

My name is Brady Keller and I go to Pointers Run Elementary School. I am against this bill to build the Robinson Overlook in my community. It makes me really mad that so many houses are being built around us when my school is so overcrowded. I can't buy lunch at school because the lines are so long.

I hear next year I won't get much time in technology because there isn't enough money. There will also be fewer paras to help me, my brother, and friends. Now for the second time adults are talking about sending kids from my school to other schools like that's just an easy solution to the problem. The idea that you want to build more houses and send more kids to my school makes no sense to me.

I worry that if you send me to a school farther west that I won't have time to really see my baby brother in the morning or play after school. How is it good for kids to sit on a bus to a school super far away instead of spending time with family and playing. I already go to school for 7 hours every day and miss my family very much during that time. Please do what's right for the people who live in this county. Don't let people build more homes and allow more kids to be sent to our already overcrowded school system.

Hello. My name is Patricia Rynn Sylvester and I live at 9229 Winterfield Lane Columbia MD 21045. I am here to testify in favor of CR 97-2019, which will approve a Payment in Lieu of Taxes (PILOT) for a 48-unit new construction affordable housing development known as Robinson Overlook. I also support allowing the development to proceed as a Special Housing Opportunity under APFO.

The APFO legislation requires the County Council, in approving a PILOT, to consider and balance the County's school capacity needs with its affordable housing needs. The Council must consider the need for affordable housing in the County, including factors such as the housing cost burden on families, *the availability of housing for individuals with disabilities*, and the extent of homelessness among families and school children.

I have more than 20 years of affordable housing experience. I managed Maryland's Low Income Housing Tax Credit Program and led the inter-agency teams that successfully competed for more than \$20M in federal and philanthropic funding to create integrated affordable and accessible housing for people with disabilities with extremely low incomes. Robinson Overlook will include 9 units that will benefit from these efforts. If the PILOT is not approved, these resources will be lost forever to Howard County. I am now retired and my personal testimony focuses on the housing needs of people with disabilities.

***Affordable, accessible housing for people with disabilities is a critical need in Howard County, MD. People with disabilities need financial assistance to rent a unit in the county.***

- **22,089 persons with disabilities live in Howard County** (source – American Communities Survey 2012-2016)
  - 2,513 live at or below the poverty line (11%)
  - 2,869 live between 100-200% of the poverty line (13%)
  - **45% are 65 and older with 12% below the poverty line**
  - **44% are 18-64 with 16% below the poverty line**
  - ***The poverty line was \$11,880 in 2016 and is \$12,490 for 2019***
- According to the Social Security Administration, as of December 2016, there were **1,622 non-elderly adults living in Howard County and receiving Supplemental Security Income (SSI)**.
  - SSI has increased since 2016 and is currently **\$771/month or \$9,252/year**.
- Maryland statewide data from the Technical Assistance Collaborative report *Priced Out in 2019*, reveals that **the rent affordable to a person with a disability who relies solely on SSI (\$771/month) is \$231/month and they would need to spend 155% of household income to rent a moderately priced one-bedroom unit.**
- Maryland Department of Disabilities' waitlist for the **Section 811 Project Rental Assistance Program includes 492 persons with disabilities who want to live in Howard County**, including
  - **140 current Howard County residents:**
    - 5 who live in nursing facilities or other similar institutions
    - 65 who live in group homes or other similar congregate settings
    - 46 who are homeless or at risk of homelessness
    - 24 who live with family or others and want to move to their own home
  - **Of the 140 Howard County residents on the waitlist:**
    - **123 are looking for one-bedroom units (88%)**
    - **32 need physically accessible units (23%)**

- 1 needs a vision-accessible unit
- To be eligible for Section 811 a person with a disability must be:
  - age 18 - <62
  - receiving Medicaid and eligible for long-term supports and services
  - Have income at or below 30% Area Median income (AMI) –
    - \$19,950 for 1 person HH in Baltimore metro area, including Howard County.
- Robinson Overlook is the only property planned with Section 811 units for Howard County at this time.
- The average market rent in Howard County is \$1,384, 180% of SSI income (\$771/month).
- The 2014 Rental Housing Survey commissioned by Howard County Housing Commission (HCHC) notes:
  - Persons with disabilities in Howard County experience poverty at 5 times that of the overall county average.
  - 28% of persons with disabilities living in the Normandy submarket lived in poverty and 21% of those living in Columbia did as well.
- The 2018 Rental Housing Survey commissioned by HCHC states:
  - Only 10% of the rental housing stock in the County serve people with incomes below 60% AMI; 3/4 serve those making between 60-100% AMI and 14% serve those making more than 100% AMI.
  - Median county-wide renter household income is \$79,370, 65% of the AMI (2018)
  - Renter incomes in 2018:
 

▪ <\$15,000	2,524	7.8%
▪ \$15-25,000	1,870	5.8%
▪ \$25-50,000	5,151	15.9%
▪ \$50-100,000	10,567	32.7%
▪ >\$100,000	12,246	37.8%
- Rental subsidy programs such as the Housing Choice Voucher are over-subscribed and the waitlist is closed.
  - HCHC recently partnered with Harford County and was successful in receiving 35 new Mainstream vouchers from HUD. Approximately 17 will be used in Howard County.
- According to MSDE as of October 2017, 9.8% of the Howard County student population reports a disability, up from 8.8% in 2012
  - 16.77% report Autism (statewide percentage is 11.15%)
  - 1,575 are in grades 9-12 (27.6%)
- Approximately 600 students with learning disabilities, autism, developmental delay, or intellectual disabilities are expected to transition out of Howard County high schools in the next five years. (source: The Howard County Autism Society's brochure about their Intentional neighborhood Initiative)

**Robinson Overlook is critically needed to address the housing needs for persons with disabilities, and others, in Howard County.**

- It will provide 8 Section 811 units and 1 Weinberg Apartment restricted for occupancy for persons with disabilities referred by the Maryland Department of Disabilities.
- The residents of these 9 units will pay 30% of their actual income for rent plus utilities.
- A Weinberg Foundation grant and federal subsidy funds make these affordable units possible.
- These resources and units will be lost to the County if Robinson Overlook is not allowed to proceed.

**Thank You in advance for approval of the PILOT for this special housing opportunity.**

# Howard County Housing Affordability Coalition

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Howard County Council Public Hearing  
July 8, 2019

## Testimony: Council Resolution 97-2019

Council Chair Rigby and Council members, on behalf of the 50 members of the Housing Affordability Coalition, my testimony reiterates the Coalition's June 17 testimony in support of CR 97. Specifically, it is our position that the Robinson Overlook project meets the first four of the five Special Affordable Housing Opportunities criteria necessary to move an affordable housing development project forward even if one or more schools in the development to area is overcapacity.

Specific to the first three criteria, it seems reasonable that assigning to one or more of the three under-capacity elementary schools in adjacent school districts can readily accommodate the 25 or so students that are projected to be generated by the project. To the fourth Special Opportunities criterion, as we and others have consistently noted and data bear out, Robinson Overlook's 43 new affordable housing units will be a small, but important step in helping to meet the County's critical need for low income affordable, and accessible to persons with disabilities', housing. With our perspective that the first four Special Opportunities criteria are met, we therefore ask the Council to approve the PILOT proposed in CR 97 thereby meeting the fifth criterion and enabling the Robinson Overlook project to move forward.

Coalition members know that the Council is committed to ensuring that this first use of the APFO affordable housing exemption establishes a sound and defensible precedent. We also fully understand that the reason the exemption was named "Special...Opportunities" is because it is intended to be used only when an exceptional and unique project opportunity presents itself. We cannot state strongly enough our belief that the Robinson Overlook project could not better fit the "Special Opportunities" criteria established.

The project is *exceptional* in that it uses only a small number of market rate income units to offset the significantly higher costs of providing permanent and stable housing to low and moderate income households; it is also exceptional in that it would bring affordable housing to a new area of the County—a good step toward de-concentration.

The project is *unique* in that it will specifically include nine accessible housing units for persons with disabilities; and it is unique in that it is a small development that has the potential to introduce only 25 or so students into area schools. This project is also unique in that it is the only school waiver exemption request that is likely to come before the Council that was already well into the development pipeline before the school in the district was re-classified as being overcapacity.

Robinson Overlook will be a significant contribution to our community and merits your approval of CR 97 to enable the project to move forward. Thank you for this opportunity to offer these comments.

Respectfully,

Members, Howard County Housing Affordability Coalition  
(List on back)

# Howard County Housing Affordability Coalition

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## Purpose

*Achieve community understanding, policymaking and regulatory decisions that will lead to an increase in and equitable access to Howard County housing affordability.*

*Create a community-wide recognition that Howard County's economic vitality is dependent upon access to jobs, resident mobility, quality education and housing affordability.*

## Members

Roy Appletree	Kelly McLaughlin
Association of Community Services	Phyllis Madachy
Harriet Bachman	Tim May
David Bazell	Peter Morgan
Liz Bobo	Oxford Planning Group LLC
Joshua Bombino	PATH
Rebecca Bowman	Paul Revelle
Bridges to Housing Stability	Bill Salganik
Paul Casey	Laura Salganik
Tom Coale	Jean Sedlacko
CCCSMD	Pat Sylvester
Columbia Downtown Housing Corporation	The Arc of Howard County
Community Action Council	TheCaseMade, Incorporated
Jacqueline Eng	Town Center Community Association
Grassroots Crisis Intervention Center	Unitarian Universalist Congregation of Columbia
Rev. Sue Lowcock Harris	Joe Willmott
Heritage Housing Partners Corporation	Phyllis Zolotorow
HopeWorks of Howard County	
Housing to End Homelessness	
Howard County Autism Society	
Howard County Housing Commission	
Humanim, Inc.	
iHomes, Humanim	
Ian Kennedy	
Humphrey Management	
Grace Kubofcik	
JustLiving Advocacy, Inc.	
League of Women Voters of Howard County	
Jean West Lewis	
Making Change LLC	



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, JACKIE ENG, have been duly authorized by  
(name of individual)

HC Housing Affordability Coalition to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 97 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: JACKIE ENG

Signature: Jackie Eng

Date: 7-8-2019

Organization: Housing Affordability Coalition

Organization Address: 970 Patuxent Woods Dr #310  
C

Number of Members: 50

Name of Chair/President: NONE; Eng COORDINATOR, & STEERING CMT

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## Howard County Council Public Hearing: Council Resolution 97-2019

July 8, 2019

### Testimony

Good afternoon Council Chair Rigby, Co-Chair Jones and Council members. As Executive Director of the Association of Community Services and representative of our 168 nonprofit member organizations and community advocates, it is my privilege to, once again, offer comments in support of Council Resolution 97-2019.

The 2018 Rental Housing Survey revealed that Howard County continues to have a shortage of over 5,000-units of housing that are affordable for people who work in our health care, public service (including County government and nonprofits), retail and other industries. Far too many of our young people, our seniors and our neighbors with disabilities are burdened with rents that are disproportionate to their incomes, restricting their ability to afford other necessities like medications, transportation, and health care.

While the Robinson Overlook project won't dramatically decrease the vast need for low-income housing in our County, 43 more units represents a contribution to the supply and a recognition to those Howard County residents most in need, that their voices are heard. These units will serve households with incomes from \$20,000 to \$61,000; and some of these units will be specifically designated for persons with disabilities who may have even lower incomes.

CR 97 also represents a concrete step toward de-centralizing the location of middle and low-income housing. There are so few options to placing mixed income housing throughout our County; we should enthusiastically embrace these opportunities when they are presented.

Low-Income Housing Tax Credit projects are highly competitive, and Howard County is very fortunate to have been granted these credits for this project. While recent, limited redistricting appears to have pushed Pointers Run Elementary School over capacity, it appears that there is capacity in neighboring elementary schools to absorb the 25 or so new students that could become Robinson Overlook residents.

Robinson Overlook is precisely the kind of project that merits the Council's approval as a Special Affordable Housing Opportunity. It meets both all of the requirements of this provision and is responsive to the need to provide quality education for all of our students. We sincerely hope that there can be a collaborative approach that will enable this project to move forward.

Thank you for this opportunity to convey our support for the Robinson Overlook project.

Respectfully submitted,

*Joan Driessen*

Executive Director



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Jack Friessen, have been duly authorized by  
(name of individual)

Association of Community Services to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 97-2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.

(Please circle one.)

Printed Name: Jack Friessen, Executive Director

Signature: [Handwritten Signature]

Date: 7/8/19

Organization: Association of Community Services of Howard County

Organization Address: 9770 Potomac Woods Dr, #301  
Columbia, MD 21046

Number of Members: 168 organizations & community advocates

Name of Chair/President: Travis Pollitt Hill

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**Testimony of the Howard County Housing Commission**  
**Peter Engel, Executive Director**  
**CR97-2019 – PILOT and APFO Waiver for Robinson Overlook**  
**July 8, 2019**

Good afternoon and thank you for the opportunity to testify in favor of CR97-2019. My name is Peter Engel and I am the Executive Director of the Howard County Housing Commission. The Commission is a partner in Robinson Overlook and strongly supports the project, the PILOT, and the APFO Waiver.

Several points are clear from previous testimony today and from the public hearing on June 17<sup>th</sup>.

First, the project meets the requirements of the County Code regarding an exception from the APFO restrictions.

Second, there continues to be an overwhelming need for housing that is affordable for many workers in the County, for individuals and families already living in the County, and for people with disabilities.

Finally, the projected impact of the development on the schools if no action were to be taken is very small, and that the school system has several viable options for eliminating the impact altogether by redistricting the development to Clarksville elementary or another nearby, under-capacity school, as proposed in the 2019 Feasibility Study published last month.

I would like to add three brief points to this earlier testimony.

The first is that the APFO exception language in the ordinance lays out the factors to consider so that the Council can balance the County's interest in housing affordability for County residents and workers struggling with housing costs with its interest in high quality public schools. In this case, the balance unequivocally points toward moving ahead with Robinson Overlook. As discussed previously, the pressing need for more housing targeting lower income workers and people with disabilities has been demonstrated time and again. On the other side of the scale, with an estimated two students per grade level, Robinson Overlook will have a minimal impact on school crowding, and the crowding can be resolved in the near future. Robinson Overlook should not be conflated with school crowding in other parts of the County. The fact that there are real problems in some districts does not mean that all housing should stop. The law sets out a reasoned, case-by-case approach focused on the impacted school and the adjacent schools, which when followed, argues strongly in favor of moving ahead with the creation of high-quality, safe, and affordable homes here.

The second point is that there are always many reasons not to move ahead with developments that increase the supply of workforce housing. If it is not the schools, it is that the project does

not fit in with the fabric of the community, or that a private developer will be making money from the work, or that the new residents will bring crime, or that there is always somewhere else that would be a better place. These objections have become so universal that, as the New York Times notes in an editorial yesterday strongly supportive of new housing efforts, both democrats and republicans are looking at ways to cut through local land use regulations in order to encourage more housing. While school overcrowding is certainly a factor in the management of growth, in this case, as you have already heard, there is no substantial burden and the issues at Pointer's Run can be resolved.

The third point is that if we don't find the need of lower-wage workers and others to be compelling, we should create more workforce housing simply to benefit ourselves, our children, and the County as a whole. When families and people with disabilities have a stable and affordable home, they are more able to participate in the workforce, adding to County tax revenue. They and their children can focus on learning instead of on surviving, improving our school performance. In high opportunity areas, such as western Columbia, their children will out-earn their peers left behind in other neighborhoods, and will do better in school, improving the school experience for everyone. A stable place to live in a good community improves physical and mental health, which in turn reduces the dependency on emergency medical services and County assistance. With more of our workforce living in the County, traffic is reduced, combatting climate change while shortening commuting times for all of us.

To sum up, Robinson overlook meets the requirements of the law. The benefits of the development will far outweigh the detriments, which in any case, can be corrected. The reasons against building here are slim. This is the right project in the right place at the right time. The new housing will not only provide support for those living at Robinson Overlook, but will benefit everyone living in the County.

Housing affordability is not a wedge issue. Rather it is a desperate need for thousands of households in the County that must be balanced with other needs. The APFO exception calls for that balance to be made and lays out the factors to be considered. We are confident that in this case, the balance is squarely in favor of granting the exception and the PILOT, and creating 48 new mixed-income homes in the County.

Thank you again for the opportunity to testify in support of Robinson Overlook and the homes it will provide for Howard County residents and workers. The Commission looks forward to working with you on both housing and school issues going forward.



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Peter Engel, have been duly authorized by  
(name of individual)

The Howard County Housing Commission to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 97-2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: Peter Engel

Signature: Peter Engel

Date: 7/8/2019

Organization: Howard County Housing Commission

Organization Address: 9770 Patuxent Woods, Suite 100  
Columbia, MD 21046

Number of Members: 7

Name of Chair/President: Regina Stone-Mitchell

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HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Katie Collins-Inrke, have been duly authorized by  
*(name of individual)*

Accessible Resources for Independence to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CR 97-2019 to express the organization's  
*(bill or resolution number)*

support for / ~~opposition to~~ / ~~request to amend~~ this legislation.  
*(Please circle one.)*

Printed Name:

Katie Collins-Inrke

Signature:

Katie Collins-Inrke

Date:

7/18/19

Organization:

Accessible Resources for Independence

Organization Address:

1406B Crain Hwy S, Suite 206

Glen Burnie, MD 21061

Number of Members:     

Name of Chair/President:

Rich Scordo

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The Arc Maryland  
8601 Robert Fulton Drive, Suite 140  
Columbia, MD 21046  
T 410.571.9320  
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[www.thearcmd.org](http://www.thearcmd.org)

July 8, 2019

### CR 97-2019- Support

My name is Ande Kolp and I am the Executive Director for The Arc Maryland. The Arc Maryland is the largest statewide advocacy organization dedicated to the rights and quality of life of people with intellectual and developmental disabilities. We are here today to speak in support of Council Resolution 97-2019; approval of the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Maryland and Robinson

Overlook Limited Partnership for the development of a 48-unit mixed-income rental housing development.

Of note:

- The APFO legislation requires the County Council, in approving PILOT, to consider and **balance** the County's school capacity needs with its **affordable housing needs**.
- The Council is required to consider the need for affordable housing the County, including factors such as the housing cost burden on families, **the availability of housing for individuals with disabilities**, and the extent of homelessness among families and school children.

***Affordable, accessible housing for people with disabilities is a critical need in Howard County, MD. People with disabilities need financial assistance to rent a unit in the county.***

Many people with intellectual and developmental disabilities receive supports from organizations, like The Arc, funded by Medicaid under a special Home and Community Based Services Waiver that allows people to receive their services and supports in the community as opposed to a hospital or other institutional setting. This Medicaid funding is part state-funding and part federal-funding/match.

In 2014, The Centers for Medicare & Medicaid Services (CMS) issued regulations clarifying what settings constituted "community-based," and were in contrast to those settings that may have the qualities of an institution. This is fondly referred to as the "Final Rule" or "Final Settings Rule." The HCBS regulation impacts older adults and individuals with disabilities eligible for Medicaid HCBS (including intellectual, developmental and physical disabilities, as well as behavioral health conditions).

The 2014 regulation required states to develop a transition plan to ensure that all settings receiving certain Medicaid funding met federal HCBS standards for settings.

In response to concerns raised by states and other stakeholders about time for transitioning to compliance, CMS granted an extension of the transition period, extending the date by which states must demonstrate compliance to March 2022.

By 2022, people who are not receiving services in a community-based setting will not be eligible for funding of those services by the Medicaid waiver. Maryland is therefore working hard to help providers of services transform from service delivery from agency-operated ~~group homes and day programs~~ <sup>owned + controlled</sup> to services in individual's own homes, in homes individuals rent, and in meaningful day settings in the community (no longer "sheltered workshop settings" for example).

Approximately 24,000 adults with intellectual and developmental disabilities receive DDA services throughout the state, and several thousand of those individuals live and work in Howard County (source: Developmental Disabilities Administration, March 2019). Many of these individuals rely on Social Security as a primary source of income and cannot currently afford most if not all housing units in Howard County, due to rental costs.

In addition to this number, approximately 600 students with learning disabilities, autism, developmental delays, or intellectual disabilities are expected to transition out of Howard County high school in the next five years, entering adult DD services. (source: The Howard County Autism Society's brochure about their Intentional neighborhood Initiative). Many will need places to live, and would like to remain in their home communities next to their jobs and families for natural supports but currently would be unable to afford to rent in Howard County given the lack of affordable units.

We must start seriously addressing the long-standing issue and critical need for affordable housing in Howard County!

### Affordable Housing "Assistance" Currently Available in the County

Rental subsidy programs such as the Housing Choice Voucher Program are present in the County but the program is over-subscribed and the waitlist is closed and has been closed for years (June 2012).

The Maryland Department of Disabilities keeps a waitlist for the Section 811 Project Rental Assistance Program which includes 492 persons with disabilities with incomes at or below 30% Baltimore AMI who want to live in Howard County, including

- 140 current Howard County residents:
  - 5 who live in nursing facilities or other similar institutions
  - 65 who live in group homes or other similar congregate settings
  - 46 who are homeless or at risk of homelessness
  - 24 who live with family or others and want to move to their own home
- Of the 140 Howard County residents on the waitlist:
  - 123 are looking for one-bedroom units (88%)
  - 32 need physically accessible units (23%)
  - 1 needs a vision-accessible unit
- To be eligible for Section 811 a person with a disability must be:

- age 18 - <62
- receiving Medicaid and eligible for long-term supports and services
- Have income at or below 30% Area Median (AMI) - \$19,950 for a 1 person unit in Howard County

**Robinson Overlook is the only property planned with Section 811 units for Howard County at this time. Robinson Overlook is critically needed to begin to address the availability of housing for persons with disabilities in Howard County.**

- It will provide 8 Section 811 units and 1 Weinberg Apartment restricted for occupancy for persons with disabilities referred by the Maryland Department of Disabilities. **While this is not many, it is a step in the right direction toward ensuring all Howard Countian's with disabilities have the opportunity to live in Howard County.**
- The residents of these 9 units will be able to pay 30% of their actual income for rent plus utilities.
- A Weinberg Foundation grant and federal subsidy funds make these affordable units possible.
- These resources and units **will be lost** to the County if Robinson Overlook is not allowed to proceed.

Thank You in advance for approval of the PILOT for this special housing opportunity.

Sincerely,



Ande Kolp  
Executive Director



**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

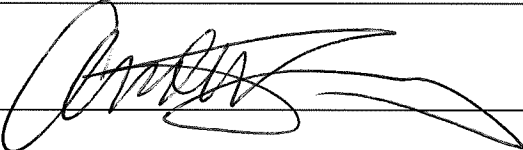
I, Ande Kolp, have been duly authorized by  
*(name of individual)*

The Arc Maryland, Inc. to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CR97-2019 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Ande Kolp

Signature: 

Date: July 8, 2019

Organization: The Arc Maryland, Inc.

Organization Address: Columbia, MD 21046

Columbia, MD 21046

Number of Members: 15 board members- 10 Local Chapters of The Arc

Name of Chair/President: Laura Carr, Board President

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My name is Debbie Meyers and I currently live at St. Matthews House in Kings Contrivance, which was built by the Orthodox Church to house people with physical disabilities. I am paraplegic and have used a manual wheelchair since 2000. I was residing at Grassroots Homeless Shelter in 2015, then rented a 9 x 10 room for a year paying \$900 a month. The apartment community where I was renting this room, required all roommates to apply at the leasing office. My application was not approved because I had been evicted by a previous landlord.

I became homeless again in November of 2016. With the help of Congressman Elijah Cumming's aide, I was connected to Grace Morris, then Director of St. Matthews House. All the apartments at St. Matthews were occupied and there was a waiting list for 4-5 years. However, Grace remembered the Staff Lounge at St. Matthews that was no longer in use and could be used as a studio apartment. Miracle of miracles, I moved into St. Matthews in December of 2016. Had that help from Grace Morris not materialized, I would have only had the Howard County Cold Weather shelters available to me.

I used to work at the Howard County Health Department in the Bureau of Behavioral Health, and we served people in recovery who frequently needed housing. Therefore, I knew "every single" housing resource to contact and I exhausted all options. Online rental/roommate websites were a useless resource, because 99% of the listings were inaccessible and/or unaffordable. The only new rental housing being built in Howard County at that time were luxury apartments. Even if an apartment was available, I had the scarlet "E" on me because of my eviction and no landlord would approve my application. What happened to second chances?

Another thing to keep in mind, is that the older apartment communities in Howard County that have lower rents are inaccessible to anyone in a wheelchair, because of narrow doorways, steps (check out Columbia Pointe & The Verona at Oakland Mills apartments) and hardly any curb cut-outs on the sidewalks (check out Chimneys of Cradlerock in Owen Brown).

The last kick to the gut was that there were some available rental units at Senior Citizen communities like Parkview in Owen Brown, but the age limitation of 62 prevented me from being able to apply since I was 60 at the time. There are no allowances made for those who are disabled under the age of 62. Legislation is needed to change that problem.

Grant it, that I'm an anecdotal example, but I do demonstrate that finding low cost housing that is accessible and affordable is extremely difficult. My experience at the Grassroots Homeless Shelter has instilled in me the phrase "By the grace of God go I", because it wasn't drug use that landed me there, it was being put between a rock and a hard place by the IRS & the Social Security Administration.

You never know if you will find yourself needing accessible & affordable housing. Another phrase to remember – "Want to make God laugh? Tell him your plans". Howard County is rich with resources, but short on solutions. By allowing for the development of Robinson Overlook, Howard County will be providing one solution to the lack of affordable and accessible housing for people like me.

Thank you members of the council for taking the time to listen to me speak.

My name is Cyndi Keegan and I am against Council Resolution 97-2019 and the Robinson Overlook Development project. I am a resident of the Pointers Run neighborhood and I have children who attend Pointers Run Elementary School. The Robinson Overlook development will be in polygon 64 which is also in the Pointers Run Elementary attendance area. According to the latest feasibility study, Pointers Run is projected to be at 119% capacity next year.

Grace Drive is already slated to have a much larger development called Cedar Creek which will have 184 housing units. I understand the Robinson Overlook is giving a, in my opinion, very low estimate of 28 children in the development. If you give an equally low estimate of 90 children in the Cedar Creek development, the total number of children in these two developments alone would be at a bare minimum of 118. Have you considered the impact to the schools in the area? The schools which are currently already bursting at the seams? Even if you move our existing children from the Pointers Run neighborhood to Clarksville Elementary, once you add the very low estimated 118 children to polygon 64 and have them at Clarksville Elementary, you're now pushing Clarksville's capacity past its limit.

Isn't the APFO in place to safeguard from overdevelopment? I don't think it's right that developers can skirt the laws put in place to protect your constituents from over development. I understand that it feels good to say you're building this development to help those in need of affordable housing. But a classroom with 30+ kids in it doesn't benefit anybody. The students already attending these schools **OR** the students moving into these new developments. I think it's wrong for developers to use affordable housing as a way to put neighbor against neighbor under the guise of helping those less fortunate. I would fully support the building of affordable housing if our public facilities allowed for it without loopholes.

In addition to the school capacity issue is the watershed issue. On the other side of Cedar Lane is Harriet Tubman lane. This road is constantly being flooded during bad storms. Yes, I understand they are currently working on expanding the water retention area on the corner of Cedar Lane and Grace Drive - but have we not learned anything from Ellicott City? Directly behind these developments is the Robinson Nature Center. A preserved wetland with its own water issues. And the Little Patuxent River runs through Robinson Nature Center and then goes

under Cedar Lane and down to Harriet Tubman Road. I'm sorry but - where is all this water going to go? Into that retention pond? In a perfect world yes - I'm sure there were lots of studies telling you that it will be able to handle the excess water. But I'm also willing to bet there were lots of studies showing that Historic Ellicott City wouldn't flood as it had from all the development at higher elevations.

In conclusion, I do not support the development of Robinson Overlook. I think that the school capacities and land will be negatively impacted. No exemptions should be made in regards to the APFO. These thresholds were put into place for a reason. If the APFO doesn't allow for the building without loopholes, it shouldn't be built. Period.

My name is Faith Keller and I am against CR 97-2019. The loophole that developers are trying to use to build this apartment complex benefits the profits of developers at the expense of the citizens and youngest students of our county. We often talk about the overcrowding and capacity numbers of our high schools but our elementary schools are in dire situations, too. This development is proposed in the Pointers Run Elementary district where the enrollment is currently 925 in a school with a capacity of 744. Next year an entire grade is being moved outside to a portable that is not safe. Twice this year tornado warnings sounded without time to evacuate students in portables. Thankfully there was not a direct hit on the school but what happens when we aren't so lucky? Students should be inside brick and mortar schools.

Our budget can't afford this development. Thousands of students across our county just lost technology classtime, paraeducators, and math and reading support for the neediest students because we've been told our budget can't afford these basic parts of their education. Yet we want to add more students to this system and not require the developers to pay for this added burden on our already overtaxed infrastructure? APFO is meant to protect our infrastructure against failures due to overdevelopment.

This loophole is being exploited because some would argue students can be moved to less overcrowded schools. There are significant problems with this argument. As of this morning, the 5 elementary schools being used in arguments revolving around this project have a combined enrollment of 3,526 students for the upcoming year but only 3,309 seats. Clarksville has about 100 extra seats, DOES has 18 available, and Clemens Crossing has 30 seats) yet Pointers Run and Fulton are significantly over capacity by 309 students. That means that without building a single new dwelling or including the families who move in over the summer or wait til the last minute to enroll, there are already 215 students in our system who don't have a seat even if you redistrict and distribute students across these 5 schools. This also doesn't take into account the hundreds of homes being built in the already approved Cedar Creek development or the River Hill Enclave Development, and several others- all which will add a couple hundred more students to this already overcrowded section of the county. Yet, the response for those in favor of this bill is to bus students further and further west.

Putting elementary students on buses for half an hour to an hour longer each day is a horrendous suggestion. Kindergartners, 1st graders, 2nd graders, heck any student being asked to sit on a bus in lieu of spending time with their families before school or in lieu of playing outside for a little bit before dinner after they get home from a long day at school- It's not right. The same issues are happening all over the county! There are too many students and not enough seats and schools. These students, beginning next year will be more and more underserved by our more and more overcrowded and underfunded school system. Enough is enough. No exemptions should be made to allow developers to build in overcrowded areas period. Our APFO laws are already too lax and have allowed this overcrowding crisis to occur across our county. Many of the council were recently elected on platforms that they would address overcrowding concerns and make developers pay their fair share. A vote to approve this bill is in direct contradiction to any promises made to address overcrowding or make developers pay their fair share. I urge you to vote against CR 97-2019.

## **PTACHC Statement on Council Resolution 97-2019 Concerns Regarding the Robinson Overlook Project**

**Good Afternoon, I am Lisa Soto, the 2019-2020 Vice President of Issues for the PTA Council of Howard County, MD. PTACHC serves our 74 PTA units and its 25,000+ members in Howard County. Through its advocacy, PTACHC seeks to support the mission of the National PTA and works to ensure that ALL children are afforded a quality education. PTACHC does NOT endorse school overcrowding that exceeds 100% capacity of a permanent facility and does NOT endorse intentional overcrowding. PTACHC always advocates for full and complete funding of the HCPSS School System and does NOT endorse the permanent loss of Para-Educators or any other staff that may result from the Under-Funding of the Operating/Capital Budget of the HCPSS School System due to over-development and insufficient taxpayer revenue.**

**The Robinson Overlook project is the first affordable housing project exemption request to come before the County Council under Amendment 3 to the 2018 Adequate Public Facilities Ordinance (APFO) Legislation known as County Bill 1-2018.**

**Regarding Council Resolution 97-2019; PTACHC is concerned due to the following issues:**

- The language of this resolution ONLY considers adjacent capacity at a single point in time. The presence of “Available Adjacent Capacity” functions as an ad-hoc Adjacency Test Exemption under the premise of externally driven localized redistricting.**
- Adjacency Tests are fundamentally flawed with vastly different results between central “surrounded” schools and “county boarder schools” which net different numbers of adjacent schools to test against. The current APFO test for the Elementary Level overcrowding uses School Planning Regions.**
- The HCPSS School System is the facilitator of the School Redistricting Process, while the County Administration determines Planning, Density**

and Capital Funding at both the local level and the countywide level to provide adequate resources within the HCPSS managed construct.

- The Resolution does not take into effect long range plans that count on the availability of capacity to perform “domino effect” redistricting. The loss of these NET available seats creates a “musical chairs effect” where other local schools will remain overcrowded.
- The Resolution does not take into consideration the potential size and timing for multiple projects which may compete or overwhelm resources.
- The Resolution only factors available adjacent capacity in its justification that individual school overcrowding is an acceptable exemption. It does not factor in Net Growth, Net Capacity and the other criteria included in the redistricting process such as Bus Routes, Walkers, etc.
- The Resolution does not factor in economic growth mitigation or offsetting mechanisms to provide permanent capacity to support this and future projects.

The HCPSS School System is facing an Annual Funding Deficit due to Maintenance of Effort (MOE) Funding at the State and County Level. PTACHC believes that Howard County will not secure appropriate Sustainable Funding for the cost of educating the students that will be housed in this development by granting the developer the Payment in Lieu of Taxes (PILOT) exemption.

Thank you for the opportunity to testify on behalf of the 58, 284 students enrolled in the HCPSS System as of June 28, 2019. PTACHC looks forward to continuing to work with the County Council as we seek solutions for the infrastructure and budgetary funding necessary to keep our school system one of the most desired in the State of Maryland.

Lisa Soto, Vice President Issues

2019-2020 PTACHC



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, LISA SOTO, have been duly authorized by  
(name of individual)

PTA COUNCIL OF HOWARD COUNTY (PTACHC) to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CR 97-2019 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: LISA SOTO

Signature: Lisa Soto

Date: 7/8/19

Organization: PTACHC

Organization Address: BLAVER KILL ROAD, COLUMBIA, MD.

Number of Members: 25,000+

Name of Chair/President: BRENT LOVELESS

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

Joel A. Gallihue

July 8, 2019

1. *The estimated number of students from Robinson Overlook is less than the prediction confidence range of the HCPSS enrollment forecast.*

On June 13, Cooperative Strategies presented an Enrollment Projection Review Update to the Howard County Board of Education. (Slides attached.) The report introduced the Mean Absolute Percentage Error or MAPE Rates by school level. MAPE calculates the average of the absolute values of the error of the individual forecasts for each school. The choice of absolute value in the equation prevents under projection errors and over projection errors from canceling each other out to make the performance look better than it was. MAPE can help show the precision of a forecasted enrollment. A school forecast of 500 students in the next year with the MAPE for one year of 2% will likely result in as many as 510 students or as few as 490 students.

Cooperative Strategies presented one-year error rates by level and how many years forecast into the future. Below I use these rates to calculate the fourth-year confidence for school forecasts. The four-year increment matches the year 2022, which is the first testing year for the APFO chart. My table shows the estimates of students from Robinson Overlook for comparison.

Level	MAPE of four year forecast	Assigned School and 2022 Forecast	Four year Forecast Confidence	Additional Students Estimated from Robinson Overlook	
				DPZ	JG
ES	3.6%	Pointers Run : 900 students	+/- 41	12	10
MS	3.2%	Clarksville MS: 630	+/- 20	7	6
HS	1.7%	Atholton HS: 1604	+/- 50	9	7

My first observation is that the four-year precision of the HCPSS forecasting methodology shows the method provides good capital planning information. The potential variation of students is total enrollment - *sprinkled across all grades in a school of each level*. The estimated numbers of new students from Robinson Overlook by level are less than overall forecast confidence ranges by level. I do caution against using this information to cast the impact of Robinson Overlook as smaller than the “noise” in the HCPSS methodology. I believe development impact matters and I am committed to planning for successful public facilities. I only seek to help the County Council place the effect in context when weighing what I believe are equally important issues of housing equity and facility adequacy.

2. *Evenly distributing affordable housing options is a benefit to the school system.*



In my report, I shared an analysis of elementary school performance in Texas, which showed the balanced provision of affordable housing not only benefited students in the housing but the schools they attended. Last May, the general counsel of HCPSS briefed the Board of Education with a presentation entitled, "Promoting Student Diversity in Schools." I have attached the slides because this may contribute to your decision. The brief concerns desegregation and diversity plans used by school systems. Key points include diversity is multi-racial and inclusive of characteristics beyond race and that, this broader definition is more compatible with legal standards. For these reasons, many school districts have switched from using race to poverty indicators. The report continues by identifying educational value in increased diversity and tools school boards can use to improve diversity. I believe the County Council can also promote student diversity in schools with other tools. such as this particular PILOT proposal in an area of the county with a lower concentration of affordable housing.



# COOPERATIVE STRATEGIES

COMPLETE FINANCIAL & DEMOGRAPHIC PLANNING FOR EDUCATION

## HOWARD COUNTY PUBLIC SCHOOL SYSTEM

ENROLLMENT PROJECTION REVIEW UPDATE

JUNE 13, 2019



## INTRODUCTION

- Progress Update
- Methodology Review
- Comparison of MDP Projections to HCPSS Projections
- Accuracy of HCPSS Projections
- Impact of Housing Data
- Addressing Data Inputs and Quality Control
- Next Steps



## PROGRESS UPDATE

Task	Status
1: Request District Data / Information / Documents	Complete
2: Review Methodologies	Complete
3: Methodology Comparison	Complete
4: Benchmarking	Complete
5: Weekly Updates	Ongoing
6: Prepare Report	In Progress
7: Attend School Board Meeting	June 13, 2019



## METHODOLOGY

- The HCPSS enrollment projection methodology description can be found at:
  - <https://www.hcpss.org/f/schoolplanning/school-planning-enrollment-methodology.pdf>
- Cohort survival method with incorporation of student yield rates for housing transactions that could generate new students
- Consideration of (“art”):
  - Local knowledge
  - Development & planning trends
  - Historical accuracy
- Enrollment projections are developed based on the boundaries to be in place in the first year of the enrollment projections.
- Projections are based on historical Sept. 30<sup>th</sup> enrollment and projections are reflective of that same count day.



## FINDINGS

- HCPSS follows best practices with regards to methodology, data, and data usage as well as analysis of accuracy.
  - HCPSS has access to and utilizes more granular data than what is typically available and used by school districts to project enrollment.
  - HCPSS incorporates the best data available at the time of the enrollment projection. (i.e., birth data continues to be cleaned up by the State, HCPSS uses the best data available at the time of the projection)
  - HCPSS provides annual accuracy reports based on the actual Sept. 30 counts.
- Enrollment projections developed by HCPSS, OSP, are considered highly accurate one year out (consistently greater than 99.5% accurate).

# COMPARISON OF MDP AND HCPSS PROJECTIONS



## DISTRICTWIDE

### At the District Level:

- HCPSS projections are most accurate 1 year out.
- MDP projections for HCPSS tend to be more accurate in subsequent years.

### Important Considerations

- These projections are created using different methodologies for different purposes.
  - Methodology Differences
    - MDP uses a cohort survival (grade succession) projection **districtwide**.
    - HCPSS uses a combination of cohort survival and student yield projections **by boundary + "art"**.
  - Projection Purposes
    - The MDP projection is a **macro-level** projection used for state level budget planning.
    - The HCPSS projection is a **micro-level** projection used for boundary/school level facility planning and budgeting. The boundary level data is rolled-up into the district total for this comparison.
- In general, the larger the sample used in a cohort projection, the more resistant to error it is.

State Reported Actuals		MDP Projections					
Districtwide Comparison		HCPSS		Howard County		All Districts	
Projection	Forecast Year	Absolute Difference	Absolute Percent Error	Absolute Difference	Absolute Percent Error	Mean Absolute Difference	Mean Absolute Percent Error
2015	2015	204	0.38%	184	0.34%	223	0.90%
	2016	227	0.42%	128	0.24%	310	1.10%
	2017	607	1.09%	170	0.31%	593	1.90%
	2018	810	1.43%	360	0.64%	794	2.90%
2016	2016	233	0.43%	302	0.56%	210	0.70%
	2017	592	1.07%	310	0.56%	491	1.50%
	2018	1043	1.84%	380	0.67%	609	2.00%
2017	2017	219	0.39%	230	0.41%	267	0.90%
	2018	264	0.47%	150	0.27%	415	1.60%
2018	2018	126	0.22%	10	0.02%	228	0.80%

# ACCURACY OF HCPSS ENROLLMENT PROJECTIONS

## BY SCHOOL

- HCPSS projections tend to be most accurate 1 year out.
- The table below reflects error rates by school.

Mean Absolute Percent Error

School Level	Projection 2018	Projection 2017	Projection 2016		Projection 2015		
	2018-19	2017-18	2016-17	2017-18	2015-16	2016-17	2017-18
ES	3.6%	3.4%	2.9%	4.6%	3.3%	5.3%	7.8%
MS	3.2%	2.6%	2.9%	3.2%	2.4%	4.2%	4.2%
HS	1.7%	1.8%	2.0%	3.1%	1.7%	2.7%	4.7%
Total	3.2%	2.9%	2.8%	4.0%	2.8%	4.6%	6.3%

**Note:** 2018-19 projections incorporate a boundary change that wasn't projected to in prior years.





## FACTORS IMPACTING ENROLLMENT

- Enrollment Trends
- Live Birth Trends
- Housing Trends
- The following factors can also cause significant change in projected student enrollment:
  - Boundary changes
  - New school openings
  - Changes / additions in program offerings
  - Preschool programs
  - Change in grade configuration
  - Student transfer policy changes
  - Interest rates / unemployment shifts
  - Magnet / charter / private school opening or closure
  - Zoning changes
  - Unplanned new housing activity
  - Planned, but not built, housing
  - School closure
  - Changes in school or neighborhood perception



## ACCURACY OF HOUSING PROJECTIONS

- HCPSS incorporates housing unit projection data from DPZ for future years into the enrollment projection model.
- CS analyzed the housing projections to the actuals to determine the accuracy of the projection data.
- Apartment and Multi-Family unit projections were significantly less accurate over the 3 years period.

Mean Absolute Percent Error

Housing Type	Projection 2017	Projection 2016		Projection 2015		
	2017-18	2016-17	2017-18	2015-16	2016-17	2017-18
SFD	2.2%	0.6%	6.1%	0.5%	1.1%	6.4%
SFA	3.6%	0.9%	5.5%	0.8%	1.2%	5.9%
APT	4.7%	1.9%	9.4%	5.4%	7.2%	18.3%
MH	7.1%	0.0%	13.9%	1.4%	1.4%	14.2%



## FAQ

- Why does School Planning project student enrollment by school attendance area, rather than polygon?
- If we have the data by polygon, why not project by polygon?
- Isn't it more accurate to project by polygon?

### **Answer:**

An enrollment projection based on a larger sample size will typically yield more accurate results than a smaller sample size. HCPSS develops enrollment projections by school attendance area, by grade. In years that boundaries may be adjusted, the School Planning staff develops an enrollment projection by attendance area and breaks it down by polygons (geographic areas used as a planning tool for boundary review/adjustments). The school attendance area represents the larger sample size and the polygon represents the smaller sample size. This is done in an effort to produce the most accurate enrollment projection for the school attendance area while still providing a projection by polygon that can be used for potential boundary adjustments.

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# ADDRESSING INPUTS AND OUTPUTS

## FOR QUALITY CONTROL

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- **FoxPro – There are still elements of the projection that utilize customized FoxPro applications.**
  - Microsoft Support for FoxPro 2.6a in XP Mode ended in 2014.
  - There is no guarantee that XP mode will be included in future Microsoft Windows releases.
  - OSP is currently planning on updating the software.
- **Documentation**
  - Completion of the enrollment projection process is dependent on the institutional knowledge of the current OSP staff.
  - Technical manuals need to be updated, this is planned with development of updated software.



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## NEXT STEPS

- Draft Report – end of June, 2019



# QUESTIONS

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# Promoting Student Diversity in Schools

Mark C. Blom, Esquire  
General Counsel  
Howard County Public School System  
May 2019

SEGREGATION, DESEGREGATION,  
RESEGREGATION, DIVERSITY  
IN  
AMERICA'S PUBLIC SCHOOLS

National School Board Association  
Annual Conference  
Philadelphia, PA  
March 2019

Lindsay Anne Thompson, Esquire  
Georgetown County School District

Mark C. Blom, Esquire  
Howard County Public School System



# DESEGREGATION/DIVERSITY PLANS

- Court Ordered
- Voluntary

## FROM DESEGREGATION TO DIVERSITY

- Historically, an issue of White and African-American students
- Today, diversity is multi-racial and inclusive of characteristics beyond race
- Broader definition reflects many communities
- Broader definition more compatible with legal standards

# ASSIGNMENT PLANS/PROGRAMS THAT INCREASE STUDENT DIVERSITY WITHIN A SCHOOL

- *Should you* do it?
- *Can you* legally do it?
- *How do you* do it?

# *SHOULD YOU* ADOPT STUDENT ASSIGNMENT POLICIES THAT INCREASE DIVERSITY?

## Educational Value

- Educational data often reflects lagging results by minorities, low-income students
- Preparing students for a multicultural society
- Supreme Court: there is a compelling educational interest in promoting diversity and removing racial isolation

## *SHOULD YOU* ADOPT STUDENT ASSIGNMENT POLICIES THAT INCREASE (CONT'D)

- Costs of Litigation
  - Expensive
  - Divisive
  - Consumes staff time
  - Detracts from core focus
  - Lengthy
  - Uncertain outcome
  - May cede control over major issues

# LITIGATION IN RESPONSE TO DISPARATE RESULTS

- Many districts defending lawsuits
- State of New Jersey sued in 2018
- State of Minnesota sued 2018 in  
*Cruz-Gusman v. State of Minnesota*

## *CRUZ-GUSMAN* ALLEGATIONS

- Minneapolis/St. Paul schools segregated compared to surrounding districts
- Those schools are separate and unequal
- Segregated schools have significantly worse outcomes
- State caused or permitted segregation
- Segregated schools violate Education Clause of State Constitution requiring a system of general, uniform, thorough, and efficient schools

## *CRUZ-GUSMAN* OPINION

Minnesota Supreme Court:

“It is self-evident that a segregated system of public schools is not ‘general,’ ‘uniform,’ thorough,’ or ‘efficient.’”



## Justice Breyer

“Primary and secondary schools are where the education of this Nation’s children begins, where each of us begins to absorb those values we carry with us to the end of our days. As Justice Marshall said (in 1974), ‘unless our children begin to learn together, there is little hope that our people will ever learn to live together.’”

## *CAN YOU* LEGALLY ADOPT STUDENT ASSIGNMENT PLANS TO INCREASE DIVERSITY?

- Yes
- Plans must satisfy the Equal Protection Clause of the U.S. Constitution (14<sup>th</sup> Amendment)
- No state shall “deny to any person within its jurisdiction the equal protection of the laws.”

## TWO EQUAL PROTECTION CLAUSE TESTS

- Strict Scrutiny Test
  - Policy must serve a compelling state interest
  - Policy must be narrowly tailored to the purpose
- Rational Basis Test
  - Policy must be reasonably related to a legitimate state interest

## WHICH TEST WILL BE APPLIED?

- Policies that use an individual student's race – strict scrutiny
- Policies that are race-neutral or use race as one factor – rational basis

# POVERTY REPLACING RACE AS FACTOR

- Race as factor receives heightened legal scrutiny
- Poverty legally less scrutinized and easier to justify
- Many school districts switched from using race to poverty indicators

STRICT SCRUTINY  
*PARENTS INVOLVED IN COMMUNITY SCHOOLS V.  
SEATTLE SCHOOL DISTRICT (S. CT. 2007)*

- School plans used individual student's race in school assignment
- Diversity is a compelling state interest (5 justices)
- Court majority: plans violate equal protection
  - 4 justices: Fails compelling interest prong
  - J. Kennedy: Fails narrowly tailored prong

## RATIONAL BASIS

*DOE V. LOWER MERION (3<sup>RD</sup> CIR. CT. APPEALS 2011,  
CERT. DENIED)*

- School board used race in setting attendance zones
- Race was one of several factors
- “The consideration or awareness of race while developing or selecting a policy, however, is not in and of itself a racial classification. Designing a policy ‘with racial factors in mind’ does not constitute a racial classification if the policy is facially neutral and is administered in a race-neutral fashion.”

## *HOW TO DIVERSIFY* - STRATEGIES

- Controlled Choice – parents' choices matched with diversity goals
- Magnet Schools – school with specialized program that attracts students of different races or incomes
- Redistricting – drawing attendance zones to achieve diversity



## *HOW TO DIVERSIFY* – DISTRICT EXAMPLES

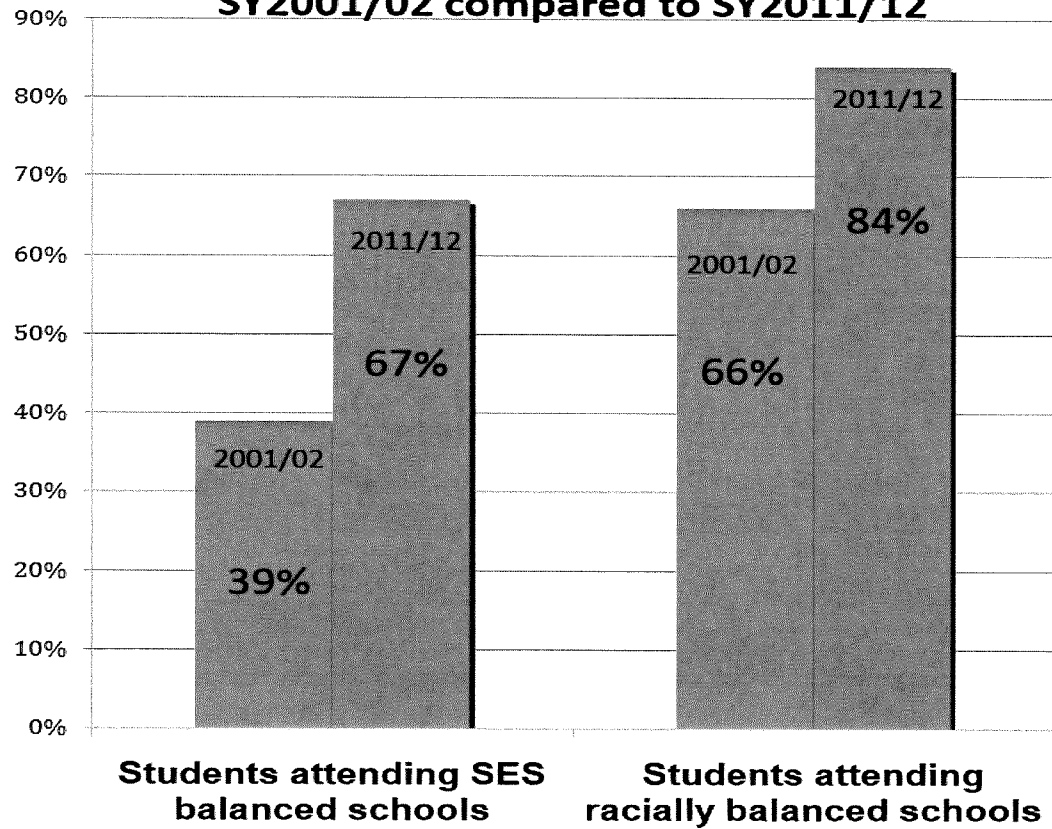
### 1. Cambridge, Mass. 1980

- Parental choice program
- School board moved away from neighborhood school model
- Nationwide model
- Initially used race, switched to SES

## *HOW TO DIVERSIFY* – DISTRICT EXAMPLES

1. Cambridge, Mass (cont'd)
  - Parents select 3 choices
  - District assigns based on choice, SES, diversity goals
  - Switch to SES supported racial integration

**Percentages of the JK - 8th grade Students  
in Schools Balanced  
by Race and SES  
SY2001/02 compared to SY2011/12**



■ SY2001-02 the last year using race as the primary desegregation factor  
■ SY2011-12 the tenth year using SES as the primary desegregation factor

## *HOW TO DIVERSIFY*— DISTRICT EXAMPLES

### 2. Jefferson County, Kentucky

- Controlled choice using 3 factors: race, income, parents' educational attainment
- Every census block rated by average of 3 criteria
- Elementary schools arranged in 13 clusters of 5-8 schools

## *HOW TO DIVERSIFY*— DISTRICT EXAMPLES

2. Jefferson County, Kentucky (cont'd)
  - Parents identify preferences within their cluster
  - District assigns students to achieve balance of 3 criteria
  - Middle/high school attendance zones drawn to achieve diversity

## *HOW TO DIVERSIFY*— DISTRICT EXAMPLES

### 3. Eden Prairie, Minnesota

- 2010 school board revised attendance zones to increase economic and racial diversity
- Plan significantly decreased wide variation in economic and racial composition of schools
- Reassigned 1000 students out of 9000

## *HOW TO DIVERSIFY*— DISTRICT EXAMPLES

### 4. Hartford, Connecticut

- City of Hartford high poverty, high minority rates
- Worked with 30 surrounding districts
- Adopted inter-district enrollment plan
- Uses choice policies and magnet school offerings

## *HOW TO DIVERSIFY*— TIPS

1. Publicly discuss how promoting diversity and avoiding racial or economic isolation supports the school system's mission.
2. Use diversity experts and research
3. Consider using socio-economic indicators instead of race.
4. Choice plans and magnet school initiatives can be less contentious than redistricting plans.



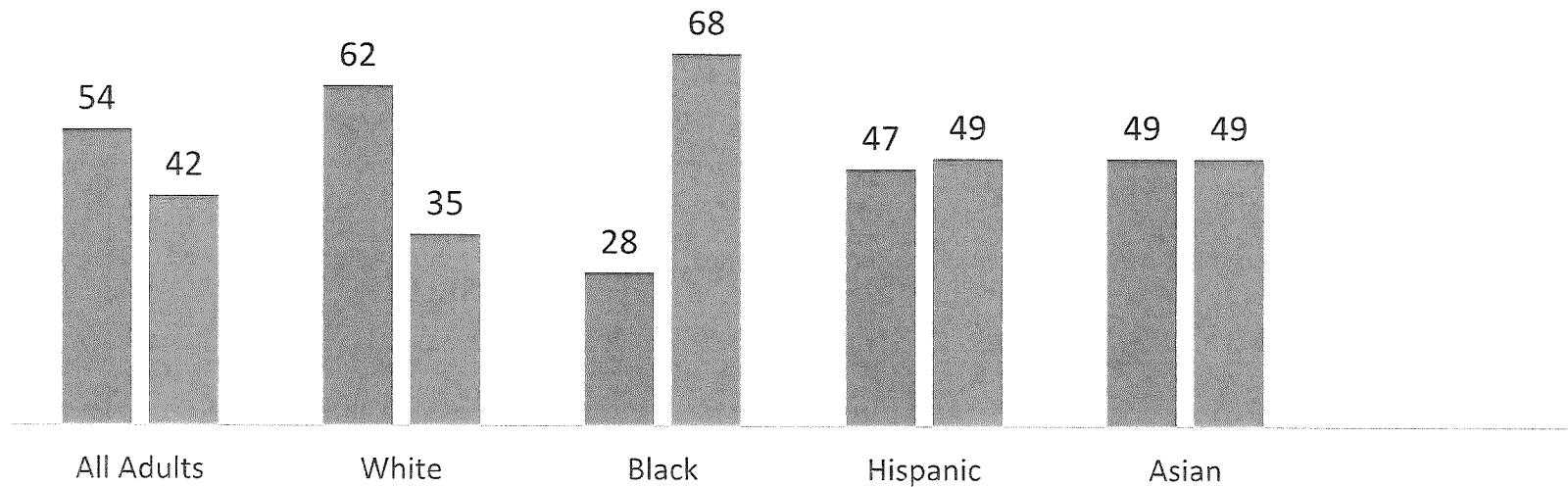
## *HOW TO DIVERSIFY*– TIPS

5. If redistricting is used, develop plans using race-neutral criteria, and select a plan that best achieves diversity.
6. Consider the impact on all races and not just on White or African-American students.
7. Diversity should be defined broadly.

## SHOULD YOU ADOPT STUDENT ASSIGNMENT POLICIES THAT INCREASE DIVERSITY?

- Controversial, contentious, burdensome
- Choice Programs – Increased student transfers, transportation costs/travel time, loss of neighborhood school, loss of parental control
- Eden Prairie, Minnesota
  - Extremely contentious
  - 4-3 board vote
  - Board, Superintendent, staff out

## PEW RESEARCH CENTER SURVEY Community Schools v. Student Diversity



### Students should go to:

- = their community school even if it means most schools are not diverse
- = schools that are diverse even if it means some students do not go to their community school

## SUMMARY

- Variety of successful plans in use in many districts
- Consider using poverty instead of race
- Do not use individual use of race
- Resources on school system diversity initiatives abound
- Many options exist and more can be created

## CONCLUSION

- Develop diversity mindset in your community
- Diversity not about getting students of different races in close proximity to each other
- Diversity is a mindset that respects all diverse groups and values their differences

## Justice Kennedy

“The decision today should not prevent school districts from continuing the important work of bringing together students of different racial, ethnic, and economic backgrounds . . . . Those entrusted with directing our public schools can bring to bear the creativity of experts, parents, administrators, and other concerned citizens to find a way to achieve the compelling interests they face . . . .”