

Maryland

State Roles and Responsibilities for PK-12 Public School Facilities



2025 State Profile



**National Center on
School Infrastructure**



Authors & Acknowledgements

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Disclaimers

This state profile represents our best understanding of state policies, standards, and laws governing public PK-12 educational facilities. Any errors or omissions are the responsibility of the authors. This document should not be considered an officially approved statement of state policy.

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**National Center on
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The National Center on School Infrastructure is a national resource hub that supports states and school districts in the stewardship of America's elementary and secondary public school facilities.



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MARYLAND EXECUTIVE SUMMARY

This document provides an overview of the state of Maryland's roles and responsibilities regarding public elementary and secondary (PK12) school facilities. It is part of a National Center on School Infrastructure technical assistance project to document public school facility policy and practice across all U.S. states and territories to help build state capacity for aiding districts in their efforts to provide students and staff with healthy, safe, resilient, and educationally adequate public school buildings and grounds.

The governance and management of PK-12 public school facilities are primarily managed at the local level.¹ Local Education Agencies, LEAs, (called districts from henceforth) have the authority and responsibility for the day-to-day operations and maintenance of public school facilities, as well as for long-term planning, design, financing, and construction.

States, however, also assume a range of roles and responsibilities regarding the governance and management of school facilities. These include establishing and implementing state policies and practices to support local PK-12 public school facilities planning, facility data collection, capital and maintenance funding for buildings and grounds, facilities management, and facility standards and implementing systems for accountability.



State agencies may additionally offer technical assistance and training to help districts meet modern facility standards, mitigate risks, and enhance the overall quality of local stewardship for public school buildings and grounds. The extent of state involvement in public school facilities varies widely across states.

¹ This is true in all states, except Hawaii, which is a unitary state and local education agency.



Governance

Public education governance in Maryland is grounded in the state constitution, which directs the General Assembly to establish a “thorough and efficient System of Free Public Schools” ([Md. Const. art. VIII, § 1](#)). As part of this responsibility, the General Assembly enacts laws addressing school construction, maintenance, and oversight and appropriates capital and operating funds. The Maryland State Board of Education, established under [Md. Code, Education § 2-201](#), holds general supervisory authority and may adopt facility standards. The State Superintendent, appointed by the Board, approves school site acquisitions, project plans, and contracts exceeding \$1 million under [Md. Code, Education § 2-303\(f\)](#). The Governor submits the annual budget and participates in state capital project approvals as a member of the Board of Public Works (BPW). The Maryland Department of Planning (MDP) contributes to the site approval process by reviewing proposed school locations for compliance with Priority Funding Area requirements under state planning law. Judicial decisions, including [Bradford v. Maryland State Board of Education](#), raised issues related to school facility conditions under the state constitution but did not result in binding facility-specific orders. Periodic state task forces and commissions, such as the Kopp Commission (2002–2004) and Knott Commission (2016–2018), have contributed to the development of school facility policy and legislation.

Management

Local school districts are responsible for day-to-day operations, maintenance, and management of capital construction projects. At the state level, the [Interagency Commission on School Construction](#) (IAC), established under [Md. Code, Education § 5-302](#), administers the Public School Construction Program. The IAC reviews district capital project submissions, allocates funding, and enforces regulations adopted under [COMAR Title 14.39](#) in coordination with the Maryland Department of General Services (DGS) and the Maryland State Department of Education (MSDE). MSDE reviews feasibility studies and schematic designs, while DGS evaluates design development and construction documents for compliance with construction standards. The IAC coordinates approvals and monitors project compliance with state regulations. The Maryland Stadium Authority (MSA) delivers specific capital projects authorized under the [Built to Learn Act of 2020](#). MSA issues revenue bonds and manages construction after project approval by the IAC and Board of Public Works (BPW).



Data

The IAC oversees the statewide school facility assessment and data system under [Md. Code, Education § 5-310](#). The Integrated Master Facility Asset Library is a non-public database that contains building condition scores, system inventories, and preventive maintenance schedules. [COMAR 14.39.02.02](#) requires the IAC to maintain a comprehensive inventory of public school facilities, including location, building age, and size. Facility data is also collected through annual district submissions of Educational Facilities Master Plans (EFMPs), Capital Improvement Programs (CIPs), and Comprehensive Maintenance Plans (CMPs), required under [COMAR 14.39.02.03](#), [14.39.02.04](#), and [14.39.02.19](#). Maintenance Effectiveness Assessments (MEAs), conducted under COMAR 14.39.02.19(C), provide periodic evaluation of building maintenance outcomes. In 2024, the School Mapping Data Program ([HB 472 / SB 540](#)) was established to fund the creation of standardized school building maps to support emergency response coordination. The Maryland Center for School Safety administers the program in consultation with the IAC.

Planning

COMAR Title 14.39.02 governs Maryland's public school facilities planning. Districts are required to submit Educational Facilities Master Plans (EFMPs), Capital Improvement Programs (CIPs), and Comprehensive Maintenance Plans (CMPs) under [COMAR Title 14.39](#). The IAC uses these plans to help set its decision making priorities, for oversight, and reporting.

Maintenance Effectiveness Assessments (MEAs) are conducted on a rotating basis. Each district must submit an annual EFMP and CIP. The EFMP outlines long-term facility needs based on enrollment and building conditions. The CIP identifies planned capital projects for the next fiscal year. State-rated capacity (SRC), calculated under [COMAR 14.39.02.05](#), informs space planning and project eligibility. [COMAR 14.39.02.09](#) authorizes early design funding for preconstruction activities. Planning approval may be rescinded if a project does not proceed to design within two years ([COMAR 14.39.02.10](#)). Feasibility studies and educational specifications must be reviewed and approved by MSDE, DGS, and the IAC before a project receives planning approval.

Funding

Maryland supports school construction through general obligation bonds, MSA-issued revenue bonds, and state capital appropriations. The IAC administers funding



programs authorized under [Md. Code, Education §§ 5-301 to 5-327](#) and [Economic Development §§ 10-628 to 10-650](#). Core programs include the [Capital Improvement Program](#) (CIP), the Significant Enrollment Growth and Relocatable Classrooms (EGRC) Grant Program, the Healthy School Facility Fund, and the Aging Schools Program. Beginning in FY2027, the Public School Facilities Priority Fund ([Md. Code, Education § 5-326](#)) will provide \$70 million annually to address critical deficiencies identified through the statewide assessment. State-local cost-share formulas are defined in [Md. Code, Education § 5-303](#) and [COMAR 14.39.02.05](#) and are adjusted based on wealth, poverty levels, and other indicators. The Built to Learn Act of 2020 authorizes up to \$2.2 billion in revenue bonds. Allocations are defined in Md. Code, Economic Development § 10-650.

Accountability

Oversight of school facility funding and compliance is provided by the IAC, which conducts audits under [COMAR 14.39.02.28](#). Districts may request reconsideration of IAC decisions under [COMAR 14.39.02.29](#). Waivers are governed by [COMAR 14.39.02.30](#). Districts must submit CMPs documenting preventive maintenance efforts and participate in periodic MEAs. School construction projects must comply with the Maryland Building Performance Standards ([Public Safety § 12-503](#)), the State Fire Prevention Code, and the Maryland Accessibility Code. Siting and design regulations are specified in [COMAR Titles 14.39.02](#) and [14.39.07](#). Educational adequacy standards, authorized under [Md. Code, Education § 5-310](#) and codified in COMAR 14.39.07, establish minimum square footage and design criteria for instructional, support, and health service spaces. Health and safety policies include requirements for air quality (Md. Code, Education § 5-303), asbestos ([COMAR 26.11.21](#) and [26.11.23](#)), waste handling ([Md. Code, Education § 5-328](#)), and lead testing ([Environment §§ 6-1501 to 6-1502](#)). Radon testing guidance is issued by the Maryland Department of Health. Environmental and energy standards are established under [Md. Code, Education § 5-312v](#) and the Maryland Building Performance Standards ([Public Safety § 12-503](#)). New schools constructed with state funds must meet “high-performance building” criteria equivalent to LEED Silver or an alternative standard approved by the IAC.



MARYLAND ELEMENTARY AND SECONDARY EDUCATION

CONSTITUTIONAL BASIS

Public education is a state responsibility established in the Maryland Constitution.

Maryland Article VIII Section 1

The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance.

The requirement to provide a thorough and efficient system of public education in Maryland includes responsibilities related to school facilities. In response, the state has established statutes and regulations that govern the funding, planning, and oversight of public school buildings. These provisions define how the state supports local school systems in areas such as construction approvals, capital funding, and facility standards. School facilities are addressed in law and regulation as part of the infrastructure necessary to deliver public education in accordance with state requirements.

SCALE OF PUBLIC SCHOOL HOUSING

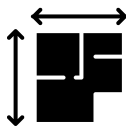
Maryland’s 25 districts reported to the U.S. Census of Governments that they operated 1,417 PK through 12th grade (and adult education) schools in fiscal year 2022. These districts enroll about 881,461 students and are the workplace for about 123,010 staff. These schools encompass about 142,178,890 gross square feet of building space statewide.



1,417
Schools



25
Districts/Charters



142,178,890
Sq. Ft.

Reported



123,010
Staff



881,461
Students

The following sections describe Maryland’s state-level roles and responsibilities for public school facilities.



MARYLAND PK-12 PUBLIC EDUCATIONAL FACILITIES

GOVERNANCE

State-level engagement in PK-12 public school facilities is firmly embedded in state systems. State boards of education, state education agencies, state legislatures, governors, and in some cases, independent commissions and facilities authorities make decisions about state roles and responsibilities associated with the quality and delivery of public school facilities. These bodies govern through state codes, regulations, standards, and budgets, which direct and influence local policies and practices regarding public school buildings and grounds. In some states, education finance equity and adequacy court cases have also played a role in defining state responsibilities for public school facilities.

LEGISLATIVE COMMITTEES AFFECTING FACILITIES

The legislative authority over school facilities in Maryland is primarily vested in the Maryland General Assembly, which includes both the House of Delegates and the Senate. Several standing committees in each chamber review and act on legislation affecting school infrastructure, including capital funding, policy, and oversight. The General Assembly enacts the state’s annual capital budget, which includes appropriations for public school construction and renovation projects. These appropriations often support bond-funded projects that are subsequently administered by the Board of Public Works and implementing agencies.

[Senate Education, Energy, and the Environment Committee](#) (EEE): Established in 2023 as the successor to the Education, Health, and Environmental Affairs Committee, the EEE reviews legislation related to public education, environmental policy, and energy use.

The committee considers bills that may impact school facility standards, environmental health requirements, and energy efficiency measures in school buildings. [Senate Budget and Taxation Committee](#): This committee reviews the state operating and capital budgets, taxation, and education finance. It plays a central role in approving funding for school construction, renovation, and capital improvements through the annual capital budget process.



[House Appropriations Committee](#): The Appropriations Committee reviews state operating and capital budgets, including the Public School Construction Program. It is responsible for legislation that allocates state capital funds for school infrastructure and evaluates bond authorization requests for construction and renovation projects.

[House Ways and Means Committee](#): This committee oversees education policy and finance in the House of Delegates. It reviews legislation that affects the structure of school funding, including school construction financing mechanisms and local education agency responsibilities.

STATE BOARD OF EDUCATION

The [Maryland State Board of Education](#) is established under [Md. Code, Education § 2-201](#) and is composed of 13 regular members and 1 student member, appointed by the Governor with the advice and consent of the Senate (§ 2-202). The Board is granted general control and supervision over public schools and the educational interests of the state under [§ 2-205\(a\)](#). It is authorized to adopt bylaws, rules, and regulations for the administration of the public school system, which carry the force of law.

Under § 2-205(j), the State Board is required to submit the annual public school budget to the Governor. This includes appropriations for the Maryland State Department of Education (MSDE) and state aid to local school systems for operating expenses, pupil transportation, and school construction.

In relation to school facilities, the State Board is authorized under § 2-205(l) to establish standards and guidelines for the planning and construction of school buildings. It may also advise county boards on educational, structural, and financial considerations related to proposed construction projects. The Board exercises this authority in coordination with the State Superintendent of Schools and other state agencies involved in school facilities, including the Interagency Commission on School Construction (IAC) and the Maryland Department of General Services (DGS).

The State Board also plays a role in approving regulations developed by MSDE that relate to school operations, including facility-related matters where applicable. Through these responsibilities, the Board contributes to the broader



regulatory and policy framework for school facility planning and oversight in Maryland.

MARYLAND STATE SUPERINTENDENT OF SCHOOLS

The [Maryland State Superintendent of Schools](#) serves as the chief executive officer of the Maryland State Department of Education (MSDE) and is responsible for the administration of public education in the state. The position is established under [Md. Code, Education § 2-301](#) and is appointed by the State Board of Education for a four-year term, as specified in [§ 2-302](#). Under [§ 2-303](#), the Superintendent carries out the policies and regulations of the State Board and ensures compliance with state education laws.

In relation to school facilities, the State Superintendent holds specific approval and review responsibilities under § 2-303(f). These include approving:

- The purchase or sale of school grounds, sites, or buildings;
- Plans and specifications for construction of new school buildings;
- Remodeling projects with an estimated cost exceeding \$1,000,000;
- Construction management and construction contracts submitted by county boards;
- Site acquisition proposals submitted at least three years before presentation to the Interagency Commission on School Construction (IAC) for planning approval.

The Superintendent is also required to provide written reasons for any disapproval of facility-related plans or contracts. These responsibilities position the Superintendent as a key reviewer in the state's school construction process, particularly during the early planning and design phases.

GUBERNATORIAL ROLE IN SCHOOL FACILITIES

The [Governor of Maryland](#) holds authority over school facility policy and funding through appointment powers, budget development, emergency powers, and participation in state-level funding approvals. Under [Md. Code, Education § 3-108\(a\)](#), the Governor appoints members of each county board of education,



unless otherwise provided by local law. These boards are responsible for the administration of educational programs and the management of school facilities within their jurisdictions.

Pursuant to [Md. Const. art. III, § 52\(3\)](#), the Governor is required to submit an annual budget to the General Assembly. This includes appropriations for public education and school construction. As part of this process, the Maryland State Board of Education submits the proposed public school budget to the Governor under [Md. Code, Education § 2-205\(j\)](#), and the budget is certified by the State Superintendent.

The Governor also plays a key role in the allocation of capital funds through membership on the [Board of Public Works](#) (BPW), which approves most state-funded school construction and renovation projects. The BPW includes the Governor, the Comptroller, and the Treasurer, and its decisions are binding for project approvals, contracts, and funding actions related to school facilities.

In addition, under the Governor's general emergency powers codified in [Md. Code, Public Safety § 14-3A-03](#) and [§ 14-3A-05](#), the Governor may suspend statutes, redirect public resources, or issue orders necessary to manage a declared emergency. This authority may include the temporary reassignment or use of public facilities, including school buildings, for emergency operations such as sheltering, testing, or relief efforts, when coordinated with relevant state and local agencies.

BOARD OF PUBLIC WORKS

The [Board of Public Works](#) (BPW) is established by [Md. Const. art. XII](#) and is composed of the Governor, the Comptroller, and the Treasurer. The General Assembly is authorized to assign powers and duties to the Board by law. The BPW has broad statutory authority over the expenditure of state funds and is responsible for approving capital projects, including those related to public school construction.

In Maryland's school construction system, the BPW serves as the final approval authority for the allocation of most state capital funds for school facility projects. It reviews and approves funding recommendations submitted by the



Interagency Commission on School Construction (IAC), including the annual [Capital Improvement Program](#) (CIP), as well as amendments, contract awards, and certain interagency agreements.

Under enabling legislation enacted in 1971, the BPW established the Interagency Committee on School Construction—now the IAC—to administer the state’s Public School Construction Program. Although day-to-day program functions are managed by the IAC, major funding actions must still be approved by the BPW. The BPW also reviews and approves memoranda of understanding (MOUs) related to the administration of construction funds, such as those entered into with the Maryland Stadium Authority under the Built to Learn Act of 2020.

MARYLAND DEPARTMENT OF PLANNING

The [Maryland Department of Planning](#) (MDP) participates in the state’s school facility governance framework through its statutory role in site approval. Under [COMAR 14.39.02.14](#), MDP is responsible for reviewing proposed sites for new or replacement public school facilities to ensure they are located within designated [Priority Funding Areas](#) (PFAs). PFAs are established under state growth policy to promote efficient infrastructure investment. MDP's review occurs alongside that of the Interagency Commission on School Construction (IAC) and the State Superintendent of Schools. If a site is proposed outside a designated PFA, MDP may be consulted during the waiver review process under [COMAR 14.39.02.30](#), which considers factors such as access to public services, land use compatibility, and proximity to student populations. While MDP does not oversee construction or funding, its regulatory review ensures alignment of school siting decisions with state planning and smart growth goals.

Ad Hoc COMMITTEES, BOARDS, AND COMMISSIONS

*COMMISSION TO STUDY SCHOOL CONSTRUCTION NEEDS AND FUNDING (1970-1971)—
“HUGHES COMMISSION”*

In 1970, the State of Maryland established the Commission to Study School Construction Needs and Funding in response to increasing public school enrollment, aging infrastructure, and inconsistent school facility investment across local jurisdictions. Commonly referred to as the Hughes Commission, it



was chaired by State Treasurer William S. James and included members from the Department of Education, Department of General Services, and representatives from local school systems and legislative bodies. The Commission was charged with assessing long-term school construction needs and recommending a framework for state participation in local school facility projects. Its findings led to the passage of legislation in 1971 that created the Public School Construction Program and established the Interagency Committee on School Construction (IAC) under the oversight of the Board of Public Works (BPW). The Commission's work resulted in a formal state-local cost-sharing system for school construction and introduced a centralized process for reviewing and approving public school facility projects statewide.

GOVERNOR'S TASK FORCE ON SCHOOL CONSTRUCTION (1985)

In 1985, Governor Harry R. Hughes convened the Governor's Task Force on School Construction to evaluate the ongoing implementation of Maryland's Public School Construction Program, which had been in operation for over a decade. The task force was established in response to growing concerns about facility conditions, demographic shifts, and the perceived need to reassess state oversight and funding processes. Membership included representatives from the Maryland State Department of Education, the Department of General Services, local education agencies, and the legislature. The task force reviewed current policies and practices governing project submission, funding allocation, and maintenance. The Task Force's recommendations informed procedural adjustments within the IAC, including improvements to prioritization criteria and early discussions on statewide facility assessments.

HUTCHINSON TASK FORCE ON SCHOOL CONSTRUCTION (1987)

In 1987, the Maryland General Assembly established the Task Force on School Construction Finance to respond to growing concerns about inadequate and aging school buildings across the state. Chaired by Donald P. Hutchinson, the task force included state officials and finance experts and was tasked with evaluating the state's school construction needs and recommending viable long-term funding strategies. The task force's [report](#) proposed a five-year, \$500 million state-local cost-sharing plan, in which the state would contribute \$60 million annually and local governments would contribute \$40 million annually to address capital facility needs.



GOVERNOR’S TASK FORCE ON SCHOOL CONSTRUCTION (1992-1993)

In 1992, Governor William Donald Schaefer established the Governor’s Task Force on School Construction to review the condition of Maryland’s public school facilities and examine the effectiveness of the state’s Public School Construction Program. The task force was formed following concerns about facility deterioration, enrollment growth in certain districts, and variations in the application of state funding procedures. Membership included representatives from the Maryland State Department of Education, the Department of General Services, local education agencies, and members of the General Assembly. The task force was charged with reviewing the state-local planning process, the project submission and approval cycle, and funding distribution procedures. The task force’s findings informed adjustments to administrative practices within the Interagency Committee on School Construction (IAC) during the 1990s and contributed to later policy discussions regarding long-term planning and facilities data systems.

TASK FORCE TO STUDY PUBLIC SCHOOL FACILITIES (2002-2004) – “KOPP COMMISSION”

The [Task Force to Study Public School Facilities](#), commonly known as the Kopp Commission, was established by the [Bridge to Excellence in Public Schools Act of 2002](#) (Chapter 288, Senate Bill 856). Chaired by State Treasurer Nancy K. Kopp, the task force included members of the General Assembly, state agencies, local school systems, and the public. It was tasked with assessing whether Maryland’s school facilities were adequate to support educational programs. In 2003, the commission conducted a statewide facility assessment covering 31 adequacy criteria. Its [final report](#), released in 2004, estimated that \$2.85 billion in investments were needed to meet minimum adequacy standards and recommended that the state allocate at least \$250 million annually for eight years and conduct recurring assessments every four years.

21ST CENTURY SCHOOL FACILITIES COMMISSION (2016-2018) – “KNOTT COMMISSION”

In 2016, the President of the Senate and the Speaker of the House established the [21st Century School Facilities Commission](#), known as the Knott Commission, to evaluate Maryland’s school construction delivery system and recommend updates aligned with current and future needs. The commission was chaired by Martin G. Knott, Jr. and included legislators, representatives of state and local agencies, education and construction professionals, and members of the



business community. Over a two-year period, the commission held 17 meetings and released a [final report](#) in 2018 with 36 recommendations organized around four themes: streamlining project delivery, improving flexibility, incentivizing best practices, and refocusing the state’s role on technical assistance and guidance. Key recommendations included conducting a new statewide school facility assessment, updating sufficiency standards, and modernizing the Interagency Committee on School Construction. These recommendations were implemented through the 21st Century School Facilities Act of 2018 ([Chapter 14, House Bill 1783](#)), which restructured the IAC into the Interagency Commission on School Construction and expanded its authority.

MARYLAND PK-12 PUBLIC EDUCATIONAL FACILITIES MANAGEMENT

Local Education Agencies (LEAs) have authority and responsibility for the day-to-day operations and maintenance of public school facilities, as well as for long-term facilities planning, design, financing, and construction. Although PK-12 public school facilities are managed locally, there are state facilities management roles and responsibilities that may involve strategic planning, data collection, state funding programs, standards and systems for accountability. State agencies may also include programs for technical assistance and training that help districts meet standards, mitigate risk, and increase the quality of local district stewardship of public school buildings and grounds. State roles and responsibilities related to elementary and secondary public school facilities vary widely across the U.S. states, with unitary districts in Hawaii and U.S. Territories, where the state agency and the local agency are combined.

MARYLAND STATE DEPARTMENT OF EDUCATION

The [Maryland State Department of Education](#) (MSDE) exercises general supervisory authority over public elementary and secondary education under [Md. Code, Education § 2-106](#). Within MSDE, the [Office of School Facilities](#) carries out specific responsibilities related to school facility planning, review, and technical support for local education agencies. The Office reviews and approves certain components of school construction projects, including feasibility studies, educational specifications, and schematic designs submitted



by districts as part of the Interagency Commission on School Construction's planning approval process. In accordance with [COMAR 13A.01.02.03](#), MSDE must approve remodeling or renovation projects exceeding \$350,000, new school construction projects, and change orders greater than \$25,000. These reviews are conducted in coordination with the Maryland Department of General Services (DGS), which is responsible for technical reviews of design development and construction documents.

MSDE also reviews and approves lease agreements submitted by local school systems for the use of instructional or administrative space. These leases are reviewed to ensure that the proposed facilities meet safety standards, are suitable for educational or programmatic use, and comply with applicable state and local codes. Lease approvals are typically required when leased space is used in lieu of capital construction or when state funds are associated with the lease.

The Office of School Facilities provides planning guidance and technical review support to local education agencies in preparing documentation required for school construction project submissions. This includes assistance with developing educational specifications, feasibility studies, and schematic designs, which are required for planning approval by the Interagency Commission on School Construction (IAC). Submission requirements and related resources are available through the [IAC Design Submissions webpage](#).

In addition to required project reviews, the Office provides technical assistance to local school systems through webinars, review meetings, and document-specific consultations. This support includes assistance with developing long-range facility plans, drafting educational specifications aligned with programmatic requirements, and assembling project documentation for schematic and design development stages. MSDE staff also participate in interagency coordination meetings with IAC and the Maryland Department of General Services (DGS) to provide programmatic review input during the project planning and approval process.

The [Maryland Center for School Safety](#) (MCSS) is an independent unit housed within MSDE. It was established under [Chapter 372 of 2013](#) and restructured under the [Maryland Safe to Learn Act of 2018](#). While not a regulatory agency for school facilities, MCSS supports districts by providing school safety training,



collecting statewide incident and safety data, and offering technical resources for emergency preparedness planning. Its work includes guidance on facility-related issues such as secure entrances, school emergency alert systems, and collaboration with public safety agencies.

MARYLAND INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION

The [Interagency Commission on School Construction](#) (IAC) is the state agency responsible for administering [Maryland's Public School Construction Program](#). The IAC was restructured in 2018 through the 21st Century School Facilities Act ([Chapter 14, House Bill 1783](#)), which amended [Md. Code, Education § 5-302](#) to establish the Commission as an independent body with authority to develop regulations, allocate state construction funding, and oversee facility planning and data systems.

The IAC is composed of nine members: the State Superintendent of Schools, the Secretary of the Maryland Department of General Services, the Secretary of the Maryland Department of Planning, and two appointees each from the Governor, the President of the Senate, and the Speaker of the House of Delegates. The IAC operates independently but coordinates with the Maryland State Department of Education (MSDE), Department of General Services (DGS), and local education agencies (LEAs).

In addition to its own oversight functions, the IAC coordinates with the Maryland DGS during project review. DGS provides technical assessments of design development and construction documents for projects receiving state funds and advises the IAC on project readiness and compliance with applicable construction standards.

Under [Md. Code, Education § 5-310](#), the IAC is responsible for developing and adopting:

- Educational facilities sufficiency standards, including criteria for building condition, capacity, and educational adequacy;
- A process for conducting and updating a statewide facilities assessment, which includes on-site evaluations, building system inventories, and condition scoring;



- The Integrated Master Facility Asset Library, a statewide database of public school facility data, maintained by the IAC and used to support planning and reporting.

The IAC approves or defers projects seeking planning approval, funding approval, or both, and reviews district Educational Facilities Master Plans (EFMPs) and Capital Improvement Programs (CIPs) under procedures established in [COMAR 14.39.02](#). It also conducts [Maintenance Effectiveness Assessments](#) (MEAs) on a rotating basis and administers several capital programs, including the Healthy School Facility Fund, the Aging Schools Program, and targeted grant programs created by the General Assembly.

In addition to its programmatic functions, the IAC has regulatory authority to adopt and enforce standards and procedures related to school facility planning, design, and funding. These are codified in [COMAR Title 14.39](#), including requirements for planning approval, project submission, sufficiency evaluation, and site approval. The IAC also manages the appeals and waiver processes established in [COMAR 14.39.02.29](#) and [14.39.02.30](#), which allow LEAs to seek reconsideration or regulatory relief under specific conditions.

The IAC's responsibilities extend across multiple phases of school facility development—from long-range planning to capital project funding—and its decisions directly affect the eligibility, approval, and timing of state-supported school construction projects.

MARYLAND DEPARTMENT OF GENERAL SERVICES

The [Maryland Department of General Services](#) (DGS) provides technical review and advisory services as part of the state's school construction approval process. While DGS does not allocate funds or set school facility policy, it plays a key role in ensuring that project designs and procurement procedures comply with state construction requirements.

Under [Md. Code, State Finance and Procurement § 4-406](#), DGS is responsible for reviewing design development documents, construction drawings, and technical specifications for school construction projects that receive state



funding. These reviews are coordinated with the Interagency Commission on School Construction (IAC) and the Maryland State Department of Education (MSDE). DGS focuses on assessing compliance with architectural, engineering, safety, and procurement standards, and provides formal recommendations to the IAC regarding project readiness.

DGS staff participate in interagency meetings during the review process and provide written feedback on the technical aspects of proposed construction projects. In addition to reviewing capital project submissions, DGS advises on the eligibility of proposed line items for state reimbursement and monitors adherence to state procurement requirements, including [Minority Business Enterprise](#) (MBE) participation.

The DGS does not engage in long-range facility planning or programmatic review, however its evaluations are required before the IAC can approve funding for projects advancing into the design and bidding phases.

MARYLAND STADIUM AUTHORITY

The [Maryland Stadium Authority](#) (MSA) implements state-authorized school construction projects under the [Built to Learn Act of 2020](#), codified in [Md. Code, Economic Development § 10-649](#). While MSA does not set policy or approve project eligibility, it serves as the state's project delivery agency for a defined set of public school construction and renovation projects funded through state-issued bonds.

The Built to Learn Act authorizes MSA to issue up to \$2.2 billion in revenue bonds to support public school construction, renovation, and replacement. These bonds are backed by annual revenue from the Education Trust Fund and are designated as limited obligations of the Authority; they do not constitute a debt of the State. Bond-funded projects must be approved by the Board of Public Works (BPW) and must align with the scope, eligibility, and cost-share determinations made by the Interagency Commission on School Construction (IAC).



MSA manages all aspects of project delivery for approved school construction projects. This includes procurement, contract management, construction oversight, and reporting. MSA enters into [Memorandum of Understanding](#) (MOUs) with IAC that define roles, funding flows, and district responsibilities for each round of projects. These MOUs require compliance with state procurement law, prevailing wage standards, Minority Business Enterprise (MBE) requirements, and other applicable regulations. MSA does not select which projects receive funding; it executes projects after IAC and BPW approvals.

MSA's scope of work includes the construction of new school buildings, major renovations, and the replacement of existing facilities. Project implementation is coordinated with the relevant school districts, and MSA is responsible for ensuring that projects are delivered on time, within scope, and in compliance with contract terms. Project funds cannot be used for land acquisition, administrative costs, or projects outside the approved scope as defined in statute and capital budget language.

The Authority is also required to submit regular reports to the General Assembly and oversight agencies, including financial disclosures, progress updates, and independent audits of bond-funded projects. These accountability measures are set forth in the Built to Learn Act and related capital appropriations to ensure transparency in the use of public funds for school construction.



MARYLAND PK — 12 SCHOOL FACILITIES DATA MANAGEMENT

Extensive data and information are needed for educational facility planning, decision making, and oversight. Relevant data helps stakeholders understand the broad impacts of their PK -12 infrastructure spending and investments on health, education, community and beyond. Facilities data falls into five major categories: ([NCES Forum Guide to Facilities Information Management](#)).

Inventory: Data include addresses, geo-codes, building areas, site acreage, and year of construction.

Design: Data include space descriptions, number of stories, designed-for purposes (i.e., elementary school, performance center).

Utilization: Data includes school capacity for enrollment based on the educational programs provided, spaces that are shared, and the gross square footage per enrolled student.

Condition: Data includes facility condition assessment data on the age and condition of major components, systems, and finishes.

Budget and Finance: Data elements include the district expenditures for maintenance, operations, and capital improvements.

Beyond these standard data sets, an increasing amount of data is also being collected and analyzed on building performance. This includes data on building performance metrics for energy efficiency, indoor air quality, lead levels in water, and the presence of hazardous materials like asbestos, mold, or PCBs.

ENROLLMENT DATA

School districts must submit Educational Facilities Master Plans (EFMPs) to the Interagency Commission on School Construction (IAC) on an annual cycle under [COMAR 14.39.02.03](#). EFMPs are required to include enrollment projections that the IAC uses alongside capacity and condition information to determine facility needs over the planning horizon.

INVENTORY DATA

The Interagency Commission on School Construction (IAC) is required under [COMAR 14.39.02.02](#) to maintain a comprehensive inventory of all public school facilities. The inventory includes information on facility age, size, use, and building type, and it is maintained for purposes of planning, oversight, and



reporting. Districts must provide updates to this inventory through the annual submission of Educational Facilities Master Plans (EFMPs) and Comprehensive Maintenance Plans (CMPs), as required under [COMAR 14.39.02.03](#) and [14.39.02.19](#).

In addition, the statewide [Integrated Master Facility Asset Library](#) (IMFAL), established under [Md. Code, Education § 5-310\(f\)](#), is designed to contain component-level system inventories for each school facility. When fully implemented, the IMFAL will serve as a uniform, centralized repository accessible to district personnel for tracking facility system information.

DESIGN DATA

The School Mapping Data Program, established by [HB 472 / SB 540](#) (2024), requires districts to submit standardized digital maps of school buildings. These maps capture building layouts and internal space configurations, creating a uniform dataset on facility design that can be shared with emergency responders and maintained within state systems.

CONDITION DATA

The Interagency Commission on School Construction (IAC) is responsible for overseeing statewide data systems related to public school facilities, as authorized under [Md. Code, Education § 5-310](#) and corresponding [COMAR Title 14.39](#). The IAC is charged with developing and maintaining uniform standards for the assessment and tracking of public school building conditions, capacity, and suitability for educational use.

The statute required the IAC to complete an initial statewide facility assessment using existing data sources, third-party contractors, and district coordination (§ 5-310(e)). Following this, § 5-310(f) directs the IAC to maintain and regularly update this information through a centralized data system called the [Integrated Master Facility Asset Library](#). This cloud-based database is accessible to authorized district personnel and is required to include school-level facility condition data.

Although development is underway, the Integrated Master Facility Asset Library is not currently accessible to the public. Per § 5-310(g), the IAC may not use facility condition data for funding decisions until regulations governing its use



are adopted and the system is fully operational. These regulations may take effect no earlier than fiscal year 2027.

To assess building maintenance quality, the IAC conducts [Maintenance Effectiveness Assessments](#) (MEAs), which evaluate observable outcomes of school maintenance practices at a rotating sample of schools in each district, typically every four years. As defined under COMAR 14.39.02.19(C), MEAs rate facilities using a five-tier scale across 21 building systems and four management categories. Results are shared with districts and included in the state's [Managing for Results](#) (MFR) performance reporting.

FACILITY PERFORMANCE DATA

Currently, reporting on specific building performance measures occurs primarily through district submissions in Comprehensive Maintenance Plans under [COMAR 14.39.02.19](#). These reports document inspection and mitigation activities for environmental hazards and may include data on the operational performance of building systems.

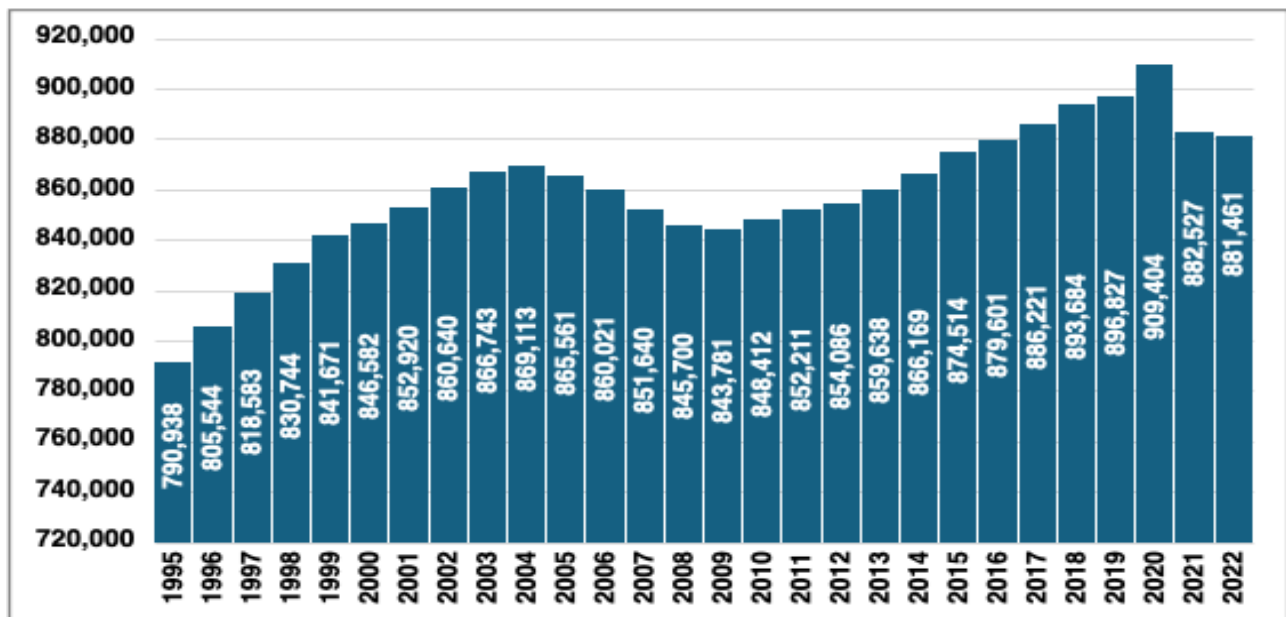
While this information is submitted to the Interagency Commission on School Construction (IAC), it is not yet maintained in a uniform public-facing database. Regulations governing the integration of environmental and performance data into IMFAL are scheduled to take effect no earlier than fiscal year 2027 ([§ 5-310\(g\)](#)).



MARYLAND PK — 12 SCHOOL FACILITIES PLANNING

School facilities require planning at many different levels to meet educational and community purposes. Educational facilities planning is needed for facilities operations, maintenance, and capital projects. Planning PK- 12 public school facilities enables states, districts, and communities to align their resources to their needs, ensure that priorities are met fairly, and that facilities are operated, managed, and built to modern health, safety, educational, and environmental standards.

CHART 1: STUDENT ENROLLMENT SCHOOL YEARS 1994-1995 THROUGH 2021-2022



Source: Data from the U.S. Census of Governments Fiscal Survey; www.school-infrastructure.org Data Dashboard, of the National Center on School Infrastructure (NCSI).

CAPITAL PLANNING

[COMAR 14.39.02.04](#) requires districts to submit an annual [Capital Improvement Program](#) (CIP). The CIP identifies planned school construction, renovation, and systemic upgrade projects for the upcoming fiscal year and must be consistent with the EFMP. CIPs must be approved by the local governing body before submission to the IAC for funding consideration.



Planning policy also allows for early design funding. Under [COMAR 14.39.02.09](#), the IAC may authorize funding for preconstruction planning activities, including feasibility studies, educational specifications, and schematic designs. Planning approval may be rescinded under [COMAR 14.39.02.10](#) if a project does not enter the design phase within two years.

The IAC oversees implementation of Maryland’s school facility planning process by receiving and reviewing annual EFMPs and CIPs from all 24 school districts. The EFMP includes enrollment projections, school utilization calculations, and long-term facility needs. The CIP lists upcoming capital projects by priority and outlines requested state and local funding.

Feasibility studies and educational specifications are required components of major capital projects and are submitted during the early planning phase. These documents are reviewed by MSDE and DGS, with formal approvals required before the IAC may consider a project for planning or funding approval.

Districts may receive state funds for eligible early-phase planning activities, including architectural design and third-party testing. These expenditures must be submitted using IAC-authorized forms and comply with state procurement requirements. As outlined in [COMAR 14.39.03.04](#), procurement may be conducted through competitive sealed bidding or, with IAC approval, through alternate methods such as competitive negotiation or quality-based selection.

EDUCATIONAL FACILITIES MASTER PLANNING

Maryland’s public school facility planning process is governed by regulations adopted by the Interagency Commission on School Construction (IAC) under [COMAR Title 14.39.02](#). These regulations require each district to conduct long-range facilities planning and submit formal plans for review on an annual basis.

Under [COMAR 14.39.02.03](#), each district must submit an Educational Facilities Master Plan (EFMP) to the IAC annually. The EFMP must be approved by the local board of education and include current and projected student enrollment, State-rated capacity (SRC), building condition summaries, and a ten-year projection of facility needs. The IAC reviews submitted EFMPs to confirm that



they meet format and content requirements and that local planning aligns with state construction policy.

To support enrollment-based planning, [COMAR 14.39.02.05](#) establishes the method for calculating [State-rated capacity](#) (SRC)—the enrollment a school is designed to accommodate under state standards. SRC is determined by the IAC or its designee using standardized formulas by grade level and program type. Capacity calculations exclude non-educational cooperative-use spaces and are used to assess planning needs and project eligibility.

The IAC oversees implementation of Maryland’s school facility planning process by receiving and reviewing annual EFMPs and CIPs from all 24 school districts. The EFMP includes enrollment projections, school utilization calculations, and long-term facility needs. The CIP lists upcoming capital projects by priority and outlines requested state and local funding.

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MARYLAND PK-12 EDUCATIONAL FACILITIES FUNDING

School facilities are funded with annually budgeted operating funds for utilities, cleaning, groundskeeping, maintenance and repairs; and periodically budgeted, and usually bond financed, capital funds, for school design, construction, renovation and major repair projects. State laws define how districts get access to local financing for school construction capital projects and whether or how states distribute state school construction funding. Federal funding for school construction is minimal—before pandemic funding—it was less than 2% of what districts paid for school construction capital outlay, with a major share of federal funding for rebuilding schools post weather related disasters.

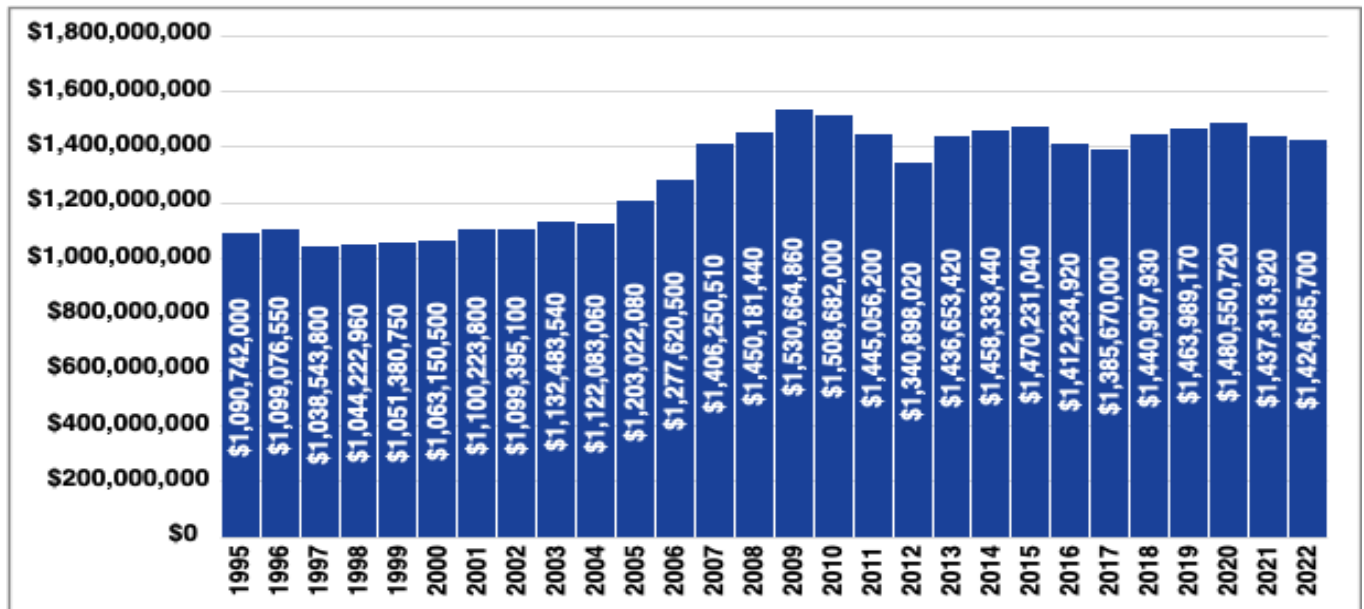
MAINTENANCE AND OPERATIONS FUNDING

Maintenance and Operations expenditures include payment for utilities, custodial staff and services, groundskeeping, related custodial and repair materials, equipment, and maintenance contracts, as well as spending for security personnel, materials, and services.

Maryland school districts reported nearly \$1.42 billion of M&O annual operating-budget expenditures to the U.S. Census of Governments for FY2022. Adjusting district annual expenditures with the Consumer Price Index for inflation for years 1995-2022—shown in Chart 2, this was an average of \$1,612 per FY2022 student for the last three years.



CHART 2: M&O SPENDING, FY1995-FY2022 (INFLATION-ADJUSTED 2024 \$)



Source: Data from the U.S. Census of Governments Fiscal Survey; actual M&O spending data available at www.school-infrastructure.org Data Dashboard, of the National Center on School Infrastructure (NCSI).

Ongoing funding for the maintenance and operation of Maryland’s public school facilities is primarily provided through local school district operating budgets. Local boards of education allocate annual M&O budgets based on district needs and are responsible for managing the daily upkeep of public school buildings.

Maryland provides state-administered capital programs that support deferred maintenance, capital renewal, and building system upgrades. These programs are not intended to cover daily operations, but may address facility needs that exceed the scope of routine maintenance.

AGING SCHOOLS PROGRAM (ASP)

Established in 1997 and formalized under [Md. Code, Education § 5-324](#) and [COMAR 14.39.02.20](#), the [Aging Schools Program](#) provides capital funds for improvements to school buildings at least 16 years old. Allocations are formula-based and do not require local matching funds. Eligible improvements include roofing, HVAC systems, plumbing, wiring, fire safety systems, and other repairs that extend the useful life of a facility. Projects must be contracted during the fiscal year of allocation and expended within five months after the fiscal year ends, unless an extension is granted.



HEALTHY SCHOOL FACILITY FUND

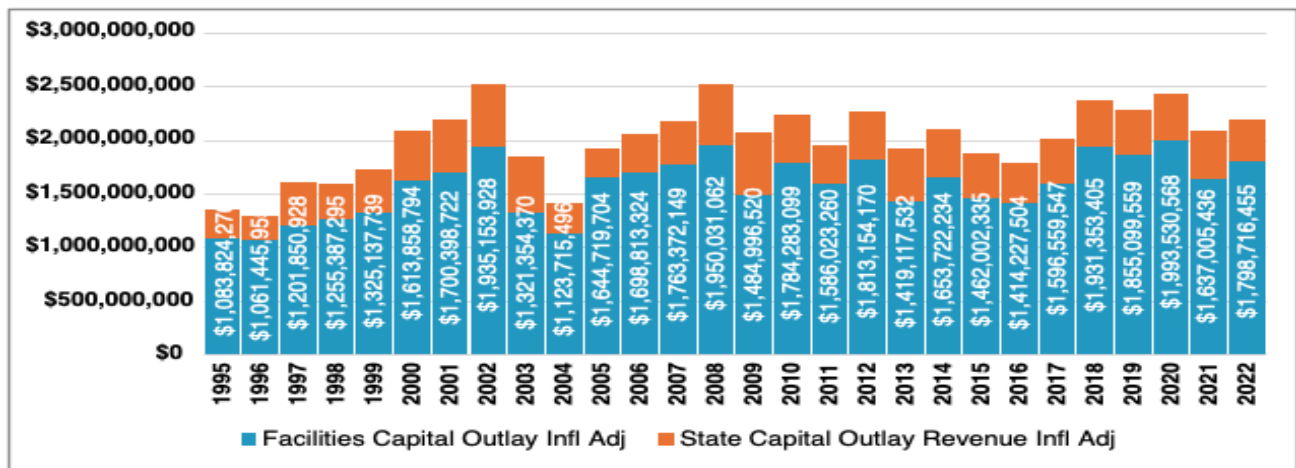
The [Healthy School Facility Fund](#), established under [Md. Code, Education § 5-322](#), provides targeted grants for building system repairs and indoor environmental health improvements. Eligible projects include mold remediation, HVAC repairs, lead and water system upgrades, and window and roof replacements. Funding is administered by the IAC, with appropriations set in the annual capital budget. The statute prioritizes schools with building conditions that may impact student health or disrupt instruction.

FACILITIES CAPITAL FUNDING

In addition to annual operating funds for facilities, school districts are responsible for the long-range planning, design, financing, construction, and major renovation and systems renewals of public school buildings and grounds. These capital outlay expenditures are used for new school construction, as well as for such items as roof replacements and upgrades to mechanical systems. In 2022, the facilities capital outlay for school construction and other equipment expended by Maryland local school districts, including state revenue for school construction was nearly \$1.8 billion (inflation-adjusted dollars). This excludes the cost of land, existing structures, and instructional equipment reported as part of the total capital outlay by school districts to the U.S. Census of Governments. Chart 3 shows inflation-adjusted school construction and other equipment capital expenditures from 1995 through fiscal year 2022 and the revenue that the districts reported from the state for capital outlay and debt service to support their school construction and renovation projects.



CHART 3: SCHOOL CONSTRUCTION & OTHER EQUIPMENT FY 1995-2022 (IN 2024\$)



Source: Data from the U.S. Census of Governments Fiscal Survey; actual Capital Outlay spending data available at www.school-infrastructure.org Data Dashboard, of the National Center on School Infrastructure (NCSI).

CAPITAL IMPROVEMENT PROGRAM

The [Capital Improvement Program](#) (CIP) is Maryland’s primary school construction grant program, established under [Md. Code, Education § 5-301](#). The CIP provides state capital funding for eligible projects such as new school construction, major renovations, facility replacements, and systemic upgrades (e.g., roofing, HVAC, plumbing, and electrical systems). The program is administered by the IAC and funded through the State’s annual capital budget.

CIP eligibility and procedures are governed by [COMAR 14.39.02.11 through 14.39.02.17](#), which outline project funding approval, state-local cost-sharing formulas, and the process for amending project scope or cost. Districts submit CIP project requests annually using IAC-established forms. Requests must align with each district’s approved Capital Improvement Program under [COMAR 14.39.02.04](#) and be consistent with their long-range Educational Facilities Master Plan under [COMAR 14.39.02.03](#).

The IAC reviews each project for eligibility, cost-share applicability, planning approval status, and readiness to proceed. Projects are assigned a funding status—approved, deferred, or ineligible—based on these criteria and available capital appropriations. Funds are typically distributed in phases, with



preliminary allocations issued in December and final allocations confirmed after May 1 for release on July 1 of the new fiscal year.

SIGNIFICANT ENROLLMENT GROWTH AND RELOCATABLE CLASSROOMS GRANT PROGRAM

The [Capital Grant Program for Local School Systems with Significant Enrollment Growth or Relocatable Classrooms](#) (EGRC) was established under [Md. Code, Education § 5-313](#) to provide additional capital funding to districts experiencing substantial enrollment increases or operating a significant number of relocatable classrooms. The program is administered by the Interagency Commission on School Construction (IAC) and is funded through annual capital appropriations in addition to the standard Capital Improvement Program (CIP).

To qualify, a district must meet one or both of the following statutory criteria: (1) its full-time equivalent (FTE) enrollment growth over the prior five years exceeds 150% of the statewide average; or (2) it has operated an average of more than 250 relocatable classrooms over the same period. Grants are allocated in two phases. The first \$40 million is distributed proportionally based on each eligible district's share of total FTE enrollment among qualifying districts. Any remaining funds are distributed based on each district's share of enrollment growth above the statewide average. Beginning in fiscal year 2027, the program's annual appropriation increases from \$40 million to \$80 million.

Districts receiving EGRC funds must provide matching contributions in accordance with their state-local cost-share percentage under [Md. Code, Education § 5-303\(d\)\(3\)](#). Projects must comply with all submission and eligibility requirements applicable to the CIP. Upon request, unspent EGRC funds may be held in reserve for up to two years and applied to eligible projects in a future CIP cycle. The IAC is responsible for establishing and publishing procedures governing the program's administration.

SCHOOL SAFETY GRANT PROGRAM

The [School Safety Grant Program](#) (SSGP) was established under the 21st Century School Facilities Act of 2018 ([Chapter 14, House Bill 1783](#)) to provide capital funding for physical security improvements in public schools. The



program is administered by the IAC and is funded through annual appropriations in the State's capital budget.

SSGP grants may be used for facility-based security improvements. Eligible projects include lockable classroom doors, secure vestibules, reinforced areas of refuge, surveillance systems, and similar physical modifications to school buildings. Projects must be submitted to the IAC and meet capital eligibility requirements.

Funding is available to Maryland's public school districts and the Maryland School for the Blind. There is no statutory local match requirement, but all projects must comply with applicable state procurement, construction, and eligibility rules. Funding levels are determined through the annual capital budget process and may vary from year to year. The program supports one-time capital improvements to school facilities. The IAC may publish guidance related to project prioritization and submission procedures.

NANCY K. KOPP PUBLIC SCHOOL FACILITIES PRIORITY FUND

The Public School Facilities Priority Fund was established under [Md. Code, Education § 5-326](#) in 2024 to provide additional state capital funding for school facility projects identified as high priority through the statewide facility assessment authorized under [§ 5-310](#). Beginning in fiscal year 2027, funds must be used for public school buildings identified by the assessment as having critical deficiencies. If the assessment is not completed or not available, the fund may be used for facility system repairs including HVAC, plumbing, indoor air quality, and mold remediation, as specified in statute.

The fund is administered by the IAC, which determines project eligibility based on assessment findings or fallback criteria established in § 5-326(c). The fund requires a minimum annual appropriation of \$70 million, which is held in a separate account by the State Treasurer. These funds are intended to supplement other IAC-administered capital funding, including the Capital Improvement Program (CIP), and may not be used to supplant existing appropriations.



NONPUBLIC SCHOOL CAPITAL GRANT PROGRAMS

Maryland also provides capital support to eligible nonpublic schools through two programs established in the annual capital budget. These programs are administered by the Maryland State Department of Education (MSDE).

- [Nonpublic Aging Schools Program](#) (NASP)

NASP provides formula-based capital grants to eligible nonpublic schools with buildings at least 16 years old. The program was renamed in fiscal year 2019 as the Senator James E. “Ed” DeGrange Nonpublic Aging Schools Program and is typically funded through general obligation bonds. Eligible schools must participate in MSDE’s Aid to Nonpublic Schools Textbook and Technology Program and meet other criteria established in budget language, including tuition limits and nondiscrimination requirements. Funds may be used for capital improvements that address facility condition, such as roofing, HVAC systems, plumbing, wiring, and life safety systems. Grant amounts are determined based on factors such as building age and the percentage of students eligible for free or reduced-price meals. Funds are distributed on a reimbursement basis and must be contracted within two years of allocation.

- [Nonpublic School Safety Improvement Grant Program](#):

This program provides reimbursement-based capital grants for security upgrades in nonpublic schools. Eligible schools must be participants in MSDE’s Nonpublic Textbook and Technology Program or Nonpublic Placement Program. Projects may include access control systems, secure vestibules, emergency communication infrastructure, surveillance systems, and other structural safety enhancements. Funds are appropriated annually in the capital budget and disbursed by MSDE after review of required documentation, including proof of expenditures and project completion. Projects must be under contract within two years of allocation.

FACILITIES FINANCING

Maryland funds school construction through a combination of general obligation bonds, revenue-backed bonds issued by the Maryland Stadium Authority (MSA),



and appropriated grant programs. State financial assistance is authorized under [Md. Code, Education § 5-301 et seq.](#), [§ 5-601 et seq.](#), and [Economic Development § 10-628 et seq.](#) The state provides direct capital funding to local school systems to support the construction, renovation, and systemic improvement of public school facilities. These appropriations are typically administered by the Interagency Commission on School Construction (IAC) and allocated through the Capital Improvement Program (CIP) and related capital grant programs.

The IAC evaluates requests submitted under [Md. Code, Education § 5-304](#) and approves funding based on factors specified in [COMAR 14.39.02.03](#), including project planning status, enrollment projections, project scope and cost estimates, location within a priority funding area, and alignment with prevailing wage and Minority Business Enterprise (MBE) requirements. Additional considerations include maintenance history, audit findings, and the inclusion of high-performance design.

State cost-share percentages for construction projects are calculated by the IAC under Md. Code, Education § 5-303(d) and [COMAR 14.39.02.05](#), using a formula that accounts for district wealth, the percentage of students eligible for free and reduced-price meals (FRPM), local unemployment rates, median household income, and the extent of concentrated poverty. Under [Md. Code, Education § 5-327](#), the state cost-share may be increased for districts meeting one or more of these criteria. The state's portion is applied to eligible costs as defined in [COMAR 14.39.02.12](#), while ineligible costs—such as site acquisition, inspection fees, or furniture—are excluded under [COMAR 14.39.02.13](#).

The state also supports school construction through bonded financing mechanisms. The Built to Learn Act of 2020, codified under [Md. Code, Economic Development § 10-649](#), authorizes the MSA to issue up to \$2.2 billion in revenue bonds to finance public school construction. These bonds are secured by the Education Trust Fund, a dedicated revenue source funded primarily by casino gaming revenues, and do not carry the full faith and credit of the state (§ 10-649(d)(1)(ii)). Bond proceeds are distributed through the Supplemental Public School Construction Financing Fund and the Supplemental Public School Construction Facilities Fund, both governed by [§ 10-650](#). The IAC approves



funded projects, while MSA manages project delivery. Statute requires that proceeds be distributed according to fixed percentages: 21% each to Baltimore City, Baltimore County, and Montgomery County, with the remainder distributed to other counties.

Additionally, the state may offer full funding for certain high-need school construction projects under legislation enacted in 2024 ([HB 1390 / Chapter 354](#)). Under this provision, the state may pay 100% of eligible costs for projects located in counties where the cost-share is below 55% and with a full-time equivalent enrollment of 60,000 students or fewer. Funding is also available for renovation projects at high schools with the highest percentage of FRPM-eligible students in the county. Projects must enter planning or design in fiscal years 2025 or 2026 and are subject to capital budget availability.

All state funding programs are subject to appropriations by the General Assembly and may be revised annually through budget legislation or enabling statutes.

JUDICIAL DECISIONS AFFECTING FACILITIES

Bradford v. Maryland State Board of Education is the primary Maryland court case in which public school facility conditions were examined as part of a broader constitutional claim. Filed in 1994 in the Circuit Court for Baltimore City, the case alleged that the State failed to provide students in Baltimore City Public Schools (BCPSS) with an adequate education, as required by [Article VIII of the Maryland Constitution](#), which mandates a “thorough and efficient System of Free Public Schools.” The complaint identified multiple areas of inadequacy, including deteriorated school buildings, as contributing to systemic educational failure.

In 1996, the parties entered into a [consent decree](#) approved by the court. The decree acknowledged educational deficiencies in BCPSS and required the State to provide additional support. Although it did not include a facilities-specific remedy, school building conditions were among the cited deficiencies. Legislation enacted in connection with the decree restructured the Baltimore City Board of School Commissioners and provided \$230 million in additional aid over five years, which included funding for capital needs.



In 2000, Circuit Court Judge Joseph H. H. Kaplan found that the State remained in violation of Article VIII. His ruling referenced substandard classroom and building conditions, but no standalone facilities mandate was issued. Further court findings in the early 2000s estimated that BCPSS was underfunded by several hundred million dollars from fiscal years 2001 to 2004. The court did not require a statewide facilities assessment or impose a capital improvement order.

The case was reactivated in 2019, when plaintiffs alleged continued noncompliance with the consent decree. In 2022, the Circuit Court again found the State in violation. However, on November 12, 2023, the Appellate Court of Maryland vacated that ruling, holding that the consent decree had been satisfied and that the lower court had applied an incorrect legal standard. The decision concluded the litigation, and no facility-related orders remain in effect.

While Bradford did not produce a judicial mandate specific to school facilities, it informed subsequent legislative and administrative actions. These included the establishment of the Task Force to Study Public School Facilities (2002–2004) and the 21st Century School Facilities Commission (2016–2018), both of which led to formal assessments and the adoption of state facility policies through legislation.

MARYLAND PK — 12 SCHOOL FACILITIES STANDARDS AND ACCOUNTABILITY

Accountability systems for facilities involve facility standards, assessments, and reporting on the health, safety, education, and other factors associated with PK – 12 public school buildings and grounds. It involves systems for measuring and communicating conditions, and the authority to encourage or enforce changes in school design, construction, operations and maintenance.

Oversight of Maryland’s public school facility funding and regulatory compliance is primarily carried out by the Interagency Commission on School Construction (IAC), as authorized under [COMAR Title 14.39](#). Under [COMAR 14.39.02.28](#), the IAC may conduct financial and compliance audits of districts that receive state funding. These audits may examine reported expenditures, internal financial controls, and adherence to eligibility criteria, procurement rules, and applicable



IAC policies. Districts are required to resolve any audit exceptions identified during the review process.

Districts may seek reconsideration of IAC determinations related to funding or planning status under [COMAR 14.39.02.29](#). Requests must be submitted in writing with relevant documentation. The IAC may allow oral argument if requested. Final decisions rest with the Commission. Under [COMAR 14.39.02.30](#), the IAC may waive specific regulatory provisions when their application would be inequitable or inconsistent with state law. Such waivers must be reviewed and approved for legal sufficiency by the Office of the Attorney General

MAINTENANCE AND OPERATIONS STANDARDS

Maryland assigns primary responsibility for the routine maintenance and operations of public school facilities to local school districts. While the state provides capital support for major repairs and system replacements, day-to-day upkeep, custodial services, and preventive maintenance are funded and managed locally.

State-level oversight is exercised through the [Comprehensive Maintenance Plan](#) (CMP) process. Under [COMAR 14.39.02.19](#), each district must submit a CMP to the Interagency Commission on School Construction (IAC) by October 15 each year. The CMP must describe the district's preventive maintenance strategies, staffing levels, work order systems, and building system priorities. It must also include data on actual maintenance performed and identify anticipated capital repair needs. The IAC uses the CMP to assess whether facilities are being maintained in educationally sufficient condition and to support state-level review of capital funding requests.

In addition, [COMAR 14.39.07.15](#) establishes a physical requirement for maintenance support space within school buildings. Each facility must allocate a minimum of 0.5 net square feet per student of planned school program capacity for maintenance and janitorial areas. This space must include a janitorial sink and support the needs of custodial and building operations staff.

While Maryland does not prescribe detailed operational standards (such as staffing ratios or required response times), the IAC monitors maintenance outcomes through periodic [Maintenance Effectiveness Assessments](#) (MEAs), as



outlined in [COMAR 14.39.02.19](#)(C). These on-site evaluations assess the condition of major building systems and maintenance practices. MEA results are rated across five tiers and inform IAC oversight and reporting.

BUILDING STANDARDS

Maryland public school construction is subject to the Maryland Building Performance Standards (MBPS), adopted under [Md. Code, Public Safety § 12-503](#). The MBPS incorporates the International Building Code (IBC) and related model codes. Public school projects must also comply with the Maryland Accessibility Code and the State Fire Prevention Code. Compliance is enforced by local code officials through plan review and inspection.

Projects that receive state funding are subject to additional design and construction oversight. The Maryland Department of General Services (DGS) reviews design development and construction documents for conformance with applicable construction standards. These reviews are conducted in coordination with the Interagency Commission on School Construction (IAC) and the Maryland State Department of Education (MSDE), both of which also review project submissions prior to state planning or funding approval.

Site selection requirements for new or replacement school facilities are governed by [COMAR 14.39.02.14](#). Proposed sites must be reviewed by the Maryland Department of Planning and approved by the IAC and the State Superintendent of Schools. Sites must generally be located within a [Priority Funding Area](#) (PFA), unless a waiver is granted under [COMAR 14.39.02.30](#). Waiver decisions consider factors such as access to public utilities, land use compatibility, and proximity to the intended student population.

School-specific building design standards are set forth in [COMAR Title 14.39.07](#). These regulations establish minimum requirements for instructional spaces, administrative areas, health service rooms, libraries, dining areas, and other building components. Lighting, ventilation, and space allocation requirements are addressed for each area type. For example, [COMAR 14.39.07.13](#) requires that schools include a health services area of at least 500 square feet, equipped with designated spaces for examination, treatment, storage, and private consultation.



Major construction and renovation projects must include educational specifications, schematic designs, and cost estimates as required by [COMAR 14.39.02.15](#). These documents are subject to interagency review and must be approved by MSDE, DGS, and the IAC prior to planning or funding authorization.

[COMAR 14.39.02.22 through 14.39.02.25](#) establish state requirements for reporting changes to school facility use. Districts must notify the IAC of any changes to a school's name, use, or vacancy status. If more than 10% of a school building is used for non-school purposes for a period of up to five years, districts must submit details on the nature and duration of use. If use exceeds five years and the facility carries outstanding state bond debt, the IAC may require reimbursement of a proportional share of lease revenue. Permanent transfers of surplus school property to local governments also require IAC approval.

EDUCATIONAL ADEQUACY STANDARDS

[COMAR 14.39.02.15](#) requires that school districts submit educational specifications for all new construction, renovation, and limited renovation projects seeking state funding. Educational specifications must describe the instructional program to be accommodated and the types and sizes of spaces required. These documents must be reviewed and approved by the Interagency Commission on School Construction (IAC), the Maryland State Department of Education (MSDE), and the Department of General Services (DGS) before schematic design approval. Districts certified by the IAC may conduct their own design reviews.

Systemic renovation projects must comply with [COMAR 14.39.02.16](#). These projects must extend the functional life of the facility by at least 15 years and may involve major upgrades to structural, mechanical, plumbing, or electrical systems. Systemic renovations must follow the same review and procurement procedures required for other state-funded capital improvement projects.

[COMAR Title 14.39.07](#) establishes minimum design requirements for instructional and support spaces in public schools. [COMAR 14.39.07.08](#) specifies minimum net square footage per student for general-use classrooms: 35 square feet for prekindergarten and kindergarten, 30 square feet for Grades 1–8, and 25 square feet for Grades 9–12. [COMAR 14.39.07.09](#) establishes



requirements for specialty instructional spaces, including at least 4 net square feet per student for Career and Technology Education (CTE) and Technology Education classrooms and 5 net square feet per student for Fine Arts classrooms.

Additional space requirements are set forth in COMAR 14.39.07.07 through 14.39.07.13:

- [COMAR 14.39.07.07](#) requires that general and specialty instructional spaces include lighting capable of maintaining a minimum of 50 foot-candles of evenly distributed light.
- [COMAR 14.39.07.10](#) requires each school to include a centralized library/media center with an organized collection of instructional resources and technologies.
- [COMAR 14.39.07.11](#) defines minimum components for physical education facilities, including gymnasium support spaces, equipment storage, and locker rooms for high schools.
- [COMAR 14.39.07.12](#) requires that dining areas accommodate at least one-third of the planned school program capacity, with a minimum of 15 net square feet per seated student.
- [COMAR 14.39.07.13](#) establishes health services space requirements, including a minimum of 500 square feet with areas for waiting, examination, treatment, rest, storage, private consultation, and a sink with hot and cold running water.

These standards are authorized under [Md. Code, Education § 5-310](#), which directs the IAC to adopt and update educational sufficiency standards used in the statewide facilities assessment. While there is no fixed limit on school size, the Maryland State Department of Education commissioned a School Size Study in 2015 to provide recommended guidance on optimal school sizes for instructional and operational planning.



HEALTH AND SAFETY STANDARDS

AIR QUALITY

Maryland addresses indoor air quality in public school facilities through both statutory authority and capital program requirements. Under [Md. Code, Education § 5-303\(h\)](#), the Interagency Commission on School Construction (IAC), in consultation with the Department of General Services (DGS) and the Department of Housing and Community Development, is authorized to adopt regulations to improve indoor air quality in relocatable classrooms constructed after July 1, 2014. These regulations require the use of materials with low levels of volatile organic compounds (VOCs), continuous air barriers to limit infiltration, and adherence to applicable industry standards for ventilation and materials selection.

Additionally, all school construction projects that receive state funding must comply with the Maryland Building Performance Standards, which incorporate the International Building Code and the International Mechanical Code, including provisions for minimum ventilation rates and indoor air quality performance. These codes are adopted under Md. Code, Public Safety § 12-503 and enforced by local code authorities.

The [Healthy School Facility Fund](#), established under [Md. Code, Education § 5-322](#), provides state capital grants to districts for building system improvements, including HVAC repairs and upgrades that directly affect air quality. Projects funded through this program must address deficiencies that impact occupant health or may result in school closures.

Air quality considerations are embedded in project design review processes conducted by the IAC and DGS for state-funded projects. These reviews assess HVAC capacity, filtration systems, and compliance with ventilation performance criteria as part of the facility planning and construction approval process.

CHEMICAL HAZARDS

Maryland regulates chemical hazards in public school facilities through a combination of state regulations, federal compliance requirements, and design-related statutes. Asbestos is governed by [COMAR 26.11.21](#) and [COMAR 26.11.23](#). Public schools must maintain an asbestos management plan, conduct inspections for asbestos-containing materials (ACMs), and ensure that any



abatement activities are performed by Maryland Department of the Environment (MDE)-accredited professionals. Contractors must hold valid state-issued certifications and photo identification cards. These provisions apply to friable and non-friable ACMs and are enforced by MDE.

Radon testing in public schools is not mandated by state statute but is addressed through [guidance](#) issued by the Maryland Department of Health (MDH), which recommends testing using U.S. Environmental Protection Agency (EPA) protocols. The EPA action level of 4 picocuries per liter (pCi/L) is recognized as the mitigation threshold, and local jurisdictions may adopt their own testing protocols in alignment with this guidance.

Under [Md. Code, Education § 5-328](#), design documents for new public school buildings must include dedicated infrastructure for waste handling. This includes areas designated for trash, recycling, and food scrap separation, as well as a sink for liquid waste disposal. The Interagency Commission on School Construction (IAC) is responsible for adopting regulations to implement and enforce these design requirements.

Chemical safety for school employees falls under the [Maryland Occupational Safety and Health](#) (MOSH) program, codified in Md. Code, Labor and Employment §§ 5-101 through 5-901. MOSH enforces workplace hazard communication standards, including requirements for labeling, storage, and staff training related to hazardous substances used in school facilities. These standards apply to employee handling of cleaning products, lab chemicals, and maintenance-related materials.

EXTREME HEAT

Maryland addresses extreme heat in school facilities through state-level emergency coordination and capital funding mechanisms. The Maryland Department of Health includes public school buildings in its [Extreme Heat Emergency Plan](#), which outlines interagency coordination during high-heat events. The plan directs local health departments to work with school systems during declared emergencies to manage heat-related risks.

WATER QUALITY

Maryland's water quality standards for public school facilities are primarily governed by statutes and regulations addressing lead contamination in drinking



water. Under [Maryland Code, Environment §§ 6-1501](#) and [6-1502](#), all public and nonpublic schools are required to test each drinking water outlet for the presence of lead. The [Maryland Department of the Environment](#) (MDE), in consultation with the Maryland State Department of Education (MSDE), oversees the implementation of these requirements. The regulations, codified in [COMAR 26.16.07](#), specify that testing must be conducted during the regular school year while school is in session. If a drinking water outlet exceeds the state's action level of 5 parts per billion (ppb), the school must restrict access to the outlet within 24 hours and implement remedial actions. Schools are also required to report testing results to MDE and provide notification to parents and guardians. Waivers and deferrals from testing requirements may be granted by MDE, in consultation with MSDE, under specific conditions outlined in the regulations.

ENVIRONMENTAL AND ENERGY STANDARDS

Maryland requires that public school construction projects meet environmental and energy performance standards established under state law and capital budget policy. [Md. Code, Education § 5-312](#) requires that new school buildings constructed with state funds must be built to a “high performance building” standard. Qualifying projects must achieve a rating equivalent to the U.S. Green Building Council’s Leadership in Energy and Environmental Design (LEED) Silver certification or meet a comparable green building rating system approved by the Interagency Commission on School Construction (IAC). The IAC may adopt alternative standards that emphasize environmental sustainability, energy efficiency, and indoor environmental quality.

The IAC administers this requirement in coordination with the Maryland Department of General Services (DGS), which evaluates design and construction documents for compliance with applicable performance and sustainability criteria. Eligible capital costs associated with meeting high-performance building requirements may be included in state funding calculations, subject to available appropriations and project review.

Energy performance requirements for school buildings are also embedded in the Maryland Building Performance Standards (MBPS), adopted under [Md. Code, Public Safety § 12-503](#). The MBPS incorporates the International Energy Conservation Code (IECC) and related model energy codes by reference. These



codes are enforced at the local level and apply to all new construction and major renovation projects, including school facilities.