrollment approved for the project multiplied by a predetermined square footage per student approved by the IAC plus program and population specific add-ons as applicable. This gross square footage per student has been developed by IAC staff to best represent the spaces required to deliver educationally appropriate facilities designed to support the delivery of State-required educational programs and services. Any funding required for gross square footage above the GAB for a project approved by the IAC is a local funding responsibility.

3.K.2. Process

The current GABs for elementary, middle, high, and combined schools can be accessed via the [GAB Calculator](#) on the IAC website. The calculation of Eligible Enrollment is outlined in [Section 3.D.5](#). The GAB may be adjusted by the IAC on a case-by-case basis, based upon presented evidence of program need. This process is outlined in [Section 3.K.5.](#), GAB Variances.

3.K.3. Special Categories

See below for categories that have factors other than the typical GAB calculator.

3.K.3.a. Alternative Education Separate School

The GAB will be determined by program offerings and will be reviewed on a case-by-case basis. When beginning planning of an Alternative Educational Program, please consult with IAC staff to determine project eligibility.

3.K.3.b. Auditorium Addition

When constructed as a separate project, the GAB will be determined on a case-by-case basis.

3.K.3.c. Career and Technology Education (CTE) Separate School

The GAB will be determined on a case-by-case basis based upon program offerings, with consideration for the area included in the CTE Add-on, the total student capacity of the school, schools of similar function, and unique requirements for separate CTE centers such as administrative and student support spaces.

3.K.3.d. Cooperative Use Space (CUS)

Based upon program offerings, an additional area allowance for CUS can be granted for up to 3,000 GSF. Area that qualifies for the CUS Add-on is area not required by the educational program but is provided to support a

non-LEA partner. This space should support the school and community that the facility is designed to serve and can be a shared-use space. A letter of intent from each planned community partner is required for a preliminary funding award. Determination of the size of the add-on will be made by the IAC based on project design and planned programming. Final award of funding for spaces shared with community partners requires an executed MOU which must be provided by the LEA prior to project closeout. If an executed MOU is not provided, any award of preliminary funding will be removed from the project.

The IAC makes limited exceptions for cooperative use spaces provided directly by the LEA, for the following spaces:

- Clothing pantries
- Food pantries
- Personal care suite
- Parent volunteer room

See [Section 3.Q](#) for specific CUS requirements.

3.K.3.e. Fine Arts High School

A GAB variance will be considered for a Fine Arts High School based on the program offerings, and with consideration of school operational strategies, such as whether portions of the facility are used by students attending other high schools and whether the school is providing core high school requirements or programming.

3.K.3.f. Gymnasium Addition

When constructed as a separate project, the GAB will be determined on a case-by-case basis.

3.K.3.g. Kindergarten and Prekindergarten

When constructed as a separate project, the GAB shall be determined by using the Kindergarten and Prekindergarten Addition Worksheet. This provides up to 1,800 GSF per classroom for both new and renovated classrooms. This allowance is intended to provide consideration for additional building and student support spaces that might be required to support the addition. If the actual design size of the project is below this allowance, the GSF of the project will be used to determine funding.

3.K.3.h. Special Education Separate Day School

The GAB will be determined based upon program offerings and on a case-by-case basis.

3.K.3.i. Swimming Pool

A swimming pool may be designed within the GAB square footage. No additional square footage will be eligible in order to accommodate a swimming pool.

3.K.4. GAB Add-Ons

The IAC may allocate additional GSF for schools with certain student population make-ups or programs, provided that these spaces address specific needs. The LEA shall submit a space summary detailing the use of the additional GSF in their request for additional GSF. The GAB will be increased without a GAB variance in the following cases only:

3.K.4.a. Concentration of Poverty (CPG) Add-on

Applicable to all schools with a CPG population above 55%. The size of the add-on will range from 1,000 to 3,500 GSF based on the percentage of CPG and the size of the total school population.

- For an Eligible Enrollment less than 600, a minimum of 1,000 GSF for 55% CPG to a maximum of 2,500 GSF for 80% or more CPG will be applied on a sliding scale.
- For an Eligible Enrollment of 600 to 900, a minimum of 1,500 GSF for 55% CPG to a maximum of 3,000 GSF for 80% or more CPG will be applied on a sliding scale.
- For an Eligible Enrollment above 900, a minimum of 2,000 GSF for 55% CPG to a maximum of 3,500 GSF for 80% or more CPG will be applied on a sliding scale.

3.K.4.b. English Language Learner (EL) Add-on

Applicable to all schools with an EL population above 10%. The size of the add-on will range from 500 to 2,500 GSF based on the percentage of EL and the size of the total school population.

- For an Eligible Enrollment less than 600, a minimum of 500 GSF for 10% EL to a maximum of 1,500 GSF for 50% or more EL will be applied on a sliding scale.
- For an Eligible Enrollment of 600 to 900, a minimum of 1,000 GSF for 10% EL to a maximum of 2,000 GSF for 50% or more EL will be applied on a sliding scale.
- For an Eligible Enrollment above 900, a minimum of 1,500 GSF for 10% EL to a maximum of 2,500 GSF for 50% or more EL will be applied on a sliding scale.

3.K.4.c. Career and Technology (CTE) Add-on

CTE programs approved by MSDE are allowed additional GSF based on the program size category. See the Table of Size Category per CTE Program in [Appendix A](#).

3.K.5. GAB Variances

Because GABs are based upon common practices in educational program delivery and facility-space allocations, the IAC allows LEAs to request a variance to the baselines on a case-by-case basis for special or unique circumstances

3.K.5.a. Submission Process

As part of a variance request, the LEA shall provide all information required to support the request which can include furniture and equipment plans; descriptions of special programs or delivery methods; floor plans for existing and proposed facilities; room utilization analysis; historical data; student-population data; site-specific information; and any other documentation needed to clarify the requirement and quantify the request. To request a variance, the LEA should complete the [Gross Area Baseline Variance Request](#) process in the BMS.

3.L. Maximum State Award (MSA)

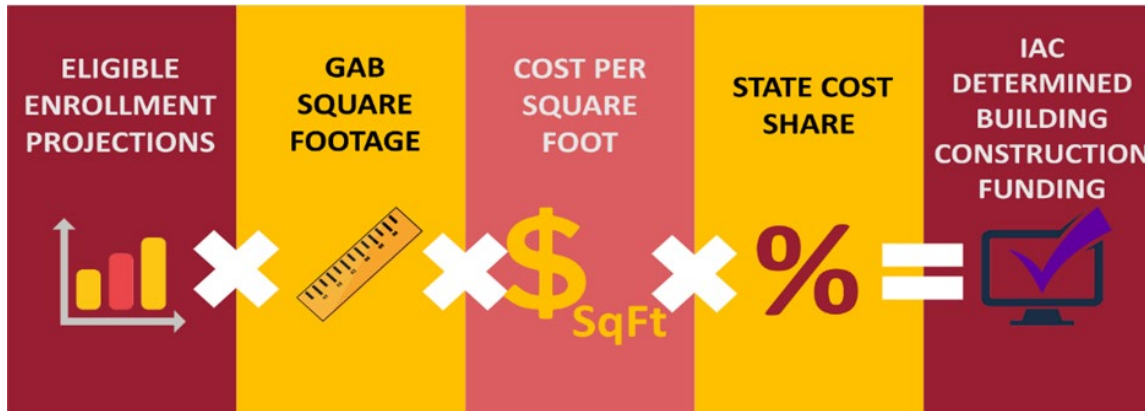
3.L.1. General

COMAR 14.39.02.07 defines the MSA as “the maximum amount the State may fund of eligible costs for each public school construction project.” The MSA for each approved school construction project is established by the IAC and set at the first year of construction funding. Actual funding is based on the eligible actual costs based upon IAC approved contracts. For forward-funded projects, the MSA is set based upon the factors (cost per square foot, GAB, etc.) in place at the time of the project bid date.

3.L.2. MSA Formula

3.L.2.a. General

The formula used to create the MSA varies based on project category and type. For new facilities and replacement or renewal of school facilities that are at least 16 years old, the MSA is calculated based on the Eligible Enrollment multiplied by the GAB square footage, which is then multiplied by the per square foot building construction cost, and finally by the State cost share percentage. The graphic below demonstrates the formula used to calculate the MSA.



3.L.2.b Process

COMAR 14.39.02.07 directs that for new construction projects, the IAC multiplies the lesser of the Gross Area Baseline or the actual project gross area by the average Statewide per square foot school building cost, which is based on actual bids received for new school construction in the prior year and information derived from industry sources. It is then determined whether Cooperative Use Space (CUS), concentration of poverty, English learners, GAB variance, and/or career and technical education gross square foot add-ons and site development costs are applicable add-ons to factor into the MSA calculation. These costs along with Project Development and Design fees and Furniture, Fixture, and Equipment (FF&E) costs are included in the total estimated eligible project cost, if applicable, which is multiplied by the State cost share for the LEA, including applicable State cost share add-ons. The State will not participate in any project costs that exceed the MSA.

3.L.2.c. Funds from Other State Sources

School construction projects may be eligible for grants or awards from other State sources, such as by direct appropriation in the State budget bill or through a grant administered by an agency such as MDGS or the Maryland Energy Administration. LEAs must declare the approval or intended application of funds from any other State source with each request for school construction funds from the IAC. Funds from other State sources may not be used as the Local share for any school construction project. In order to ensure that local share requirements are met, the total project cost should be reduced by funds from other State sources before the IAC's Maximum State Award is calculated as described in [Sections 3.K.](#) to [3.O.](#)

The IAC shall reduce the MSA for a project by the cost of the awards made through the SSGP to that facility within the five fiscal years prior to the fiscal year in which the IAC approves the first construction funding for the project.

Please contact IAC staff with any questions about the impact of other State funds on project funding and eligibility.

3.L.2.d. Specific Requirements by Project Type

Renovation projects are calculated based on the estimated cost of construction that may not exceed the estimated eligible cost for the renewal of the school facility.

Capital Maintenance (Systemic Renovation) projects are calculated based on the estimated construction costs. Requests for funding that are considered significant may require the submission of supporting documentation.

Replacement projects require a feasibility study if more than 50 percent of the gross square footage is being abandoned or demolished. Based on the evaluation of the feasibility study, the IAC may establish the MSA based on the cost of the renovation of the existing school building. If the State approves renewal of the existing school building and the LEA constructs a replacement school, the MSA will be the lesser of the renewal or replacement eligible costs. See [Section 3.F.](#) for feasibility study and feasibility study waiver requirements.

3.L.3. Maximum State Award (MSA) Increase Requests

3.L.3.a. General

LEAs have the ability to request changes to their Maximum State Award. For information on instances when the MSA can be modified, please reference COMAR 14.39.02.08.

3.L.3.b. Process

The LEAs must submit a letter addressed to the IAC Executive Director, explaining their request and reasoning for a request for an increase to the MSA. The letter must contain all elements required by COMAR as part of the request and review process. For additional information, LEAs should contact their [assigned Capital Projects Manager](#).

3.L.3.c. IAC Approval

All requests for MSA increases need to be approved by the IAC at an IAC meeting.

3.M. Statewide Per Square Foot School Building Cost

3.M.1. General

COMAR 14.39.02.07F requires the IAC to establish the average Statewide per-square-foot school building cost for a given calendar year by July of the prior year.

3.M.2. Process

The calculation of a Statewide cost per square foot for school buildings is based on bids received for new school construction in the prior year, analysis related to local Pre-K–12 construction market and cost information derived from industry sources, as applicable. The adopted figure may be adjusted by the IAC to reflect market conditions before approval of the final State CIP.

3.N. State-Local Cost Share Percentage

3.N.1. General

Many IAC programs utilize the State-Local Cost Share percentage. For more information about program specific requirements, see each program's instructions.

3.N.2. Process

The State-Local Cost Share percentage is recalculated every two years based on factors codified in COMAR 14.39.02.06D. See [State-Local Cost Shares on the IAC website](#) for additional information.

3.N.3. State Cost Share Add-Ons

Some projects are eligible for add-ons to the State-Local cost share in accordance with Education Article § 5-303(k), Annotated Code of Maryland.

3.N.3.a. Concentration of Poverty

A project funded by the IAC will be eligible for an increase to its State cost share based on its Concentration of Poverty (CPG) as defined in Education Article, § 5-223(a)(3), in the following circumstances:

- If the facility where a proposed construction project is intended to occur has a CPG of 80% or greater, the project is eligible for a 10% increase to its State cost share; or,
- If the facility where a proposed construction project is intended to occur has a CPG of less than 80% but greater than 55%, the project is eligible for a 5% increase to its State cost share.

3.N.3.b. Maintenance Effectiveness

A project funded by the IAC will be eligible for a 5% increase to its State cost share if the proposed project is at a facility which meets one of the following criteria:

- The facility received a 'Good' rating on its most recent Maintenance Effectiveness Assessment by the IAC.
- The facility received a 'Superior' rating on its most recent Maintenance Effectiveness Assessment by the IAC.
- The facility received an 'Adequate' rating on its most recent Maintenance Effectiveness Assessment by the IAC and the school's current SFA projected lifespan as a percentage of expected useful lifespan is at least 120%.

3.N.3.c. Net-Zero School

A project funded by the IAC will be eligible for a 5% increase to its State Cost Share if the facility is designed to be Net-Zero Ready and meets at least one of the following criteria:

- The LEA will purchase renewable energy sources on the project site as part of the facilities construction contract that complies with the Net-Zero School definition.
- The LEA will enter into a Power Purchase Agreement with a provider to install a renewable energy source on the project site that complies with the Net-Zero School definition.
- The LEA has established a financial plan in which they will purchase or lease and install a renewable energy source on-site within two years of the start of building operations that will be sized to comply with the Net-Zero School definition.
- See definitions in [Section 1.C.](#) for the requirements of a Net-Zero School.

LEAs who are eligible for the Net-Zero increase to its State cost share, but currently have a State cost share of 96% or above, and are unable to utilize this incentive may be eligible for an increase to the cost-per-square-foot equal to the value of a 5% increase to their State Cost Share, minus the value of the difference between 100% and the applicant project State cost share including add-ons pursuant to COMAR 14.39.02.06E.

An LEA may request an increase to the MSA for a project after first time construction funding in order to apply the Net-Zero State cost share add-on pursuant to COMAR 14.39.02.08.

3.O. Expenditures Eligible and Ineligible for State Funding

3.O.1. Eligible Project Classifications and Expenditures

3.O.1.a. Addition

Projects that add space to an existing school to provide additional student capacity, enhance educational programs, or both. Eligible project costs may include limited funding for portions of the existing building that may be renovated in order to allow connection to the new additions. Projects that add space may be combined with renewal or renovation projects.

3.O.1.b. Capital Maintenance

Sometimes referred to as a 'systemic renovation'. Projects that include the renovation, replacement, or enhancement of a specific building system. Eligible project types include, but are not limited to, roofs, boilers, chillers, doors and windows, electrical, structural, and vertical conveyance systems.

3.O.1.c. Renovation

Projects that upgrade an existing building or site, or a portion of a building or site, by installing, upgrading, replacing, or renovating at least five building systems or system components. Unless waived by the IAC based upon sufficient LEA justification, renovation projects are ineligible for State funding if the estimated cost exceeds 75% of the calculated cost for a comparable renewal project for the eligible enrollment of the school. Eligible project costs may include reasonably related components of other building systems or educational enhancements as determined by the IAC. Systems included in the scope of renovation are not eligible for State funding within fifteen years of the renovation project.

3.O.1.d. New Construction

A project to build a new school where additional capacity is needed.

3.O.1.e. Open Space Enclosures

Rooms in instructional areas in which the classrooms are not enclosed by permanent construction and allow the transmission of sound between rooms, with or without temporary partitions. Open space enclosure projects add permanent floor to ceiling acoustical enclosures to eliminate open space classrooms.

3.O.1.f. Relocatable Classrooms

A project to relocate State-owned relocatable classrooms from one site to another, either within an LEA or between LEAs, based on projected enrollments, educational programs, or the need for temporary classrooms during construction. Requests will be evaluated by the IAC based on whether the relocatable will be in use for at least two years at the requested site, how the relocatable will be used, and if the relocatable can be installed in a manner that will not interfere with construction work associated with proposed renovations, additions, or new

construction. For information regarding the demolition of State-owned relocatables and the funding of said demolition, see [Section 2.I.](#)

3.O.1.g. Renewal

A project that renovates a school and results in a facility FCI of 15% or lower, as estimated by the IAC based upon a calculation performed at the CD submission. A renewal project endeavors to achieve the current educational and building performance qualities of a new school facility. A renewal project precludes further participation by the State within fifteen years after the project is placed in service.

3.O.1.h. Replacement

Projects that replace the entirety or a majority of an existing school where an analysis, as required by the Feasibility Study Cost Estimate guide, demonstrates that replacing rather than renovating the school is programmatically and financially the most advantageous.

3.O.1.i. Pre-K and K Additions

Projects that add Kindergarten or Prekindergarten classrooms and/or support spaces to support the Blueprint For Maryland's Future universal Prekindergarten mandates. The IAC will evaluate each K and Pre-K project against data on both the supply of and the projected demand for such seats in the region and may determine eligibility for State funds within the context of statewide needs.

3.O.2. Other Eligible Expenditures & Type-Specific Funding Requirements

3.O.2.a. Project Development and Design

Project-development costs including feasibility studies, educational specifications, equipment specifications, and other work that occurs prior to the start of design, as well as design expenses and related costs such as architectural and engineering fees, construction-management services, geotechnical surveys, and other services necessary to complete design specifications for a project are eligible for State funding up to a total of 10% of the building and site costs.

3.O.2.b. Furniture, Fixtures, and Equipment (FF&E)

When a project is awarded State funds, the MSA may include up to 5% of the building costs for furniture, fixtures, and equipment with a minimum useful life of 15 years or more, subject to the applicable program's APG, so long as the scope of the project requires it. LEAs should not request funding for FF&E if their estimate of construction cost already includes FF&E. Regardless of whether FF&E was specifically identified on the approved project worksheet, it is an eligible cost for projects where the scope requires provision of FF&E, and contracts can be submitted to utilize funds up to the MSA either as stand-alone FF&E contracts, or as components of other construction contracts, provided that the LEA provides information sufficient to show that the items are eligible.

3.O.2.c. Roof Projects

Roofing projects are capital maintenance projects that replace all or part of a facility's roof including flashing, coping, parapets, and other accessories. All roof projects paid for with State funding, either as a stand-alone project, or as part of a larger renovation project, must comply with State roofing policy. The State's roofing policy is created and revised by MDGS, and can be found [on their website](#).

3.O.2.d. Non-LEA Owned and Leased Facilities

See Appendix B for the IAC policy of funding capital projects in leased facilities.

3.O.3. Ineligible Expenditures

3.O.3.a. General

Expenditures ineligible for State funding are documented in COMAR 14.39.02.13.

3.O.3.b. Ineligible Items and Expenditures

- Items that have a median lifespan of less than 15 years
- Building systems or portions of buildings that have been upgraded, renovated, or replaced within the past 15 years
- Items that are not considered reasonable to support the necessary activities of a school
- Site acquisition
- Master plans
- Items not clearly related to the project school or for ambiguous deliverables
- Ancillary construction costs (such as permits, bid advertising, water and sewer connection charges, models, renderings, etc.)
- Leasing or purchasing school facilities except as provided in Education Article § 4-126, Md. Ann. Code
- Construction inspection services
- Relocation costs for site occupants
- Salaries of local employees
- Construction of administrative or support facilities (such as regional or central administrative offices, warehousing, resource, printing, vehicle storage, maintenance facilities, etc.)
- Consumables
- Contingencies
- Temporary storage facilities
- Offsite expenses and development costs (including driveways, etc.)
- Generators sized to support more than only the emergency functions in the educational facility, including operation of the emergency systems (such as lighting, food storage, and water purification), communications systems (including broadband), and security systems
- Allowances, except when the IAC Executive Director has granted an exemption on a case-by-case basis for an allowance that 1) was recommended by the project architect or engineer of record, and 2) that specifies a unit cost to establish a price for a known product where the number of units cannot be defined in advance

3.P. High Performance Green Building Program (HPGBP) Requirements

3.P.1. General

In accordance with State Finance and Procurement Article §§ 3-602.1 and 4-809, and Education Article § 5-312, new school buildings are subject to the requirements of the High-Performance Buildings Act and the Maryland Green Building Council's High-Performance Green Buildings Program (HBGBP). In addition, pursuant to Section 302.1 of the HPGBP, new and replacement school projects for which the Request for Proposals for design services is published on or after January 1, 2027 shall be designed and built with space conditioning and water heating systems that do not combust fossil fuels on site.

See the Maryland Green Building Council's [High-Performance Green Buildings Program \(HPGBP\) document](#) for requirements. As these requirements may change from time to time, and multiple compliance options may exist, please consult the IAC's Capital Projects staff with regard to applicable requirements and solution options for each project subject to the HPGBP.

3.P.2. Planning, Design, Construction

The LEA shall notify the IAC of its intended method of compliance with the HPGBP, and include a statement of intent in its Capital Improvement Program (CIP) request, feasibility studies, and educational specifications. Inclusion of statements will be a condition for eligibility for planning and funding approval. The LEA shall submit at each stage of design a written description of the high-performance-design principles that will be incorporated into the project. The description should include verification of the ability to achieve the required rating or certification based on a scorecard or checklist.

3.P.3. Certification of Compliance

Per Education Article § 5-312(c), new public school buildings that receive State public school construction funds shall be constructed as high-performance buildings. High-performance buildings, as defined in State Finance & Procurement Article § 3-602.1, are required to use one of the three approved green building rating programs or codes in the design, construction and operations of facilities. Those include the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED), International Green Construction Code (IgCC) as adopted by the State of Maryland of the local jurisdiction, and the Green Building Initiative (GBI) Green Globes rating system. Certification by the rating organization of compliance with High Performance Requirements is not required; however, third-party verification of compliance is required to be submitted to the IAC within two months of the project construction closeout. See the Maryland Green Building Council's [HPGBP document](#) for detailed information.

3.P.4. Waiver

Per Education Article § 5-312(d), an LEA may request a waiver from complying with all or specific requirements of the HPGBP when compliance would not be practicable. A request may be made for a waiver of a particular LEED prerequisite or credit, an IgCC provision, or to allow use of another alternative green building rating system or code in lieu of those listed in the HPGBP. The LEA shall submit a waiver application to the IAC by emailing the application documents to iac.pscp@maryland.gov. Waiver requests should be submitted at least 30 days prior to the owner's submission of the Schematic Designs to the State for approval. A determination of approval will be made at a public meeting of the IAC. The application shall include the following:

- A physical and financial description of the project, funding source and schedule of design and construction
- An explanation of why compliance with the specified requirement(s) of the HPGBP is not practicable to achieve
- An analysis of whether relief can be granted in such fashion that the spirit of the requirement(s) will be observed and the natural environment protected

- A description of the proposed alternative compliance path or mitigation measure(s) or other construction method, strategy, or material that the LEA offers in lieu of strict compliance with the HPGBP requirement(s); and
- Any other information of relevance to the waiver request.

3.Q. Cooperative Use Space (CUS)

3.Q.1. General

Cooperative Use Space (CUS) refers to space within an educational facility that is not required to deliver the educational program but is provided to support the needs of the school community and often includes use of the space by a non-LEA partner entity. CUS is above and beyond the size of school function areas required by the LEA to deliver the educational programming, but may also be shared by the school to enhance program delivery. Up to 3,000 gross square feet of CUS are eligible for State participation as part of an eligible new, replacement, or renewal project. Up to 3,000 gross square feet of CUS may be eligible as part of an approved addition or renovation project, unless the facility had previously received State participation for CUS.

3.Q.2. Applicability

Example uses for CUS include health and wellness clinics, food pantries, recreation centers, branch libraries, or storage rooms for aftercare programs or Parent-Teacher Organizations used to serve school children and the general community. CUS may be requested through any IAC program that funds new, replacement, renewal, or addition projects.

3.Q.3. Eligibility Requirements

In order to be eligible to request and receive the CUS gross square footage add-on:

- CUS should be included in the Ed Specs phase to provide clear direction throughout design;
- All subsequent design submission should continue to identify and separately provide a total for CUS spaces;
- The IAC allows limited exceptions for CUS provided directly by the LEA for:
 - Clothing pantries
 - Food pantries
 - Personal care suite
 - Parent volunteer room

For CUS provided by the LEA, a BOE approved Ed Specs that lists these spaces and the purpose of each space is required.

- At the time of application for construction funding, requests for projects with CUS should include a complete and accurate description of the programs that will occupy requested CUS in the “Project Description” field on the 102 Form.
 - For projects that involve both new and existing square footage, indicate whether the CUS is in the new or the existing square footage (or both). Indicate the age of all existing square footage that will be impacted.

- The description should indicate if the project includes both school managed or partner agency managed CUS.
- For a CUS that involves third party, a letter of commitment from the nonprofit, third party organization, or partner agency to the BOE agreeing to establish or continue the program for which the additional state-square footage is requested. The letter of commitment must include the intent to establish an MOU between the BOE and the organization.
- Evidence of BOE approval of the Educational Specifications which listed the spaces provided or a letter of approval from the BOE or Superintendent supporting these spaces.
- Final authorization of the total GSF of CUS that will be included in the add-on will be verified based on the latest design submission and will be a factor of the total NSF multiplied by either a 70% for elementary schools or a 67% for secondary schools net to gross efficiency factor.

3.Q.4. CUS Project Closeout Requirements

Upon occupancy of a facility for which the IAC has provided funding for CUS, the LEA must provide a signed MOU providing for shared use of CUS for any CUS spaces shared with third parties. Failure to provide the MOU may result in a reduction of eligible costs at the time of project closeout and a refund may be due to the State.

3.R. Career and Technical Education (CTE)

3.R.1. General

Maryland's CTE programs of study are statewide programs designed to prepare students for the global economy and workforce needs. Any non-Capital Maintenance project in a building that includes CTE programming requires review of CTE spaces by MSDE and the IAC. The IAC provides an add-on of gross square footage to the Gross Area Baseline to support CTE programs recognized and approved by MSDE. This includes programs in comprehensive high school settings, magnet programs, and stand-alone CTE centers that provide CTE education exclusively for students who received the remainder of the education at their home school. For LEAs to receive this add-on and the additional funding associated with it, they must comply with the necessary steps established by the IAC. See [Section 3.K.](#) on GABs and [Appendix A](#) for further details on program types and sizes.

3.R.2. Process

3.R.2.a. Approval of SD and Planning

LEAs should obtain a letter of support from the Division of College and Career Pathways (DCCP) at the earliest possible time in the design process. This letter serves as an agreement between the LEA and OCCP on the proposed programs of study offered at the proposed CTE facility. Both stand-alone facilities that offer CTE programs and CTE programs at comprehensive high schools are required to obtain the letter of support. The letter of support must be obtained prior to Schematic Design (SD) approval. For information on obtaining a letter of support from the OCCP, refer to [MSDE's Facilities Guide for Career and Technical Education Program Support for New, Replacement, Renovated, or Expanded Facilities.](#)

3.R.2.b. Approval of Construction Funding

Once the project proceeds to the request for construction funding, the LEA must provide, along with the letter of support from OCCP, an area summary that shows the spaces being provided for each approved program of

study. In some cases, multiple classes are supported with the same program of study and these might share spaces. The LEA should provide clear delineation when this occurs to identify which spaces are being used by which program. IAC staff will review the area summary and determine the final GAB Add-on. It will include the lesser of the sum of the GABs for the approved programs of study in accordance with COMAR 14.39.02.07E(6) or the actual area being provided in the program that is over and above the area provided for a typical classroom. These calculations will use an efficiency factor of 67% to adjust net square footage provided in the area summary to gross square footage included in the add-on. A [GAB Add-on Calculator](#) is provided on the IAC's website for preliminary planning purposes.

3.R.3. Exceptions

Projects requesting State funding for project development and design may be considered prior to the issuing of the OCCP letter of support. Design funding support will be calculated based on the GAB established per the school's Estimated Eligible Enrollment with the CTE Add-on and will be adjusted at the time of construction funding if the support letter is not provided.

3.S. Regional Special Education

3.S.1. General

Regional Special Education programs are programs independent from traditional educational programs that are housed either in independent facilities, serve as independent programs in collocated facilities with traditional educational programs, or are functioning within a school but serve students coming from outside that school's attendance zone. LEAs may receive funding for Regional Special Education facilities in the CIP provided they comply with the necessary steps established by the IAC.

3.S.2. Applicability

Construction projects that change the capacity of existing programs or create new Regional Special Education programs require review by MSDE's Division of Special Education Services (DSE). Projects involving Regional Special Education programs must have a letter of support from MSDE's DEI/SES. The letter of support is a prerequisite for Schematic Design approval, support of planning by the IAC, and construction funding for a capital project that involves a comprehensive school that includes Regional Special Education programs.

3.S.3. Process

LEAs should obtain the Regional Special Education program letter of support from MSDE's DEI/SES prior to an application for funding. To obtain the letter of support, follow the instructions outlined in MSDE's [Guide for Obtaining Special Education Program Support for New, Replacement, Renovated, or Expanded School Facilities](#). LEAs are required to include the letter of support when applying for CIP funding in the BMS CIP Funding Application process, under the section 'SE and CTE.'

3.S.4. Exceptions

A letter of support from MSDE's DEI/SES is not required for Regional Special Education projects that do not change an existing Regional Special Education program in capacity or delivery of educational services, nor for a non-regional school construction project within a school that contains special education classrooms.

3.T. Procurement Requirements

3.T.1. General

LEAs must follow all Statewide procurement requirements as outlined in both the State Finance and Procurement Article, Annotated Code of Maryland, and Title 21, State Procurement Regulations in COMAR for any projects that utilize State funds. Regulations specific to school construction procurement can be found in COMAR 14.39.03.

3.T.1.a. Suspended Contractors

Recipients of State funds are prohibited from contracting with individuals or firms that are suspended or debarred from doing business in Maryland. To see if a given contractor has been debarred, see the list of debarred contractors on the [Board of Public Works website](#).

3.T.2. Applicability

Projects that utilize State funds must follow procurement procedures outlined by the Office of State Procurement (OSP) in the Maryland Procurement Manual, [found on the OSP website](#). This includes regulations as they relate to bid posting, solicitation, as well as eventual contract selection. For specific questions regarding the award of contracts as it relates to school construction projects, LEAs should see [Section 3.U.](#) and contact their assigned CPM or the IAC's Chief Financial Officer if necessary.

3.T.3. Minority Business Enterprises (MBE)

State funded projects are required to have a goal percentage of MBE participation established for all project bids and contract submissions. LEAs with questions about MBE participation and the associated regulations should refer to the Governor's Office of Small, Minority, & Women Business Affairs (GOSBA)'s [website](#). The IAC is not responsible for the creation of, implementation of, or compliance with MBE regulations but reviews contract submissions to confirm that the appropriate documentation has been provided prior to approval.

3.T.4. Prevailing Wage

Certain types of contracts for State funded projects are required to comply with prevailing wage requirements. Prevailing wage law requires that contractors and subcontractors pay employees performing public work a prevailing wage rate that is established by the Commissioner of Labor and Industry. In accordance with the State Finance and Procurement Article Title 17, Subtitle 2, prevailing wage applies to a public work project, including school construction, when the contract value is \$250,000 or greater and there is State funding for 25% or more of the contract. In addition, prevailing wage law applies to mechanical service contracts with a value greater than \$2,500. For more information regarding prevailing wage rates, and prevailing wage law, refer to the [Maryland Department of Labor's Division of Labor and Industry](#).

3.T.4.a. Davis-Bacon Act

The Davis-Bacon Act is a federal law which requires prevailing wage rates on federally funded or assisted contracts over \$2,000. These prevailing wage rates are established by the United States Department of Labor. If a given project has over \$2,000 of federal funds in addition to State funding, then the Davis-Bacon Act wage will be followed, rather than State prevailing wage requirements, and the U.S. Department of Labor will monitor compliance.

3.U. Contract Approval

3.U.1. General

IAC approval is required for any contract for which the LEA is requesting State participation or credit toward the Local Cost Share of a project.

3.U.2. Applicability

Approval of contracts is required regardless of the value of the contract. IAC funding is limited to the Maximum State Award, as identified in the approved applicable program approval document and approved funding awards. If the lowest responsive bidder's proposal exceeds the Maximum State Award and the local funds available, the LEA can:

- Supplement awarded State funds with local funding,
- Revise and rebid the project, or,
- Cancel the project and revert available funding to the appropriate reserve fund in accordance with Education Article § 5-303(j) or applicable program procedures.

3.U.3. Process

LEAs should submit a Contract Approval process in the BMS for all contracts individually; no combined submissions are permitted. Authority to approve contracts with a total value under \$100,000 is delegated to IAC staff. All contracts over \$100,000 must be approved at a monthly IAC meeting. Accordingly, LEAs should submit contracts with a total value of \$100,000 or greater by the deadline indicated on the [IAC Meeting and Approval Schedule](#), available on the IAC's website, for a given meeting to ensure timely approval. Contracts with a total value under \$100,000 can be submitted at any time, and will be reviewed on a rolling basis by IAC staff.

Following approval, LEAs can generate and export a Contract Approval Report in the BMS as a record for approval. A user guide for generating this report is available [on the IAC website](#).

If additional funds are awarded to a project that has a previously approved contract, the contract can be revised to adjust the State funding available to be paid towards the contract.

If a project and/or contract is canceled, the LEA should notify their assigned Capital Projects Manager to request a revision.

3.U.4. Submissions

Contract Approval requests should be made via the Contract Approval process in the BMS. Submitters should complete all required fields and any additional information available. Processes will be routed depending on value, and only contracts over \$100,000 will be brought to an IAC meeting.

3.U.5. Change Orders

Pursuant to Education Article § 5-314(c)(1) and COMAR 14.39.02.15G, an LEA shall maintain contingency funds for change orders and may issue change orders without prior approval of the IAC. However, pursuant to Education Article § 2-303(f)(1)(iv), any change order that costs more than \$50,000 shall be approved by the

State Superintendent, or the State Superintendent's designee, and should be submitted to MSDE in accordance with OSF instructions. The IAC does not fund change orders.

3.U.6. Program Exceptions

Contracts for projects funded entirely with BTL funds are approved by the Maryland Stadium Authority (MSTAD) rather than the IAC. LEAs should contact the MSTAD for approval details. Contract approval is not required for projects funded solely with PTG funds. SSGP projects require IAC contract approval, but should be submitted via the SSGP Contract Approval process in the BMS.

3.U.7. Contract Approval for Locally-Funded Projects

Contracts for Locally-Funded projects are required to be approved by the State Superintendent. Submit BOE approval action, bid tabulation, and a description of bid alternates accepted in PDF format to myron.mason@maryland.gov within ten calendar days of board action.

3.V. Submission for Payment

3.V.1. General

The LEA is responsible for assuring that all charges applied to a project as a State expense are eligible for State funding. Projects that are procured by the LEA in the expectation that they will be funded in a future year Capital Improvement Program (forward-funded projects) are required to follow State requirements and procedures for project procurement, project delivery, and alternative financing, as applicable. The LEA is responsible for determining the validity of the contractor's requisition for services.

3.V.2. Submission Process

Upon review and approval by the LEA, requests for payments to contractors and/or reimbursement to LEA shall be submitted through the Invoice/Reimbursement Request process in the BMS. All submissions for payment must be certified by the contractor, an authorized official of the LEA, and, if applicable, the project architect. See [Section 2.J.](#) for further information on designating an authorized LEA official prior to submission.

Submissions must include:

- All related contractor or supplies invoices or pay applications;
- Payee's federal Employer Identification Number (EIN), or, social security number if no EIN has been assigned;
- For LEA reimbursements, the LEA Voucher Number;
- For LEA reimbursement, proof of payment made by the LEA to the vendor or contractor, such as bank canceled checks or proof of ACH from the banking institution.

Upon receipt of notice from the General Accounting Division that payment has been made, the IAC will send notification via the BMS to the LEA with the document number and date of payment.

3.W. Emergency Management Shelter Compliance

3.W.1. General

Emergency Management Shelters serve as temporary shelters for a community before, during, and/or after an emergency event. Each county/city board shall determine which public schools within the jurisdiction of the county board shall be designated as emergency management shelters.

For any project involving a replacement or upgrade of the electrical system, emergency management shelter compliance requirements must be met. LEAs are responsible for determining whether or not a school facility will be used as an emergency management shelter, based upon consistency with their local emergency management plan and funding considerations.

3.W.2. Requirements

3.W.2.a. Designating a Facility an Emergency Management Shelter

The local county or city board should determine whether a chosen facility is consistent with local emergency management plans prior to selecting it as a designated emergency management shelter. When an LEA and local government determines that a given school should be used as an emergency management shelter, local officials shall consult with the Maryland Department of Emergency Management (MDEM) to determine areas of the facility necessary for public safety in the event of the facility being used as a public shelter during a declared emergency.

3.W.2.b. Requirements for Shelters

LEAs shall ensure that the areas determined to be emergency management shelters are designed and constructed to be fully powered in the event of an emergency, either via a permanent, on-site emergency power source, or other means to accept a temporary emergency power source. This can be by way of a generator or other off-site means.

3.W.2.c. MDEM Site Visit

The MDEM assigned regional officer will coordinate a site visit when an LEA indicates that a school facility is to be used as an emergency shelter. Site visits will include discussions between the LEA and MDEM regarding the identification of areas to be used during an emergency. Criteria for consideration will be drawn from Federal and State Emergency Management guidance and plans, and nationwide best practices.

3.W.3. Submission Process

For any project that includes electrical system improvements, the [Emergency Management Shelter Compliance Process](#) within the BMS must be submitted.

3.W.3.a. Shelter Requirements

If a facility is to be an emergency shelter, the LEA will need to submit information about the facility to be reviewed by MDEM. MDEM will then schedule a site visit and issue a letter of compliance to the LEA if the shelter passes the review. LEAs shall include a site plan, flood plain map, and floor plan all in their BMS submission as separate documents.

3.W.3.b. Non-Shelter Requirements

If a facility is determined by an LEA not to be an emergency shelter, the LEA should upload a letter signed by the local superintendent or the local emergency management agency stating so, which will be reviewed by the LEA's assigned CPM.

3.Y. Project Closeout

3.Y.1. General

Project closeouts should be submitted within 180 calendar days of the application for final payment via the BMS.

3.Y.2. Applicability

Projects are complete when:

- The construction work has been completed in accordance with contract documents and all submissions required for final payment have been approved;
- Final inspection has occurred and the project has received a final use and occupancy permit;
- The project architect or engineer has signed the final pay application; and,
- The contractor or LEA has submitted the application for final payment including release of all retainages.

3.Y.3. Process

Requests for Project Closeout should be submitted via the IAC's Project Closeout process in the BMS. With submissions, include copies of:

- Final invoices for all IAC approved contracts, including a listing of all approved change orders, submitted on IAC form 306.4.
- The Certified Minority Business Enterprise Participation Sheet with listed subcontractors and amounts paid to date. If there is any variance on final payment, provide a partial or final lien waiver signed by the subcontractor for verification.
- Reference documents regarding surety claims, legal claims, etc., for justification of non payment or settlement agreement between parties.

Upon receipt of the submission, IAC staff will review the report for completeness and accuracy. Any charges deemed ineligible for State funding will be reported to the LEA for removal from State expenditures. The amount of any ineligible expenditures for which the State has paid shall be reimbursed to the State by the LEA. Upon completion of the financial audit, IAC staff will notify the LEA of any changes and submit the closeout to the IAC for final approval.

3.Y.3.a. Energy Conservation Rebates

The IAC will not recapture funds based upon Energy Conservation Rebates.

3.Y.4. Program Verification

If, at project closeout, a school has had an adjacent school excluded due to specific programming not being available at an otherwise adjacent school (for example, an English Learners program being available at the new school facility, but not available at the otherwise adjacent school) the LEA will be required to provide verification of student reassignment that justifies the additional enrollment. This verification should include student location

for all students who would be participating in the program that would not otherwise be included in enrollment totals and projections. If the program(s) used to justify exclusion of adjacent schools are not implemented by the time of closeout then the Maximum State Award will be adjusted accordingly, and a refund may be due to the State.

3.Y.5. Other Funding-Related Verifications

The LEA must submit any evidence or documentation required to support the State participation amount awarded by the IAC for the project, including the following:

- MSDE approvals of any special-education programs and CTE programs offered in the facility;
- Executed MOUs with CUS partners for use of CUS spaces;
- Floor plans and utilization information acceptable to IAC staff as required to support determination by IAC staff of the SRC for the facility; and
- All reassignment of students pursuant to redistricting or other master-plan-related portfolio actions as provided by the LEA to the IAC during the IAC's determination of funding awards to the project.

3.Z. Construction Signage and Plaques

3.Z.1. General

Each State funded school construction project shall have a construction sign on the site during the construction project and a plaque for installation in the completed school.

3.Z.1.a. Construction Signage

The sign should be erected for all State funded school construction projects, including all capital maintenance projects, with the exception of the Aging School Program (ASP) and State-owned and locally-owned relocatable classroom projects. The current Construction Signage Instructions and templates can be found on the [LEA Forms and Resources](#) page of the IAC website.

3.Z.1.b. Plaque Instructions

A plaque should be installed in the school for all completed State funded school construction projects. The plaque should be 12" x 18" and include the text indicated in the [plaque template on the IAC website](#).

3.Z.2. Obtaining Signage

It is strongly recommended that signage be purchased through Maryland Correctional Enterprises (MCE). MCE Contact Information can be found on the [LEA Forms and Resources](#) page of the IAC website.

4. Project-Delivery and Alternative Financing Methods

4.A. Project-Delivery and Alternative Financing Methods

Regulations in COMAR 14.39.04 describe the project-delivery methods permitted for public school construction projects regardless of funding source, and describe the related requirements for use of those methods. Education Article, § 4-126, Annotated Code of Maryland, defines the Alternative Financing Methods available to LEAs and describes the related requirements for use of those methods. Regulations in COMAR 14.39.05 establish additional requirements for projects using alternative financing methods. Regardless of project-delivery method or alternative financing method, if an LEA intends to seek State reimbursement of a school construction project, the services must be procured through one of the procurement methods provided in COMAR 14.39.03.

Please notify your assigned CPM as soon as possible if you plan to use an alternative financing method for a State-funded school construction project. Please note that some alternative financing methods may preclude State participation with bond funds.

4.B. Project-Delivery Methods

For public school construction projects, an LEA may use the following project-delivery methods:

4.B.1. Design-Bid-Build (DBB)

Also known as traditional general contracting, DBB is a project-delivery method in which separate entities are responsible for design and construction. Per COMAR 14.39.03.04A competitive sealed bids are required for all school construction projects, and typically the contractor with the lowest responsive price will be awarded the contract. However, provisions do allow for qualifications-based selection to be a component of the process and this method could provide benefit to LEAs on larger or more complex projects.

4.B.2. Construction Management Agency (CMA)

A project-delivery method in which the LEA directly contracts with trade contractors and engages a construction manager to manage the project starting in preconstruction. Usage of CMA is governed by COMAR 14.39.04.05 and requires certain IAC approvals and notifications. The Construction Manager is typically hired during the design phase to provide technical support during the development of the design documents.

4.B.3. Construction Management at Risk (CMR)

A project-delivery method in which the LEA engages a construction manager during preconstruction to provide a guaranteed maximum price (GMP) for project procurement and construction and to contract directly with trade contractors. Usage of CMR is governed by COMAR 14.39.04.06 and requires certain IAC approvals and notifications. Please note that certain GMP line items may be ineligible for State participation. At the time of contract approval, IAC staff will review contracts for ineligible items such as contingencies and allowances. The

assigned CPM may be engaged prior to submission of a GMP contract approval package for a preliminary review to provide feedback on potential ineligible items.

4.B.4. Design-Build (DB)

A project-delivery method in which a single entity is contractually responsible for both design and construction of a project. DB is governed by Education Article, § 4-126 and COMAR 14.39.04.07. In order for DB projects and/or contracts to be considered to be eligible for State funding, per COMAR 14.39.04.07B, the LEA must request approval from the IAC at least two months prior to the release of the solicitation by initiating the Alternative Project Delivery Method process in the IAC's BMS. Typically, the IAC will only approve DB arrangements in instances where the scope of a project is simple and very clearly known and defined by the LEA such as a pre-engineered structure or a roof replacement that can be well defined in the solicitation and the performance easily verified. The request for approval must provide a complete set of solicitation documents that include a detailed scope of work (including the Educational Specifications if required based on project type), project schedule (including construction phasing and document submission dates), solicitation schedule, and performance expectations. The LEA shall acknowledge in the request for approval that the State is not responsible for any project cost overruns. The IAC may request additional information or justification. The LEA may not proceed with DB until written approval is obtained from the IAC Executive Director of the IAC.

4.B.4.a. Procurement Document Review

Since the DB procurement process requires solicitation prior to design, the IAC will review the DB solicitation documents to verify that adequate scope details are provided to protect the interest of anticipated State investment in the project. DB projects that include more complex renovation, particularly those that include renovation or creation of educational spaces, will receive detailed review to ensure the procurement documents provide adequate constraints required to obtain the desired outcomes. If a project is comprehensive enough to require Ed Specs, Ed Specs approval by IAC staff is required separately from OSF Ed Specs review, as Ed Specs prepared for DB projects require a significantly different approach than typical.

4.B.4.b. Design Document Review

Once a project receives approval for a DB procurement, the project must follow all typical drawing submission requirements. It is understood that the contract award will precede approval of the construction documents. If the DB procurement solicitation documents include schematic design level drawings, a schematic design submission is required to be approved by OSF prior to IAC approval of procurement documents. It is understood that the DB process can include overlap of design and construction phases, and as a result, the contents of design submissions may not follow typical practice; LEAs must coordinate with the IAC, OSF, and DGS on the timing and contents of submissions for review and approval to ensure all State approvals are granted prior to the start of construction.

4.B.5. Job Order Contracting (JOC)

A specialized DBB delivery method that allows owners to award a single contract that can be used for multiple projects over an extended period of time. Usage of JOC is governed by COMAR 14.39.04.08. The scope and number of projects are not determined at the time of bid, therefore the bid is based on a set of unit prices provided by the contractor as part of the solicitation. Once a JOC is awarded, the contractor can perform a variety of projects using the predetermined bid prices. JOC is also referred to as task order contracting or on-call



contracting. LEAs may enter into contracts themselves or may take advantage of contracts in place with other entities that allow their participation through intergovernmental cooperative agreements.

Appendix A. CTE Program Add-ons

MSDE Approved CTE Program

See the below list for categories of MSDE approved CTE programs and associated sub-programs. IAC GAB CTE Gross Square Foot Add-On Category is indicated after the program or sub-program name and abbreviation.

Category A: Arts, Media, and Communication - Small

- Graphic Communication (PrintED) - Medium
- Interactive Media Production (IMP) - Small

Category B: Business Management and Finance - Extra Small

- Academy of Finance (NAF) - Extra Small
- Accounting and Finance - Extra Small
- Business Administrative Services - Extra Small
- Business Management - Extra Small
- Marketing - Extra Small

Category C: Construction and Development - Large

- Construction Design and Management - Extra Small
- Construction Professions - Large
 - Carpentry - Extra Large
 - Electrical - Large
 - Plumbing - Large
 - Masonry - Large
- Construction Maintenance - Large
 - HVAC - Extra Large
 - Industrial Maintenance - Large
 - Welding - Large

Category D: Consumer Services, Hospitality, and Tourism - Medium

- Culinary Arts (ACF) - Large
- Food and Beverage Management (ProStart) - Medium
- Hospitality and Tourism Management Program (HTMP) - Small
- Careers in Cosmetology - Medium

Category E: Environmental, Agriculture, and Natural Resources - Medium

- Curriculum for Agricultural Science Education (CASE) - Large
- Horticultural Services: Certified Professional Horticulturist (CPH) - Medium

Category F: Health and Biosciences - Small

- Academy of Health Professionals - Small

- Project Lead the Way Biomedical Sciences - Small

Category G: Human Resources Services - Extra Small

- Fire Science: Maryland Fire and Rescue Institute (MFRI) - Extra Small
- Homeland Security and Emergency Preparedness - Extra Small
- Childcare and Early Childhood Education - Extra Small
- Teacher Academy of Maryland (TAM) - Extra Small

Category H: Information Technology - Extra Small

- Academy of Information Technology (NAF) - Small
- Database Academy (Oracle) - Extra Small
- IT Networking Academy (CISCO) - Small
- PLTW Computer Science - Small
- Mobile Apps and Software Development (Apple) - Extra Small

Category I: Manufacturing, Engineering, and Technology - Medium

- Project Lead the Way Engineering - Medium
- Manufacturing Engineering Technologies - Medium

Category J: Transportation Technologies - Extra Large

- Automotive Technician (NATEF) - Extra Large
- Autobody/Collision Repair Technician (NATEF) - Extra Large
- Medium-Heavy Truck Technician (NATEF) - Extra Large

Category K: Career Development and Research - Extra Small

Category L: Apprenticeship Maryland - Extra Small

Appendix B. Leased Facilities Policy

IAC Policy: State Capital Investments in Leased Facilities

Need to Be Addressed by the Policy

The IAC recognizes that Local Education Agencies (LEAs) have educational space requirements that may be met by leasing facilities for a public school purpose, including but not limited to, pre-kindergarten programs, career- and college-readiness programs, and charter schools. These leased facilities may require capital improvements to create safe, healthy, and educationally sufficient spaces for public school purposes.

Definitions

- *“Non-LEA entity”* includes but is not limited to, operators of public charter schools.
- *“Public school”* includes public charter schools.
- *“Public school”* does not include facilities used primarily for non-instructional uses such as administrative function and support services, including transportation, facilities maintenance, and warehousing.
- *“Public school purpose”* means use of a facility primarily to deliver prekindergarten through Grade 12 educational programs and services to public school students.

Eligibility

LEAs may apply for funding from the Capital Improvement Program or a Pass-Through Grant, established in Chapter 344 of the Acts of 2022, for capital improvements to facilities leased by the LEA or a non-LEA entity for a public school purpose.

These funds may be used solely for eligible school capital improvement expenses authorized under the program from which funding is being requested. Capital improvement expenses do not include operating expenses, including but not limited to, lease or rent payments, utilities, taxes, fees, maintenance, moveable furniture and equipment with a median useful life of less than 15 years, insurance, salaries or wages.

A leased facility improved using Capital Improvement Program funding or Pass-Through Grant funding shall be used for a public school purpose for a period of at least 25 years after project closeout. If a leased facility improved using these funds ceases to be used for a public school purpose earlier than 25 years after project closeout, the LEA will be subject to Section 5 (LEA Guarantee) below.

Application and Approval Procedures

LEAs may apply for funding using the Capital Improvement Program application or the Pass-Through Grant Program application.

Applications shall be reviewed and approved using the eligibility criteria and any other requirements of the program from which funding is being requested.



If a LEA applies for funding for a project in a facility leased by a non-LEA entity, the LEA shall guarantee the State investment in the facility. The LEA Guarantee provisions are in Section 5 below.

LEA Guarantee

When a LEA applies for funding for a project in a leased facility and regardless of whether the LEA or a non-LEA entity will be the tenant, the LEA shall provide an executed written guarantee to the IAC that the leased facility will be used for a public school purpose for at least 25 years after project closeout. The IAC will provide the guarantee form to the LEA as part of the application package.

If the leased facility ceases for more than a 24-month period to be used for a public school purpose during the 25-year period after project closeout, the LEA shall repay the State within two fiscal years a prorated amount of project funding based on the number of years between the date the leased facility ceased to be used for a public school purpose and 25 years from project closeout.