



## Meeting Minutes – June 13, 2024

### 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  
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  
Krishnanda Tallur as Designee for Dr. Carey M. Wright, State Superintendent of Schools

### Members Not in Attendance:

Brian Gibbons, Appointee of the Speaker of the House

### Revisions to the Agenda:

None.

### Public Comment:

None.

### IAC Correspondence:

None.

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

Executive Director Alex Donahue gave a brief update to the IAC regarding the ongoing collaboration with Worcester County Public Schools leadership regarding school facilities capital needs. Executive Director Donahue indicated that the Worcester County Commission and Worcester County Board of Education recently decided to convene with the IAC to discuss Buckingham Elementary, as well as other ongoing school facility needs. Executive Director Donahue also indicated that he has been traveling to multiple counties over the past year, in addition to Worcester, to encourage coordination and collaboration between County governments and agencies and the State.

Mr. Darenberg asked how long the IAC had been in discussion with Worcester County. Executive Director Donahue indicated that discussions with the LEA have been ongoing over the past two Capital Improvement Program (CIP) cycles, and that the conversations have broadened to three-party discussions in Worcester County over the past three months.

**2. Consent Agenda – [Motion Carried]**

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

**a. May 9, 2024 Meeting Minutes**

To approve the draft May 9, 2024 IAC Meeting Minutes, as presented.

**b. Contract Awards**

To approve contract procurement 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 and/or corrections to project allocation information.

**d. Correction to Project Allocation Reversion**

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 and/or corrections to project allocation information.

**e. Pass Through Grant Request – Talbot County Public Schools – Chapel District Elementary School (PSC #20.006) Renovation/Addition**

To approve the award of Talbot County Public School's Pass-Through Grant Program (PTG) balance totaling \$1,671 to the Chapel District Elementary School Renovation/Addition project (PSC 20.006).

**3. Maximum State Allocation Increase and Award of Reserve Funds – Washington County Public Schools – North Hagerstown High School (PSC 21.024) Window and Masonry Replacement – [Motion Carried]**

Capital Projects Manager Lisa Vaughn presented a request from Washington County Public Schools to increase the Maximum State Allocation for the North Hagerstown High School Window and Masonry Replacement project by \$317,626, resulting in an increase from \$790,000 to \$1,107,626. Additionally, WCPS requested a transfer of this difference from the Washington County Public Schools reserve account to the FY 2023 CIP project. Ms. Vaughn indicated that the request was a result of project bids coming in higher than anticipated.

Upon a motion made by Mr. Darenberg, seconded by Vice-chair Eberhart, the IAC voted unanimously to increase the Maximum State Allocation for the Washington County North Hagerstown High School (PSC 21.024) Window and Masonry Replacement project from \$790,000 to \$1,107,626 in accordance with COMAR 14.39.02.07 and to transfer \$317,626 from the LEA's reserve funds to the FY 2023 Capital Improvement Program (CIP) project.

**4. Public Private Partnership – Prince George's County Public Schools – [Informational Only]**

Executive Director Donahue presented information regarding the ongoing Public-Private Partnership (P3) program with Prince George's County Public Schools (PGCPS) and noted that the IAC's Assistant Attorney General, Heidi Dudderar, was available for related questions. Executive Director Donahue provided an orientation to P3s in general and to the first Maryland P3 to date, and described the purpose and nature of PGCPS's State-supported second P3 that is in the process of being prepared for implementation. Mr. Donahue indicated that staff intend to schedule the approval of the related Memorandum of Understanding (MOU) and Project Agreement (PA) for the IAC's approval at its upcoming July meeting.

Mr. Darenberg asked whether the same developer is managing the P3 process for all eight Prince George's County schools. Executive Director Donahue indicated that it is, in fact, the same developer for all eight of the schools. However, Phase 1 of the P3 program, which was entirely locally funded, involved six other schools and was completed by a different developer. Additionally, Mr. Darenberg asked about the use of the interest earned on the money being held for the P3 Program for PGCPs. Executive Director Donahue indicated that this earned interest is available for use by PGCPs only to pay the P3 Developer for costs incurred under the P3 agreement.

**5. Gross Area Baseline Variance – Wicomico County Public Schools – Fruitland Primary School (PSC 22.016) Replacement – [Motion Carried]**

Capital Projects Manager Sean Vorsteg presented a request from Wicomico County Public Schools for additional gross square footage (GSF) for a Gross Area Baseline (GAB) variance for the Fruitland Primary School Replacement project. Mr. Vorsteg indicated that IAC staff were in support of the request due to the program at Fruitland not having a traditional elementary grade band structure, and having a younger than typical student population requiring additional space for play spaces, group instruction, storage, nap time, and additional toilet rooms.

Upon a motion made by Secretary Chaudhry, seconded by Vice-chair Eberhart, the IAC voted unanimously to approve a Gross Area Baseline (GAB) variance for an additional 4,858 gross square feet (GSF) at Wicomico County's Fruitland Primary School (PSC 22.016) which increases the eligible building area from 81,067 to 85,925 GSF based upon an eligible enrollment of 596 students.

**6. FY 2025 Capital Improvement Program Supplemental Information Report – [Informational Only]**

The Maryland State Department of Education's Office of School Facilities' Executive Director, Jillian Storms, presented a report on the results of the Annual Supplemental Survey that is conducted during the CIP submission process. The survey measured five focus areas in school facilities, including air conditioning availability, open space instruction areas, security vestibules, design professionals on staff, and relocatable classrooms.

Mr. Darenberg asked how the Enrollment Growth Relocatable Capacity (EGRC) Grant is utilized, and whether it is used solely for new construction. Ms. Storms indicated that EGRC funds are awarded as part of the CIP program, and Executive Director Donahue indicated that the funds can be used for a variety of project types (new construction, renovation, etc.), but that the purpose of the funding is to address utilization challenges in schools that are utilizing relocatable facilities to accommodate growth.

Mr. Darenberg asked whether EGRC funding can be used to purchase new relocatables, to which Executive Director Donahue indicated that LEAs can use the funding for relocatables, but that many school districts are attempting to phase out relocatables. Chair Kasemeyer asked what the EGRC money is designed to do, if the funding is not being used for new relocatables. Executive Director Donahue stated that the funds are used to increase the available CIP funding for LEAs with high enrollment growth or that may be working to retire their relocatables. Executive Director Donahue also indicated that none of the LEAs have expressed interest in using this funding to purchase new relocatables.

**7. Built to Learn Funding Request – Montgomery County Public Schools – JoAnn Leleck Elementary School at Broad Acres (PSC 15.035) Replacement – [Motion Carried]**

Funding Programs Assistant Sheron Johnson presented the request from Montgomery County Public Schools (MCPS) that \$8,048,000 of the Built to Learn (BTL) allocation for MCPS be applied to the JoAnn Leleck Elementary School replacement project. Ms. Johnson indicated that due to the available capacity at adjacent schools, IAC staff recommend support based on 66 eligible students, as well as additional square footage to support community services and programming for English Language Learners.

Upon a motion made by Senator Lawlah, seconded by Mr. Boyd, the IAC voted unanimously to approve Montgomery County Public Schools' (MCPS) request for Built to Learn (BTL) construction funding for the JoAnn Leleck Elementary School at Broad Acres (PSC 15.035) Replacement Project totaling \$8,048,000.

**8. Built to Learn Funding Request and FY 2025 Capital Improvement Program Maximum State Allocation Revision – Montgomery County Public Schools – Crown High School (PSC 15.284) New Construction – [Motion Carried]**

Ms. Johnson presented the request from MCPS that their remaining Built to Learn (BTL) allocation balance of \$42,008,500 be applied to the new construction of Crown High School. Ms. Johnson indicated that MCPS is eligible for 150% of the Gross Area Baseline for the portion of the project funded by BTL, resulting in an increase to the eligible square footage and an increase to the Maximum State Allocation from the original \$92,082,000 identified in the FY25 CIP to \$98,281,000.

Upon a motion made by Vice-chair Eberhart, seconded by Mr. Boyd, the IAC voted unanimously to approve Montgomery County Public Schools' (MCPS) request for Built to Learn (BTL) construction funding for the new Crown High School (PSC 15.284) totaling \$42,008,500 and to amend the FY 2025 Capital Improvement Program to reflect a Maximum State Allocation of \$98,281,000.

**9. Nonpublic Aging Schools Program & Nonpublic School Safety Grants Procedure Revisions and Exception Approvals – [Motion Carried]**

Deputy Director Cassandra Viscarra presented an item which delegated authority to grant one-time exceptions to award reimbursements of Nonpublic Aging Schools Program requests and Nonpublic School Safety grants to the Maryland State Department of Education's Office of School Facilities Executive Director and revised existing scope change requirements for the programs. Ms. Viscarra indicated that approval of this item would result in more efficient processing of reimbursement requests, and would streamline communication between non-public schools and the State.

Upon a motion made by Mr. Boyd, seconded by Vice-chair Eberhart, the IAC voted unanimously to:

1. Allow the Executive Director of the Maryland State Department of Education (MSDE) Office of School Facilities (OSF) to review exceptions to the Nonpublic Aging Schools Program (NASP) FY 2023, 2022, 2021, and 2020 and Nonpublic School Safety Grants (NPSI) FY 2021 procedures requirement that grant recipients may submit only one invoice for reimbursement only for projects that have received reimbursement prior to the date of this action;

2. To allow the Executive Director of the MSDE OSF to grant extensions to the deadline for grant recipients to submit the Request for Reimbursement form to the MSDE OSF for the FY 2020, 2021, and 2022 NASP cycles and for the FY 2021 NPSI cycle to no later than July 31, 2024; and
3. To revise all annual NASP and NPSI procedures to omit the requirement that scope changes be submitted to the MSDE OSF prior to contract approval and to instead require that, in the event of scope changes to awarded projects for these cycles, grant recipients should provide to the MSDE OSF staff a written request that includes the reason for the change(s) at the time of or prior to the reimbursement request. New project scopes must still be among the scopes eligible for the program.

**10. FY 2025 Amendments to Aging Schools Program Administrative Procedures Guide – [Motion Carried]**

Ms. Viscarra presented proposed amendments to the Aging Schools Program (ASP) Administrative Procedures Guide (APG). She indicated that these changes clarified the design review requirements that ASP projects of various scopes are subject to prior to award. She noted that these changes are largely technical clarifications and do not substantively change the reviews that are currently taking place through the program.

Upon a motion made by Mr. Boyd, seconded by Vice-chair Eberhart, the IAC voted unanimously to amend the Administrative Procedures Guide for the Aging Schools Program to reflect changes to the levels of design review required for certain project types as presented.

**11. FY 2025 Amendments to Healthy Schools Facility Fund Administrative Procedures Guide – [Motion Carried]**

Ms. Viscarra also presented this item, indicating that it was similar to the ASP amendments, but instead for the Healthy Schools Facility Fund APG.

Upon a motion made by Mr. Darenberg, seconded by Mr. Boyd, the IAC voted unanimously to amend the Administrative Procedures Guide (APG) for the Healthy Schools Facility Fund (HSFF) to reflect changes to the levels of design review required for certain project types as presented.

**12. Adoption of Final 14.39.02 COMAR Revisions – [Motion Carried]**

Policy Analyst Victoria Howard presented the final COMAR 14.39.02 revisions which were published in the March 22, 2024 Maryland Register. Ms. Howard indicated that these COMAR revisions were heard at the IAC's October 2024 meeting, and were published in the Maryland Register for the requisite 30 days for public comment. The specific amendments incorporate Gross Area Baseline Add-ons by reference, specify means by which an LEA could utilize said add-ons to obtain additional state support, clarify the number of teaching stations in gymnasiums of varying sizes, and renumber existing COMAR regulations to accommodate the additions.

Upon a motion made by Mr. Boyd, seconded by Vice-chair Eberhart, the IAC voted unanimously to adopt the final COMAR revisions as published in the March 22, 2024 Maryland Register (Volume 51, Issue 6, Pages 261-320).

**Announcements:**

None.



**Adjournment:**

Upon a motion by Mr. Darenberg, seconded by Vice-chair Eberhart, the IAC voted unanimously to adjourn the meeting at 9:56 am.