

Meeting Minutes – September 9, 2021

Call to Order:

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

Members in Attendance:

Edward Kasemeyer, Appointee of the President of the Senate, Chair
Superintendent Mohammed Choudhury, Maryland State Department of Education
Secretary Ellington Churchill, Department of General Services
Linda Eberhart, Appointee of the Speaker of the House
Gloria Lawlah, Appointee of the President of the Senate
Dick Lombardo, Appointee of the Governor
Secretary Robert S. McCord, Maryland Department of Planning

Members Not in Attendance:

Denise Avara, Appointee of the Governor
Brian Gibbons, Appointee of the Speaker of the House

Revisions to the Agenda:

Robert Gorrell, Executive Director of the IAC, requested that Agenda Item 4 be moved before Consent Agenda in order to follow the correspondence between Governor Hogan, Superintendent Choudhury, and Director Gorrell on the same topic.

Public Comment:

There was no public comment.

IAC Correspondence:

Director Gorrell referred members to correspondence provided in the agenda from Governor Hogan, dated September 1, 2021. Director Gorrell explained that the letter expressed concerns regarding air conditioning and ventilation in Maryland schools and early student dismissals due to lack of air conditioning in Baltimore City Schools.

Director Gorrell explained that of the 31 schools where students were dismissed due to air conditioning, 10 were due to mechanical maintenance issues in city schools which have been corrected and noted that additional information would be provided in the Item 4 report on the Baltimore City HVAC extra \$15 million funding program.

Director Gorrell noted that the IAC issued a survey to Local Education Agencies (LEAs) on air ventilation several weeks prior to the Governor's letter with a deadline to respond of September 15. Responses will be compiled into a report that can be shared with the Members after all responses are received. Director Gorrell also explained that air ventilation is critical in school facilities, and that the IAC's COVID-19 risk reduction strategies, released in 2020, provide recommendations for minimum air quality standards.

Superintendent Choudhury expressed the importance of ventilation, not only for COVID-19. School systems have been doing a wide variety of things to improve air quality. Every HVAC project, in some sense, improves ventilation. The Superintendent noted that LEAs have received unprecedented amounts of funding to support mitigating and accelerating learning loss and taking on projects such as infrastructure needs. 20% of American Rescue Plan funds must be dedicated to learning loss, but the other 80% can be used on other things and have been used to replace HVAC systems, outdoor learning space, and other projects or expenses to support teaching and learning.

The Superintendent also expressed that the capability of LEAs to complete projects vary greatly across Counties. Baltimore City Public School System (BCPSS) has a dedicated web page for years that discloses all of the schools lacking adequate air conditioning or heating, and BCPSS has protocols for early dismissal based upon temperatures. He also noted the progress being made by BCPSS on air conditioning and suggested that ventilation could be a standing topic of discussion for the IAC.

Ms. Eberhart noted that she and Director Gorrell received an update on BCPSS air conditioning by letter the evening before the meeting and asked that the IAC staff distribute that letter to all IAC members. Director Gorrell confirmed that staff would distribute the letter. He further explained that BCPSS started using vertical package units (VPUs) in each of the classrooms where it wasn't feasible to renovate the entire school to add air conditioning and improve ventilation (drawing outside clean air into the classroom). According to BCPSS, the installation of both VPUs and window AC units in classrooms require extensive electrical upgrades. But while window AC units only cool the classrooms, VPUs also heat and ventilate them — and are expected to last much longer than window AC units. To date, the VPUs have been effective and have established a best practice for other LEAs in the state in similar facilities situations.

1. Baltimore City E15M HVAC Project Status Report – [Informational Only]

Jamie Bridges, Planning Manager for the IAC, explained that in 2018 the General Assembly provided an extra \$15 million for HVAC in BCPSS schools after a winter where a number of schools were closed due to lack of heat. The report in the IAC agenda focuses specifically on this funding. Baltimore City Schools prioritized and submitted proposed projects to the IAC for review. 19 projects were approved for participation in the \$15M HVAC program. 16 of the 19 are operational, 2 are under construction and one is in design. A full report of the status of the program was provided and is included in the IAC meeting agenda.

Jamie explained, as a general context, that in 2017 there were 75 BCPSS buildings without air conditioning. BCPSS developed a plan to get air conditioning into all schools within four years. However, the cost of the vertical package unit solution was about twice what was expected due to significant electrical upgrades that were needed. Because of this, some additional time was needed to complete all necessary air conditioning projects.

Regarding the 31 schools referenced in the Governor's letter, Jamie stated that in 2019, there were 60 buildings without A/C. To date, between Capital Improvement Program (CIP) funding, Healthy Schools Facilities Fund, and the 2018 \$15M program, City Schools report \$63.6M in A/C projects which have been completed. \$15.1M of planned projects are in construction. \$27M of planned projects are estimated and in design. This does not include major projects which have been completed through the CIP or other funding programs.

On August 31, 30 BCPSS programs were released early due to lack of adequate air conditioning. Of those, 9 are in buildings with A/C that needed repairs, including one in a building which Baltimore City Schools does not own, and repairs have been completed in the other 8 schools. The 21 other schools that were dismissed

early are in buildings without air conditioning. Of those, one is in a building not owned by City Schools, and State allocations have been made to add or improve air conditioning at 12 programs through the extra \$15M for HVAC funding, the CIP, and the 21st Century Schools Program. State allocations are anticipated to add or improve air conditioning at 4 more through the CIP and the Built to Learn program. There are 4 programs without allocations for air conditioning improvements at this time. Some were dismissed due to no A/C, some with not enough ventilation, and some due to maintenance repair issues.

2. Consent Agenda – [Motion Carried]

Upon a motion by Mr. Lombardo, seconded by Ms. Eberhart, the IAC voted unanimously to approve the consent agenda.

A. Approval of the August 12, 2021 Minutes

To approve the minutes of the August 12, 2021 Interagency Commission on School Construction Meeting.

B. Contract Awards

To approve contract procurement as presented.

C. Project Closeouts

To approve the final State project costs as presented and to remove the projects from the active project detailed financial report.

D. Completed Project Allocations Reversions

To approve the reversion of the amounts identified to the appropriate statewide appropriation account.

E. Approval of Revisions to Previously Approved Contracts

To approve the revisions to previously approved contract awards to accurately reflect adjustments to the State and local participation in the contract amounts.

3. Fire Protection Survey – [Informational Only]

Fred Mason, Chief of the School Facilities Branch of the Maryland State Department of Education, reported on a survey conducted by IAC staff regarding changes to fire protection sprinkler requirements for relocatables. A Section of the 2018 Life Safety Code was adopted without amendment and has the effect of requiring that new relocatable classroom buildings have either sprinklers or are less than 1,000 sq. ft. and located at least 30' away from other structures. Some school systems indicated that compliance with this code will increase costs or alter how they deploy relocatables. The IEC conducted a survey in July of 2021:

- Of 10 responses received, 8 from school systems using relocatables identified cost implications in the range of \$50k, not just for infrastructure, but for extending water service to support sprinklers and means to keep pipes from freezing.
- LEAs noted deploying smaller units that are more widely separated creates inefficiencies. Access such as stairs and ramps can't be shared, more space is needed on the site for relocatables, and relocatable classrooms which are connected to campus fire alarm systems. Fire losses to buildings have been identified but no injuries yet reported.

The State Fire Prevention Commission is the body that adopts the Fire and Life Safety Codes. They can hear appeals to their decisions and amend regulations.

4. FY 2021 Annual Maintenance Report – [Motion Carried]

Alex Donahue, Deputy Director for Field Operations, Scott Snyder, Assessment and Maintenance Group Manager, and Brooke Finneran, Assessment and Maintenance Group Administrator, presented on the new

Maintenance-Effectiveness Assessment that began in fiscal year (FY) 2021.

The new assessment focuses more on the LEAs' maintenance systems, processes, and accountability than the previous maintenance inspections did. 268 assessments were conducted in FY 2021. Of those assessed, 194 schools (approx. 72% of schools assessed in FY 2021) received a passing overall rating.

Nearly three-quarters of the assessed schools are being at least adequately maintained overall. However, 74 schools (approx. 28% of schools assessed in FY 2021) received either a Not Adequate or a Poor overall rating, which suggests the building systems or facilities will not achieve their full expected life spans if the level of maintenance is not improved. Scott described four new categories included under the Maintenance Management section in the new assessment. The IAC assessors found that many LEAs are not fully using key functionalities of their Computerized Maintenance Management System (CMMS) to ensure that needed maintenance activities are performed, asset repair costs are tracked, and repair histories are maintained. A CMMS is a crucially important tool for LEAs and needs to be fully used to oversee the operations and maintenance of their facilities. Superintendent Choudhury (in reviewing the HVAC section of the report) had two questions/comments regarding the report.

1. There were 72 minor deficiencies and 36% of schools which had a failing rating out of the 268 assessed. Since that is a high number, he inquired how that number was calculated in order to make the connection between the 72 and 36%.
2. What were the major areas of concern that led to the 36% to be rated poor on that scale? What were the things that we saw in those systems?

In response to questions from Commission members, Scott noted that assessments are a snapshot in time of what the IAC assessors observe – this is what leads to the percentage. Regarding observed HVAC major and minor deficiencies specifically, observed deficiencies included aged equipment, insufficient staff to perform maintenance of the systems, or inability to use the CMMS to maintain Preventive Maintenance (PM) programs. Other deficiencies included inoperable exhaust fans due to damage or missing drive belts, ungreased bearings, missing covers, disconnected wire harnesses, incorrectly installed filters which were collapsed, dirty, or missing, and other factors.

Members of the Commission requested that IAC staff provide, at a future date, a report of the 36% facilities that received failing ratings for maintenance in the HVAC category. Commission members also requested additional information regarding how schools are selected for assessment each year.

Upon a motion from Ms. Eberhart and a second from Secretary Churchill, the IAC voted unanimously to approve the final draft of the FY 2021 Report, *Maintenance of Maryland's Public School Buildings*, dated October 1, 2021, pending non-substantive edits by staff.

5. School Safety Grant Program Administrative Procedures Guide Revisions – [Motion Carried]

Arabia Davis, Funding Programs Manager, presented revisions to the School Safety Grant Program Administrative Procedures Guide to extend the deadline for submissions, to include a new appendix 3 to better align submissions between the IAC and the Maryland Center for School Safety, and to adjust the project review design levels. Upon a motion from Superintendent Choudhury and a second from Secretary McCord, the IAC voted unanimously to approve revisions to the School Safety Grant Program (SSGP) Administrative Procedures Guide (APG) to extend the submission deadline for project applications to September 30, 2021 and to provide clarity on eligible project categories as presented in the draft.

Announcements:

Chair Kasemeyer suggested that it would be helpful to members and the public for staff to provide a briefing at the end of future IAC meetings on various aspects of funding. He also noted that draft bylaws for IAC operation are being developed and that some subcommittees may need to be established for creation of bylaws and for developing parameters for the evaluation of the Executive Director of the IAC.

Adjournment:

Upon a motion from Secretary Churchill and a second from Superintendent Choudhury, the IAC meeting was adjourned at 10:15 a.m.