

Interagency Commission on School Construction
200 West Baltimore Street
Suite 200
Baltimore, MD 21201

Dear Interagency Commission on School Construction:

Thank you for considering our testimony today concerning the need to adopt regulations in accordance with MD. Education Code Ann. § 5-319 as it was adopted in 2018 through HB1783.

Background

During this General Assembly session, as we reviewed proposed legislation that concerned solar installation on public schools we discovered a requirement for the Interagency Commission on School Construction (IAC) to adopt certain regulations in regard to following:

- (a) The Interagency Commission shall adopt regulations that require the design development documents for the construction or major renovation of school buildings submitted by a county board to the Interagency Commission to include:
 - (1) An evaluation of the use of solar technologies, including photovoltaic or solar water heating, based on life cycle costs; and*
 - (2) If an evaluation determines that solar technologies are not appropriate for a construction or major renovation project, a report that explains why the use of the technology is not appropriate.**
- (b) On or before December 31 of each year, the Interagency Commission shall submit a report on the number of public school construction and major renovation projects in each jurisdiction that use solar technologies to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.*

However, as it currently stands, this provision does not appear to have not been implemented. [COMAR 13.39.02.14](#) governs life cycle analysis for new school construction, and there are no specific requirements in the regulation to look at solar. In fact, life cycle analysis is not even defined specifically in regulation, but the regulation relies on the DGS Procedure Manual as its mechanism for providing requirements.

We also examined the [DGS Procedure Manual](#) since it is what governs much of the approach to approving schools to be constructed. While the DGS Procedure manual was updated in January 2022, it has not been updated to include any requirements to examine solar installation.

While we understand that there are oversights, this is an important provision to implement, and we believe now is an opportune time to fix this.

Relationship to SB 360/HB 458

During the 2023 General Assembly session, SB 360/HB 458 was passed and is not expected to be vetoed by the Governor. It includes the following provision: “The Interagency Commission, in

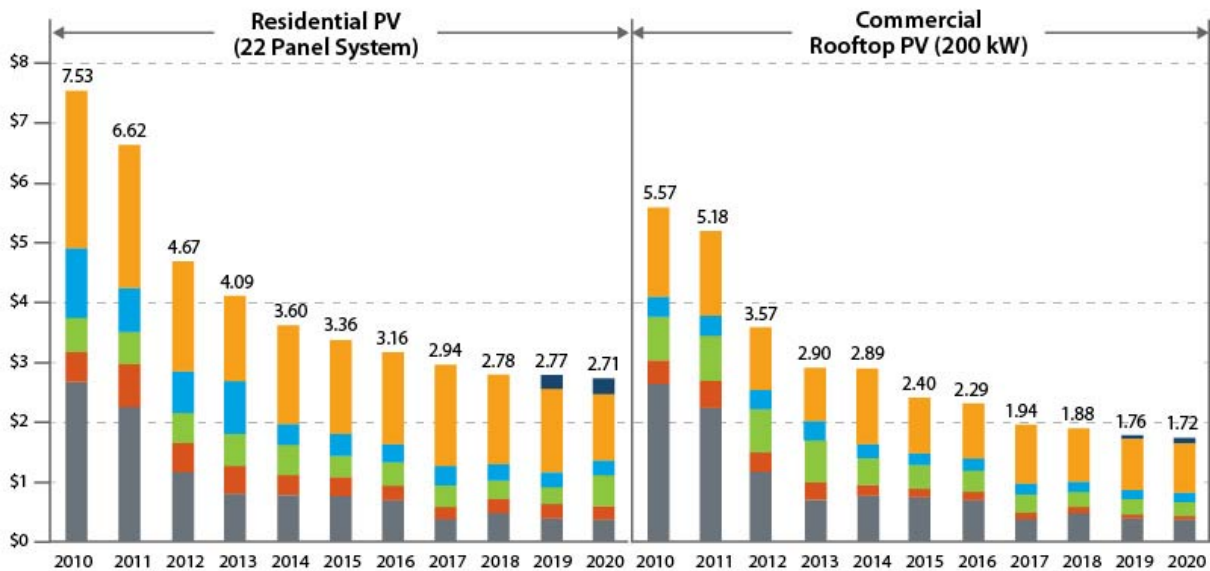
coordination with the Department and the Department of General Services [DGS], shall develop life cycle cost analysis standards”. (MD. Education Code Ann. § 5–327.6 (d)) In addition, it places requirements for the life cycle analysis to include the evaluation of alternative HVAC systems. These statutory requirements are similar in process to those found for evaluating solar in MD. Education Code Ann. § 5-319 that we previously discussed.

Given that the IAC is required to undertake this effort to work with DGS to update its life cycle analysis, it is the perfect time to correct the oversight of not implementing MD. Education Code Ann. § 5-319 and include the requirements to evaluate solar in the life cycle cost analysis updates that will be worked on with DGS.

Other Reasons to Act

When the requirements in MD. Education Code Ann. § 5-319 was enacted at the time the costs of many solar projects may have been too high to pencil out. Of course, this would have been positive information to have learned from we cannot go back in time to correct this oversight. This has definitely changed in the ensuing five years.

Firstly, solar has come down in price, as you can see in the following figure from the National Renewable Energy Lab:



Secondly, there are numerous government incentives that have opened up. The most important one is the installation tax credit, which, due to the passage of the Inflation Reduction Act, is now open to governments and other organizations without tax liability. There are also school-specific incentives opened up in the Climate Solutions Now Act for schools to receive an additional 5% if they are built net-zero, which is essentially impossible to achieve without solar installation. And then, there are the numerous grant programs from DOE, EPA, MEA, and others.

Finally, there are innovative financial mechanisms, such as the sale of Solar Renewable Energy Credits (SRECS), Power Purchase Agreements (PPAs), demand response programs, and community solar, which have become more common and can further offset the costs of new solar systems.

We would be shocked if LEAs, after properly evaluating all of these various factors that reduce the costs of ownership, did not determine that installation of solar was less cost to the LEA than leaving solar off of a new building. In not evaluating solar installation, it is more than likely that LEAs would be leaving federal and state money on the table to place a greater burden on taxpayers. This is why it goes beyond just the legal requirements to promulgate regulations specified by MD. Education Code Ann. § 5-319, but is a financial imperative as well.

About Climate Parents of Prince George's

Climate Parents is a campaign to reduce climate change-causing pollution in our schools, and our group is active in Prince George's County. In particular, we recently worked directly with Prince George's County Public Schools (PGCPS) technical staff, elected officials, and other advocates to develop a Climate Change Action Plan for PGCPS as part of a focus work group created by the Board of Education.

We appreciate your consideration of these comments and if you have any questions, please message climateparentsPGMD@gmail.com. We also look forward to forthcoming rule proposals that implement both MD. Education Code Ann. § 5-319 and MD. Education Code Ann. § 5-327.

Sincerely,

A handwritten signature in cursive script that reads "Joseph Jakuta". The signature is written in dark ink and is positioned above the typed name and title.

Joseph Jakuta
Lead Volunteer
Climate Parents of Prince George's