

IAC Meeting Agenda

Thursday, June 11, 2026

Virtual Meeting at 9:00 a.m.

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Action items are indicated with an asterisk.

Introduction

- Meeting called to order
- Roll Call
- Revisions to the Agenda
- Public Comment

Agenda Items

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Cassandra Viscarra, Deputy Director

Announcements



Item 2.A. May 14, 2026 IAC Meeting Minutes

Motion:

To approve the draft May 14, 2026 IAC Meeting Minutes, as presented.



DRAFT Meeting Minutes – May 14, 2026

Call to Order:

Chair Edward Kasemeyer called the video-conference meeting of the Interagency Commission on School Construction to order at 9:00 a.m.

Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair
Linda Eberhart, Appointee of the Speaker of the House, Vice-chair
Craig Curtis as designee for Secretary Atif Chaudhry, Maryland Department of General Services
Michael Darenberg, Appointee of the Governor
Chuck Boyd as designee for Secretary Rebecca Flora, Maryland Department of Planning
Gloria Lawlah, Appointee of the President of the Senate
Krishna Tallur as designee for Dr. Carey M. Wright, State Superintendent of Schools

Members Not in Attendance:

Manish Kothari, Appointee of the Governor

Revisions to the Agenda:

None.

Public Comment:

None.

IAC Correspondence:

None.

1. Executive Director's Report – [Informational Only]

Executive Director Alex Donahue gave a report on several key topics. First, he stated that after a fire last month in a classroom in Cesar Chavez Dual Spanish Immersion Elementary School in Hyattsville, Prince George's County Public Schools tested air quality in multiple locations within the school, and found VOCs, CO, and CO₂ to be below industry standard levels and ambient levels outside of the facility. An email received from a member of the public initially indicated that they would provide written public comment for the IAC meeting, but the written comment was not received. In their initial email, the public member urged the commission to approve the pending request for \$719,000 for a windows, doors, and exterior improvements project. Executive Director Donahue stated that this school has an active CIP project request, which was slated to be recommended for funding as part of the 100% Capital Improvement Program for FY 2027, in Item 3 of the agenda.

Executive Director Donahue next stated that the IAC's departmental bill was close to being completed, with Governor Moore expected to sign the bill later this month. IAC staff will in turn work to implement the contents of the bill by working with LEAs, including at the upcoming Facility Planner Meeting, and communicating revisions via changes to the Administrative Procedures Guide, as outlined in Item 5 of the agenda.

Executive Director Donahue concluded by stating that unfortunately, the current CIP funding level does not allow for maintaining the current condition of schools, and that while the IAC will receive \$430 million for CIP

grants in Fiscal Year 2027, LEAs had requested \$754 million in projects in the CIP this year alone, and this number doesn't reflect the total need of school facility costs in the State. He also added that many school districts are unable to fund even the most urgent projects due to funding shortages, and one-time funding measures have been exhausted. However, he stated the deep appreciation IAC staff have for the General Assembly and Governor Moore for having maintained appropriations for school construction at least at the historic level, without any cuts. This has allowed the Commission to approve awards at a level that supports what is projected by IAC staff each year and communicate anticipated awards to school districts. Chair Kasemeyer added that during the legislative session the funding shortfall and school construction needs were communicated to the budget committees of the General Assembly as part of the IAC's testimony. The Commission further discussed a potential future workgroup on School Construction established in statute and a report by Comptroller Lierman regarding school construction costs.

2. Consent Agenda – [Motion Carried]

Upon a motion by Ms. Lawlah, seconded by Mr. Darenberg, the IAC voted unanimously to approve the consent agenda, and all motions contained therein.

a. April 9, 2026 Meeting Minutes

To approve the draft April 9, 2026 IAC Meeting Minutes, as presented.

b. Contract Awards

To approve contract procurements and project reversions as presented.

c. Revisions to Previously Approved Contracts

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

d. Executive Director Approvals of Extensions to Special Funding Programs

e. Revision to Previously Reverted Funds – Baltimore County Public Schools – Perry Hall High (PSC L03F011) Fire Safety Project

To revert uncontracted FY 2023 Capital Improvement Program (CIP) funds totaling \$100 from the Baltimore County Public Schools (BCPS) Perry Hall High (PSC L03F011) fire safety project.

f. Correction to Reversion Amounts – Baltimore County Public Schools

To revise the contract awards approved at the April 9, 2026 IAC meeting for the electrical and open space projects at Chesapeake Terrace Elementary (PSC L03F035) and Logan Elementary (PSC L03F110) to reflect that all awarded State funds are being utilized, with no funds being reverted to the Baltimore County LEA reserve account.

g. Reversion of Funds – St. Mary's County Public Schools

To revert uncontracted FY 2024 Capital Improvement Program (CIP) funds totaling \$374,158 from the presented St. Mary's County Public Schools (SMCPS) projects, and to reduce the Maximum State Award for the projects to reflect the project decreases as presented.

h. Property Transfer – Queen Anne's County Public Schools – Former Centreville High and Centreville Middle

To approve the transfer of 12.65 acres at 202 Chesterfield Ave, Centreville, MD 21617 in Queen Anne's County from the Queen Anne's County Board of Education to the Queen Anne's County Council. Queen Anne's County shall obtain approval of the IAC before transferring any right, title, or interest to any portion of the property.

i. Property Transfer – Baltimore City Public Schools – Grounds Shop

To approve the transfer of 1.55 acres at 1900 Retreat St., Baltimore, MD 21217 from the Baltimore City Board of Education (City Schools) to the Baltimore City Council. Baltimore City shall obtain approval of the IAC before transferring any right, title, or interest to any portion of the property.

- j. Land Only Property Transfer – Harford County Public Schools – Campus Hills Property**
To approve the transfer of 31.15 acres at 301 Schucks Rd., Bel Air, MD 21015 from the Harford County Public Schools Board of Education to the Harford County Council. Harford County shall obtain approval of the IAC before transferring any right, title, or interest to any portion of the property.
- k. Land Only Property Transfer – Harford County Public Schools – Woodbridge Center Property**
To approve the transfer of 12 acres at 1219 Clover Valley Rd., Edgewood, MD 21040 from the Harford County Public Schools Board of Education to the Harford County Council. The County shall obtain approval of the IAC before transferring any right, title, or interest to any portion of the property.
- l. Property Disposal – Baltimore City Public Schools – Patapsco PreK-8 #163 (PSC L30F238)**
To approve the demolition and sale of the property formerly used for Patapsco PreK-8 #163 (PSC L30F238) located at 844 Roundview Road, Baltimore, Maryland 21225 from the Baltimore City Council to the Cherry Hill Development Corporation on terms set forth in the draft Land Disposition Agreement between these parties with the consideration for the sale of the property in the amount of \$260,000, in accordance with this Commission's May 31, 2018 approval of the transfer of this property to the Mayor and City Council of Baltimore City and subsequent receipt of outstanding bond debt on the property in the amount of \$275,951.34 on June 12, 2025.
- m. Easements and Rights of Way**
To approve the conveyance of the easements and rights of way as presented.

3. FY 2027 100% Capital Improvement Program Recommendations — [Motion Carried]

Executive Director Donahue and Funding Programs Manager Arabia Davis presented the IAC staff 100% recommendations for the FY 2027 Capital Improvement Program. Ms. Davis stated that the proposal includes the previous 75% and 90% stage approvals, as well as adjustments and new approvals for the 100% round of funding. She noted that \$428,792,211 of the total \$430 million is recommended for specific construction projects, and that \$1,250,000 is reserved for future allocation toward critical needs and potential out of cycle requests. She also stated that the agenda contains a condensed version of the CIP, with an Excel document containing all data being available for download on the IAC's website.

Executive Director Donahue noted that the Chair was experiencing technical difficulties and requested that Vice-Chair Eberhart Chair the meeting in Chair Kasemeyer's absence.

Upon a motion made by Mr. Darenberg, seconded by Craig Curtis, the IAC voted unanimously to approve the Fiscal Year 2027 Capital Improvement Program, including revisions to the 75% approval and 90% recommendations, as presented in this Item and in the accompanying Project Details excel file posted to the IAC's website, for a total award of \$430,042,211, including \$428,792,211 for school construction projects and \$1,250,000 of new authorization held in reserve. Further, to authorize the IAC staff to make minor adjustments to awards and project Maximum State Awards (MSAs) based on calculation of the project's eligible funding amount to avoid the over- or under-funding of a project. Chair Kasemeyer was absent for the vote.

4. FY 2026 Capital Improvement Program Rescission and Maximum State Award Increase – Washington County Public Schools — [Motion Carried]

Lead Capital Projects Manager Lisa Vaughn presented a request from Washington County Public Schools for an increase to the Maximum State Award (MSA) for the Boonsboro High School HVAC replacement project from \$7,262,500 to \$10,272,000. Additionally, she stated WCPS also requested to rescind \$2,490,000 from the Hancock Elementary HVAC replacement project to the LEA's reserve account, and allocate a total of \$3,009,500 to the Boonsboro High School HVAC replacement project, bringing the total funding for the project up to the MSA. Ms. Vaughn stated that the LEA had provided documentation of justifications for the MSA increase as

required by COMAR 14.39.02.08B, and staff recommended approval of the request. Chair Kasemeyer resumed chairing the meeting.

Upon a motion made by Mr. Darenberg, seconded by Vice-chair Eberhart, the IAC voted unanimously to approve the rescission of the Washington County Public Schools (WCPS) FY 2026 Capital Improvement Program (CIP) Hancock Elementary (PSC L21F015) HVAC replacement project totaling \$2,490,000 and to transfer the funds to the LEA's reserve account; and, to increase the Maximum State Award (MSA) for the Boonsboro High (PSC L21F001) HVAC replacement project from \$7,262,500 to \$10,272,000, in accordance with COMAR 14.39.02.08B, and to transfer \$3,009,500 from the LEA's reserve account to fund the FY 2025 Capital Improvement Program project.

5. Administrative Procedure Guide Revisions – Departmental Bill — [Motion Carried]

Policy Analyst Victoria Howard presented revisions to the IAC's Administrative Procedures Guide (APG), stating that the revisions would synchronize the APG with the revisions made to Statute by the IAC's departmental bill, SB 48/HB 233. She stated that there were several changes to the APG, including changes that clarified the process for certain types of facility status changes, the circumstances surrounding design review by the State Superintendent, and an increase to the cost threshold for design review and change order approvals by the State Superintendent. She added that there were a few slight changes to processes, including requiring ACH transfer for reimbursement in certain circumstances and adding travel time as a specific criteria to consider when evaluating project-level changes to adjacent schools.

Upon a motion made by Krishna Tallur, seconded by Vice-chair Eberhart, the IAC voted unanimously to approve amendments to the IAC's Administrative Procedures Guide (APG) as presented, contingent upon the signature of Senate Bill 48 by Governor Moore.

6. Legislative Session Presentation — [Informational Only]

Deputy Director Cassandra Viscarra and Ms. Howard presented a summary of the 2026 Legislative Session, detailing the IAC's Operational and Capital budgets for the year, as well as an overview of bills impacting the IAC. Ms. Viscarra noted significant changes to the LEA eligibility of the Nancy K. Kopp Public Schools Priority Fund and Enrollment Growth and Relocatable Capacity funding programs in the capital budget. Ms. Howard gave overviews of bills impacting the IAC, including the IAC's departmental bill (SB 48/HB 233), HB 854 which creates a new Non-Public funding program, HB 1430 which creates a new Charter School funding program, and HB 311/SB 507 which requires local school districts to identify issues of accessibility in school entrances and exits.

Mr. Darenberg asked if there were any changes to eligibility for the Enrollment Growth and Relocatable Classroom program, specifically around eligibility based upon number of relocatables. Deputy Director Viscarra confirmed that there were no changes. Chair Kasemeyer expressed appreciation for the IAC staff and the quantity and quality of work they conduct.

Announcements:

Vice-chair Eberhart announced that the annual ad-hoc subcommittee of the Commission will meet to evaluate the performance of Executive Director Donahue. The subcommittee will request input from stakeholders across the State, including elected officials, and then will bring a recommendation to the full Commission later in the summer.

Chair Kasemeyer stated that the July meeting date had been changed from its original scheduled date of July 9, 2026 to July 16, 2026.

Adjournment:

Upon a motion by Craig Curtis seconded by Vice-chair Eberhart, the IAC voted unanimously to adjourn the meeting at 9:42 am.

Draft

Item 2.B. Contract Awards

Motion:

To approve the contract procurements and project reversions as presented on the following pages, contingent upon the approval of Item 4 of this agenda.

Background Information:

All public school construction projects that are awarded State funds are required to be reviewed by IAC staff and approved by the Commission. Contract approvals only apply previously awarded funds; they are not new approvals of funding.

This Item sets the exact funding amount that can be paid by the State on a given contract based upon a number of project-specific factors including, but not limited to:

- The total State funds that have been awarded to the project
- The amount of funds available after any prior contract approvals
- Review of eligible vs. ineligible expenses
- Use of prevailing wage rates, when required
- Inclusion of Minority Business Enterprise documentation
- Adherence to State procurement procedures
- Approval by the Local Board of Education

If an LEA confirms that a given contract will be the final contract for a project at the time that they request review and approval of a contract, this Item also reverts any remaining funds that will be unused when the project is complete.

The presented Contract Awards Report provides summary information, bid tabs and related documents are available upon request.

IAC staff recommend approval of the presented contracts.



Contract Awards Report

LEA Name	Project Name	PSC Number	Company Name	Recommended Local Funds	Recommended State Funds	Total Contract Amount	Applicable State Cost Share Percentage	Basis for Award of Contract	Date of the IAC Meeting	Recommended Reverted Funds	Recommended Reverted Funds Destination	Project Scope
Baltimore County	Baltimore Highlands Elementary/Secure Vestibule	L03F100	Hayes Construction, Inc.	\$ -	\$224,040.00	\$224,040.00	100%	Base Bid Plus Alternates	06.11.2026	\$ -	-	Construction of a secure vestibule.
Baltimore County	Mars Estates Elementary/Roof Replacement	L03F020	Weatherproofing Technologies, Inc.	\$1,020,657.87	\$2,065,711.25	\$3,086,369.12	67%	Base Bid Plus Alternates	06.11.2026	\$ -	-	Replacement of the approximately 62,700 sf 1999 roof. This is a full roof replacement.
Baltimore County	Mars Estates Elementary/Roof Replacement	L03F020	Colimore Architects, Inc.	\$20,324.64	\$41,265.19	\$61,589.83	67%	Proposal	06.11.2026	\$1,129,780.16	Statewide Reserve	Design services.
Baltimore County	Patapsco High & Center for Arts/Addition	L03F145	GWWO, Inc.	\$453,095.86	\$895,000.00	\$1,348,095.86	69%	Proposal	06.11.2026	\$ -	-	Design services for the renovation and addition totaling 71,395 sf to serve 1,494 students.
Baltimore County	Woodlawn High/Emergency Generator	L03F050	Ebenezer Electric, LLC.	\$383,688.45	\$650,853.55	\$1,034,542.00	100%	Base Bid Plus Alternates	06.11.2026	\$ -	-	Emergency generator and associated work.
Harford	North Harford High/Roof Replacement	L12F016	Towson Mechanical, Inc.	\$6,471,440.00	\$2,860,560.00	\$9,332,000.00	58%	Base Bid Plus Alternates	06.11.2026	\$1,974,830.40	Statewide Reserve	Full roof replacement.
Howard	St. Johns Lane Elementary/HVAC	L13F028	Oak Contracting, LLC	\$6,490,991.78	\$6,755,930.22	\$13,246,922.00	51%	Base Bid Plus Alternates	06.11.2026	\$675,592.78	LEA Reserve	Construction contract to replace the 2010 HVAC system.
St. Mary's	Chopticon High/Multisystemic	L18F019	Scheibel Construction, Inc.	\$41,046,336.26	\$21,261,663.74	\$62,308,000.00	58%	Base Bid Plus Alternates	06.11.2026	\$ -	-	Multisystemic renovation project consisting of exterior windows, doors, electrical system, lighting, fire safety, security system, roof, and ADA-related updates for the 216,625 sf facility.

Note that the St. Mary's Chopticon High Multisystemic project contract approval is contingent upon the passage of Item 4 of this agenda.

Item 2.C. Revisions to Previously Approved Contracts

Motion:

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

Background Information:

Please see the presented report for revisions to previously approved contracts.



Revisions to Previously Approved Contracts Report

LEA Name	Project Name	PSC Number	Company Name	Original Recommended Local Funds	Revised Local Funds	Original Recommended State Funds	Revised State Funds	Total Contract Amount	State Share	Change Description	Original IAC Approval Date(s)	Recommended Reverted Funds	Recommended Reverted Funds Destination
Allegany	Washington Middle/Early Childhood Center Addition	L01F034	Callas Contractors, Inc.	\$9,512,675.00	\$8,251,111.00	\$8,536,325.00	\$9,797,889.00	\$18,049,000.00	94%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	5/14/2026	\$ -	-
Anne Arundel	Old Mill High/Replacement	L02F139	GWWO, Inc.	\$8,627,103.00	\$4,062,197.00	\$400,000.00	\$4,964,906.00	\$9,027,103.00	55%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	10/9/2025	\$ -	-
Anne Arundel	Old Mill High/Replacement	L02F139	Jacobs Project Management Company	\$9,520,839.00	\$6,534,377.55	\$5,000,000.00	\$7,986,461.45	\$14,520,839.00	55%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	10/9/2025	\$ -	-
Anne Arundel	Old Mill High/Replacement	L02F139	Urban N. Zink Contractor, Inc.	\$19,656,482.00	\$14,565,811.00	\$7,929,618.00	\$13,020,289.00	\$27,586,100.00	55%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	11/13/25	\$ -	-
Baltimore County	Dulaney High/Replacement	L03F133	Whiting Turner Contracting Company	\$164,112,833.10	\$134,112,833.10	\$47,881,553.00	\$77,881,553.00	\$211,994,386.10	57%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	4/9/2026	\$ -	-
Baltimore County	White Oak Special Education/HVAC and Open Space Enclosure	L03F065	Towson Mechanical, Inc.	\$4,003,110.00	\$4,003,110.00	\$9,129,890.00	\$9,129,890.00	\$13,133,000.00	71%	Increase to the State share from \$6,191,200 to \$9,129,890 due to additional FY 2024 CIP funding approved by the IAC at the March 12, 2026 Meeting. Figures were manually adjusted due to a previously approved revision.	03/13/2025	\$ -	-
Calvert	Northern Middle/Replacement	L04F006	Keller Construction Management, LLC	\$40,320,300.00	\$37,367,513.00	\$16,448,385.00	\$19,401,172.00	\$56,768,685.00	61%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	2/13/25	\$ -	-
Calvert	Patuxent High/ Door Hardware & Improvements	L04F019	Scheibel Construction, Inc.	\$2,700.00	\$ -	\$5,400.00	\$8,100.00	\$8,100.00	100%	Increase to the State share of \$2,700 due to a realignment of FY 2026 SSGP funds.	3/12/2026	\$ -	-
Calvert	Plum Point Middle/Door Hardware & Improvements	L04F017	Scheibel Construction, Inc.	\$10,727.00	\$9,827.00	\$8,973.00	\$9,873.00	\$19,700.00	100%	Increase to the State share of \$900 due to a realignment of FY 2026 SSGP funds. The project was previously awarded \$873 via the Aging Schools Program.	3/18/26	\$ -	-
Calvert	Sunderland Elementary/HVAC	L04F014	American Combustion Industries, Inc	\$2,298,000.00	\$1,588,290.00	\$ -	\$709,710.00	\$2,298,000.00	54%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	6/12/2025	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	ECS Mid-Atlantic, LLC.	\$399,966.10	\$135,988.47	\$ -	\$263,977.63	\$399,966.10	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Action Electrical Contractors, Inc.	\$9,162,803.00	\$14,392,000.00	\$17,729,197.00	\$12,500,000.00	\$26,892,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/2024	\$ -	-

Cecil	North East Middle/High/Replacement	L07F044	George Moehrle Masonry, Inc.	\$10,952,000.00	\$12,472,485.06	\$6,000,000.00	\$4,479,514.94	\$16,592,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Gray & Son, Inc.	\$3,786,000.00	\$3,702,069.24	\$ -	\$83,930.76	\$3,786,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Glass Industries, LLC	\$3,151,000.00	\$1,295,377.00	\$ -	\$1,855,623.00	\$3,151,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Strayer Contracting, Inc.	\$21,124,000.00	\$16,688,047.71	\$ -	\$4,435,952.29	\$21,124,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	11/14/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Chesapeake Geosystems, Inc.	\$1,851,164.00	\$1,847,220.00	\$3,581,836.00	\$3,585,780.00	\$5,433,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	TJ Distributors, Inc.	\$340,200.00	\$327,420.00	\$ -	\$12,780.00	\$340,200.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Anchor Mechanical, LLC	\$21,889,009.00	\$25,935,000.00	\$13,545,991.00	\$9,500,000.00	\$35,435,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/2024	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	11400, Inc.	\$1,057,000.00	\$993,460.00	\$ -	\$63,540.00	\$1,057,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/2024	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Home Tech, LLC.	\$2,989,210.00	\$1,723,403.24	\$ -	\$1,265,806.76	\$2,989,210.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/2024	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Kinsley Steel Inc	\$14,480,000.00	\$9,923,200.00	\$ -	\$4,556,800.00	\$14,480,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	9/12/24	\$ -	-
Cecil	North East Middle/High/Replacement	L07F044	Canyon Contracting, Inc.	\$2,569,074.00	\$2,563,600.00	\$4,970,926.00	\$4,976,400.00	\$7,540,000.00	66%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/24	\$ -	-
Frederick	Linganore Creek Elementary/New	L10F084	Smolen Emr Ilkovitch Architects	\$2,494,490.00	\$773,291.00	\$ -	\$1,721,198.00	\$2,494,490.00	69%	Increase to the State share to include previously approved FY 2025 CIP funds.	4/9/2026	\$ -	-
Garrett	Southern Middle/Renovation/Addition	L11F008	Howard Shockey and Sons, Inc.	\$15,519,073.00	\$13,753,207.00	\$32,436,667.00	\$34,202,533.00	\$47,955,740.00	89%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/8/24	\$ -	-
Maryland School for the Blind	Maryland School for the Blind/Athletic Facilities: Gym and Pool Replacement	L25F001	Lewis Contractors, Inc.	\$44,117,644.36	\$32,117,644.00	\$11,981,694.64	\$23,981,695.00	\$56,099,339.00	100%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	7/17/2025	\$ -	-
Montgomery	Crown High/New	L15F284	Keller Construction Management, LLC	\$132,682,574.00	\$132,380,744.00	\$45,061,914.00	\$45,363,744.00	\$177,744,488.00	50%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting; increase is limited to \$301,830 to not exceed the eligible State contract share.	12/19/2024	\$ -	-
Prince George's	William S. Schmidt Outdoor Education Center/Replacement	L16F199	Janus Contractors, Inc.	\$662,600.00	\$178,902.00	\$ -	\$483,698.00	\$662,600.00	73%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/14/25	\$ -	-

Prince George's	William S. Schmidt Outdoor Education Center/Replacement	L16F199	J. A. Argetakis Contracting Co.	\$2,872,095.00	\$775,465.65	\$ -	\$2,096,629.35	\$2,872,095.00	73%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/14/25	\$ -	-
Prince George's	William S. Schmidt Outdoor Education Center/Replacement	L16F199	Singer Ashland	\$561,009.00	\$151,472.43	\$ -	\$409,536.57	\$561,009.00	73%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/14/2025	\$ -	-
Prince George's	William S. Schmidt Outdoor Education Center/Replacement	L16F199	Autumn Contracting, Inc.	\$2,189,481.00	\$2,162,344.92	\$ -	\$27,136.08	\$2,189,481.00	73%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	8/14/2025	\$ -	-
Somerset	Crisfield Academy & High/Limited Renovation	L19F004	Oak Contracting, LLC	\$30,801,377.00	\$18,128,273.00	\$7,947,750.00	\$20,620,854.00	\$38,749,127.00	100%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	7/7/25	\$ -	-
Talbot	Easton Middle/Roof	L20F004	Garland/DBS, Inc.	\$3,698,490.00	\$1,539,396.00	\$ -	\$2,159,094.00	\$3,698,490.00	60%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	5/14/2026	\$ -	-
Washington	Downsville Pike Elementary/New	L21F059	Waynesboro Construction Co., Inc.	\$12,163,517.00	\$4,970,001.00	\$6,552,000.00	\$13,745,516.00	\$32,781,989.00	88%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting. BTL funding for the project is \$19,036,473. The total contract amount includes the State and Local shares of CIP funding as well as the BTL funding.	11/13/2025	\$ -	-
Wicomico	Fruitland Primary/Replacement	L22F016	Whiting Turner Contracting Company	\$55,218,095.00	\$32,679,125.00	\$13,041,905.00	\$35,580,875.00	\$68,260,000.00	100%	Increase to the State share due to additional FY 2027 CIP funds approved by the IAC at the May 14, 2026 meeting.	7/17/2025	\$ -	-

Item 2.D. Executive Director Approvals of Extensions to Special Funding Programs

Motion:

This item is informational and does not require IAC action.

Background Information:

The below deadline extensions to the reimbursement request deadlines for the presented Aging Schools Program awards were authorized by the Executive Director of the IAC within the past 45 days.

LEA	Facility Name and PSC	Scope and FY	Prior Deadline	New Deadline
Baltimore City	West Harbor City Building #413 (PSC L30F213)	Elevator, FY 2024	12/02/2024	05/05/2026
Baltimore City	Thomas G. Hayes Building #102 (PSC L30F275)	Exterior Door Monitoring, FY 2024	12/02/2024	05/05/2026
Baltimore City	William Paca Elementary #83 (PSC L30F042)	Elevator, FY 2023	02/01/2024	05/05/2026

Item 2.E. Additional Capacity Site Approval – Calvert County Public Schools – Calvert Elementary (PSC L04F004) and Calvert Country School (PSC L04F012)

Motion:

To approve Calvert County Public Schools' (CCPS) use of the existing Calvert Elementary School (PSC L04F004) and Calvert Country School (PSC L04F012) sites for the construction of a new colocated Calvert Elementary School and Calvert Country Facility (PSC L04F030) to replace their separate existing facilities, and to retain the existing facilities for future use as swing space; adhering to the actions identified in the State clearinghouse review, State identifier MD20260317-0121.

Background Information:

CCPS is requesting site approval from the IAC for the future construction of the replacement colocated Calvert Elementary School and Calvert Country School facilities. The site presently houses the current separate Calvert Elementary and Calvert Country School facilities and is owned and utilized currently by CCPS; approval by the IAC constitutes approval of the increased capacity of both the existing and new buildings on the site.

The existing buildings are expected to be retained for use as a swing space, resulting in an increased capacity on the site. State Clearinghouse review was completed on April 21, 2026

Item 3. FY 2027 Capital Improvement Program Amendments – St. Mary’s County Public Schools

Motion:

1. To rescind \$3,658,447 of funding from the FY 2027 Capital Improvement Program award for the St. Mary’s County Public Schools’ (SMCPS) Esperanza Middle (PSC L18F010) multisystemic project and transfer the rescinded funds to the LEA’s reserve account; and,
2. To amend the FY 2027 Capital Improvement Program Leonardtown High (PSC L18F004) chiller replacement to award \$1,295,689 from the LEA’s reserve account to partially fund the project.

Background Information:

On May 14, 2026, IAC staff received a request from SMCPS to amend the FY 2027 Capital Improvement Program due to unforeseen circumstances that have arisen since the submission of their funding requests. The chiller replacement at Leonardtown High was not awarded funding due to fiscal constraints, and the school is currently operating on one chiller which is putting a strain on the system resulting in on-going repairs. SMCPS believes they need to replace the chiller as soon as possible to avoid further repair costs and the possibility of the only operating chiller breaking down. The project has been designed and is ready to be released for bidding once funding is secured.

In order to make funding available, SMCPS is requesting to rescind \$3,658,447 of CIP funding awarded to the Esperanza Middle School multisystemic project and award \$1,295,689 to the Leonardtown High School chiller replacement project. This leaves a balance of \$1,988,653 for the Esperanza Middle School project, which is being used to enter into a design contract for the project to proceed. The balance of funding for the Esperanza Middle School multisystemic project will be requested in the FY 2028 Capital Improvement Program.

Item 4. FY 2027 Capital Improvement Program Amendment and Maximum State Award Increase – St. Mary’s County Public Schools - Chopticon High (PSC L18F019) Multisystemic Project

Motion:

1. To increase the Maximum State Award (MSA) for the Chopticon High (PSC L18F019) multisystemic project from \$33,056,182 to \$37,828,186, in accordance with COMAR 14.39.02.08B; and,
2. To award \$2,736,916 from the LEA’s reserve account to the FY 2027 Capital Improvement Program (CIP) Chopticon High multisystemic project

Background Information:

COMAR 14.39.02.08B allows the IAC to:

“...increase the maximum State construction allocation for a capital maintenance project when: (1) The LEA submits: (a) The final project scope of work; and (b) A cost estimate developed by a design professional licensed in the State of Maryland or the bid tabulation for the project; (2) The LEA documents that the: (a) LEA has taken reasonable actions to reduce construction costs; and (b) Construction costs have resulted from exceptional circumstances; and (3) The IAC determines that: (a) The requested scope of work is eligible for State funding; and (b) The scope of work and associated costs are reasonable.”

On May 14, 2026, IAC staff received notification from SMCPS that bids received for the FY 2025 CIP multisystemic project at Chopticon High School came in over budget. The project was originally estimated in 2024 and since that time, the market has seen increased costs for equipment and labor which led to the bid coming in over budget. The LEA is requesting approval to increase the Maximum State Award for the project from \$33,056,182 to \$37,828,186 and apply \$2,736,916 in reserve funds to the project, which would result in a total award of \$35,793,098. The balance of funding totaling \$2,035,088 is anticipated to be requested in the FY 2028 CIP.

IAC staff have reviewed the request and find the costs to be reasonable.



Item 5. State and Local Fiscal Recovery Fund Project Funding Source Revisions

Motion:

To approve the rescission of \$39,801,100 of federal State and Local Fiscal Recovery Funds (SLFRF) from the presented FY 2022 and FY 2023 Healthy School Facility Fund (HSFF) projects in Table 1 and transfer the funds to the Statewide Reserve, to award the same amount of State funds to the presented projects in Table 1, and to revise the presented projects in Table 2 to apply SLFRF funds and revert the same amount of funds to the applicable LEA’s Reserve Account.

Background Information:

The American Rescue Plan Act authorized the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program and a total of \$78,073,440 of these funds were awarded to Maryland LEA projects related to heating, ventilation, air conditioning, and roofing projects via the FY 2022 and FY 2023 HSFF. A provision of use of these funds requires that the funds are spent by December 31, 2026. To meet this deadline, the IAC requires that reimbursement requests must be received by September 1, 2026.

Due to project delays, this Item proposes that seven Baltimore City Public Schools heating projects have their SLFRF funds replaced by non-Federal funds that will allow additional time for completion. These SLFRF funds would then be applied to other SLFRF-eligible projects that can meet the deadlines associated with the Federal funds. Essentially, the IAC will swap the funding source from State funds to Federal SLFRF funds for payments that have already been made, ensuring that SLFRF deadlines are met.

To allow for the change, IAC staff and DBM staff coordinated to have the following language included in the 2026 Legislative Session’s Budget and Finance Reconciliation Act, Senate Bill 0284:

“notwithstanding any other provision of law, the Interagency Commission on School Construction may reallocate federal funding awarded from fiscal years 2022 and 2023 for heating, ventilation, and air-conditioning upgrades for public school buildings to ensure compliance with the provisions of the American Rescue Plan Act of 2021.”

Table 1: Current SLFRF Projects Requiring Funding Adjustments

School	PSC	HSFF FY of Approved Funds	Previously Approved SLFRF Funds	Requested SLFRF Funding Change	Revised SLFRF Funding Amount	New Funding Source & Fiscal Year	New Additional Funding Amount
Booker T. Washington Building #130 Heating L30F168	L30F168	2023	\$222,119	(\$222,119)	\$0	2023- BOND	\$222,119
Cecil Elementary School #7	L30F250	2022	\$5,808,000	(\$5,609,100)	\$198,900	2023-BOND 2023-EGRC	\$5,609,100
Francis M Wood Building #178	L30F115	2022	\$1,731,200	(\$1,731,200)	\$0	2023-EGRC	\$1,731,200

School	PSC	HSFF FY of Approved Funds	Previously Approved SLFRF Funds	Requested SLFRF Funding Change	Revised SLFRF Funding Amount	New Funding Source & Fiscal Year	New Additional Funding Amount
Johnston Square Elementary 16	L30F234	2023	\$8,260,890	(\$8,260,890)	\$0	2023-EGRC 2024-SPECF	\$8,260,890
Moravia Elementary Lower Building #105A	L30F057	2022	\$7,180,800	(\$7,180,800)	\$0	2023-BOND 2024-SPECF	\$7,180,800
Morrell Park PK-8 School #220	L30F049	2022	\$5,280,000	(\$5,280,000)	\$0	2016- BOND 2023 BOND 2024 GENF	\$5,280,000
Paul Laurence Dunbar Middle School Building #133	L30F147	2023	\$11,516,991	(\$11,516,991)	\$0	2017-BOND 2020-EGRC 2021-BOND 2022-BOND 2022-EGRC 2024-GENF	\$11,516,991
Total	n/a	n/a	\$40,000,000	(\$39,801,100)	\$198,900	n/a	\$39,801,100

Note that "BOND," "SPECF," and "GENF" are typically funding sources initially allocated in the State budget as Capital Improvement Program funds. The "New Funding Source & Fiscal Year" column is for informational purposes only and the applied funding source may be adjusted by the IAC's Finance staff in order to utilize oldest funding sources first or for other accounting purposes.

Table 2: HVAC Projects Recommended to be Awarded SLFRF Funds.

School	PSC	Previously Approved Funding Source & Fiscal Year	Previously Approved Funds	Requested Change to Previously Approved Funds	Revised Previously Approved Funding Amount	New HSFF FY of SLFRF Funds	New SLFRF Funding Amount
Bates Middle	L02F037	2023-BOND	\$3,073,944.50	\$(3,073,944.50)	\$0.00	2022	\$3,073,944.50
Bates Middle	L02F037	2023-EGRC	\$6,906,362.00	\$(6,906,362.00)	\$0.00	2022	\$6,906,362.00
Glen Burnie High	L02F020	2024-SPECF	\$2,607,805.00	\$(2,607,805.00)	\$0.00	2022	\$2,607,805.00
Lindale Middle	L02F127	2024-SPECF	\$4,740,000.60	\$(4,739,513.62)	\$486.38	2022	\$4,739,513.62
Lindale Middle	L02F127	2024-EGRC	\$786.00	\$(786.00)	\$0.00	2022	\$786.00
Chesapeake High	L03F003	2023-BOND	\$2,472,688.88	\$(2,472,688.88)	\$0.00	2022	\$2,472,688.88
Chesapeake High	L03F003	2023-BOND	\$3,119,961.53	\$(3,119,961.53)	\$0.00	2023	\$3,119,961.53
Perry Hall High	L03F011	2023-BOND	\$3,648,000.00	\$(3,648,000.00)	\$0.00	2023	\$3,648,000.00
South Dorchester Pre K-8	L09F012	2016-BOND	\$258,046.00	\$(258,046.00)	\$0.00	2023	\$258,046.00
South Dorchester Pre K-8	L09F012	2023-BOND	\$2,150,848.00	\$(1,024,222.10)	\$1,126,625.90	2023	\$1,024,222.10
Brookhaven Elementary	L15F055	2024-GENF	\$2,922,150.00	\$(2,922,150.00)	\$0.00	2023	\$2,922,150.00

School	PSC	Previously Approved Funding Source & Fiscal Year	Previously Approved Funds	Requested Change to Previously Approved Funds	Revised Previously Approved Funding Amount	New HSFF FY of SLFRF Funds	New SLFRF Funding Amount
Dr. Ronald E. McNair Elementary	L15F162	2021-BOND	\$487,000.00	\$(487,000.00)	\$0.00	2023	\$487,000.00
Dr. Ronald E. McNair Elementary	L15F162	2022-BOND	\$828,750.00	\$(828,750.00)	\$0.00	2023	\$828,750.00
Dr. Ronald E. McNair Elementary	L15F162	2022-EGRC	\$146,250.00	\$(146,250.00)	\$0.00	2023	\$146,250.00
Meadow Hall Elementary	L15F250	2024-GENF	\$2,572,000.00	\$(2,572,000.00)	\$0.00	2023	\$2,572,000.00
James Madison Middle	L16F114	2017-BOND	\$377,298.00	\$(377,298.00)	\$0.00	2023	\$377,298.00
James Madison Middle	L16F114	2020-EGRC	\$1,740,461.50	\$(1,740,461.50)	\$0.00	2023	\$1,740,461.50
James Madison Middle	L16F114	2020-BOND	\$3,700,000.00	\$(2,875,860.87)	\$824,139.13	2023	\$2,875,860.87
Total	n/a	n/a	\$41,751,566.13	\$(39,801,100)	\$1,951,251.41	n/a	\$39,801,100

IAC staff recommend approval of these revisions.

Item 6. Proposed COMAR Amendments to 14.39.02 and 14.39.04 – Departmental Bill

Motion:

To approve amendments to COMAR 14.39.02 and 14.39.04 that incorporate revisions to regulations that were approved during the 2026 Legislative Session as a result of the passage of the IAC's Departmental Bill, Senate Bill 48.

Background Information:

On May 26, 2026, Governor Wes Moore signed Senate Bill 48, the IAC's departmental bill, enacting said bill into law. The bill included several changes to IAC processes that require revisions to COMAR. These revisions include:

- Changing the term 'maximum State construction allocation' to 'Maximum State Award' throughout COMAR to align with current agency usage;
- Amending the requirement for the 75% Capital Improvement Program approval to be replaced with notification letters to LEAs indicating anticipated funding levels;
- Clarification that non-public school use includes facilities that are utilized for purposes that are not eligible for State school construction funding; and,
- Other small procedural or definition changes that bring COMAR up to date with terms and processes already in place.

IAC staff recommend approval of these changes.

Title 14
INDEPENDENT AGENCIES

Subtitle 39 Interagency Commission on School Construction

14.39.02 Administration of the Public School Construction Program

Authority: Education Article, §§4-126, 5-303, and 5-308; State Finance and Procurement Article §§5-7B-07; Annotated Code of Maryland

.04 Capital Improvement Program.

A.– C. (text unchanged)

D. Preliminary State Capital Improvement Program *Reports*.

(1) By [December 31] *November 30* annually, the IAC shall [approve a preliminary State capital improvement program for the following fiscal year that:] *provide to each LEA and local governing body a report that details information for each project that an LEA has requested for State funding in that year's CIP, including information on:*

(a) [Identifies new construction projects, including replacement schools and additions, renewal projects, renovation projects, capital maintenance renovation projects, and relocatable facilities recommended for local planning approval, project development and design funding approval, or funding approval;] *The status of the request; and*

(b) [Identifies] *If available, the [a maximum] Maximum State [construction allocation] Award for each project[; and] estimated or adopted by the IAC.*

[(c) Totals 75 percent of the preliminary school construction allocation, as determined under State Finance and Procurement Article § 8-113, Annotated Code of Maryland.]

(2) *On or before December 31 and January 31 of each year, the IAC shall provide to each LEA and each local governing body a report that details information for each project that an LEA has requested for State funding in that year's CIP, including information on;*

(a) The status of the request;

(b) If available, the Maximum State Award as estimated or adopted by the IAC; and

(c) The projected 100% Capital Award.

[(2)] (3) A capital maintenance project solicited before IAC approval is eligible for State funding if it has design development and construction document approvals by the IAC and was deemed eligible but deferred due to fiscal constraints in a prior year CIP.

E. Interim State Capital Improvement Program.

(1) Before March 1 of each year, the IAC shall submit to the presiding officers and the budget committees of the General Assembly and the Department of Legislative Services an interim State capital improvement program that totals 90 percent of the anticipated final capital budget by proposing:

(a)– (e) (text unchanged)

(f) A [maximum] *Maximum State [construction allocation] Award* for each project.

(2) The IAC shall take into account:

(a) The preliminary State Capital Improvement Program *reports*;

(b)– (e) (text unchanged)

(3) A capital maintenance project solicited before IAC approval is eligible for State funding if it has design development and construction document approvals by the IAC and was deemed eligible but deferred due to fiscal constraints in a prior CIP year.

(4) *LEAs will have the opportunity to appeal project recommendations at the commission meeting where these awards are presented as set forth in the fiscal year cycle Capital Improvement Program instructions.*

F. Final State Capital Improvement Program IAC Approval.

(1) After May 1 and before June 1, provided that the capital budget is approved during the regular General Assembly Session, the IAC shall approve a final State capital improvement program that identifies new construction projects, including replacement schools and additions, renewal projects, renovation projects, capital maintenance projects, and relocatable facilities recommended for planning approval or funding approval and that identifies a [maximum] *Maximum State [construction allocation] Award* for each project.

(2) The approval shall take into account:

(a) The [preliminary] *interim State capital improvement program*;

(b)– (f) (text unchanged)

(3). (text unchanged)

G. (text unchanged)

.07 Maximum State [Construction Allocation] Award

- A. The [maximum State construction allocation] *Maximum State Award* is the maximum amount the State may fund of eligible costs for each public school construction project.
- B. The [maximum State construction allocation] *Maximum State Award* for each approved public school construction project is set in the State capital improvement program.
- C. The [maximum State construction allocation] *Maximum State Award* is set at the first year of construction funding approval.
- D. The actual funding is based on the costs of approved contracts and may be less than the [maximum State construction allocation] *Maximum State Award*.
- E.– F. (text unchanged)
- G. New Construction. The [maximum State construction allocation] *Maximum State Award* for new construction is calculated according to either:
- (1)– (2) (text unchanged)
- H. Renewal.
- (1) The [maximum] *Maximum State [construction allocation] Award* for projects proposed to renew buildings or portions of buildings, 16 years or older, is calculated according to either:
 - (a) The following formula:
 - (i)– (ii) (text unchanged)
 - (iii) Age of building portion containing the renewal as measured from January 1 following the [IAC] December 31 *report drafted by the IAC under Regulation .04D(2) of this chapter*[submission of the preliminary State capital improvement program]: 40 years or older—100 percent; 31 to 39 years—85 percent; 26 to 30 years—75 percent; 21 to 25 years—65 percent; 16 to 20 years—50 percent; and 0 to 15 years—0 percent.
 - (iv)– (vi) (text unchanged)
 - (b) (text unchanged)
 - (2) Adjustments to the Maximum State [Construction Allocation] *Award* for Renovation Projects. The IAC may:
 - (a) Subtract funding from the [maximum State construction allocation] *Maximum State Award* that the State has approved for other projects less than 16 years old at that school; and
 - (b) Adjust the [maximum] *Maximum State [construction allocation] Award* for renovation of a building that exceeds the gross area baseline.
- (3) (text unchanged)
- I. Renovation.
- (1) (text unchanged)
 - (2) The [maximum] *Maximum State [construction allocation] Award* for a renovation is calculated by multiplying the estimated costs of construction, including site work, by the State cost share percentage.
 - (3) At the time of contract award, the actual funding is based on the costs of items eligible for State participation, up to the [maximum] *Maximum State [construction allocation] Award*.
 - (4) Adjustments to *the* Maximum State [Construction Allocation] *Award* for a Renovation.
 - (a) The IAC may subtract from the [maximum] *Maximum State [construction allocation] Award* funding approved for other projects not older than 15 years old at that school.
 - (b) (text unchanged)
 - (5)– (6) (text unchanged)
- J. Addition. When a project involves an addition only, the IAC at its discretion may calculate the [maximum] *Maximum State [construction allocation] Award* according to either:
- (1) The following formula:
 - (a) (text unchanged)
 - (b) Then use the lesser of that amount or the actual area of the addition when calculating the [maximum] *Maximum State [construction allocation] Award* according to §E of this regulation; or
 - (2) (text unchanged)
- K. Addition in Conjunction with Renewal or Renovation. When an addition involves both an addition and a renovation or a renewal, the [maximum] *Maximum State [construction allocation] Award* is established by adding the renewal or renovation [maximum] *Maximum State [construction allocation] Award* calculated according to §G or H of this regulation and the addition (new construction) [maximum] *Maximum State [construction allocation] Award* calculated according to §J of this regulation.

L. Replacement.

(1) (text unchanged)

(2) Based on the review of the feasibility study, the IAC may set the [maximum] *Maximum State [construction allocation] Award* for a replacement school based on the cost of renovating an existing school according to §H of this regulation, or the cost of building a new school according to §G of this regulation.

(3) If the State approves renovating or renewing an existing school and the LEA builds a replacement school, the IAC may reduce the [maximum] *Maximum State [construction allocation] Award* for that project by 15 percent.

(4) (text unchanged)

M. Forward-Funded Project. If the [maximum] *Maximum State [construction allocation] Award* for a forward-funded project is calculated according to the formulas in §G, H, or I of this regulation, the following factors shall be applied:

(1)– (3) (text unchanged)

(4) For a renovation project, the amount of the awarded scope of work, not to exceed the [maximum] *Maximum State [construction allocation] Award* as developed in §H(1)(a) of this regulation.

N. Cooperative Use Space.

(1) The [maximum] *Maximum State [construction allocation] Award* for an approved project may include the State’s share of eligible costs to construct or renovate up to 3,000 gross square feet of co-located or shared space to support LEA or community initiatives to serve school children and the general community.

(2)– (3) (text unchanged)

.08 Changes to the Maximum State [Construction Allocation] Award.

After the IAC sets the [maximum] *Maximum State [construction allocation] Award* in the State capital improvement program:

A. The IAC may reduce the [maximum] *Maximum State [construction allocation] Award* if a local board changes a decision that was a reason for setting the approved scope of the project; and

B. The IAC may increase the [maximum] *Maximum State [construction allocation] Award* for a capital maintenance project when:

(1)– (3) (text unchanged)

C. The IAC may increase the [maximum] *Maximum State [construction allocation] Award* for a project other than a capital maintenance project if the LEA documents that the:

(1)– (3) (text unchanged)

.09 Project Development and Design Funding [Allocation.] Award.

A. The project development and design funding [allocation] *award* is the maximum amount the State may fund of eligible project development and design costs for a public school construction project.

B. The project development and design funding [allocation] *award* for each approved public school project is set in the State capital improvement program.

C. The project development and design funding [allocation] *award* may not exceed 10 percent of a preliminary [maximum] *Maximum State [construction allocation] Award* as set forth in Regulation .06 of this chapter and as calculated in the year of the request for project development and design funding.

.12 Eligible Expenditures

A.– B. (text unchanged)

C. New construction, as follows:

(1)– (3) (text unchanged)

(4) Modular construction, that is, [factory-fabricated structures that have the same quality systems or materials as used for permanent school construction and that meet the standards of the COMAR 05.02.04] *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 comprises two or more modular building units.*

.14 School Site Selection.

A.– C. (text unchanged)

D. Before submitting the request for site approval to the IAC, the LEA shall:

(1)– (2) (text unchanged)

(3) Submit the school site selection to the State Superintendent for approval or disapproval in accordance with Education Article, §2-303(f), Annotated Code of Maryland, *for any site that will be used for the education of students.*

.15 New Construction, Renewal, and Renovation Projects.

A.– K. (text unchanged)

L. State Payments.

(1) (text unchanged)

(2) The IAC or its designee shall review the request for payment for determination of whether the request constitutes an eligible expense and whether payment is within the [maximum] *Maximum* State [construction allocation] *Award*.

(3) (text unchanged)

M. (text unchanged)

.18 Emergency Repairs

A.– C. (text unchanged)

D. Funding. The IAC may:

(1) (text unchanged)

(2) Determine whether the emergency repair funds will be deducted from the [maximum] *Maximum* State [construction allocation] *Award* for future building renewals and renovations based on the nature and cost of the emergency repairs.

.20 Aging Schools Program.

A.– B. (text unchanged)

C. Funding.

(1)– (2) (text unchanged)

(3) An LEA may not use Aging Schools Program funds to supplement the State [allocation] *award* received for any other project.

D.– F. (text unchanged)

G. State Payment. The LEA shall submit to the IAC one request for payment per contract. The IAC or its designee shall review the request for payment for determination of whether the request comprises eligible expenditures and whether payment is within the *LEA's* allocation *and the project's award*. The State shall pay the LEA through a single reimbursement at project completion.

H. (text unchanged)

.23 Temporary or Partial Change in School Use.

A. When an LEA uses more than 10 percent of a school building for [educational] purposes *that are not eligible for State funding for public school construction* [other than as a school] for 5 years or less, the LEA shall notify the IAC of the use, the anticipated time for the use, and the expected date for reactivation as a school.

B. When an LEA leases more than 10 percent of a school building for 5 years or less:

(1) The LEA shall request IAC approval to lease by providing the IAC the information in §A of this regulation and a copy of the proposed lease; and

(2) The IAC may require the LEA to:

(a) Pay the State a proportional share of the lease proceeds based on the proportion of the State's investment in the school; and

(b) Assume the outstanding debt remaining for bonds, the proceeds of which were used to construct or renovate the school.

C. When an LEA leaves more than 10 percent of a school building vacant for 5 years or less:

(1) The LEA shall report the vacancy to the IAC by providing the information in §A of this regulation; and

(2) The IAC may require the LEA to assume the outstanding debt remaining for bonds, the proceeds of which were used to construct or renovate the school.

.24 Non-Public School Use Exceeding 5 Years.

When the LEA uses more than 10 percent of a school building [other than as a public school] *for purposes ineligible for State funding for public school construction* for more than 5 years and the State has debt remaining for bonds, the proceeds of which were used to construct or renovate that school, the IAC may require the LEA to pay a proportion of any lease proceeds and assume the remaining State debt, all calculated as of the date the LEA first began to use the school for purposes other than as a school.

.27 Assumption of State Debt, Capital Lease Financing Balances, and Disposition Proceeds.

A. (text unchanged)

B. Reimbursement for Transferred School Building

(1) A county government is not required to reimburse the State for outstanding debt service for a school building that is transferred to the county government in accordance with §A of this regulation, until [2] *five* years after the school building is transferred.

(2) After the [2-year] *five year* period ends, the county government shall reimburse the State for outstanding debt service for a school building in the amount that the county government would have been required to pay when the school building was transferred to the county.

C.– D. (text unchanged)

Title 14
INDEPENDENT AGENCIES

Subtitle 39 INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

Chapter 04 Project Delivery Methods

Authority: Education Article, §§4-126, 5-112, and 5-303, Annotated Code of Maryland

.01 Scope

A. This chapter applies to a public school construction project for building, improvement, supplies, or equipment *for which an LEA will request state funding* if it

[1] Exceeds \$50,000 [and has IAC planning or funding approval; or

(2) Requires review by the State Superintendent of Schools under Education Article § 2-303, Annotated Code of Maryland.]

.06 Construction Management at Risk.

A.– C. (text unchanged)

D. State Reimbursement.

(1) (text unchanged)

(2) Allowable post-GMP construction management services, as determined by the IAC, shall be included in total construction cost as if the CMR were a general contractor for purposes of determining the [maximum] *Maximum* State [construction allocation] *Award*, payment of requisitions, and project close out.

(3) Total State reimbursement of eligible costs may not exceed the lesser of:

(a) (text unchanged)

(b) The [maximum] *Maximum* State [construction allocation] *Award*.

(4) (text unchanged)

.07 Design-Build

A.– C. (text unchanged)

D. State Reimbursement.

[(1) If the LEA intends to seek State reimbursement, the LEA shall distinguish between preconstruction and construction scopes of work to allow the IAC or its designee to determine the costs that are eligible for State reimbursement.]

[(2)] (1)– [(4)] (3) (text unchanged)

(5) Total State reimbursement of eligible costs may not exceed the lesser of:

(a) (text unchanged)

(b) The [maximum] *Maximum* State [construction allocation] *Award*.

Item 7. Administrative Procedures Guide Amendments – Departmental Bill

Motion:

To approve amendments to the IAC's Administrative Procedures Guide (APG) as presented and to authorize IAC staff to make non-substantive changes as needed.

Background Information:

IAC staff continue to recommend changes to improve and clarify the IAC's administrative procedures guide. Changes proposed in this agenda item include:

Sections 1 and 2

- Additions and revisions to definitions of the terms 'modular construction', 'school grounds' and 'utilization'; and,
- Clarification of submission requirements for Facility Status Changes.

Section 3

- Addition of the requirement for LEAs to notify the IAC of planned redistricting that will impact eligible enrollment for a project school.
- Detailing the required content of Ed Specs;
- Revisions to the Design Review requirements for Design Documents;
- Clarify that Concentration of Poverty and English Language Learner add-ons are calculated using certain MSDE data sets;
- Clarifies the fiscal year of information available for use when determining project eligibility for the 5% funding add-on for Maintenance Effectiveness;
- Addition of the 'Requirements for Grants Utilizing Federal Funds' to Appendix C; and,
- Several small procedural changes that clarify existing IAC policy.

IAC staff recommend approval of these changes.

1.C. Definitions

Acronym or Term	Definition
<add text> Modular Construction	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 comprises two or more modular building units.<end add text>
<add text> School Grounds	The land area on which a school facility is situated, including but not limited to the surrounding athletic fields, parking areas, or other land owned by the Local BOE that is utilized by the school facility located on those grounds <end add text>.
Utilization	The ratio of the number of students, <add text> as calculated by summing the full-time equivalent enrollment reported by MSDE pursuant to Education Article, § 5-201 plus Pre-K full day equivalent students, <end add text> 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.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

Site approvals must receive State Superintendent approval for any site that will be used for the education of students, whether it will request State funding within the next three years or not. 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 of School Site

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, although they must still be approved by the State Superintendent.

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. A separate request for State Superintendent approval is not required to be made by an LEA. Sites or land acquired for the purposes of site-banking, or for non-educational use do not have to be approved by the State Superintendent until three years prior to its submission to the IAC for local planning approval.

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, ~~and schools in leased facilities for which the LEA will request school construction funds pursuant to Appendix B. Leased Facilities Policy in this APG~~ 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~~ **capital maintenance** 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.
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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~~ **for the types of facility status changes in the below table with the elements required for each type of submission.**

Type of Facility Status Change	Required Submission Documents
Easements and Rights-of-way	Acreage, use of site, timeline of transaction, approval date by the Local BOE, and Easement Agreement (if available).
Lease of 10% or more of a school facility to a third party	Term dates of lease, amount of lease per month, escalation, lessor and lessee responsibilities, draft of lease, Local BOE approval action documentation, affirmation of review by local attorney, and proposed use of site.
Transfer of a school site or building	Acreage of site, information on any buildings on property, proposed use of property, timeline for property transfer, and Local BOE approval action documentation.
Disposal of an educational facility or former school property via sale, lease, or other disposal.	Acreage of site, future use of property, and letter of request from local entity requesting to dispose property and/or local BOE action documentation if available. For sale of a property, information on the buyer, a draft Land Disposition Agreement, and an appraisal of the property. to

~~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. <end delete text>~~

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 ~~<add text>~~ school name changes, and changes to school use, educational function, and grade configurations. These types of submissions only require information on the type of change, and any related action documentation from a local county BOE meeting. ~~<end add text>~~

~~<delete text>~~

- ~~School name changes; and~~
- ~~Change in school use, changes in educational function, and grade reconfigurations. <end delete text>~~

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, will result in a requirement for reimbursement of outstanding bond debt and may additionally result in 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, is no longer used for a purpose eligible for State funding for school construction, and has outstanding bond debt in excess of \$5,000, the submitting LEA and the local County government will be required to execute a Property Transfer Agreement (PTA) between the IAC and the local jurisdiction. 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.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. Annual Refresh of Facilities Data

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~~ **school facilities** to be assessed and any relevant comments the LEA may have on those facilities;
- LEA comments on any changes to data;
- 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 designated IAC data system.

2.E.4.c. Scheduling and Coordination

IAC staff will provide the list of ~~schools~~ **school facilities** 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.

Case Type	Guideline
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.
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 <add text> that will commence construction within 18 months of the fiscal year of the notification to the LEA by the IAC <end add text>.	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 for the schools being assessed by the IAC in this fiscal year;
- 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 <delete text> Data Assessment Coordinator <end delete text> <add text> Assessment Data Coordinator <end add text> 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 Assessment Data 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.

As required by Education Article §5-310(b)(2)(ii), the IAC will accept revisions from LEAs a minimum of once every four years any information that is relevant to a given assessment, including spaces likely to contain lead paint, and certification of the Asbestos Hazard Emergency Response Act Plan for the space.

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.

3. School Construction Projects

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. <add text> An LEA planning future redistricting that will affect the eligible enrollment for a project school should notify the IAC via the adjacent schools inclusion or exclusion process in the BMS. <end add text>

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 of prospective students as compared with travel time of current students in the project and adjacent zones.
- 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 a change in grade band configuration or that will affect the plan configuration of student-occupied spaces. 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 <add text> and site <end add text>. 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 ~~end delete text~~:

- 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.

~~add text~~ The Ed Specs should include the following items with detail appropriate for the project as required to meet the intent of the Ed Specs content guidelines described above. The following list includes the content recommended to develop a comprehensive Ed Specs. However, each Ed Spec should be uniquely geared toward the specific project need:

- **Project Rationale**
 - Introduction summarizing the project and purpose of the Ed Specs.
 - Description of the location and the ways the project supports the needs of the associated communities.
 - Summary of the relevant Board of Education policies and the ways this project supports those policies.
 - Enrollment projections and justification for the anticipated investment.
 - The project-specific mission and vision statements developed during the Ed Spec process and those developed by any existing school program to be housed in the facility.
 - Project details that include the scope of the project, anticipated project budget, and schedule.
 - Any specific unique details related to project development such as procurement method, site master plan, or project phasing.
- **Educational Program**
 - Details regarding the grade bands to be served and any special programs within the facility, such as Regional Special Education, CTE, Community Schools, Alternative Education, and Judy Centers.
 - Description of the educational program and delivery methods including a detailed description of instructional and learning strategies.
 - Description of the specific teaching objectives and learning outcomes characterizing the school's instructional program.

- Description of the facility design characteristics or organizational requirements needed to support the desired outcomes.
- Details of how the facility will be used for additional community support and all uses provided outside the typical school day.
- A list of faculty and building service personnel required in the school in order to determine a total building occupancy.
- Description of the functional, spatial, and environmental characteristics of the facility associated with the educational delivery.
- Project-Design Considerations
 - Description of the site's existing conditions, if available, and any unique site conditions.
 - Programmatic requirements of site development needed to support the educational program or anticipated to be provided as part of a shared use community space.
 - Identification of the anticipated number of buses and total required parking spaces including a description of site circulation for pedestrians, cars, and buses using the site.
 - Identification of sustainable characteristics of the site-development strategy desired for the project, including opportunities for outdoor and environmental education.
 - Design standards, or a link to standardized documents that address project needs for all building systems, including applicable codes and standards; ADA and accessibility requirements; climate control and all associated building systems; life safety, security, lighting, communications and technology; building finishes; and maintenance requirements.
 - Sustainability goal including requirements for certifications, High Performance Green Building Program compliance, and Net Zero if applicable.
- Activity Areas
 - The Ed Spec should include an area summary for the facility that includes the following:
 - A list of all space types in the facility with the number of spaces to be provided and the net program area of each space type;
 - An indication of each space considered to be a teaching station to be used in calculating the estimated State-Rated Capacity for the facility;
 - The total of all net spaces, the anticipated net-to-gross ratio, and the resulting gross square footage for the facility;
 - The estimated State-Rated Capacity;.
 - Separately calculated area totals for any Cooperative-Use Space and any spaces to be considered for the Concentration of Poverty and English Learner GSF add-ons based upon their estimated availability for the project (contact your CPM to help determine estimated availability if needed); and
 - For projects with CTE space, the net area for each CTE program anticipated to be approved or approved by MSDE, calculated separately for the determination of the CTE add-on.
 - The Ed Spec should include a room data sheet that provides a description of each type of space included in the area summary with the following information:
 - Total number of each type of space to be included;

- Net size of the space, total student capacity, and number of adults anticipated to regularly use the space;
- Program activities intended to take place within the space, including the ways the space will be organized and transformed throughout the day to suit various group sizes;
- Spatial relationships and adjacency requirements and preferences;
- Environmental requirements, including sound control, lighting requirements, natural light, and visual connections;
- Finishes for flooring, base, ceiling, and walls;
- Fixed equipment anticipated to be in the contract for construction as well as movable equipment included as part of a separate procurement;
- Building-system requirements, including HVAC, plumbing, electrical, and technology requirements; and
- Any other unique feature or requirement for the space type. <end add text>

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

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 typically within 30 days via the BMS process. 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 **<add text> by attaching them to the BMS process <end add text>**.

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 ~~in this section~~ 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. ~~An example format can be found on the IAC's website, but any format can be used so long as it provides the required information.~~

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~~ **project other than a capital maintenance project** 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~~ ~~project other than a capital maintenance project~~ 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 \$1,250,000 that affect the plan configuration of student-occupied spaces or make alterations to HVAC systems that are not like-for-like replacements. 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

Locally funded projects are only those projects that have not been requested for State planning or funding approval and that will not ever be requested for State planning or funding approval. Submission of a project as “locally funded” precludes the project from receiving any State funding.

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,~~ ~~SD Submission Checklist,~~ ~~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 projects that either are State funded or for which an LEA will request state funding and:

- Are estimated to cost more than \$1,250,000;
- That will impact the plan or configuration of student-occupied spaces, or
- That replace or make changes to an HVAC system or air conditioning system that are not like-for-like replacement of system components.

~~Failure to submit a project for DD review precludes the project from future State funding.~~
A project that has both requested funding for a project estimated under \$1,250,000 and

has a DD estimate under \$1,250,000 but receives bid results over \$1,250,000 will not be required to request retroactive DD approval. <end add text>

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 that cost in excess of \$1,250,000 and will affect the plan configuration of student-occupied spaces. 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

<add text> Locally funded projects are only those projects for which an LEA does not intend to request State funding in the future. A project submitted for review as a Locally Funded project that later requests State funding will have to be resubmitted for IAC review and approval. <end add text> Review of locally funded projects is through the OSF. Refer to locally funded project submission requirements 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 <delete text> and forward funded <end delete text> 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.

~~<delete text> 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. <end delete text>~~

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 projects that either are State funded or for which an LEA will request state funding and:

- Are estimated to cost more than \$1,250,000;
- That will affect the plan or configuration of student occupied spaces; or
- That replace or make changes to an HVAC system or air conditioning system that are not like-for-like replacement of system components.

~~Failure to submit a project for DD review precludes a project from future State funding.~~ A project that has both requested funding for a project estimated under \$1,250,000 and has a CD estimate under \$1,250,000 but receives bid results over \$1,250,000 will not be required to request retroactive CD approval. ~~For projects of limited scope, a combined Design Development and Construction Document submission may be acceptable. The MDGS in coordination 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 that meet the criteria established in 3.1.3. 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.I.3.b. Locally Funded Projects

<add text> Locally funded projects are only those projects for which an LEA does not intend to request State funding in the future. A project submitted for review as a Locally Funded project that later requests State funding will have to be resubmitted for IAC review and approval. <end add text> Review of locally funded projects is through the OSF. Refer to locally funded project submission requirements in accordance with the MSDE Submission Requirements for Locally-Funded Projects document.

3.I.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 that exceed \$1,250,000 and will impact the configuration of student-occupied spaces. 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%~~ **of 55% or above based upon the MSDE "State Aid Calculation" excel file for the fiscal year prior to the CIP program year**. 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% **based upon the MSDE "Students Receiving Special Services Data" excel file for the fiscal year prior to the CIP program year**. 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.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) ~~<add text>~~ and the MSDE "State Aid Calculation" excel file for the fiscal year prior to the CIP program year ~~<end add text>~~ 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 ~~<delete text> most recent <end delete text>~~ ~~<add text>~~ IAC ~~<end add text>~~ Maintenance Effectiveness Assessment ~~<delete text> by the IAC <end delete text>~~ ~~<add text>~~ most recently conducted in a fiscal year for which the MEA cycle has been finalized, which is two fiscal years prior to the CIP program year (ex: FY 2026 for the FY 2028 CIP cycle).~~<end add text>~~
- The facility received a 'Superior' rating on its ~~<delete text> most recent <end delete text>~~ ~~<add text>~~ IAC ~~<end add text>~~ Maintenance Effectiveness Assessment ~~<delete text> by the IAC <end delete text>~~ ~~<add text>~~ most recently conducted in a fiscal year for which the MEA cycle has been finalized, which is two fiscal years prior to the CIP program year (ex: FY 2026 for the FY 2028 CIP cycle).~~<end add text>~~
- The facility received an 'Adequate' rating on its ~~<delete text> most recent <end delete text>~~ ~~<add text>~~ IAC ~~<end add text>~~ Maintenance Effectiveness Assessment ~~<delete text> by the IAC <end delete text>~~ most recently conducted in a fiscal year for which the MEA cycle has been finalized, which is two fiscal

years prior to the CIP program year (ex: FY 2026 for the FY 2028 CIP cycle) and the school's ~~current~~ SFA projected lifespan as a percentage of expected useful lifespan is at least 120% ~~based upon the most recent completed and published Statewide Facilities Assessment refresh cycle, which is two fiscal years prior to the CIP program year (ex: FY 2026 for the FY 2028 CIP cycle)~~.

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~~ ~~more than one building system or components from more than one building system~~.

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. <add text>

<add text> 3.O.1.j. Security Vestibule

Projects that create or repair a secure entrance vestibule area to assist in school safety and access control to the building. <end add text>

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; <add text> to request an exemption an LEA should submit a request in writing addressed to the Executive Director and sent to iac.pscp@maryland.gov and attach documentation to satisfy the requirements of this section <end add text>

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 <delete text> within two months of the project construction closeout <end delete text>. 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.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 \$350,000 for the addition to or renovation, restoration, or construction of student-occupied spaces 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 addition or renovation projects costing more than \$1,250,000 that affect the plan configuration of student-occupied spaces 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. ~~via the Contract Approval Process in the BMS~~ within ten calendar days of board action.

<add text> Appendix C. Requirements for Grants Utilizing Federal Funds

LEAs who are subrecipients of Federal funds through the IAC will comply (and will require any sub-grantees or contractors to comply) with the following:

1. Programs and projects funded in total or in part through applicable grants shall operate in compliance with State and federal statutes and regulations, including but not limited to the 1964 Civil Rights Act and amendments, the Code of Federal Regulations (CFR) 34, the Elementary and Secondary Education Act, Education Department General Administrative Regulations (EDGAR), the General Education Provisions Act (GEPA), the Davis-Bacon Act (DBA), and the Americans with Disabilities Act (ADA). Grantees, vendors, subgrantees, and/or consultants, including officers and employees, shall comply with the Family Educational Rights and Privacy Act at all times (20 U.S.C. §1232g).
2. Grantees shall assure that its facilities are accessible to individuals with disabilities as required by the ADA and applicable regulations. The IAC reserves the right to inspect Grantee's facilities at any time to determine if Grantee is in compliance with ADA. To the extent allowed by laws of the State of Maryland and the opinions of the State Attorney General, and subject to an appropriation of funds by the Maryland General Assembly for the purpose contemplated in the paragraph, Grantee shall indemnify and hold the State harmless in any administrative proceeding or action brought pursuant to the ADA for all damages, attorneys' fees, litigation expenses and costs, if such action or proceeding arises from the acts of Grantee, Grantee's employees, agents, or subgrantees relating thereto and rising out of or in connection with the negligent acts or omissions of the grantee under this agreement.
3. Grantees shall establish and maintain fiscal control, fund accounting procedures by fund, as set forth in 2 CFR §200 and in applicable statute and regulation. By accepting federal funds, Grantees agree that the amount of any grant award is contingent upon the State's receipt of federal funds. Grantees shall retain all records of its financial transactions and accounts relating to applicable grants for a period of five years, or longer if required by federal regulation. Such records shall be made available for inspection and audit by authorized representatives of the IAC.
4. Acceptance of Federal Grant funds disbursed by the IAC constitutes acknowledgement by the grantee to comply with all federally established funding deadlines and requirements, and that there is no guarantee that the IAC will be able to utilize State-established grant extensions to funding programs utilizing Federal funds either partially or in full.
5. Grantees expending federal funds of \$750,000 or more in a single fiscal year must have an annual financial and compliance audit in accordance with 2 CFR Subpart F 200.500 et. seq. <end add text>