Maryland
STATE DEPARTMENT OF EDUCATION

Carey M. Wright, Ed.D.
State Superintendent of Schools

TO: Members of the Education Policy Committee

FROM: Carey M. Wright, Ed.D., State Superintendent of Schools

DATE: November 19, 2026

SUBJECT: Proposed Amendments to 13A.01.02.03 *Approval of Construction Plans*
Permission to Publish

Purpose

The purpose of this item is to request permission to publish amendments to the Code of Maryland Regulations (COMAR) 13A.01.02.03 *Approval of Construction Plans,* to align them with the changes to Maryland Code, Education Articles, §§2-303 & 4-115, that became effective on July 1, 2026.

This recently updated statute changed both the type of construction project and the amount of construction cost that triggers the requirement for State Superintendent's approval of construction plans undertaken by school systems in Maryland. These amendments will align regulation with law, while also clarifying and streamlining the approval process.

Background and Executive Summary

Last session, the Maryland General Assembly enacted Senate Bill (SB) 0048, Public School Construction – Alterations, in collaboration with the Interagency Commission on School Construction, the Maryland Department of General Services, and MSDE. The previous statute relied on outdated construction cost thresholds, triggering State Superintendent review for many projects that no longer warranted Department -level oversight. Effective July 1, the statutory references significantly increased the cost thresholds as well as narrowed the scope of projects requiring review to those that directly impact student-occupied spaces.

The proposed COMAR amendments match state law. State Superintendent approval is required only if school construction, whether renovations or new construction, will cost more than $1,250,000, and if change orders exceed $350,000. In addition, review and approval is required only when the proposed design alters the plan configuration of areas occupied by students, including on school grounds. Furthermore, the amendments clarify when exemptions are to apply; remove outdated delivery methods; provides a method to streamline submissions for small projects; and allow for the State Superintendent's delegation of these actions.

Overall, the updated regulation will reduce administrative burden from routine maintenance projects, while reinforcing oversight where changes have the greatest potential impact on student safety and learning.

Action

The request is for the Education Policy Committee EPC) to recommend to the State Board to grant permission to publish proposed amendments to COMAR 13A.01.02.03 *Approval of Construction Plans*.

Attachments

Amendments to COMAR 13A.01.02.03 SBOE EPC Presentation.pdf
Amendments to COMAR 13A.01.02.03 Approval of Construction Plans.doc

Title 13A STATE BOARD OF EDUCATION

Subtitle 01 STATE SCHOOL ADMINISTRATION

Chapter 02 State Superintendent of Schools

Authority: Education Article, §§2-205, 2-303, 4-115, [and 5-301,] *5-303, and 5-314,* Annotated Code of Maryland

.03 Approval of *School* Construction Plans.

A. Purpose. The following requirements of this regulation shall be followed by local school systems to obtain the State Superintendent's, *or the State Superintendent's designee's,* approval of certain *items related to* school construction projects pursuant to Education Article, [§2-303(f)] *§§2-303(f) and 4-115*, Annotated Code of Maryland.

B. Applicable [projects] *items* include the following:

(1) [Plans or] *Plans, educational* specifications, *or contract awards* for the [remodeling of or] addition to *or renovation of* a school [building] *facility* if the [remodeling or] addition *or renovation* costs more than [$350,000;] *$1,250,000 and will affect the plan configuration of student-occupied spaces in a school building or on its grounds;*

(2) [Plans or] *Plans, educational* specifications, *or contract awards* for the construction of a new *or replacement* school [building;] *facility;* and

(3) Change orders that cost more than [$25,000] *$350,000* for the [remodeling,] *addition to or renovation,* restoration, or construction of *student-occupied spaces in* a school building *or on its grounds*.

[C. Exceptions. A public school construction project or public school capital improvement project for which State planning approval is requested and approved by the Board of Public Works pursuant to Education Article, §5-301, Annotated Code of Maryland, is excepted from the requirements of this regulation.]

[D.] *C.* Procedures.

(1) Requests for approval shall be in writing and addressed to the State Superintendent, *or the State Superintendent's designee, in a format approved by the Department*.

(2) The State Superintendent, *or the State Superintendent's designee,* shall approve or disapprove all applicable [projects] *items listed* under §B of this regulation.

(3) If the State Superintendent, *or the State Superintendent's designee,* disapproves of any plan, *educational* specification, proposal, *contract award*, or change order, the Superintendent shall state in writing the reasons for disapproval.

(4) After disapproval of an item under §B of this regulation, the local school system shall not proceed to the next phase submission without addressing the concerns raised, resubmitting the item, and receiving approval.

[(4)] *(5)* Approvals required by the fire marshal and other State and local agencies shall be obtained [by the local school system] before *construction or student occupancy on a project submitted* [submitting a request] for approval of the Superintendent *or the State Superintendent's designee*.

[(5) A local school system may use Interagency Committee/Public School Construction Program (IAC/PSCP) forms for the above referenced requests. If the IAC/PSCP forms are used, a notation of Non-State Funded Project shall be placed at the top of each form.

(6) Requests for approval shall be addressed to the State Superintendent of Schools, c/o School Facilities Branch, 200 West Baltimore Street, Baltimore, Maryland 21201.]

(6) School plans shall conform to the bylaws, rules, and regulations of the State Board.

(7) With prior approval of the Department, document submissions under §D of this regulation may be combined for review and approval if they are for local-only funded construction projects.

[(7)] *(8)* Upon *substantial* completion of the *construction* project, [a letter shall be submitted to] *a local school system shall notify* the Superintendent [from the local school system certifying that the project is completed.] *of the substantial completion of the project in a format approved by the Department*.

[E.] *D.* The following information shall be [submitted:] *submitted in a format approved by the Department:*

(1) Notification of intent to proceed with a project under §B of this regulation;

(2) Educational specifications consistent with the outline for educational specifications in the IAC/PSCP Administrative Procedures Guide;

(3) Schematic [plans;] *design documents*;

(4) Design development documents;

(5) Construction documents;

(6) Contract award *if more than $1,250,000* or authorization for use of local [staff;] *staff, except when the project is approved by the Interagency Commission on School Construction for local planning or state funding pursuant to Education Article, §5-303, Annotated Code of Maryland*; *and*

(7) Change orders over [$25,000] *$350,000 impacting the plan configuration of student-occupied spaces*.

E. If a local school system later seeks state funding from the Interagency Commission on School Construction (IAC) on a local project that was under State Superintendent review, they must comply with Education Article, §§5-303 and 5-314, Annotated Code of Maryland and all applicable IAC regulations and procedural requirements, unless the IAC grants otherwise.



COMAR Revisions: Approval of Construction Plans

OFFICE OF SCHOOL FACILITIES

Presented By | Krishnanda Tallur
Jillian Storms
Swapnil Joshi

November 19, 2026

Maryland
STATE DEPARTMENT OF EDUCATION

MSDE Strategic Plan Goals

1

Every child has access to a high-quality early childhood program.



PILLAR 1: EARLY CHILDHOOD EDUCATION

2

Every school has high-quality and diverse teachers and leaders.



PILLAR 2: HIGH-QUALITY & DIVERSE TEACHERS AND LEADERS

3

Every student graduates high school college and career ready.



PILLAR 3: COLLEGE AND CAREER READINESS



Every student is matched with the **resources they need** to ensure their success.

4

PILLAR 4: MORE RESOURCES FOR STUDENT SUCCESS



Every school and district receives a rating of ___ or higher.

5

PILLAR 5: GOVERNANCE AND ACCOUNTABILITY

STRATEGIC PLAN ALIGNMENT



1 **Student access** to high-quality early childhood program.

- **1.D** Spaces for full-day Pre-K for 3- & 4-year olds
- **1.E**

3 **Every student** graduates high school college & career ready.

- **3.E** Spaces for advance Science Labs
- **3.K** Spaces for advance CTE Programs of Study

4 **Every student** matched with **resources** to ensure success.

- **4.B** Spaces for gifted & talented programs.
- **4.D** Spaces for inclusion and immersion in Least Restrictive Environment settings
- **4.E** Spaces for student-support professionals

OVERVIEW



Presentation Outline

1. Background
   - Impetus for COMAR Amendments
   - State Law as change by SB0048
   - Construction Project Review Process
2. Proposed Amendments to ∑13A.01.02.03

Background

Background on Regulation and Impetus to Revise

Senate Bill 0048 - Education - Public School Construction - Alterations, effective July 1, 2026, changed **Education Articles, §§2-303(f) & 4-115(b)**, Annotated Code of Maryland.

Impacts what reviewed by Department per cost thresholds and type of project, as regulated in **COMAR §13A.01.02.03,** which local school systems follow to obtain **State Superintendent's approval of program, design, & award** of school construction projects.

Addresses construction **cost escalation, streamlines** review process, and focuses on **spaces students occupy**.

Request permission to publish COMAR revised to align with SB 0048

State Law as change by SB0048

Education Article §2–303(f):

(1) Subject to the bylaws, rules, and regulations of the State Board, and except as provided in paragraph (5) of this subsection, the State Superintendent, or the State Superintendent's designee, shall approve or disapprove each:

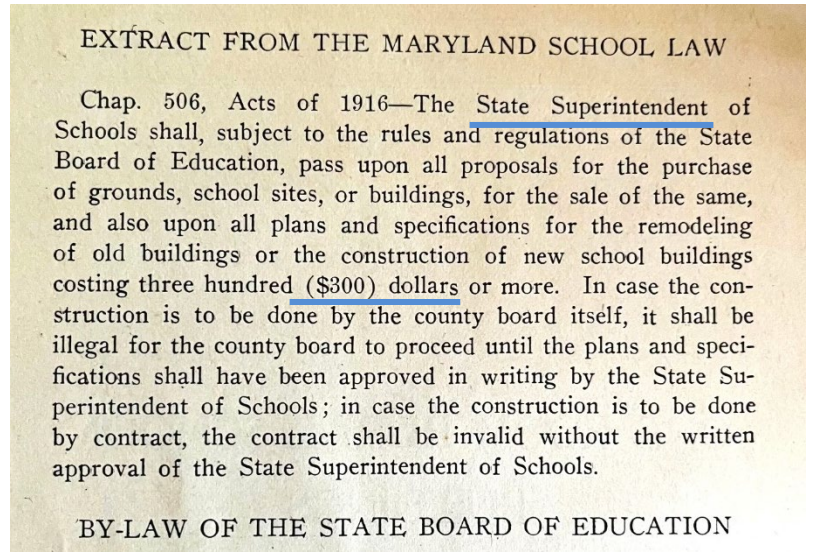
(i) Proposal for the purchase or sale of any ground, school site, or building that will be used for the education of students;

(ii) Plan or specification for the addition to or renovation of a school **facility** if the addition or renovation costs more than **$1,250,000** and will **affect the plan configuration of student–occupied spaces**;

(iii) Plan or specification for the construction of a new school building; and

(iv) Change order that costs more than **$350,000** for the addition to or renovation, restoration, or construction of **student–occupied spaces** in a school building **or on its grounds**.

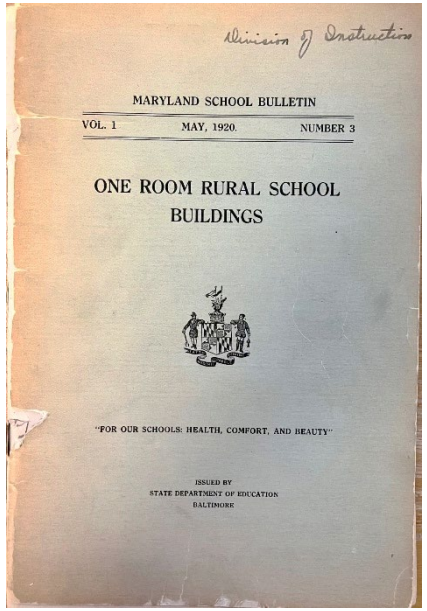
Pages from a 1920 MSDE publication



EXTRACT FROM THE MARYLAND SCHOOL LAW

Chap. 506, Acts of 1916—The State Superintendent of Schools shall, subject to the rules and regulations of the State Board of Education, pass upon all proposals for the purchase of grounds, school sites, or buildings, for the sale of the same, and also upon all plans and specifications for the remodeling of old buildings or the construction of new school buildings costing three hundred ($300) dollars or more. In case the construction is to be done by the county board itself, it shall be illegal for the county board to proceed until the plans and specifications shall have been approved in writing by the State Superintendent of Schools; in case the construction is to be done by contract, the contract shall be invalid without the written approval of the State Superintendent of Schools.

BY-LAW OF THE STATE BOARD OF EDUCATION



Division of Instruction

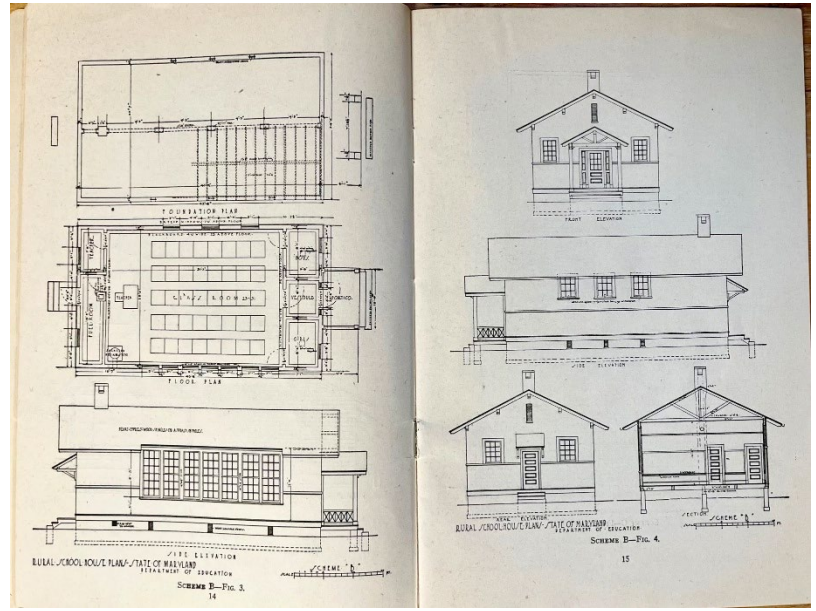
MARYLAND SCHOOL BULLETIN

VOL. 1 MAY, 1920. NUMBER 3

ONE ROOM RURAL SCHOOL BUILDINGS

"FOR OUR SCHOOLS: HEALTH, COMFORT, AND BEAUTY"

ISSUED BY STATE DEPARTMENT OF EDUCATION BALTIMORE



Office of School Facilities Reviews

School Facility = School Building & its Grounds

Project Submissions Reviewed:

- Educational Specifications
- Schematic Design (SD)
- Design Development (DD)
- Construction Documents (CD)
- Contract Award(s)
- Change Orders

Collaboration with Dept of General Services and Interagency Commission on School Construction



Proposed Amendments to ≈13A.01.02.03

Current Regulation:

.03 Approval of Construction Plans

A. Purpose. The following requirements of this regulation shall be followed by local school systems to obtain the State Superintendent's approval of certain school construction projects pursuant to Education Article, § 2-303(f), Annotated Code of Maryland.

Proposed Updates:

.03 Approval of **School** Construction Plans

A. Purpose. The following requirements of this regulation shall be followed by local school systems to obtain the State Superintendent's**, or the State Superintendent's designee's,** approval of certain **items related to** school construction projects pursuant to Education Article, **§**§2-303(f) **and 4-115**, Annotated Code of Maryland.

- **Add State Superintendent's designee**
- **Add reference to State Board Statute**

Current Regulation:

B. Applicable projects include the following:

1. Plans or specifications for the **remodeling of or** addition to a school **building** if the **remodeling or** addition costs more than **$350,000**;
2. Plans or specifications for the construction of a new school **building**; and
3. Change orders that cost more than **$25,000** for the **remodeling**, restoration, or construction of a school building.

C. Exceptions. A public school construction project or public school capital improvement project for which State planning approval is requested and approved by the Board of Public Works pursuant to Education Article, §5-301, Annotated Code of Maryland, is excepted from the requirements of this regulation.

- **Increase construction cost trigger**
- **Focus on student-occupied spaces in school buildings & grounds**
- **Clarify items to review**

Proposed Updates:

B. Applicable items include the following:

1. Plans, **educational** specifications, **or contract awards** for the addition to **or renovation of** a school facility if the addition **or renovation** costs more than **$1,250,000 and will affect the plan configuration of student-occupied spaces in a school building or on its grounds;**
2. **Plans, educational** specifications, **or contract awards** for the construction of a new **or replacement** school **facility**; and
3. Change orders that cost more than **$350,000** for the **addition to or renovation,** restoration, or construction of **student-occupied spaces in** a school building **or on its grounds.**

EXCEPTION C. CHANGED TO APPLY ONLY TO SECTION D.6

Current Regulation:

D. Procedures.

1. Requests for approval shall be in writing and addressed to the State Superintendent.
2. The State Superintendent shall approve or disapprove all applicable **projects** under §B of this regulation.
3. If the State Superintendent disapproves any plan, specification, proposal, or change order, the Superintendent shall state in writing the reasons for disapproval.
4. Approvals required by the fire marshal and other State and local agencies shall be obtained **by the local school system** before **submitting a request** for approval of the Superintendent.

- **Add State Superintendent's designee**
- **Clarify Process & LEA Accountability**

Proposed Update:

C. Procedures

1. Requests for approval shall be in writing and addressed to the State Superintendent, **or the State Superintendent's designee, in a format approved by the Department.**
2. The State Superintendent, **or the State Superintendent's designee,** shall approve or disapprove all applicable **items listed** under §B of this regulation.
3. If the State Superintendent, **or the State Superintendent's designee,** disapproves of any plan, **educational** specification, proposal, **contract award**, or change order, the Superintendent shall state in writing the reasons for disapproval.
4. **After disapproval of an item under §B of this regulation, the local school system shall not proceed to the next phase submission without addressing the concerns raised, resubmitting the item, and receiving approval.**
5. Approvals required by the fire marshal and other State and local agencies shall be obtained before **construction or student occupancy on a project submitted** for approval of the Superintendent **or the State Superintendent's designee.**

Current Regulation:

D. Procedures.

5. **A local school system may use Interagency Committee/Public School Construction Program (IAC/PSCP) forms for the above referenced requests. If the IAC/PSCP forms are used, a notation of Non-State Funded Project shall be placed at the top of each form.**
6. **Requests for approval shall be addressed to the State Superintendent of Schools, c/o School Facilities Branch, 200 West Baltimore Street, Baltimore, Maryland 21201.**
7. Upon completion of the project, **a letter shall be submitted to** the Superintendent **from the local school system certifying that the project is completed.**

Proposed Update:

C. Procedures

6. **School plans shall conform to the bylaws, rules, and regulations of the State Board.**
7. **With prior approval of the Department, document submissions under §D of this regulation may be combined for review and approval if they are for local-only funded construction projects.**
8. Upon **substantial** completion of the **construction** project**, a local school system shall notify** the Superintendent **of the substantial completion of the project in a format approved by the Department.**

- **Add compliance with State Board**
- **Allow combined reviews to streamline process.**
- **Remove outdated processes**

Current Regulation:

E. The following information shall be submitted:

1. Notification of intent to proceed with a project under §B of this regulation;
2. Educational specifications consistent with the outline for educational specifications in the IAC/PSCP Administrative Procedures Guide;
3. Schematic **plans**;
4. Design development documents;
5. Construction documents;
6. Contract award or authorization for use of local staff;
7. Change orders over **$25,000**.

- **Clarify terms and process**
- **Increase construction cost trigger**
- **Apply exception to contract awards that will receive IAC funding**

Proposed Update:

D. The following information shall be submitted **in a format approved by the Department:**

1. Notification of intent to proceed with a project under §B of this regulation;
2. Educational specifications consistent with the outline for educational specifications in the IAC/PSCP Administrative Procedures Guide;
3. Schematic **design documents**;
4. Design development documents;
5. Construction documents;
6. Contract award **if more than $1,250,000** or authorization for use of local staff, **except when the project is approved by the Interagency Commission on School Construction for local planning or state funding pursuant to Education Article, §5-303, Annotated Code of Maryland; and**
7. Change orders over **$350,000 impacting the plan configuration of student-occupied spaces.**

Current Regulation:

Proposed Update:

E. State Funding: If a local school system seeks state funding from the Interagency Commission on School Construction (IAC) on a local project that was under State Superintendent review, they must comply with Education Article, §§5-303 and 5-314, Annotated Code of Maryland and all applicable IAC regulations and procedural requirements, unless the IAC grants otherwise.

- **Reminder to LEA that State funding impacts State review process**



QUESTIONS?



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