

**Amendment 99 to Council Bill No. 28 -2023**

**BY: Liz Walsh**

**Legislative Day 11**

**Date: 10/02/2023**

**Amendment No. 99**

*(This Amendment makes the following changes to HoCo By Design Chapter 8 and Chapter 11:*

- Chapter 8: Public School Facilities*
- *Creates a new PS-1 Policy Statement to ensure the integrity of HCPSS and DPZ data and creates associated Implementing Actions to direct third party audits of historic HCPSS and DPZ projections and direct third party audits of HCPSS and DPZ data sets;*
  - *Amends the existing PS-1 Policy Statement Implementing Actions to remove the two Implementing Actions and substitute Implementing Actions to direct the APFO Committee to develop recommendations as to how to realign geographic bounds of planning areas, direct the APFO Committee to develop recommendations as whether the APFO school waiting periods should be linked to whether school capacity exists or is projected to exist, coordinate with HCPSS capital planning, budgeting and site acquisition efforts to make timely use of strategic infill development opportunities in character areas, and coordinate with HCPSS so that school capacity exists for expected students residing in activity centers;*
- Chapter 11: Implementation*
- *Creates a new PS-1 Policy Statement to ensure the integrity of HCPSS and DPZ data and creates associated Implementing Actions to direct third party audits of historic HCPSS and DPZ projections and direct third party audits of HCPSS and DPZ data sets; and*
  - *Amends the existing PS-1 Policy Statement Implementing Actions to remove the two Implementing Actions and substitute Implementing Actions to direct the APFO Committee to develop recommendations as to how to realign geographic bounds of planning areas, direct the APFO Committee to develop recommendations as whether the APFO school waiting periods should be linked to whether school capacity exists or is projected to exist, coordinate with HCPSS capital planning, budgeting and site acquisition efforts to make timely use of strategic infill development opportunities in character areas, and coordinate with HCPSS so that school capacity exists for expected students residing in activity centers.)*

1 In the *HoCo By Design* General Plan, attached to this Act as Exhibit A, amend the following  
2 pages as indicated in this Amendment:

- 3 • Chapter 8: Public School Facilities: 14 and 18;
- 4 • Chapter 11: Implementation: 51.

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6 Correct all page numbers, numbering, and formatting within this Act to accommodate this  
7 amendment.

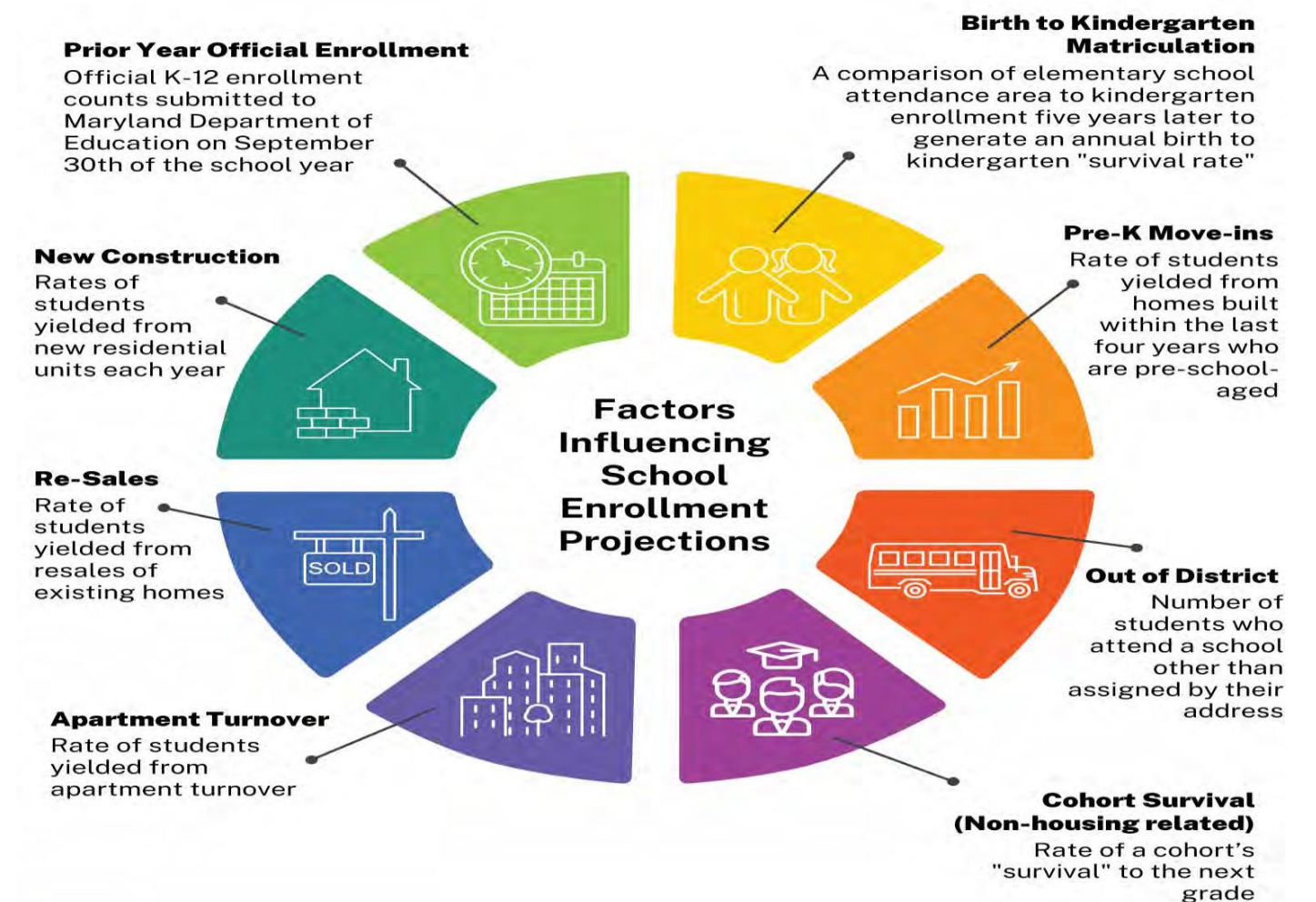
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## Factors Influencing School Enrollment Projections

It is important to note that a variety of factors influence the methodology used to project school enrollment. The student counts presented are net counts by level. Many schools add new students and lose existing students each year due to these factors. The timing of permit issuance and sale of new homes can impact the year in which new students are counted.

The points below further detail the assumptions and source data used to estimate enrollment and highlight the complexity of the methodology:

- These are students new to their school, not necessarily new to the school system. They may have transferred from another HCPSS school.
- Resales are from the Maryland Department of Planning sales database, as of November each year. The annual dataset for each year is recorded with a transaction date between October 1 of the prior calendar year and Sept 30 of the current year.
- New construction is based on use and occupancy permit data and is organized in the same annual breakdown as housing sales: 10/1 – 9/30.
- Countywide new construction yield rates can vary widely from year to year due to the type of units built and location of construction. New single-family detached units in some western areas generate several times the students (per unit) as apartments built in some parts of Columbia and the Southeast.
- This data is used to inform an enrollment projection for one point in time—September 30th. Students may withdraw and/or enroll throughout a school year, and those transactions will be part of each annual update to inform the next September 30th projection.



Source: HCPSS Feasibility Study, 2022



### PS-1 Policy Statement

Ensure integrity of HCPSS and DPZ data sets and methodology used to identify and prioritize major school capital projects.

### Implementing Actions

1. Direct third-party audit of historic HCPSS and DPZ projections to determine potential improvements thereto.
2. Direct third-party audit of HCPSS and DPZ data sets, particularly to what extent "new construction" definition applies to new construction, and recommend appropriate changes in collection, categorization and use of such data.



## Implementation of the Blueprint for Maryland's Future

Another future trend to consider is the implementation of the statewide Blueprint for Maryland's Future (Blueprint)—a set of policies and dedicated funding that is intended to transform Maryland's early childhood, elementary, and secondary school system to the level of high-performing school systems around the world. Blueprint is based on the recommendations of the Commission on Innovation and Excellence in Education. The Commission made policy recommendations to the Maryland General Assembly (MGA) and thereafter the MGA passed legislation annually from 2018 through 2021.

The General Assembly established priorities and funding provisions, including dedicated funding to support the Blueprint's implementation. Overall, the State of Maryland will invest an additional \$3.9 billion (45% increase) in Maryland's public schools by FY 2034 to assist local governments with implementing Blueprint. Additionally, local governments will also need to increase their investments to meet Blueprint goals. However, investment levels will vary by jurisdiction depending on historical spending levels.

Blueprint policies are grouped in five pillars: 1) Early Childhood Education; 2) High-Quality and Diverse Teachers and Leaders; 3) College and Career Readiness; 4) More Resources for Students to be Successful; and 5) Governance and Accountability. Policies advancing each pillar are phased in over time, with the goal of strengthening the entire educational system through improved student performance. Additional resources will be directed to students who need them the most to close achievement gaps and expand student opportunities.

Implementation of the Blueprint will occur over 10 years and will have both operating and capital budget impacts. Operationally, it is not intended to create an unfunded state mandate but rather to help local school systems refocus and reprioritize programs. Future cost estimates indicate that funding for Blueprint implementation will not exceed net local costs or typical annual growth rates. According to the State Department of Legislative Services, Howard County is one of nine counties that has consistently funded local schools above the required annual Maintenance of Effort (MOE) levels and is not expected to incur any additional local costs beyond historical trends to meet Blueprint mandates since "projected appropriations under current practices exceed the amount required under the Blueprint legislation."



The State's legislative analysis also indicates that Blueprint implementation, when coupled with the significant increases of nearly \$4 billion in state aid to school systems over the next 10 years, is intended to help local school systems enhance and reprioritize programs to enrich student experiences and accelerate improved student outcomes.

Given the County's historic high levels of spending, which are significantly above the MOE, and given additional state funding available, local fiscal impacts are not expected to exceed annual budgetary growth rates. The FY 24 Spending Affordability Advisory Committee reviewed these assumptions as part of their thorough review of the HoCo By Design fiscal analysis and found that "the final fiscal impact analysis is sound in methodology and presents reasonable conclusions."

Implementation of the prekindergarten requirement under Pillar 1 (Early Childhood Education) will require additional capacity beyond what can be accommodated in existing school buildings. However, the Blueprint allows for private academic institutions that meet prescribed quality standards to receive state funding for prekindergarten programs. This will help defray capital and programming costs and reduce the public share of capacity needed to provide voluntary full-day prekindergarten services. HCPSS is in early planning stages and has been exploring a variety of strategies, including converting half-day classrooms to full-day, construction of regional early childhood centers, additions to existing elementary schools, and/or leasing commercial space. Guidance regarding implementation is still evolving, and further study and planning will be necessary. Alternative strategies could include additions to elementary schools, renting or leasing commercial space, or other space solutions.

The Schools SAG discussions emphasized the need for school facilities, particularly to support regional early childhood programs required by the Blueprint. They acknowledged that the availability of large parcels suitable to school site requirements is extremely limited and recommended a more proactive approach to property identification, evaluation, and acquisition of sites for public use. Strategies they discussed included, a right of first refusal to purchase properties in certain geographies and partnering with the private sector to acquire and amass small parcels into sites large enough for school use.

### PS-1 Policy Statement

The County, Howard County Public School System (HCPSS), and private sector should work collaboratively to identify school sites that meet the needs of the student population and anticipate future growth patterns.

### Implementing Actions

1. ~~Examine alternatives to the Adequate Public Facilities Ordinance waiting periods whereby a development proposal offsets the potential impact to zoned schools through an additional voluntary mitigation payment. Direct the Adequate Public Facilities Ordinance (APFO) Committee to develop recommendations as to how to realign geographic bounds of the County and HCPSS planning areas, whether as thirteen or more high school district attendance areas, six HCPSS planning regions, five County Department of Planning and Zoning planning areas, five County Council Districts, or something else.~~
2. ~~Ensure coordination of HoCo By Design and the HCPSS capital planning so that school capacity projects are planned in activity center areas identified for transformation on the Future Land Use Map. Direct the Adequate Public Facilities Ordinance (APFO) Committee to develop recommendations as to whether the Adequate Public Facilities Ordinance school waiting periods should be linked to whether school capacity exists or is projected to exist in the same geographic bound recommended per (1) above, by some certain project milestone or other time.~~
3. ~~Coordinate with HCPSS capital planning, budgeting and site acquisition efforts so that needed school capacity projects in existing character areas can make timely use of strategic infill development opportunities.~~
4. ~~Coordinate with HCPSS capital planning, budgeting and site acquisition so that school capacity exists or projects are planned to be completed in time to receive new students residing in activity center areas identified for transformation on the Future Land Use Map.~~

**Table 10-1: Implementation Matrix**

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six years, Ongoing)
<b>QBD-8 - Expand documentation, protection, and education regarding the County's diverse historic resources.</b>		
1. Research and create a mechanism similar to a historic landmarks program that can be used as a tool for identifying valuable historic resources and efforts to protect them.	DPZ	Long-term
2. Expand documentation efforts to include "recent past" buildings, such as those of significance in Columbia and other maturing areas.	DPZ	Long-term
3. Continue to update the Historic Sites Inventory through updated inventory forms for properties added in the 1970s-1990s and for new sites.	DPZ	Ongoing
4. Create more thorough inventories of the County's historic resources and expand documentation of ethnicity, cultural context, and historic relevance to the County's history.	DPZ Non-profit Partners	Long-term
<b>PS-1 - Ensure integrity of HCPSS and DPZ data sets and methodology used to identify and prioritize major school capital projects.</b>		
1. <u>Direct third-party audit of historic HCPSS and DPZ projections to determine potential improvements thereto.</u>	DPZ HCPSS	Mid-Term
2. <u>Direct third-party audit of HCPSS and DPZ data sets, particularly to what extent "new construction" definition applies to new construction, and recommend appropriate changes in collection, categorization and use of such data.</u>	DPZ HCPSS	Mid-Term
<b>PS-1 - The County, Howard County Public School System (HCPSS), and private sector should work collaboratively to identify school sites that meet the needs of the student population and anticipate future growth patterns.</b>		
1. <u>Examine alternatives to the Adequate Public Facilities Ordinance waiting periods whereby a development proposal offsets the potential impact to zoned schools through an additional voluntary mitigation payment. Direct the Adequate Public Facilities Ordinance (APFO) Committee to develop recommendations as to how to realign geographic bounds of the County and HCPSS planning areas, whether as thirteen or more high school district attendance areas, six HCPSS planning regions, five County Department of Planning and Zoning planning areas, five County Council Districts, or something else.</u>	DPZ	Mid-Term
2. <u>Ensure coordination of HoCo By-Design and the HCPSS capital planning so that school capacity projects are planned in activity center areas identified for transformation on the Future Land Use Map. Direct the Adequate Public Facilities Ordinance (APFO) Committee to develop recommendations as to whether the Adequate Public Facilities Ordinance school waiting periods should be linked to whether school capacity exists or is projected to exist in the same geographic bound recommended per (1) above, by some certain project milestone or other time.</u>	DPZ HCPSS	Ongoing Mid-term
3. <u>Coordinate with HCPSS capital planning, budgeting and site acquisition efforts so that needed school capacity projects in existing character areas can make timely use of strategic infill development opportunities.</u>	DPZ HCPSS	Mid-Term
4. <u>Coordinate with HCPSS capital planning, budgeting and site acquisition so that school capacity exists or projects are planned to be completed in time to receive new students residing in activity center areas identified for transformation on the Future Land Use Map.</u>	DPZ	Mid-Term

**Table 10-1: Implementation Matrix**

Policy and Implementing Actions	Lead Agency	Timeframe (Mid-Term five-year, Long-Term six years, Ongoing)
<b>PS-2 - The County and Howard County Public School System should partner to leverage additional public and private resources to meet school facility needs and timing.</b>		
1. Examine the costs and benefits of public-private partnership models to address near-term school facility acquisition, construction, and renovation needs, including long-term financial commitments and considerations.	HCPSS Private Partners	Mid-Term
2. Evaluate a trust fund for school site acquisition or partnerships with philanthropic organizations to purchase property and hold it for a short term until school facilities can be built.	HCPSS Private Property	Mid-Term
<b>PS-3 - The County and Howard County Public School System (HCPSS) should collaborate on future school siting and develop tools that provide the flexibility needed to allow for alternative school designs, flexible site requirements, and adaptive reuse of underutilized properties.</b>		
1. Consider adaptive reuse of commercial real estate for school buildings or HCPSS office space.	HCPSS	Mid-Term
2. Evaluate the efficacy of using smaller existing HCPSS-owned properties for regional programs and/or shared athletic facilities.	HCPSS	Mid-Term
3. Evaluate integrating public prekindergarten into government and commercial centers that encourage convenience for working parents, increase access to communities, and/or create opportunities to provide wrap-around services to families and students.	HCPSS	Mid-Term
4. Evaluate the efficacy of using smaller existing HCPSS-owned properties for regional programs and/or shared athletic facilities.	HCPSS	Mid-Term
5. Examine alternative school design models that establish a variety of forms to maximize available land resources. This may include higher capacity buildings, smaller footprints, shared site amenities, modular design, and/or vertical construction.	HCPSS	Long-term
6. Explore opportunities for co-location of school facilities with other public amenities, like libraries, parks, affordable housing, and athletic fields, to make use of limited greenfield space and leverage additional funding opportunities.	HCPSS All Agencies	Ongoing
7. Ensure future redevelopment of Gateway into a Regional Activity Center includes a thorough evaluation of school capacity and that any deficiencies created through its redevelopment are mitigated by providing requisite school facilities.	DPZ HCPSS Private Partners	Mid-Term
8. Ensure development of activity centers includes a review of school capacity needs and opportunities to address those needs within the activity center.	DPZ HCPSS Private Partners	Mid-Term