MEETING OF THE BOARD OF EDUCATION OF BALTIMORE COUNTY, MARYLAND

OPEN SESSION

Tuesday, March 9, 2004
5:30 P.M.-Closed Session, 7:30 P.M.-Open Session
Educational Support Services Building

I. PLEDGE OF ALLEGIANCE

II. SILENT MEDITATION IN REMEMBRANCE

III. AGENDA
Consideration of the agenda for March 9, 2004

IV. MINUTES
Consideration of the Proposed Operating Budget Work Session
Meeting Minutes of February 5, 2004

V. SUPERINTENDENT’S REPORT

VI. RECOGNITION OF ETHICS PANEL APPOINTMENT FROM FEBRUARY 25, 2004 (Mr. Grimsley)

VII. REPORTS
A. Recognition of March as Professional Social Work Month (Mr. Sasiadek)
B. Report on Reading Screening Process (Dr. Grant) Exhibit B

VIII. NEW BUSINESS
A. Consideration of consent to the following personnel matters: (Mr. Grimsley)
   1. Retirements Exhibit C
   2. Resignations Exhibit D
   3. Leaves Exhibit E
   4. Administrative Appointment Exhibit F
   5. Advisory Council Appointment Exhibit G

B. Consideration of consent to the following contract awards: (Ms. Burnopp)
   1. Contracted Services: HVAC Repair Services
   2. Contracted Services: On-Call Microbial Remediation and Restoration Services
   3. Food Service: Equipment
   4. Microsoft License Agreement Exhibit H
C. Consideration of consent to the following Building Committee Recommendations:

1. Award of Contract for Construction Management Services for Windsor Mill Middle School
   Exhibit I
2. Award of Contract – Science Room Renovations Chesapeake High School
   Exhibit J
3. Award of Contract – Science Room Renovations Eastern Technical High School
   Exhibit K
4. Award of Contract – ADA Renovations Carroll Manor Elementary and Fifth District Elementary Schools
   Exhibit L
5. Award of Contract – Electrical Package at Woodholme Elementary School
   Exhibit L-1
6. Request to Negotiate – Construction Management Services Windsor Mill Middle School
   Exhibit M
7. Change Order – Systemic Renovation Project Dundalk Middle School
   Exhibit N
8. Change Order – Systemic Renovation Project Franklin Middle School
   Exhibit O
9. Change Order – Systemic Renovation Project Parkville Middle School
   Exhibit P
10. Change Order – Construction Manager at Risk for Systemic Renovations Maiden Choice School
    Exhibit Q
11. Change Order – Design and Construction Administration Services for Reroofing Project Perry Hall High School
    Exhibit R
12. Change Order – Design and Construction Administration Services Windsor Mill Middle School
    Exhibit S

D. Consideration of Lease of Space for the Office of World Languages (Ms. Fromm)
   Exhibit T

E. Consideration of consent for the Resolution for Magnet Schools (Ms. Bailey)
    Exhibit U

F. Consideration of School Legislation (Dr. Poff)
   Exhibit V

XI. INFORMATION

A. Revised Rule 5140 - Students: Enrollment and Attendance
   Exhibit W

B. Revised Rule 2372 – Conduct: Tobacco
   Exhibit X

C. Annual 10-Year Enrollment Projections
   Exhibit Y

D. BCPS Choice Plan
   Exhibit Z
XII. ANNOUNCEMENTS

A. Constituent Groups

B. Public Comment on Proposed Changes to Policy 2372 – Conduct: Tobacco (Second Reading)

C. General Public Comment

Next Board Meeting  March 23, 2004
7:30 PM  Greenwood
The Board of Education of Baltimore County, Maryland, met in open session at 7:03 p.m. at Greenwood. President James R. Sasiadek and the following Board members were present: Mrs. Phyllis E. Ettinger, Mr. John Hayden, Ms. Jean M. H. Jung, Mr. Michael P. Kennedy, Ms. Janese Murray, and Ms. Joy Shillman. In addition, Dr. Joe A. Hairston, Superintendent of Schools; staff members; as well as the media.

Mr. Sasiadek reviewed the purpose of tonight’s meeting. Staff was thanked for its work in preparing the information presented at tonight’s meeting.

Dr. Hairston remarked that tonight’s work session was a follow-up to the presentation made to the Board on January 13th and the public hearing held on January 28th. Dr. Hairston noted that the FY2005 budget focuses on BCPS Blueprint for Progress, No Child Left Behind, and Bridge To Excellence. Dr. Hairston stated the goal was to present to the Board a budget that was fiscally responsible, while at the same time responsible to our employees. Baltimore County Public Schools is committed to quality instruction being delivered in the classroom, quality of the instruction, and the quality of service being delivered by all employees.

Ms. Barbara Burnopp, Executive Director of Fiscal Services, provided a brief overview of the plans to fund the FY2005 proposed operating budget. An hourglass graphic was distributed to Board Members to assist them in understanding the proposed budget. Ms. Burnopp noted that one of the goals was to look at existing resources as well as new resources available from the State and Baltimore County. Priorities for the proposed operating budget were:

- Fund compensation package
- Meet goals of No Child Left Behind
- Create transitional center
- Ensure adequate funding of special education
- Fund ongoing buildings
- Built-Ins

Ms. Burnopp reviewed the Maintenance of Effort graph. Maintenance of Effort is the requirement put on Baltimore County by the State of Maryland. In the event that Baltimore County cannot meet the Maintenance of Effort level, the State does not have to provide the additional Thornton State dollars. She noted that historically the County funding levels have been above Maintenance of Effort.

Ms. Burnopp reviewed the comparison of all general fund revenues for FY2004 Budget to FY2005 proposed budget. She noted that there is a shift in the budget with County resources declining as a proportion of our total request. Ms. Burnopp also noted that the State portion appears to be increasing from 35% in FY2004 to possibly 37% in FY2005.
Dr. Hairston opened the floor for Board Members to ask questions or express concerns regarding the proposed operating budget.

Mrs. Ettinger thanked Dr. Hairston and staff for the way in which materials have been put together for this work session.

With regards to Performance Goal 1, Secondary Programs (Consistent grade 6 reading materials in all middle schools), Mrs. Ettinger asked where the expenditure was located in the FY2005 Proposed Budget booklet. Ms. Burnopp indicated the expenditure is a redirect within existing resources. Mrs. Ettinger inquired why this expenditure is listed under Elementary Programs instead of Secondary Programs. Ms. Burnopp responded the funds are housed within one specific budget; however, the funds can be spent for a different resource each year. Mrs. Ettinger asked whether the funds for secondary reading would come out of this account. Ms. Burnopp responded these resources are a year-by-year decision for this account. Mrs. Ettinger inquired whether the reading series would meet the needs of all sixth grade students. Dr. Gwendolyn Grant, Executive Director of Secondary Programs, responded this is a one-time purchase and specific level of funding needed for the sixth grade reading series was still being determined. Mrs. Ettinger expressed concern that BCPS does not attempt a “one size fits all approach” with sixth grade students.

Ms. Jung requested clarification on the reading material, professional development, and timing. Dr. Grant indicated staff is finished the review and evaluation of the reading series. The texts have been narrowed down to four. Dr. Grant stated BCPS is looking for texts aligned with the voluntary State curriculum that would serve the multiple needs of our students: above, below, and on grade level. She also indicated there are programs taken place where intervention materials are being piloted in some schools for students below grade level. BCPS will be reviewing and researching this information, when available, and selecting those alternative programs in reading. With regards to professional development, Dr. Grant indicated there would be four-day professional development training for reading teachers and specialist. Ms. Jung inquired who would be providing the training. Dr. Grant stated the publisher and Ms. Carla Zamerelli-Clifford, Reading Supervisor, would provide training. Dr. Grant noted training for reading teachers and specialists has begun and will carry over to next year.

With regards to redirected funds that were centrally housed, Mr. Kennedy asked if this fund could be used for emergencies. Ms. Burnopp indicated that funds housed under the elementary education budget are used primarily for textbooks and supplies.

With regards to the redirecting of Academic, Enrichment and Acceleration funds, Mrs. Ettinger expressed concerns shared with her by the community about the redirection and asked about the plans to address these concerns as we move forward in the enrichment and acceleration programs. Ms. Phyllis Bailey, Executive Director of Special Programs, assured Board Members and the public that services for the Gifted and Talented (G/T) Program will be maintained. Ms. Bailey noted the budget addresses and supports G/T staff development, curriculum development, instructional materials, and central office. Ms. Bailey indicated the redirect of $2.5 million was allocated to support and stimulate schools in the first year of the implementation of Board Policy
Ms. Bailey stated the program has been very well supported by this administration. Mr. William Lawrence, Executive Director of Schools, Northeast Area, indicated students would continue to receive services. Mr. Lawrence stated the initiative would not go away with the redirect of funds.

Mrs. Ettinger recommended this issue be revisited sometime in the future when more funding was available.

Mr. Kennedy shared his concerns about reducing gifted and talented staff. We cannot reduce the amount of money in a program and believe it will be just as good as it has been.

Dr. Hairston stated that the proposed budget incorporates everything BCPS has in place for students today and, at the same time, provides appropriate support for BCPS teachers and other employees.

With regards to Special Education, Ms. Shillman asked if non-public placement was included in Other Charges. Ms. Burnopp responded affirmatively. Ms. Shillman stated this category is confusing. Ms. Burnopp indicated the money seen under Non-public Placement in the work session materials are new funding. The existing dollars for Non-public Placement are in the FY2005 shown in the budget book. Ms. Shillman inquired as to whether parents pay any portion of the Non-public Placement. Ms. Burnopp responded that they did not.

Mr. Kennedy inquired about ways to reduce the Non-Public Placement figure. Mr. Ronald Boone, Executive Director of Federal and State Programs, responded we could reduce Non-public Placement funding if tuition rates remains stable. This year, however, the State of Maryland has informed BCPS that there will be a tuition increase estimated to be a 5% increase.

Ms. Jung inquired whether we should continue to verify that placements are correct or see if other services are available within the school system. Mr. Boone agreed this effort should continue.

Regarding private placement, Ms. Jung asked why State funds have decreased in FY2005. Mr. Boone shared two reasons for the decrease:

- The State has refigured the 300 percent number (formula)
- The State lowered the amount of money it paid within the formula.

Mr. Sasiadek asked whether the State contribution for transportation was decreasing. Ms. Burnopp replied the Governor’s proposed budget does include a reduction in transportation funding provided by Thornton funds.

Regarding expanding half-day Kindergarten to full-day, Mr. Hayden inquired about the mechanism used to select these 10 elementary schools. Ms. Kathleen McMahon, Executive Director of Elementary Programs, replied BCPS has identified schools in order of their participation in the Free and Reduced Meal Program. Therefore, the next 10 schools would be the 10 schools listed in the proposed budget.
Mr. Hayden questioned why 7 ESOL tutors are being replaced with 3.5 ESOL FTE teachers. Mr. Hayden expressed his concern that adequate resources are not being devoted to this area. Dr. Grant indicated that this is the first year of a three-year plan to provide certified ESOL teachers for all English Language Learners. She also stated students receive assistance from ESOL tutors as well as from ESOL teachers.

Ms. Shillman noted that the schools listed for certified ESOL teachers are elementary schools, however, funding is listed under secondary programs. Dr. Grant replied that the ESOL program provides services to pre-K through 12 grades. Dr. Grant noted that the 3.5 ESOL FTE teachers are the additional staff for the six elementary schools listed in the proposed budget.

Ms. Jung inquired about the qualifications of a tutor and a teacher. Dr. Grant replied ESOL are certified as Teachers of English and Secondary Languages (TESOL) and have their Masters for teaching English/Language Learners. ESOL tutors may or may not have the TESOL certification.

Mr. Hayden inquired about the Other Redirects category; for what purpose and where are these funds redirected. Ms. Burnopp stated there is a list of routine items that were redirected. Mr. Hayden requested a copy of the items included in the Other Redirects category.

Mr. Hayden asked about the small dollar amount requested for replacement of trucks. Ms. Burnopp stated this is a funding for annual lease payment.

Mr. Kennedy inquired about the elimination of the Northwest and Southwest teams. Ms. Burnopp indicated that these functions would now be performed through the transition center rather than through the northwest/southwest teams. In response to Mr. Kennedy’s question, Ms. Jean Satterfield, Executive Director of Student Support Services, replied the expectation is for the transition center to assist children and provide a smooth transition to a comprehensive or alternative school.

Ms. Jung was pleased to see the transition center item in the proposed operating budget. In regards to physical location and requirements of the center, Ms. Satterfield stated the Strategic Planning Office would look for leased space that could be built to BCPS’ specifications. Ms. Rita Fromm, Executive Director of Planning and Operations, indicated the school system is looking on the western side of the county for a building, which would need to be approximately 17,000 square feet. Regarding Ms. Jung’s question, Ms. Satterfield indicated that the northwest and southwest teams would be housed in the transition center but would also continue to serve elementary students located outside of the transitional center.

Ms. Shillman asked if it would be necessary to extend the student’s stay at the transition center longer than 3 weeks. Ms. Satterfield indicated staff would work closely with parents/guardians to get all the information and assessments completed for the student to transition to a comprehensive or alternative school as soon as possible.
Mrs. Ettinger inquired about staffing and instruction for the transition center. Ms. Satterfield stated the transition center would have a small staff similar to an alternative school with a principal, counselor, nurse, pupil personnel worker, and special education teachers to ensure students are familiar with the curriculum and expectations of the school system.

Mr. Kennedy inquired about the Supervisory position for the Drop-Out Prevention Program. Ms. Satterfield indicated this position has been grant funded in the past, however, would now be funded from the general fund.

Mr. Kennedy inquired about the success of the Drop-Out Prevention Program. Ms. Satterfield replied she would provide the information.

Mr. Kennedy inquired about copy machines within the schools. Mr. Burnopp indicated a survey would be provided to the Board regarding information on copy machines.

Mr. Kennedy suggested placing additional funds in next year’s budget to help offset the cost of courses and exams for paraprofessionals as necessary.

Mrs. Ettinger was delighted to see the restructuring of compensation scales for BCPS employees in the budget.

Ms. Shillman inquired about the increases in enrollment and the additional teaching positions. Ms. Burnopp replied 75.6 FTE’s were added in FY2004. In order to maintain current-staffing ratios based on actual enrollment increases, 20.4 additional teaching positions would be needed in FY2005.

Mr. Sasiadek inquired about the enrollment formula for special education as well as general education. Mr. Sasiadek noted enrollment projections are extremely important with teacher to student ratio.

Ms. Shillman questioned the Title II Grant, Science/Mathematics Resource Teachers new program. Dr. Hayes B. Lantz, Director of Science, PreK-12, replied these are new resource positions for elementary schools to provide science leadership and professional development.

Ms. Shillman inquired whether the grade 6 reading materials emphasis is on phonics. Dr. Grant stated phonics would be a small part of the grade 6 reading focus, while emphasis would be on fluency, reading comprehension, and informational text as the focus as needed to meet the Voluntary State Curriculum for 6th grade reading.

Ms. Shillman questioned the amount of money proposed for health benefits. Ms. Burnopp indicated this is the increased cost to the program.

Ms. Jung questioned the four elementary schools that would receive the double relocatables based on projections. Ms. Kathleen McMahon, Executive Director of Elementary Programs, replied that in order to plan for the expansion of full-day kindergarten programs, offices worked together to visit and examine schools to determine physical facility size, space, and resource personnel for kindergarten classrooms.
Ms. Jung inquired as to whether an additional 1.5 Pupil Personnel Worker FTE would be sufficient. Ms. Satterfield replied this is a reasonable request that would help support families.

With regards to Physical Facilities, Ms. Jung inquired about staffing needed due to the increased number of facilities with DDC (Direct Digital Controls). Mr. Cornell Brown, Jr., Physical Facilities-Maintenance Administrator, outlined the additional monitoring needed to support these additional controls.

Ms. Jung inquired about the contracted services to do required physical education inspections and repairs. Mr. Brown replied that some of the funds are being redirected from physical education to physical facilities to properly serve the curriculum/instruction side. The additional funds are for inspections, physical education equipment, and necessary repairs such as basketball courts, climbing apparatus, ropes and mats.

Ms. Jung expressed her concern that Baltimore County Public Schools has been fined for false alarms. Mr. J. Robert Haines, Deputy Superintendent of Business Services, replied that to date BCPS has been granted waivers for the excessive fire alarm calls. Funding hopes to reduce the number of false alarms.

Regarding the CCBC and BCPS Partnership, Ms. Jung requested additional information regarding concurrent enrollment and the impact it has on four-year college graduation rates.

Mr. Hayden commented that the CCBC and BCPS Partnership was an excellent program that allows students to obtain college education credits while getting their high school diploma. Dr. Hairston reinforced what Mr. Hayden stated regarding the partnership. Dr. Hairston announced that on Monday, February 9th, at The Education Channel 73, he will be hosting a Superintendent’s Round Table with five college presidents from around the county.

Ms. Jung was pleased to see the Closed-Caption Pilot in the proposed budget. Ms. Jung inquired as to how many people watch Channel 73. Mr. Jeff Lifton, Educational Channel Manager, stated BCPS would have to develop a marketing survey to determine how many people in the community view Channel 73. Mr. Sasiadek and Mr. Hayden echoed Ms. Jung’s comments in support of the closed caption pilot.

The work session was concluded at 9:00 p.m.

Respectfully submitted,

Joe A. Hairston
Secretary-Treasurer

bhs
DATE:    March 9, 2004

TO:    BOARD OF EDUCATION

FROM:    Dr. Joe A. Hairston, Superintendent

SUBJECT:    MIDDLE SCHOOL READING SCREENING PROCESS

ORIGINATOR:    Christine M. Johns, Deputy Superintendent of Curriculum and Instruction
RESOURCE    Gwendolyn R. Grant, Executive Director of Secondary Programs
PERSON(S):

INFORMATION

This report is an informational item to provide the Board of Education with an update as to the Reading Screening Process, which is currently taking place. Its intent is to provide middle schools across the county with a systematic method of determining which students will exit from reading in Grade 6 and which students will continue in reading 7 and or 8. This process was developed in concert with the Middle School Task Force.

* * * * *

Attachment I – Position Statement on the Purpose of a Reading Screening Process
Position Statement on the Purpose of a Reading Screening Process

The Vision Statement of the Baltimore County Public Schools suggests “graduates will have the knowledge, skills, and attitudes to reach their potential as responsible, productive citizens in a global economy and multicultural society.” If students are to achieve this goal, they need to be proficient readers. In the BCPS “Blueprint for Progress,” Indicator 1.1 states, “All diploma-bound students in grades 3-8 and 10 will meet or exceed Maryland School Assessment standards.” Reading is one of the standards measured. These standards require educators in the Baltimore County Public Schools to create effective, strategic, independent readers. In an effort to provide appropriate assistance to all students and to insure that the Standards established by the Voluntary State Curriculum and measured by MSA, some students needed direct reading instruction beyond grade 6.

The reading program in the Baltimore County Public Schools is based on the National Reading Panel’s belief that the reading program include five essential components: phonemic awareness, phonics, fluency, vocabulary, and comprehension. The inclusion of these five components combined with effective reading instruction delivery will result in students becoming effective, strategic, independent readers.

In order to help students to achieve the goals of becoming independent readers, they need to be afforded the opportunity to have appropriate reading instruction at every grade level from K-5 as well as in middle school. In order for students to meet standards established by NCLB, MSA, and VSC, the school system must have a process to identify which students need reading beyond grade 6. This identified process, entitled the Reading Screening Process, shall be used to determine which students need reading beyond grade 6.

The Reading Screening Process includes the examination of several key data points for each student entering and enrolled in middle school: MSA scores, standing on benchmark progress tests, a checklist of “Indicators of Reading Proficiency,” and performance in the grade 6 reading class. How students perform on these data points will determine if they are to exit reading instruction after grade 6 or continue in reading instruction in grades 7 and 8. This process carries forth the belief that students’ skills should be evaluated using multiple assessment measures.

Beyond the middle school, the need for reading instruction is assessed using the Reading Screening Process and is currently provided as a focused offering in summer school. In addition, reading in the content areas, which is begun as an important emphasis in middle school, continues into the high school program.
Middle School Task Force
Plan for Implementation of the 2002-03 Recommendations

Recommendation II

Content Strands/Curricula

All Baltimore County Middle Schools will offer consistent and rigorous content strands/curricula aligned with COMAR, the Voluntary State Curriculum, Maryland State Learning Outcomes, the Maryland state standards and expectations, and the Baltimore County Essential Curriculum inclusive of the Reading Screening, Special Education, and Guidance Support Program Proposals.

Reading Screening Plan: Systematic plan to determine which students will exit reading after sixth grade.

Issues to be resolved for implementation:

Schools should determine the anticipated number of students they will have in seventh grade and eighth grade reading (and electives) based on the identified criteria in order to hire the appropriate number of reading (and elective) teachers. The criteria are entitled “Reading Referral Guidelines.” (See attached pages.)

Implementation Plan of Action:

Schools will receive in February the “Reading Referral Guidelines.” Prior to the student registration process for the next school year, administrators or their designees will use this process to do the following:

Grade 6 to Grade 7:

① Complete an initial screening of students to determine which students scored “basic” on the Grade 5 MSA and scored “near” or “below” grade level on the January Reading Benchmark. These students will be scheduled for Grade 7 reading class.

② Note that students for whom there is discrepant information (e.g., scored “basic” on the MSA but scored “on” grade level on the Reading Benchmark) will necessitate the Grade 6 reading teacher’s completion of the “Indicators of Reading Proficiency Screening Checklist.”

③ Confirm the placement of students in their reading classes. In June, teachers will review the current Grade 6 MSA reading scores to see if the Grade 5 baseline scores for students have changed. For example, if a student’s score goes from “basic” to “proficient” and the student has received a “C” or better in reading class, then he/she may move to an elective in Grade 7.

Grade 7 to Grade 8:

① Complete an initial screening of students to determine which students scored “basic” on the Grade 6 MSA and scored below “25” on the Grade 7 reading unit test. These students will be scheduled for Grade 8 reading class.

② Note that students for whom there is discrepant information (e.g., scored “basic” on the MSA but scored above “25” on the Grade 7 reading unit test) will necessitate the Grade 7 reading teacher’s completion of the “Indicators of Reading Proficiency Screening Checklist.”
Confirm the placement of students in their reading classes. In June, teachers will review the current Grade 7 MSA reading scores to see if the Grade 6 baseline scores for students have changed. For example, if a student’s score goes from “basic” to “proficient” and the student has received a “C” or better in reading class, then he/she may move to an elective in Grade 8.

Grade 8 to Summer School before Grade 9:
- Complete an initial screening of students to determine which students scored “basic” on the Grade 7 MSA and scored below “25” on the Grade 8 reading unit test. These students should be scheduled for a summer reading class.
- Note that students for whom there is discrepant information (e.g., scored “basic” on the MSA but scored above “25” on the Grade 8 reading unit test) will necessitate the Grade 8 reading teacher’s completion of the “Indicators of Reading Proficiency Screening Checklist.”
- Confirm the placement of students in their reading classes. In June, teachers will review the current Grade 8 MSA reading scores to see if the Grade 7 baselines scores for students have changed. For example, if a student’s score goes from “basic” to “proficient” and the student has received a “C” or better in reading class, he/she would not necessitate a summer reading class recommendation.

Continuing Review of Students Based on MSA Reading Scores
- As schools monitor students’ MSA scores, they should make certain that students continue to perform at a “proficient” level. If they do not perform at a “proficient” level, they should be reviewed using the Reading Screening Process to determine if reading class placement is again necessary.

Training for administrators and Reading Contacts in each middle school in how to use the Referral Guidelines will be provided in January during the time that administrators register students for the next school year.

Recommendations from the Middle School Task Force Committee:
- Send parents of students identified for reading 7 and 8 a copy of the “Indicators of Reading Proficiency” so that they might see what areas of improvement their children need to address in order to be proficient readers.
- Create some means of relaying this information to explain to parents the plan to exit or continue students in reading 7 and 8.
- Include some world language content activities in reading 7 and 8 so that students who are assigned to reading (and not world languages) do not feel stigmatized by their reading assignment.

Budget/Fiscal resources needed for implementation:
- The Office of English and Reading will provide professional development for reading teachers in grades 6, 7, and 8. The funds for this professional development are coming from the Title II grant. This professional development will occur for 4 days in June, 2004 after the school year ends. The funding amounts to approximately $80,000.
- Staffing schools with a sufficient number of reading and elective teachers should NOT require extra resources. The Office of English and Reading will work with the Acting Director of Human Resources to assist in finding qualified reading teachers.
- The Office of English and Reading will seek funding to develop the curriculum that teachers use with students in Reading 7 and 8. The funding request for the 10 days for each workshop amounts to $42,000.
- Schools need to purchase identified materials for use with the Grade 7 and 8 reading curriculum. The materials thus far designated for this program include nonfiction/expository kits from Teacher Created Materials that cost the schools $400 each. Each school has purchased at least one kit, and some may need to purchase several more.

Staffing resources needed for implementation:

No extra resources should be required for implementation. The middle school reading teachers are built into the overall staffing of the school. The role of the reading specialist is to help identify students for the program, diagnose their needs, prescribe and implement intervention programs and strategies to address their needs, assess student progress, and provide professional development to teachers. Principals may need to “exchange” reading teachers for world language teachers, and vice versa, depending on the number of students entering each program based on the attached Reading Screening Plan.

Timeline for implementation:

The implementation for this Reading Screening Procedure should begin in the winter, 2004 at the time that administrators conduct their school registration for the following year. This Screening Process is intended for current sixth grade students moving to grade 7, current seventh grade students moving to grade 8, and current eighth grade students moving to grade 9. For students moving to grade 9, the current recommendation will be a voluntary summer school placement, since high schools do not currently have a reading course.
Grade 6 Referral Form
For
Grade 7: Reading

Student: _____________________________   ____________________________
(Last Name)          (First Name)

Recommending Teacher: ____________________________________________

Recommended Placement:  ☐ Reading    ☐ Related Arts course
☐ Double period of Mathematics  ☐ World Languages    ☐ Other

Referral Criteria

Initial Screening:
Student scored at the “Basic” level on the grade 5 MSA. ☐ yes    ☐ no
(Basic refers to any student who scored 404 or lower. Any student who scored between 404 – 414 is considered at risk for performing at "basic" in grade 6. The "Reading Proficiency Screening Checklist" should be completed on students in this latter category.)

Second Screening:
Student scored “Near” or “Below” grade level on the January Benchmark assessment. ☐ yes    ☐ no
If both of the above criteria apply to the student, student is automatically placed in reading.

Discrepancy Check:
If only one of the above criteria applies to the student, complete the “Indicators of Reading Proficiency Screening Checklist” and determine the following criterion:
Student received fewer than 70 points on the "Indicators of Reading Proficiency Screening Checklist.” ☐ yes    ☐ no
➢If the student scores below 70 points and has a “yes” checked in either the “initial screening or the second screening,” the student is placed in reading class.

Final Confirmation (6/04):

Please note any additional information necessary for determining placement.

________________________________________________________________________________________
________________________________________________________________________________________
________________________________________________________________________________________
Grade 7 Referral Form
For
Grade 8: Reading

Student: ___________________________   ____________________________
(Last Name)              (First Name)
Recommending Teacher: ____________________________________________

Recommended Placement: □ Reading □ Related Arts course
□ Double period of Mathematics □ World Languages □ Other

Referral Criteria

Initial Screening:
Student scored at the “Basic” level on the grade 6 MSA.
☐ yes  ☐ no

Second Screening:
Student scored below 25 on the most recent "Unit Test." ☐ yes  ☐ no
If both of the above criteria apply to the student, student is automatically placed in reading.

Discrepancy Check:
If only one of the above criteria applies to the student, complete the “Indicators of Reading Proficiency Screening Checklist” and determine the following criterion:
Student received fewer than 70 points on the "Indicators of Reading Proficiency Screening Checklist.” ☐ yes  ☐ no
➢ If the student scores below 70 points and has a "yes” checked in either “the initial screening or the second screening,” the student is placed in reading class.

Final Confirmation (6/04):
Student scored above the “Basic” level on the grade 7 MSA. ☐ yes  ☐ no
➢ Students scoring above “Basic” level on the grade 7 MSA and receiving a “C” in a

Please note any additional information necessary for determining placement.
Grade 8 Referral Form
For
Summer School/Grade 9: Reading

Student: _____________________________   ______________________________
(Last Name)                (First Name)

Recommending Teacher: ______________________________

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<tr>
<th>Recommended Placement:</th>
<th>☐ Reading</th>
<th>☐ Related Arts course</th>
<th>☐ Double period of Mathematics</th>
<th>☐ World Languages</th>
<th>☐ Other</th>
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Referral Criteria

**Initial Screening:**
Student scored at the “Basic” level on the grade 7 MSA. ☐ yes ☐ no

**Second Screening:**
Student scored below 25 on the most recent reading "Unit Test." ☐ yes ☐ no
If both of the above criteria apply to the student, student is automatically placed in reading.

**Discrepancy Check:**
Student received fewer than 70 points on the "Indicators of Reading Proficiency Screening Checklist.” ☐ yes ☐ no
If the student scores below 70 points and has a “yes” checked in either “the initial screening or the second screening,” the student is placed in summer reading class.

**Final Confirmation:**
Student scored above the “Basic” level on the grade 8 MSA.

Please note any additional information necessary for determining placement.
### Indicators of Reading Proficiency Screening Checklist for Grades 6-8

**DIRECTIONS:** Based on your knowledge of this student, rate him/her on each of the following criteria:

<table>
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<th></th>
<th>3 Usually</th>
<th>2 Sometimes</th>
<th>1 Rarely</th>
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**Phonics**
- Decodes single-syllable words
- Decodes multi-syllable words
- Uses syllabication (chunks words into parts)

**Sight Vocabulary**
- Identifies high-frequency words

**Fluency**
- Reads aloud with phrasing and expression
- Reads words accurately while reading aloud
- Reads at least 130 words per minute
- Attends to punctuation when reading aloud

**Vocabulary**
- Recognizes and uses base words, prefixes, and suffixes to determine meaning
- Uses context clues to determine meaning
- Recognizes and uses grade level appropriate vocabulary in oral and written work
- Recognizes antonyms and synonyms
- Explains multiple meaning words

**Comprehension**
- Recalls specific information from a text
- Makes inferences based on implied information from the text or a portion of the text
- Connects text to other texts and own life
- Surveys and previews the text independently
<table>
<thead>
<tr>
<th></th>
<th>3 Usually</th>
<th>2 Sometimes</th>
<th>1 Rarely</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Sets a purpose for reading the text independently</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Makes connections to the text from prior knowledge and experiences</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Makes predictions and ask questions about the text</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Uses a graphic organizer or another note-taking technique to record important ideas or information</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Makes, confirms, or adjusts predictions</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Draws conclusions and generalizations based on stated and/or implied information from the text and previous knowledge or experience</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Identifies and explains the author's/text’s purpose and intended audience</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Explains how someone might use the text</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Column Totals**

**Checklist Total**
Referral Guidelines for Reading – Student Record Sheet

Student Name ____________________________________________

**DIRECTIONS:** Use as an optional data collection sheet for students identified for reading

<table>
<thead>
<tr>
<th>Grade 6</th>
<th>Grade 7</th>
<th>Grade 8</th>
</tr>
</thead>
</table>
| 1. MSA 5: ★ Advanced ★ Proficient ★ Basic  
2. January Benchmark:  
★ Above/On ★ Near  
★ Below grade level  
3. “Indicators of Reading Proficiency Screening Checklist” score: _________ (as needed)  
4. MSA 6: ★ Advanced ★ Proficient ★ Basic  
5. End of Course Reading 6 Grade _________ | 1. MSA 6: ★ Advanced ★ Proficient ★ Basic  
2. Grade 7 Reading Unit Tests:  
3. “Indicators of Reading Proficiency Screening Checklist” score: _________ (as needed)  
4. MSA 7: ★ Advanced ★ Proficient ★ Basic  
5. End of Course Reading 7 Grade _________ | 1. MSA 7: ★ Advanced ★ Proficient ★ Basic  
2. Grade 8 Reading Unit Tests:  
3. “Indicators of Reading Proficiency Screening Checklist” score: _________ (as needed)  
4. MSA 8: ★ Advanced ★ Proficient ★ Basic  
5. End of Course Reading 8 Grade _________ |

---

<table>
<thead>
<tr>
<th>Grade 6</th>
<th>Grade 7</th>
<th>Grade 8</th>
</tr>
</thead>
</table>
| Students who:  
• Score at the “Basic” level on the Grade 5 MSA, and  
• Score “Near” or “Below” grade level on the January Benchmark test, and/or  
• Score below 70 points on the “Indicators of Reading Proficiency Screening Checklist” and  
• Did not receive a “C” in Reading 6 or  
• Score at the “Basic” level on the Grade 6 MSA  
will be placed in Grade 7 Reading. | Students who:  
• Score at the “Basic” level on the Grade 6 and  
• Score below 25 on the Grade 7 unit tests and/or  
• Score below 70 points on the “Indicators of Reading Proficiency Screening Checklist” and  
• Did not receive a “C” in Reading 7 or  
• Score at the “Basic” level on the Grade 7 MSA  
will be placed in Grade 8 Reading. | Students who:  
• Score at the “Basic” level on the Grade 7 and  
• Score below 25 on the Grade 8 unit tests and/or  
• Score below 70 points on the “Indicators of Reading Proficiency Screening Checklist” and  
• Did not receive a “C” in Reading 8 or  
• Score at the “Basic” level on the Grade 8 MSA  
should be recommended for summer school and/or a reading placement in grade 9. |

Students who exceed the above criteria may be placed in Related Arts Classes  
Students who exceed the above criteria may be placed in Related Arts Classes  
Students who exceed the above criteria do not need reading assistance at this time.
## BALTIMORE COUNTY PUBLIC SCHOOLS
### TOWSON, MARYLAND 21204

March 9, 2004

### RETIREMENTS

<table>
<thead>
<tr>
<th>NAME</th>
<th>POSITION</th>
<th>SCHOOL/OFFICE</th>
<th>YRS. OF SERVICE</th>
<th>EFFECTIVE DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marye L. Brown</td>
<td>Teacher</td>
<td>Edgemere Elem.</td>
<td>30.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Frederick Buettner</td>
<td>Teacher</td>
<td>White Oak School</td>
<td>30.6</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Jane Detwiler</td>
<td>Crisis Interventionist</td>
<td>Perry Hall High</td>
<td>33.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Kathryn Elky</td>
<td>Teacher</td>
<td>Reisterstown Elem.</td>
<td>28.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Tena F. Ellis</td>
<td>Personnel Officer II</td>
<td>Greenwood-HR Bldg.</td>
<td>28.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Charles M. Feehely</td>
<td>Teacher</td>
<td>Martin Blvd. Elem.</td>
<td>32.3</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Nancy Feltham</td>
<td>Teacher</td>
<td>Jacksonville Elem.</td>
<td>25.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Marcie Gwin</td>
<td>Teacher</td>
<td>White Oak School</td>
<td>30.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Lillian Lisbon</td>
<td>Teacher</td>
<td>Timber Grove Elem.</td>
<td>15.7</td>
<td>3-01-04</td>
</tr>
<tr>
<td>Bonnie Margolis</td>
<td>Teacher</td>
<td>Perry Hall High</td>
<td>30.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Paul Mazza</td>
<td>Guidance Counselor</td>
<td>Dundalk Middle</td>
<td>28.7</td>
<td>3-01-04</td>
</tr>
<tr>
<td>Mary McCraw-Borst</td>
<td>Teacher</td>
<td>Parkville High</td>
<td>30.5</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Rebecca Mickey</td>
<td>Teacher</td>
<td>Logan Elem.</td>
<td>36.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Mary-Margaret Morton</td>
<td>Lib. Sci. Media</td>
<td>Randallstown High</td>
<td>11.6</td>
<td>2-01-04</td>
</tr>
<tr>
<td>Barbara Newton</td>
<td>Teacher</td>
<td>Cromwell Elem. Magnet</td>
<td>17.6</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Robert Newton</td>
<td>Teacher</td>
<td>Lansdowne High</td>
<td>34.0</td>
<td>7-01-04</td>
</tr>
<tr>
<td>Betty Rea</td>
<td>Teacher</td>
<td>Cockeysville Middle</td>
<td>15.7</td>
<td>3-01-04</td>
</tr>
<tr>
<td>Kathleen Yuhanick</td>
<td>Teacher</td>
<td>Deer Park Elem.</td>
<td>31.0</td>
<td>2-01-04</td>
</tr>
<tr>
<td>Patrick Zuleger</td>
<td>Teacher</td>
<td>Battle Monument School</td>
<td>16.5</td>
<td>3-01-04</td>
</tr>
</tbody>
</table>

As of 2/23/04
Baltimore County Public Schools
Towson, Maryland 21204

March 9, 2004

Resignations

Elementary – 4

Hernwood Elementary School
Andrew Friedberg, 06/30/04, 2.5 yrs.

Logan Elementary School
Karen M. Codella, 06/30/04, 3.0 yrs.

Riverview Elementary School
Tammy L. Petruzzii, 06/30/04, 1.7 yrs.

White Oak School
Pamela E. O’Koren, 06/30/04, 5.0 yrs.

Secondary - 7

Deer Park Middle Magnet School
Tanisha Mitchell, 02/12/04, 6.0 mos.

Hereford High School
Kosta Bounos, 06/30/04, 1.0 yr.
Nicole R. Loomis, 06/30/04, 3.0 yrs.

Loch Raven Technical Academy
David A. Durmowicz, 02/20/04, 6.0 mos.

Milford Mill Academy
Dolores R. Davis, 06/30/04, 1.0 yr.

Ridgely Middle School
Kathleen S. Coleman, 02/08/04, 17.6 yrs.

Sudbrook Magnet Middle School
Sean P. Hiland, 06/30/04, 1.0 yr.

Separations from Leave – 4

Caroline S. Dore, granted Unusual or Imperative Leave, 07/01/03-06/30/04, resigning 02/07/04, 6.6 yrs.

Claire A. Heins, granted Child Rearing Leave, 06/26/02-06/30/04, resigning 01/27/04, 6.1 yrs.

Michele Kavanagh, granted Unusual or Imperative Leave, 11/26/03-06/30/04, resigning 02/10/04, 8.6 yrs.

Christine Kressman, granted Child Rearing Leave, 03/01/02-03/01/04, resigning 02/19/04, 7.6 yrs.

DOP: 3/10/04
Baltimore County Public Schools
Towson, Maryland 21204

March 9, 2004

Leaves

Child Rearing Leave

Alison McKeever Wallick – Meadowood Education Center
Effective April 9, 2004 through April 9, 2006

Unusual or Imperative Leaves

Jessica Brooke Bjurman – Golden Ring Middle School
Effective July 1, 2004 through June 30, 2005

Mary C. Martin – Featherbed Lane Elementary School
Effective July 1, 2004 through June 30, 2005
Baltimore County Public Schools

Date: March 9, 2004

To: Board of Education

From: Dr. Joe A. Hairston, Superintendent

Subject: Appointments and Assignments 2003 - 2004

Originator: J. Robert Haines, Deputy Superintendent Business Services

Resource: Randy Grimsley, Executive Director of Human Resources and Ronald

Person(s): Boone, Executive Director of Federal and State Programs

Recommendation

That the Appointments for 2003 – 2004 in Appendix I be approved.

***

Appendix I Profiles
MARCH 9, 2004

RECOMMENDED APPOINTMENTS

<table>
<thead>
<tr>
<th>NAME</th>
<th>FROM</th>
<th>TO</th>
</tr>
</thead>
<tbody>
<tr>
<td>JUDITH E. GLASS</td>
<td>Acting Director of Special Education</td>
<td>Director of Special Education</td>
</tr>
<tr>
<td></td>
<td>Department of Federal and State Programs</td>
<td>Department of Federal and State Programs</td>
</tr>
</tbody>
</table>

(Replacing Marjorie Rofel, reassigned)
Baltimore County Public Schools

DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: New Northeast Area Educational Advisory Council Member

Originator: William Lawrence, Executive Director of Schools, Northeast Area

Resource Person(s): Janet Gabrielson

RECOMMENDATION

That David Marks be appointed as a member of the Northeast Area Educational Advisory Council

*****

jmg
Baltimore County Public Schools

Date: March 9, 2004

To: Board of Education

From: Joe A. Hairston, Superintendent

Subject: Recommendations for Award of Contracts

Originator: J. Robert Haines, Deputy Superintendent, Business Services

Person(s): Patrick Fannon, Controller; Rick Gay, Purchasing Manager

Recommendation

That the Board of Education approves the following contract recommendations.

*****

See the attached list of contract recommendations presented for consideration by the Board of Education of Baltimore County.

RLG/CAJ

Appendix I – Recommendations for Award of Contracts – Board Exhibit
The following contract recommendations are presented for consideration by the Board of Education of Baltimore County.

1. **Contract:** Contracted Services: HVAC Repair Services  
   **BID #:** 3-343-01

   **Term:** 1-year extension of contract  
   **Contract Ending Date:** 3/13/05 (tentative)  
   **Estimated annual extension award value:** $150,000  
   **Estimated total extension award value:** $150,000

   **Bid issued:** January 18, 2001  
   **Pre-bid meeting date:** January 31, 2001  
   **Due Date:** February 15, 2001  
   **No. of vendors issued to:** 14  
   **No. of bids received:** 13  
   **No. of no-bids received:** 0

**Description:**

The Office of Purchasing issued a solicitation in January, 2001, to qualify and select vendors for HVAC repair services. The Board of Education approved the initial award of contract on March 29, 2001. The initial contract was designed to provide a one-year extension of contract upon mutual agreement and under the same pricing, terms, and conditions. The fifth bidder is now in place as the tertiary.

**Recommendation:**

<table>
<thead>
<tr>
<th>Award</th>
<th>Vendor Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Award</td>
<td>Denver-Elek, Inc., Baltimore, MD</td>
</tr>
<tr>
<td>Secondary Award</td>
<td>R. F. Warder, White Marsh, MD</td>
</tr>
<tr>
<td>Tertiary Award</td>
<td>Tignall &amp; Company, Cockeysville, MD</td>
</tr>
</tbody>
</table>

**Note:** The original tertiary award bidder, RCS Commercial Air Conditioning, Inc., was not willing to extend contract pricing. The original fourth award bidder, Adler Services Group, Inc., is no longer in business.

**Responsible school or office:** Division of Physical Facilities, Maintenance

**Contact Person:** Cornell Brown

**Funding Source:** Operating budget for Maintenance
2. **Contract:** Contracted Services: *On-Call* Microbial Remediation and Restoration Services

   **Bid #:** JMI-613-04

   **Term:** 5 years  **Extensions:** N/A  **Contract Ending Date:** March 1, 2009 (tentative)

   **Estimated annual award value:** 700,000
   **Estimated total award value:** $3,500,000

   **Bid issued:** January 15, 2004
   **Pre-bid meeting date:** January 22, 2004
   **Due Date:** January 29, 2004
   **No. of vendors issued to:** 9
   **No. of bids received:** 4
   **No. of no-bids received:** 0

**Description:**

The Office of Purchasing issued a solicitation to pre-qualify contractors with the appropriate insurance, training, and certification to perform microbial remediation by cleaning, disinfecting, demolition and disposal, restoration, and (associated) lead and asbestos abatement. All work under this contract will be performed either on a *time-and-material* or by a *not-to-exceed* quote basis.

**Recommendation:**

Award of contract is recommended to the following firms based upon the regular hourly rate for each worker on site working.

- **Primary**
  - A-L Abatement, Inc., Baltimore, MD
- **Secondary**
  - Barco Enterprises, Inc., White Marsh, MD

**Responsible school or office:** Office of Maintenance, Office of Environmental Services, Office of Operations, and Office of Engineering and Construction

**Contact Person:** Bob Merrey and Reginald Ringgold

**Funding Source:** Operating budget, aging school funds, and capital projects
3. **Contract:** Food Service: Equipment  
   **Bid #:** JCO-411-04  

**Term:** 120 Days  
**Extensions:** 0  
**Contract Ending Date:** 6/30/04 (tentative)  
**Estimated total award value:** $146,027  

| Description: |  
| A bid was issued for the purchase and delivery of food service equipment (convection ovens, steamers, freezer chests, slicers, display cabinets, refrigerators, freezers, and warming cabinets) for various schools. Delivery is expected to be complete within 60 days after the award bidders receive the purchase order. |
| Recommendations: |  
| Award of Contract is recommended to: |  
| Arbutus Refrigeration, Inc. | Baltimore, MD |
| Ashland Equipment, Inc. | Belcamp, MD |
| Calico Industries, Inc. | Annapolis Junction, MD |
| Responsible school or office: | Office of Food and Nutrition Services |
| Contact Person: | David Patterson |
| Funding Source: | Office of Food and Nutrition Services |
4. **Contract:** Microsoft License Agreement  
   **Bid #:** JNI-744-04  

**Term:** 1 year  
**Extension:** none  
**Contract Ending Date:** July 2005 (tentative)  
**Estimated total award value:** $388,163  

**Bid issued:** NA  
**Pre-bid meeting date:** NA  
**Due Date:** NA  
**No. of vendors issued to:** NA  
**No. of bids received:** NA  
**No. of no-bids received:** NA  

**Description:**  
The Department of Technology wishes to renew the contract for Microsoft licensing with the University System of Maryland, Bowie, MD. This contract, RFP #USMC 99-12, was originally approved on September 9, 1999, to purchase software licensing for the computers being used by the students and staff in the Baltimore County Public Schools. The University System of Maryland extended the invitation to local education agencies to participate in a master agreement with BELL Techlogix, Richmond, VA. The Microsoft license agreement includes the Windows operating system, Office Suite and Outlook 2000 e-mail clients. Over one-half of the public school systems in Maryland participate in this contract. The contract has been in force since 1999, and is being extended from July 19, 2004 to July 18, 2005. The cost to cover the approximately 21,420 computers in Baltimore County is $388,163 for this one-year period of time.

**Responsible school or office:** Department of Technology  
**Contact Person:** Greg Barlow  
**Funding Source:** Operating budget for Department of Technology
BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Contract Award for Construction Management Services at Windsor Mill Middle School

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard H. Cassell, P.E., Administrator
Office of Engineering and Construction
J. Kurt Buckler, P.E., Head of Engineering
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a contract award.

*****

Contract Award for Construction Management Services at Windsor Mill Middle School.

Appendix I – Contract Award
Appendix I

Contract Award
Construction Management Services for Windsor Mill Middle School
March 9, 2004

The Department of Physical Facilities requests approval to enter into a contract with Whiting-Turner Contracting Company for Construction Management Services at Windsor Mill Middle School contingent upon the approval by the Board of Education of the Request to Negotiate Construction Management Services at Windsor Mill Middle School. These initial services will include, but are not limited to, developing schedules, preparing construction cost estimates, managing design services, performing design reviews, and preparing State submissions. In order to proceed with an accelerated schedule for this project, the Department of Physical Facilities requests approval to enter into a contract which will not exceed $100,000.00 for these initial services. The actual Construction Management Services contract will be negotiated for a fixed dollar amount. The Department of Physical Facilities will present for approval the actual dollar amount of this entire contract at a future meeting of the Board of Education.

Funding for these services is available through Capital Budget Project #091 – Windsor Mill Middle School.

APPROVED:

[Signature]
Donald F. Klemel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: AWARD OF CONTRACT – SCIENCE ROOM RENOVATIONS AT CHESAPEAKE HIGH SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard H. Cassell, P.E., Administrator
Office of Engineering and Construction
Clarence H. Foard, Mechanical Engineer
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves an award of contract.

*****

Award of Contract – Science Room Renovations at Chesapeake High School.

Appendix I – Recommendation of Award of Contract
Recommendation for Award of Contract
Science Room Renovations at Chesapeake High School
March 9, 2004

On February 17, 2004, nine (9) bids were received for the renovation of science rooms at Chesapeake High School - Bid #RHA-326-04. This project consists of providing new science laboratory casework, revisions to the mechanical and electrical systems, and new room finishes for two science classrooms and four auxiliary rooms. A summary of the bids received is attached. Based on the bids received, the Department of Physical Facilities recommends an award of contract to Jack H. Kidd Associates, Inc., the lowest responsive bidder, in the amount of $484,600.00 for the Base Bid and the two Add Alternates. These Add Alternates consist of providing aquarium stands and providing new lighting fixtures.

At this time, we also request approval of a 10% Change Order Allocation in the amount of $48,460.00, to cover any unforeseen conditions and minor changes to the contract, to be authorized and approved by the Building Committee in accordance with Board Policy.

Funding for this project is available in Capital Budget Project # 666 – Alterations/Code Updates/Restorations.

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
Baltimore County Public Schools  
Chesapeake High School – Science Room Renovations  
Bid Number: RHA-326-04  
Bid Due Date: February 17, 2004

<table>
<thead>
<tr>
<th>BIDDERS’ NAMES:</th>
<th>TOTAL BASE BID</th>
<th>ALTERNATE #1</th>
<th>ALTERNATE #2</th>
<th>TOTAL BASE BID PLUS ALTERNATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack H. Kidd Associates, Inc.</td>
<td>$478,000.00</td>
<td>$1,000.00</td>
<td>$5,600.00</td>
<td>$484,600.00</td>
</tr>
<tr>
<td>Century Construction, Inc.</td>
<td>$485,555.00</td>
<td>$8,000.00</td>
<td>$1,800.00</td>
<td>$495,355.00</td>
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<tr>
<td>Chilmar Corporation</td>
<td>$497,800.00</td>
<td>$5,300.00</td>
<td>$6,500.00</td>
<td>$509,600.00</td>
</tr>
<tr>
<td>North Point Builders, Inc.</td>
<td>$498,000.00</td>
<td>$5,500.00</td>
<td>$9,300.00</td>
<td>$512,800.00</td>
</tr>
<tr>
<td>E. Pikounis Construction</td>
<td>$507,000.00</td>
<td>$3,300.00</td>
<td>$4,500.00</td>
<td>$514,800.00</td>
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<tr>
<td>Phillips Way, Inc.</td>
<td>$517,600.00</td>
<td>$1,350.00</td>
<td>$3,500.00</td>
<td>$522,450.00</td>
</tr>
<tr>
<td>J A K Construction Co., Inc.</td>
<td>$523,000.00</td>
<td>$999.00</td>
<td>$1,500.00</td>
<td>$525,499.00</td>
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<tr>
<td>Ruskey &amp; Co. Builders, Inc.</td>
<td>$526,000.00</td>
<td>$1,750.00</td>
<td>$1,450.00</td>
<td>$529,200.00</td>
</tr>
<tr>
<td>Murphy Bird &amp; Phillips, Inc.</td>
<td>$639,000.00</td>
<td>$1,400.00</td>
<td>$5,800.00</td>
<td>$646,200.00</td>
</tr>
</tbody>
</table>

Add Alternate #1: Provide aquarium stands.

Add Alternate #2: Provide new lighting fixtures.
BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: AWARD OF CONTRACT – SCIENCE ROOM RENOVATIONS AT EASTERN TECHNICAL HIGH SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard H. Cassell, P.E., Administrator
Office of Engineering and Construction
Clarence H. Foard, Mechanical Engineer
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves an award of contract.

*****

Award of Contract – Science Room Renovations at Eastern Technical High School.

Appendix I – Recommendation of Award of Contract
Appendix I

Recommendation for Award of Contract
Science Room Renovations at Eastern Technical High School
March 9, 2004

On February 17, 2004, eleven (11) bids were received for the renovation of science rooms at Eastern Technical High School - Bid #RHA-327-04. This project consists of providing new science laboratory casework, revisions to the mechanical and electrical systems, and new room finishes for one science classroom and one preparation room. A summary of the bids received is attached. Based on the bids received, the Department of Physical Facilities recommends an award of contract to Chilmar Corporation, the lowest responsive bidder, in the amount of $159,800.00 for the Base Bid.

At this time, we also request approval of a 10% Change Order Allocation in the amount of $15,980.00, to cover any unforeseen conditions and minor changes to the contract, to be authorized and approved by the Building Committee in accordance with Board Policy.

Funding for this project is available in Capital Budget Project # 666 – Alterations/Code Updates/Restorations.

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
<table>
<thead>
<tr>
<th>Bidders’ Names</th>
<th>Total Base Bid</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chilmar Corporation</td>
<td>$159,800.00</td>
</tr>
<tr>
<td>J A K Construction</td>
<td>$169,000.00</td>
</tr>
<tr>
<td>Phillips Way, Inc.</td>
<td>$183,200.00</td>
</tr>
<tr>
<td>E. Pikounis Construction, Inc.</td>
<td>$186,264.00</td>
</tr>
<tr>
<td>Ruskey &amp; Co. Builders, Inc.</td>
<td>$187,000.00</td>
</tr>
<tr>
<td>Jack H. Kidd Associates, Inc.</td>
<td>$195,000.00</td>
</tr>
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<td>North Point Builders, Inc.</td>
<td>$214,000.00</td>
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<tr>
<td>Century Construction, Inc.</td>
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<tr>
<td>Orfanos Contractors, Inc.</td>
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<tr>
<td>Murphy Bird &amp; Phillips, Inc.</td>
<td>$232,600.00</td>
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<td>Mirabile Construction</td>
<td>$256,464.00</td>
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DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: AWARD OF CONTRACT – ADA RENOVATIONS AT CARROLL MANOR ELEMENTARY AND FIFTH DISTRICT ELEMENTARY SCHOOLS

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard H. Cassell, P.E., Administrator
Office of Engineering and Construction
Mohammed Mufti, Architect
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves an award of contract.

*****

Award of Contract – ADA Renovations at Carroll Manor Elementary and Fifth District Elementary Schools.

Appendix I – Recommendation of Award of Contract
Appendix I

Recommendation for Award of Contract
ADA Renovations at Carroll Manor Elementary and Fifth District Elementary Schools
March 9, 2004

On February 20, 2004, six (6) bids were received for the ADA renovations at Carroll Manor Elementary and Fifth District Elementary Schools - Bid #JCO-437-04. These projects consist of the installation of a chairlift at both schools and modification to a set of restrooms at Fifth District Elementary School. A summary of the bids received is attached. Based on the bids received, the Department of Physical Facilities recommends an award of contract to E. Pikounis Construction Company, Inc., the lowest responsive bidder, in the amount of $90,285.00 for both schools.

At this time, we also request approval of a 10% Change Order Allocation in the amount of $9,028.50, to cover any unforeseen conditions and minor changes to the contract, to be authorized and approved by the Building Committee in accordance with Board Policy.

Funding for this project is available in Capital Budget Project # 665 – Major Maintenance.

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
Baltimore County Public Schools
Carroll Manor Elementary and Fifth District Elementary Schools
ADA Upgrades
Bid Number: JCO-437-04
Bid Due Date: February 20, 2004

<table>
<thead>
<tr>
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<td>Carroll Manor Elementary School:</td>
<td>$44,920.00</td>
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<td>$64,390.00</td>
<td>$70,000.00</td>
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<td>Base Bid for Both Schools:</td>
<td>$90,285.00</td>
<td>$117,795.00</td>
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<td>$149,500.00</td>
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DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: Award of Contract – Electrical Package at Woodholme Elementary School

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard Cassell, P.E., Administrator
Office of Engineering and Construction
J. Kurt Buckler, P.E., Head of Engineering
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves an award of contract.

*****

Award of Contract – Electrical Package at Woodholme Elementary School.

Appendix I – Award of Contract
On March 3, 2004, five (5) bids were received for the electrical package (16-A) at Woodholme Elementary School – Bid #JMI-637-04. This construction package consists of the installation of electrical wiring, data wiring, a fire alarm system, a communication system, and a security system for Woodholme Elementary School. Based on the bids received, the Department of Physical Facilities recommends an award of contract to Key Systems, Inc., the lowest responsive bidder, in the amount of $1,139,800.00.

At this time, the Department of Physical Facilities also requests approval of a 5% Change Order Allocation in the amount of $56,990.00 to cover any unforeseen conditions and minor changes to the contract, to be authorized and approved by the Building Committee in accordance with Board Policy.

Funding for this project is available from Capital Budget Project #111 – Woodholme Elementary School.

APPROVED:

Donald F. Knappel, Ph.D.
Executive Director
Baltimore County Public Schools  
Electrical Package (16-A) - Woodholme Elementary School  
Bid Number: JMI-637-04  
March 3, 2004

<table>
<thead>
<tr>
<th>Bidders’ Names</th>
<th>Key Systems, Inc.</th>
<th>Action Electric</th>
<th>Ernst Electrical</th>
<th>Jan-El Construction</th>
<th>Denver-Elek</th>
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<tbody>
<tr>
<td>Base Bid Price:</td>
<td>$1,139,800</td>
<td>$1,147,400</td>
<td>$1,399,000</td>
<td>$1,650,000</td>
<td>$1,670,000</td>
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DATE: March 9, 2004
TO: BOARD OF EDUCATION
FROM: Dr. J. Hairston, Superintendent
SUBJECT: REQUEST TO NEGOTIATE – CONSTRUCTION MANAGEMENT SERVICES FOR WINDSOR MILL MIDDLE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard H. Cassell, P.E., Administrator
Office of Engineering and Construction
J. Kurt Buckler, P.E., Head of Engineering
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a request to negotiate.

*****

Request to Negotiate – Construction Management Services for Windsor Mill Middle School.

Appendix I – Request to Negotiate
Appendix I

Request to Negotiate

Construction Management Services for Windsor Mill Middle School

March 9, 2004

The Department of Physical Facilities advertised for professional services required to provide Construction Management Services associated with the construction of Windsor Mill Middle School. These services will include, but are not limited to, developing schedules, preparing construction cost estimates, managing design services, performing design reviews, preparing State submissions, bidding construction packages, supervising/inspecting all construction, and preparing final construction punch-out lists. All procedures in the Board of Education’s Policy and Rules, Section 3250 were followed to advertise, qualify, interview, and select the consultants.

On February 19, 2004, the Qualification Committee met and reviewed the “expressions of interest” submitted by nine (9) consultants. This information was reviewed and graded with the Qualification Committee stating that three (3) qualified firms should be considered by the Selection Committee.

On February 24, 2004, the Selection Committee met to discuss the Qualification Committee’s report and interview the three (3) qualified firms recommended by the Qualification Committee. Based upon the reviews and interviews, the Selection Committee recommends that approval be granted to begin contract negotiations with the Whiting-Turner Contracting Company to provide Construction Management Services associated with the construction of Windsor Mill Middle School.

APPROVED:

[Signature]

Donald F. Krempel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – SYSTEMIC RENOVATION PROJECT AT DUNDALK MIDDLE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard Cassell, P.E., Administrator
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Systemic Renovation Project at Dundalk Middle School.

Appendix I – Recommendation of approval of a Change Order
Appendix I

Recommendation of Approval of a Change Order
Systemic Renovation Project at Dundalk Middle School
March 9, 2004

On May 27, 2003, the Board of Education approved an award of contract with E. Pikounis Construction Company, Inc. to perform the systemic renovation project at Dundalk Middle School. The Fiscal Year 2004 County Capital Budget includes funding for upgrading the kitchen serving lines at Dundalk Middle School. The work includes removing and replacing the existing serving lines and adding an additional serving line. The renovation contractor has provided a proposal in the amount of $192,992.00 for completing this additional scope of work. This price proposal has been reviewed by the consultant and found reasonable. Based upon this review, the Department of Physical Facilities recommends approval of a change order with E. Pikounis Construction Company in an amount not-to-exceed $192,992.00 to upgrade the kitchen serving lines.

Funding for this change order is available from Capital Budget Project #665 – Major Maintenance.

APPROVED:

[Signature]
Donald F. Krempel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – SYSTEMIC RENOVATION PROJECT AT FRANKLIN MIDDLE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard Cassell, P.E., Administrator
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Systemic Renovation Project at Franklin Middle School.

Appendix I – Recommendation of approval of a Change Order
Appendix I

Recommendation of Approval of a Change Order
Systemic Renovation Project at Franklin Middle School
March 9, 2004

On June 10, 2003, the Board of Education approved an award of contract with Phillips Way, Inc. to perform the systemic renovation project at Franklin Middle School. The Fiscal Year 2004 County Capital Budget includes funding for upgrading the kitchen serving lines at Franklin Middle School. The work includes removing and replacing the existing serving lines and adding an additional serving line. The renovation contractor has provided a proposal in the amount of $178,384.00 for completing this additional work. This price proposal has been reviewed by the consultant and found reasonable. Based upon this review, the Department of Physical Facilities recommends approval of a change order with Phillips Way, Inc. in an amount not-to-exceed $178,384.00 to upgrade the kitchen serving lines.

Funding for this change order is available from Capital Budget Project #665 – Major Maintenance.

APPROVED:

Donald F. Krembel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – SYSTEMIC RENOVATION PROJECT AT PARKVILLE MIDDLE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Systemic Renovation Project at Parkville Middle School.

Appendix I – Recommendation of approval of a Change Order
Appendix I

Recommendation of Approval of a Change Order
Systemic Renovation Project at Parkville Middle School
March 9, 2004

On May 13, 2003, the Board of Education approved an award of contract with Phillips Way, Inc. to perform the systemic renovation project at Parkville Middle School. The Fiscal Year 2004, County Capital Budget includes funding for upgrading the kitchen serving lines at Parkville Middle School. This work includes removing and replacing the existing serving lines and adding an additional serving line. The renovation contractor has provided a proposal in the amount of $151,834.00 for completing this additional scope of work. This price proposal has been reviewed by the consultant and found reasonable. Based upon this review, the Department of Physical Facilities recommends approval of a change order with Phillips Way, Inc. in an amount not-to-exceed $151,834.00 to upgrade the kitchen serving lines.

Funding for this change order is available from Capital Budget Project #665 – Major Maintenance.

APPROVED:

[Signature]

Donald F. Krenzel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION
FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – CONSTRUCTION MANAGER-AT-RISK AT MAIDEN CHOICE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard Cassell, P.E., Administrator
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Construction Manager-at-Risk at Maiden Choice School

Appendix I – Recommendation of approval of a Change Order
Appendix I

Recommendation of Approval of a Change Order
Construction Manager-at-Risk at Maiden Choice School
March 9, 2004

On February 11, 2003, the Board of Education approved a Construction Manager-at-Risk contract with Brawner Company, Inc. (Huntington & Hopkins, Inc.) to complete the systemic renovations at Maiden Choice School. The Department of Physical Facilities has requested that the Construction Manager provide pricing to replace the lighting fixtures in twenty-four (24) classrooms, replace ceilings not included under the original scope of work, and install a roof-top air conditioning unit for the administrative office area. The construction manager has provided the Department of Physical Facilities with a price of $116,710.43 for completing this additional scope of work. This price proposal has been reviewed by the design consultant for this project and found reasonable.

Based upon this review, the Department of Physical Facilities recommends a change order in the amount of $116,710.43 with Brawner Company, Inc. (Huntington & Hopkins, Inc.) to complete additional improvements at Maiden Choice School, not originally included under the systemic renovation project. If approved, this change order will bring the total change orders on this project to $179,411.80 or approximately 8.9% of the total contract award of $1,995,400.00.

Funding for this change order is available in Capital Budget Project #665 – Major Maintenance.

APPROVED:

[Signature]
Donald F. Krenkel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES FOR REROOFING PROJECT AT PERRY HALL HIGH SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Cornell S. Brown, Administrator
Office of Comprehensive Maintenance and Construction
MacArthur Chavis, Project Administrator, Supervisor
Office of Comprehensive Maintenance and Construction

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Design and Construction Administration Services for Reroofing Project at Perry Hall High School.

Appendix I – Recommendation of approval of a Change Order
Recommendation of Approval of a Change Order
Design and Construction Administration Services for Reroofing Project at
Perry Hall High School
March 9, 2004

On January 29, 2002, the Board of Education approved a fee acceptance with Gale Associates, Inc. for the design and construction administration services associated with the reroofing project at Perry Hall High School. Due to an unexpected extension in the construction period, the consultant has requested additional fees for expanded construction administration services. The additional consultant fees, in the amount of $6,200.00, have been reviewed by in-house staff and found reasonable.

Based upon this review, the Department of Physical Facilities requests approval of a change order in the amount of $6,200 with Gale Associates, Inc. for additional services in conjunction with the reroofing project at Perry Hall High School. Funding for these additional services is available in Capital Budget Project #671 – Roof Rehabilitations.

APPROVED:

Donald F. Krembel, Ph.D.
Executive Director
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: REQUEST FOR CHANGE ORDER – DESIGN AND CONSTRUCTION ADMINISTRATION SERVICES AT WINDSOR MILL MIDDLE SCHOOL

ORIGINATOR: J. Robert Haines, Deputy Superintendent of Business Services

RESOURCE PERSON(S): Donald F. Krempel, Ph.D., Executive Director
Department of Physical Facilities
Richard Cassell, P.E., Administrator
Office of Engineering and Construction
J. Kurt Buckler, P.E., Head of Engineering
Office of Engineering and Construction

RECOMMENDATION

That the Board of Education approves a change order.

*****

Request for Change Order – Design and Construction Administration Services at Windsor Mill Middle School.

Appendix I – Recommendation of approval of a Change Order
Appendix I

Recommendation of Approval of a Change Order
Design and Construction Administration Services at Windsor Mill Middle School
March 9, 2004

On January 14, 2002, the Board of Education granted approval for the Department of Physical Facilities to enter into negotiations with Grimm & Parker Architects, Inc. for the design and construction administration services associated with the construction of Windsor Mill Middle School. Following this approval, a fee of $1,481,993.00 was negotiated for all design phase services including bidding and construction administration services. On December 3, 2002, the Board approved an award of the initial phase of the design services for the preparation of schematic designs in the amount of $222,158.00. The negotiated fees for the remaining phases of design, formal bidding, and construction administration services total $1,259,835.00.

In order to open this school by the Fall 2006, the Department of Physical Facilities will need to fast track this design. Due to potential unknowns in the required site testing and in the design process, the Department of Physical Facilities requests a 7% design contingency, in the amount of $104,000.00, to address these potential items and maintain an accelerated schedule.

At this time, the Department of Physical Facilities requests approval of an award with Grimm & Parker Architects, Inc. in the amount of $1,259,835.00 for the remaining design services, formal bidding, and construction administration services and a contingency for accelerated design services in the amount of $104,000.00.

Funding of $750,000 for the services is currently available in the FY 2004 Capital Budget Project #091 – Windsor Mill Middle School. The remaining dollars necessary for funding these services is included in the FY 2005 Capital Budget Request.

Approved:

[Signature]
Donald F. Kemple, Ph.D.
Executive Director
Baltimore County Public Schools

Date: March 9, 2004

To: Board of Education

From: Dr. J. Hairston, Superintendent

Subject: Lease of Space for the Office of World Languages

Originator: J. Robert Haines, Deputy Superintendent

Resource Person(s): Rita Fromm, Executive Director, Planning and Support Operations

Recommendation

That the Board of Education approves the lease of office space for the Office of World Languages.

Background Information: The Office of World Languages is currently located in Milford Mill High School. Enrollment at Milford Mill exceeds state rated capacity. Relocating the Office of World Languages will allow for more instructional space in the building.

Estimated Operating Funds Fiscal Impact: $38,278 per year for FY 05 ($9569.50 in FY 04)
Possible Funding Source: Operating Funds

JRH/dd
DATE: March 9, 2004
TO: BOARD OF EDUCATION
FROM: Dr. Joe A. Hairston, Superintendent
SUBJECT: RESOLUTION FOR MAGNET SCHOOLS

ORIGINATOR: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction
RESOURCE PERSON(S): Phyllis Bailey, Executive Director of Secondary Programs, PreK-12

RECOMMENDATION

That the Board of Education approve the Resolution for Magnet Schools

* * * * *

Attachment I – Magnet School Assistance Program Resolution
RESOLUTION

March 9, 2004

WHEREAS, The Board of Education of the Baltimore County Public Schools (“BCPS”) believes that it is in the best interest of its students to promote diversity within its schools and to give all students the opportunity to learn in an environment that reflects our pluralistic society; and

WHEREAS, Despite past efforts to reduce minority isolation in BCPS, there remain schools whose minority group enrollment approaches or exceeds 50%, thus constituting minority group isolation; and

WHEREAS, The demographic and enrollment changes in BCPS have made it more challenging for BCPS to provide students with the educational benefits of attending schools with students from diverse backgrounds and to avoid the educational harms of minority and socio-economic isolation; and

WHEREAS, BCPS began implementing magnet programs in the 1993-1994 school year as a strategy to provide students the opportunity to attend schools with diverse enrollment, to avoid the harms of minority and socio-economic isolation, and to improve academic achievement, and has continued to expand its magnet program offerings to achieve these goals; and

WHEREAS, The Federal government, through the Magnet Schools Assistance Program (“MSAP”), has recognized that eliminating, reducing, and preventing minority group isolation in the public schools is a compelling governmental interest and has provided federal funding to school districts to address this and other compelling governmental interests; and

WHEREAS, Pursuant to the attached choice plan, BCPS proposes to implement (1) new whole school magnet programs at three schools, Lansdowne Middle School, Deep Creek Middle School, and Chesapeake High School; and (2) a significantly revised whole school magnet program at Lansdowne High School, if BCPS receives MSAP grant funds from the Federal government; and

WHEREAS, BCPS has developed a three-year MSAP grant application to request Federal funding to assist in providing the necessary resources to implement the proposed new and significantly revised whole school magnet programs at Lansdowne and Deep Creek Middle Schools and at Chesapeake and Lansdowne High Schools; and

WHEREAS, BCPS plans to ensure that staff at the proposed magnet schools will have experience, knowledge, and training in fields related to the objectives of
the MSAP, including in curriculum development and strategies related to meeting the needs of students with diverse backgrounds; and

WHEREAS, As required by the MSAP regulations, BCPS has developed strategies to recruit students from diverse backgrounds and to assign students to the magnet schools by lottery; and

WHEREAS, BCPS plans effectively to inform parents whose children attend underperforming schools about choices that are available at the new and significantly revised whole school magnets at Lansdowne Middle School, Deep Creek Middle School, Chesapeake High School, and Lansdowne High School; and

WHEREAS, BCPS’s grant application is consistent with the goals, definitions, and eligibility of the MSAP, including the goal of increasing school district capacity to provide choice by establishing magnet programs at underperforming schools; and

WHEREAS, BCPS intends to continue to operate its schools in compliance with the Fourteenth Amendment of the U.S. Constitution and Title VI of the Civil Rights Act of 1964; now therefore be it

RESOLVED, That the Board of Education of the Baltimore County Public Schools authorizes the Superintendent to submit a grant application under the Magnet Schools Assistance Program in the approximate amount of $7.5 million, ($2.5 M per year) to support a three-year effort to develop and implement new and significantly revised whole school magnet programs at Lansdowne Middle School, Deep Creek Middle School, Chesapeake High School, and Lansdowne High School; and be it further

RESOLVED, That the Superintendent of Schools be directed to implement these new and significantly revised whole school magnet programs if BCPS is awarded funds under the Magnet Schools Assistance Program.

_________________________________  ______________________________
James R. Sasiadek, President    Joe A. Hairston, Secretary-Treasurer
DATE: March 9, 2004

TO: Board of Education

FROM: Dr. Joe A. Hairston, Superintendent

SUBJECT: KEY SCHOOL LEGISLATION

ORIGINATOR: Dr. George P. Poff, Jr.,
Assistant to the Superintendent Governmental Relations

RECOMMENDATIONS

* * * * *

That the Board consider taking positions on Key School Legislation.

Attachment I – Key School Legislation
Attachment II – House Bill 1409
Attachment III – House Bill 1060 (Senate Bill 747)
Attachment IV – House Bill 1230 (Senate Bill 787)
Attachment V – Fiscal Note for House Bill 1230 (Senate Bill 787)
SB 1 Education – Teachers – State and Local Aid Program for Certification
Under current law, there is a program of State and local aid to teachers who pursue certification by the National Board for Professional Teaching Standards known as the State and Local Aid Program for Certification by the National Board for Professional Teaching Standards. Each school year, the State Board is required to select, consistent with the amount provided in the State budget, a maximum of 500 teachers to participate in the Program. The law provided for the act to remain effective for a period of 7 years, and to sunset May 31, 2004. As proposed, this bill would strike the sunset provision.

* This Bill has passed the Senate and is presently before the House.

Board supports SB 1.

SB 8 (HB 306) Teachers’ Retirement and Pension Systems – Reemployment of Retired Teachers – Sunset
Current law is scheduled to sunset June 30, 2004. This measure would extend the termination date until June 30, 2008, for provisions of law that allow retirees of the Teachers’ Retirement and Pension Systems to be reemployed without an earnings limitation imposed on their retirement benefit.

Board supports SB 8 (HB 306).

SB 115 Task Force to Study the Maryland Teachers’ Pension System and the Teachers’ Retirement System
This legislation would establish a 27-member task force to review and evaluate the adequacy of the two systems and, if deemed necessary, make recommendations for changes.
Changes to the benefits structure of the Maryland Teachers’ Pension and Retirement Systems have left our State with one of the least attractive systems in our nation.

Board supports SB 115.

**SB 174 (HB 741) Education – Maryland School for the Blind – Notice to Parents or Guardians of Availability of Programs**
This legislation, sponsored by Senators Klausmeier, Harris, Hollinger, and Stone, requires that local education agencies notify the parents or guardians of each blind or visually impaired child, including children with multiple disabilities, of the availability of the educational programs offered by the Maryland School for the Blind. This legislation would require a process that is already in place relative to the Maryland School for the Deaf and in fact is already employed in serving the needs of visually impaired children by the Baltimore County Public Schools.

* This Bill has passed the Senate and is presently before the House.

Board supports SB 174 (HB 741).

**SB 526 (HB 851) Education – Distressed Schools – Performance Incentive Grants**
This legislation, sponsored by Senator Delores Kelley, would create an incentive grant program for schools defined by the Maryland State Department of Education as in need of improvement, corrective action, or restructuring. Should these schools demonstrate “statistically significant progress” toward achieving AYP for three years, the school would be eligible to receive a $15,000 grant.

Board supports SB 526 (HB 851)

**HB 162 Teacher Incentives**
This legislation, requested by the State Department of Education, specifies that a classroom teacher who holds a professional certificate or a resident teacher’s certificate and teaches in a public school identified in accordance with State Board regulations as a school in need of improvement, a school under corrective
action, or a restructured school that achieves adequate, yearly progress for two consecutive years shall receive a one-time stipend from the State in the amount of $4,000, provided that the teacher taught in the school for the two years in which the school achieved adequate, yearly progress.

Board supports HB 162.

**HB 199 Public School Construction – Modular Construction**
This legislation would require that the Board of Public Works shall include modular construction as an approved public school construction or capital costs. It would also require that the Board of Public Works adopt regulations defining modular construction and minimum specifications for their approval as a public school construction cost.

Board supports HB 199

**HB 208 Education – County Boards of Education – Competitive Bidding**
This legislation would increase the threshold dollar amount of a contract for which a county board of education must use competitive bidding. This increase in the statutory limit from $15,000 to $25,000 would place local boards of education on par with the same $25,000 limit used by the State of Maryland, counties, and other municipalities.

Board supports HB 208.

**HB 345 (SB 245) Bridge to Excellence in Public Schools Act – Trigger Provision – Repeal**
This legislation would repeal the provision in the Bridge to Excellence in Public Schools Act that makes a specified level of State funding contingent upon the adoption of a joint resolution by the General Assembly before the 50th day of the Session; and repeals the provision of the Act establishing an alternative funding level of State aid for education if the joint resolution is not adopted. The genesis of this resolution is the Attorney General’s opinion that this provision of the law raises serious legal questions. The House version of the Bill was quickly heard and passed and is currently before the Senate.

* New since last Board meeting
* This legislation has passed and is presently before the Governor.

Board supports HB 345 (SB 245).

**HB 1409 Baltimore County – Comprehensive Master Plan – Class Size Reduction**

This legislation, if passed, would amend the Master Plan requirements for the Baltimore County Public Schools under the Bridge to Excellence in Public Schools Act (Thornton). The Master Plan for Baltimore County would also need to include a description of the county Board’s goals relating to the reduction of class size in kindergarten through third grade; and progress made towards achieving these goals.

Local school systems are presently only one-half year into their management under required Master Plans. The process of developing Baltimore County’s plan was deliberate and comprehensive as to content as well as the involvement of stakeholders. Our budget, based upon the *Blueprint for Progress/Master Plan*, is presently before the County Executive and will shortly move to the County Council.

Amendments to the statewide Master Plan requirements for an individual county, before the State Board of Education has the opportunity to review one year’s data across Maryland, should be resisted. A process currently exists in the requirements for master plans, which allow the State Superintendent of Schools to require additional information—Section 5-401,(c)(8), which can be seen on page 2, line 27 of the Bill.

Opposition is recommended to HB 1409.
*HB 1060 (SB 747) Teachers’ and Local Employees’ Retirement Enhancement Act of 2004*

This legislation, sponsored by Delegate Adrienne Jones and 48 members of the House, is the long-anticipated effort to improve Maryland’s teachers’ pension program. Once deemed the best program in the nation, reform legislation over a decade ago has rendered Maryland’s system for its educators near last in states’ rankings. This legislative proposal includes the recommendation of the Task Force on Pensions, which would be:

- Increase cap on COLA from 3% - 5%
- Mandatory for new hires, optional for current members
- Across the board increase for current retirees:
  - $1,200 for retirees who have been retired not more than 5 years;
  - $1,500 for retirees who have been retired more than 5 but less than 10 years;
  - $1,800 for retirees who have been retired more than 10 but less than 15 years; and
  - $2,100 for retirees who have been retired more than 15 years.
- Benefits based on entire compensation (stipends, coaches, national teacher certification)
- Ability to purchase service credit similar to retirement system
- Reduce penalties for early retirement by 1%
- Reduce retirement age from 62 to 60 without 30 years (similar to retirement system)
- Employees’ contribution from 2% to 5%

The Fiscal Note on this legislation has not been completed but is expected to be about $200 million. As such, the expectations of passage are low, but the placement of the issue on the legislative agenda is crucial to future reform.

Support for HB 1060 (SB 747) is recommended.

*HB 1230 (SB 787) Public School Facilities Act of 2004*

This legislation articulates the recommendations of the Task Force to Study Public School Facilities. This task force was prescribed by language in the *Bridge to Excellence Act* and was charged to conduct a similar analysis of “adequacy” as it pertains to facilities. Sponsored by the Chairs of the House Ways and Means and Appropriations Committees and the Chairman of the
House Minority, it represents a bipartisan effort to recognize facilities’ needs and begin the process for their systematic address.

This comprehensive and complex legislation is based upon the Task Force’s analysis of facilities adequacy needs exceeding $3.8 billion across our State with a finding of a $408 million need in Baltimore County (page 15 of the attached Fiscal Note).

Among several recommendations, this legislation calls for a new cost-sharing formula for each county beginning in 2006, a reduction in state rated capacity for elementary classes in grades one to five, a change in the aging schools allocation which would reduce our share, and the introduction of alternative funding methods.

Faced with an affordability challenge similar to that of the Thornton Commission, the Task Force on Facilities recommends, and the legislation reflects, a multi-year phase-in until 2013 to achieve the targeted dollars in State support, requiring about $250 million in annual State Capital support. This is approximately $150 million more than the State’s commitment for each of the next four fiscal years.

Considering the present fiscal condition of the State’s economy, careful monitoring of the possible piecemeal passage of these recommendations will be necessary so as to insure that administrative/legal changes are not made in absence of the necessary resources—unfunded mandates.

If the legislation were passed in its entirety, Baltimore County facility needs would be better met through increased State support.

Support is recommended for HB 1230 (SB 787).
HOUSE BILL 1409

Unofficial Copy
2004 Regular Session
F3 4lr3051

By: Delegates Zirkin, Aumann, Boteler, Bromwell, Burns, Cardin, Cluster,
DeBoy, Frank, Jones, Kach, Malone, Morhaim, Nathan-Pulliam, and
Trueschler

Introduced and read first time: February 23, 2004
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 Baltimore County - Comprehensive Master Plan - Class Size Reduction

3 FOR the purpose of requiring the Baltimore County Board of Education to include in
4 its master comprehensive plan a certain description of the county board’s goals
5 and the progress made towards achieving certain goals regarding the reduction
6 of class sizes; and generally relating to the inclusion of class size reduction
7 initiatives in the Baltimore County comprehensive master plan.

8 BY repealing and reenacting, with amendments,
9 Article - Education
10 Section 5-401
11 Annotated Code of Maryland
12 (2001 Replacement Volume and 2003 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 Article - Education
16 5-401.
17 (a) (1) In this section the following words have the meanings indicated.
18 (2) "Local performance standards” means standards for student and
19 school performance developed by a county board.
20 (3) "Plan" means a comprehensive master plan.
21 (4) "State performance standards" means standards for student and
22 school performance approved by the State Board.
23 (b) (1) Each county board shall develop and implement a comprehensive
24 master plan that describes the goals, objectives, and strategies that will be used to
improve student achievement and meet State performance standards and local performance standards in each segment of the student population.

(2) (i) Each county board shall submit a plan to the Department on or before October 1, 2003.

(ii) At least 60 days before submitting a plan to the Department, a county board shall provide a copy of the plan to the:

1. County council and if applicable, county executive; or

2. County commissioners.

(3) Subject to subsection (h) of this section, the plan shall:

(i) Extend for a 5-year period beginning with the 2003-2004 school year; and

(ii) Be updated by the county board on or before July 1 of each year.

(c) The plan shall include:

(1) Goals and objectives as required under subsections (d) through (f) of this section that are aligned with State performance standards and local performance standards;

(2) Implementation strategies for meeting goals and objectives;

(3) Methods for measuring progress toward meeting goals and objectives;

(4) Time lines for implementation of the strategies for meeting goals and objectives;

(5) Time lines for meeting goals and objectives;

(6) A description of the alignment of the county board’s budget with goals, objectives, and strategies for improving student achievement;

(7) The impact of the proposed goals, objectives, and implementation strategies on public school facilities and capital improvements that may be needed to implement the plan; and

(8) Any other information required by the State Superintendent.

(d) The plan shall include goals, objectives, and strategies regarding the performance of:

(1) Students requiring special education, as defined in § 5-209 of this title;
3 HOUSE BILL 1409

(2) Students with limited-English proficiency, as defined in § 5-208 of this title;

(3) Prekindergarten students;

(4) Kindergarten students;

(5) Gifted and talented students, as defined in § 8-201 of this article;

(6) Students enrolled in career and technology courses;

(7) Students failing to meet, or failing to make progress toward meeting, State performance standards, including any segment of the student population that is, on average, performing at a lower achievement level than the student population as a whole; and

(8) Any other segment of the student population identified by the State Superintendent.

(e) With regard to subsection (d)(7) of this section, the plan shall include strategies to address any disparities in achievement identified for any segment of the student population.

(f) (1) (i) The State Superintendent shall review each plan to determine whether the plan complies with the requirements of subsections (b) through (e) of this section.

(ii) If the State Superintendent determines that a plan does not comply with the requirements of subsections (b) through (e) of this section, the State Superintendent may require specific revisions to the plan.

(2) (i) The State Superintendent may review the content of each plan to assess whether the plan will have the effect of improving student achievement and increasing progress toward meeting State performance standards.

(ii) If the State Superintendent determines that a plan will not have the effect of improving student achievement and increasing progress toward meeting State performance standards, the State Superintendent may require specific revisions to the plan.

(3) A county board may not implement a plan unless it has been approved by the State Superintendent.

(g) (1) A county board may submit a preexisting management plan to the Department as the county board's plan under subsection (b) of this section.

(2) If the State Superintendent determines that the preexisting management plan meets the requirements set forth in this section, the State Superintendent shall approve the preexisting management plan as the county board's plan.

* New since last Board meeting 10
(h) (1) If a school system fails to demonstrate progress toward improving student achievement and meeting State performance standards in each segment of the student population during a school year, the State Superintendent shall review the content of the plan and any updates to the plan to assess whether the plan will have the effect of improving student achievement and increasing progress toward meeting State performance standards.

(2) If the State Superintendent determines that a plan will not have the effect of improving student achievement and increasing progress toward meeting State performance standards, the State Superintendent shall require specific revisions to the plan.

(i) The State Superintendent shall advise the Governor and the General Assembly concerning the distribution of State funds to a county that fails to make progress toward improving student achievement and meeting State performance standards in each segment of the student population.

(j) The State Board may withhold State funds from a county board if:

(1) A school system fails to demonstrate annual progress toward improving student achievement and meeting State performance standards in each segment of the student population; and

(2) Fails to develop a plan that meets the requirements of subsections (b) through (g) of this section or take any action required by the State Superintendent under this section.

(k) (1) The State Superintendent shall review academic intervention programs and behavior modification programs to identify best practices.

(2) The State Superintendent shall periodically report on the best practices to the State Board, the county boards, the Governor, and, subject to § 2-1246 of the State Government Article, the General Assembly.

(l) (1) Subject to paragraph (2) of this subsection, the Department shall adopt regulations as necessary to implement this section.

(2) The Department shall consult with county superintendents and county boards before promulgating proposed regulations to implement this section.

(m) The Department may provide technical assistance to county boards in developing and implementing a plan.

(n) The Governor shall include an appropriation for the Department in the State budget for each fiscal year in amount sufficient to cover the costs associated with implementing this section.

(O) (1) THIS SUBSECTION ONLY APPLIES IN BALTIMORE COUNTY.
(2) THE PLAN SHALL INCLUDE A DESCRIPTION OF THE COUNTY BOARD'S:

(I) GOALS RELATING TO THE REDUCTION OF CLASS SIZES IN KINDERGARTEN THROUGH THE THIRD GRADE; AND

(II) PROGRESS MADE TOWARDS ACHIEVING THE GOALS DESCRIBED IN ITEM (I) OF THIS PARAGRAPH.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2004.
A BILL ENTITLED

1 AN ACT concerning

2 Teachers’ and Local Employees’ Retirement Enhancement Act of 2004

3 FOR the purpose of altering the definition of "earnable compensation" for certain

4 members of the Teachers’ Retirement System and the Teachers’ Pension System;

5 providing certain annual adjustments to the normal service retirement

6 allowances of retirees of the Teachers’ Retirement System and the Teachers’

7 Pension System as of a certain date; providing for the adjustment to be subject

8 to certain cost-of-living adjustments each fiscal year; providing for a certain

9 cost-of-living adjustment to retirement allowances of certain retirees and

10 former members of the Teachers’ Retirement System; providing for an alternate

11 contributory pension selection for certain members of the Teachers’ Pension

12 System; making the selection optional for certain members of the Teachers’

13 Pension System; authorizing the purchase of certain service credit in a certain

14 manner; providing for the member contribution rate and benefits for certain

15 members of the Teachers’ Pension System under a certain alternate contributory

16 pension selection option; reducing the retirement age for certain members of the

17 Teachers’ Pension System; reducing certain penalties for early retirement for

18 certain members of the Teachers’ Pension System; increasing the cost-of-living

19 adjustment for certain members of the Teachers’ Pension System; authorizing

20 certain employees of participating governmental units to elect to participate in a

21 certain alternate contributory pension selection by a certain date; prohibiting

22 the governing body of a county from eliminating or reducing certain retirement

23 benefits for members of the Teachers’ Retirement System or Teachers’ Pension

24 System; requiring the State Retirement Agency to provide certain information to

25 members of the Teachers’ Pension System and to certain participating

26 governmental units; and generally relating to enhancements and modifications

27 to pension and retirement benefits for certain teachers and employees of

28 participating governmental units.

29 BY repealing and reenacting, with amendments,
HOUSE BILL 1060

Article - State Personnel and Pensions
Annotated Code of Maryland
(1997 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, without amendments,
Article - State Personnel and Pensions
Section 23-206
Annotated Code of Maryland
(1997 Replacement Volume and 2003 Supplement)

BY adding to
Article - State Personnel and Pensions
Section 23-219 and 23-220 to be under the new part "Part III. Alternate Contributory Pension Selection"; and 29-428 through 29-430, inclusive, to be under the new part "Part VII. Five Percent Compound Adjustment"; and 23-308.3
Annotated Code of Maryland
(1997 Replacement Volume and 2003 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - State Personnel and Pensions

20-101.

(o) "Earnable compensation" means one-twelfth of the member's annual salary rate payable for working the normal time in the member's position, including:

(1) the employer pickup contribution provided for in § 21-312 of this article; [or]

(2) a contribution made under a salary reduction or supplemental retirement plan in accordance with Title 35 of this article; OR

(3) FOR A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM OR THE TEACHERS' PENSION SYSTEM:

(I) COMPENSATION FOR PARTICIPATING AS A COACH OR AN ADVISOR FOR ANY EXTRACURRICULAR ACTIVITY; OR

(II) ANY STIPEND THE MEMBER RECEIVES FOR PARTICIPATING IN THE NATIONAL TEACHER CERTIFICATION PROGRAM.
HOUSE BILL 1060

22-401.
(a) A member may retire with a normal service retirement allowance if:
1. (1) on or before the date of retirement, the member:
   1. (i) has at least 30 years of eligibility service; or
   1. (ii) is at least 60 years old; and
2. (2) the member completes and submits a written application to the
   Board of Trustees stating the date when the member desires to retire.
(b) On retirement under this section, a member is entitled to receive a normal
service retirement allowance that equals THE SUM OF:
1. (1) one fifty-fifth of the member’s average final compensation
   multiplied by the number of years of creditable service ATTAINED ON OR BEFORE
   JUNE 30, 2004; AND
2. (2) 2.2% OF THE MEMBER’S AVERAGE FINAL COMPENSATION
   MULTIPLIED BY THE NUMBER OF YEARS OF CREDITABLE SERVICE ATTAINED ON
   OR AFTER JULY 1, 2004.
(c) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A RETIREE OR A
   BENEFICIARY OF A RETIREE WHO RETIRES FROM THE TEACHERS’ RETIREMENT
   SYSTEM ON OR BEFORE JULY 1, 2004, WITH A NORMAL SERVICE RETIREMENT
   ALLOWANCE SHALL RECEIVE AN ANNUAL RETIREMENT ALLOWANCE
   ADJUSTMENT AS OF JULY 1, 2004, AS FOLLOWS:
   (I) FOR A RETIREE WHO HAS BEEN RETIRED NOT MORE THAN 5
   YEARS, $1,200;
   (II) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 5
   BUT NOT MORE THAN 10 YEARS, $1,500;
   (III) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 10
   BUT NOT MORE THAN 15 YEARS, $1,800; AND
   (IV) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 15
   YEARS, $2,100.
(2) EACH FISCAL YEAR, THE BOARD OF TRUSTEES SHALL INCREASE
   THE ADJUSTMENT RECEIVED BY THE RETIREE OR BENEFICIARY AS OF JULY 1, 2004,
   BY MULTIPLYING THE ADJUSTMENT BY A FRACTION THAT HAS:
   (I) AS ITS NUMERATOR, THE CONSUMER PRICE INDEX FOR
   THE CALENDAR YEAR ENDING DECEMBER 31 OF THE PRECEDING FISCAL YEAR; AND
   (II) AS ITS DENOMINATOR, THE CONSUMER PRICE INDEX FOR

* New since last Board meeting 15
HOUSE BILL 1060

(a) Except as provided in subsection (b) of this section, §§ 23-207 through 23-210 of this subtitle apply only to:

(1) an employee of a day school in the State under the authority and supervision of a county board of education or the Baltimore City Board of School Commissioners, employed as:

(i) a clerk;

(ii) a helping teacher;

(iii) a principal;

(iv) a superintendent;

(v) a supervisor; or

(vi) a teacher;

(2) a faculty employee of an educational institution supported by and under the control of the State;

(3) a librarian or clerical employee of a library that is established or operates under the Education Article;

(4) a professional or clerical employee of a community college that is established or operates under the Education Article;

(5) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who is a member of the Teachers' Pension System as of January 1, 1998, or who transfers from the Teachers' Retirement System on or after January 1, 1998; or

(6) a nonfaculty employee of the Baltimore City Community College who:

(i) is a member of the Teachers' Pension System as of October 1, 2002 and does not transfer to the Employees' Pension System in accordance with § 23-202.1 of this subtitle; or

(ii) transfers from the Teachers' Retirement System on or after October 1, 2002.

(b) Sections 23-207 through 23-209 of this subtitle do not apply to:

(1) an individual who has elected to participate in an optional retirement program under Title 30 of this article;

(2) an individual who is employed under a federal public service employment program;
HOUSE BILL 1060

(3) a professional or clerical employee of the Department of Public Libraries of Montgomery County who is participating in the Employees' Retirement System of Montgomery County;

(4) a staff employee of the University System of Maryland, Morgan State University, or St. Mary's College who becomes employed on or after January 1, 1998 in a position as a staff employee of the educational institution that was eligible for membership in the Teachers' Retirement System or Teachers' Pension System under Chapter 6, § 8, paragraphs 1(a) and 2(a) of the Acts of 1994;

(5) an employee who is not a member of a State system and who accepts a position for which the budgeted hours per fiscal year are less than 500 hours in the first fiscal year of employment; or

(6) a nonfaculty employee of the Baltimore City Community College who becomes employed on or after October 1, 2002, or who transfers to the Employees' Pension System in accordance with § 23-202.1 of this subtitle.

23-212.

(a) Except as [provided in subsection (b) of] OTHERWISE PROVIDED IN this section, a member's contribution rate is 5% of the part of the member's earnable compensation that exceeds the taxable wage base for each year.

(b) The contribution rate of a member who is subject to the contributory pension benefit under Part II of this subtitle is 2% of the member's earnable compensation.

(C) THE CONTRIBUTION RATE OF A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR THE TEACHERS' PENSION SYSTEM WHO IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER PART III OF THIS SUBTITLE IS 5% OF THE MEMBER'S EARNABLE COMPENSATION.

23-217.

(a) Except as provided in subsection (b) of this section, this Part II of this subtitle applies to an individual who is:

(1) a member of the Employees' Pension System or the Teachers' Pension System; or

(2) a member of the Employees' Retirement System or the Teachers' Retirement System subject to Selection C (Combination Formula) as provided in § 22-221 of this article.

(b) This Part II of this subtitle does not apply to an individual who is:

(1) an employee of:
HOUSE BILL 1060

1 (i) a participating governmental unit that has not elected the
2 contributory pension benefit for its employees under § 31-116 of this article; or

3 (ii) a former participating governmental unit, other than Frederick
4 County, that has withdrawn; [or]

5 (2) a member of the Employees' Pension System or Teachers' Pension
6 System who transferred from the Employees' Retirement System or Teachers'
7 Retirement System after April 1, 1998; OR

8 (3) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM, TEACHERS'
9 PENSION SYSTEM, EMPLOYEES' RETIREMENT SYSTEM (SELECTION C -
10 COMBINATION
11 FORMULA), OR TEACHERS' RETIREMENT SYSTEM (SELECTION C - COMBINATION
12 SELECTION UNDER PART III OF THIS SUBTITLE.

13 23-218.

14 A member who is subject to this Part II of this subtitle shall:

15 (1) receive an allowance for all creditable service as follows:
16 (i) for normal service retirement as provided in § 23-401(c) of this
17 title;
18 (ii) for early service retirement as provided in [§ 23-402] §
19 23-402(B) of this title;
20 (iii) for ordinary disability retirement as provided in § 29-108 of this
21 article; and
22 (iv) for accidental disability retirement as provided in § 29-110 of
23 this article;
24
25 (2) have the allowance adjusted as provided in Title 29, Subtitle 4, Part
26 VI of this article; and
27 (3) make the member contributions at the rate specified in § 23-212(b) of
28 this subtitle.

29 PART III. ALTERNATE CONTRIBUTORY PENSION
30 SELECTION.
31 23-219.
32 (A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS PART
33 III OF THIS SUBTITLE APPLIES TO AN INDIVIDUAL WHO IS:
34 (1) A MEMBER OF THE TEACHERS' PENSION SYSTEM WHO BECOMES
35 EMPLOYED BY A PARTICIPATING EMPLOYER ON OR AFTER JULY 1, 2004;

* New since last Board meeting
HOUSE BILL 1060

1. (2) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO, ON OR AFTER JULY 1, 2004, BECOMES AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS ELECTED THE CONTRIBUTORY PENSION SELECTION FOR ITS EMPLOYEES UNDER § 31-116 OF THIS ARTICLE;

2. (3) A MEMBER OF THE TEACHERS' PENSION SYSTEM ON JUNE 30, 2004, WHO ELECTS TO BE SUBJECT TO THIS PART;

3. (4) A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM SUBJECT TO SELECTION C (COMBINATION FORMULA) AS PROVIDED IN § 22-221 OF THIS ARTICLE ON JUNE 30, 2004, WHO ELECTS TO BE SUBJECT TO THIS PART; OR

4. (5) A MEMBER OF THE EMPLOYEES' PENSION SYSTEM WHO ON JUNE 30, 2004, IS AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS ELECTED THE CONTRIBUTORY PENSION SELECTION FOR ITS EMPLOYEES UNDER § 31-116 OF THIS ARTICLE AND WHO ELECTS TO BE SUBJECT TO THIS PART.

(B) THIS PART III OF THIS SUBTITLE DOES NOT APPLY TO AN INDIVIDUAL WHO IS A MEMBER OF THE EMPLOYEES' PENSION SYSTEM OR TEACHERS' PENSION SYSTEM WHO TRANSFERRED FROM THE EMPLOYEES' RETIREMENT SYSTEM OR TEACHERS' RETIREMENT SYSTEM AFTER APRIL 1, 1998.

A MEMBER WHO IS SUBJECT TO THIS PART III OF THIS SUBTITLE SHALL:

(1) RECEIVE AN ALLOWANCE FOR ALL CREDITABLE SERVICE AS FOLLOWS:

(I) FOR NORMAL SERVICE RETIREMENT AS PROVIDED IN § 23-401(D) OF THIS TITLE WITH AT LEAST 30 YEARS OF ELIGIBILITY SERVICE OR THE YEARS OF ELIGIBILITY SERVICE AT THE AGES SPECIFIED IN § 23-401(A)(2)(IV) OF THIS TITLE;

(II) FOR EARLY SERVICE RETIREMENT AS PROVIDED IN § 23-402(C) OF THIS TITLE;

(III) FOR ORDINARY DISABILITY RETIREMENT AS PROVIDED IN § 29-108 OF THIS ARTICLE; AND

(IV) FOR ACCIDENTAL DISABILITY RETIREMENT AS PROVIDED IN § 29-110 OF THIS ARTICLE; AND

(2) HAVE THE ALLOWANCE ADJUSTED AS PROVIDED IN TITLE 29, SUBTITLE 4, PART VII OF THIS ARTICLE; AND

(3) MAKE THE MEMBER CONTRIBUTIONS AT THE RATE SPECIFIED IN §23-212(C) OF THIS SUBTITLE.
HOUSE BILL 1060

23-308.2.  
(a) For periods of employment as a member of the Teachers’ Retirement System or the Teachers’ Pension System for which the member is not otherwise entitled to service credit, a member of the Teachers’ Pension System may purchase credit for eligibility service as provided in this section.

(b) The total amount of service credit in the Teachers’ Retirement System or Teachers’ Pension System that a member may purchase under this section and § 23-308 of this subtitle may not exceed 10 years.

(c) A member who purchases service credit under this section may not purchase service credit for any period of employment during which the member participated in the optional retirement program.

(d) To purchase service credit under this section, a member must:

(1) complete a claim for the service credit and file it with the Board of Trustees on the form that the Board of Trustees provides; and

(2) pay to the Board of Trustees an amount equal to one-half of the annuity reserve and one-half of the pension reserve required to fund the additional allowance.

(E) (1) A MEMBER MAY REDUCE THE FINAL COST OF SERVICE CREDIT PURCHASED UNDER THIS SECTION THROUGH A PAYROLL DEDUCTION OF NOT LESS THAN 2% OF ANNUAL SALARY PER YEAR WITH THE APPROPRIATE FINAL ADJUSTMENT AT RETIREMENT.

(2) THE SURVIVING SPOUSE OF A MEMBER MAY PAY FOR THE APPROPRIATE FINAL ADJUSTMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION IF:

(I) THE MEMBER DIES WHILE EMPLOYED AS A MEMBER;

(II) THE MEMBER WAS PURCHASING SERVICE CREDIT THROUGH A PAYROLL DEDUCTION; AND

(III) THE SERVICE CREDIT QUALIFIES FOR BENEFITS UNDER § 29-205 OF THIS ARTICLE.

23-308.3.  
(A) FOR PERIODS OF EMPLOYMENT AS A MEMBER OF THE TEACHERS’ RETIREMENT SYSTEM FOR WHICH THE MEMBER IS NOT OTHERWISE ENTITLED TO SERVICE CREDIT, A MEMBER OF THE TEACHERS’ PENSION SYSTEM MAY PURCHASE ELIGIBILITY SERVICE AS PROVIDED IN THIS SECTION.

(B) THE TOTAL AMOUNT OF SERVICE CREDIT IN THE TEACHERS’ PENSION SYSTEM THAT A MEMBER MAY PURCHASE UNDER THIS SECTION AND §§ 23-308 AND 23-308.2 OF THIS SUBTITLE MAY NOT EXCEED 10 YEARS.
HOUSE BILL 1060

(C) A MEMBER WHO PURCHASES SERVICE CREDIT UNDER THIS SECTION MAY NOT PURCHASE SERVICE CREDIT FOR ANY PERIOD OF EMPLOYMENT DURING WHICH THE MEMBER PARTICIPATED IN THE OPTIONAL RETIREMENT PROGRAM.

(D) (1) TO PURCHASE SERVICE CREDIT UNDER THIS SECTION, A MEMBER SHALL:

(I) COMPLETE A CLAIM FOR THE SERVICE CREDIT AND FILE IT WITH THE BOARD OF TRUSTEES ON A FORM THAT THE BOARD OF TRUSTEES PROVIDES; AND

(II) PAY TO THE BOARD OF TRUSTEES IN A SINGLE PAYMENT THE MEMBER CONTRIBUTIONS THE MEMBER WOULD HAVE MADE FOR THE PERIOD OF EMPLOYMENT FOR WHICH SERVICE CREDIT IS BEING PURCHASED PLUS REGULAR INTEREST TO THE DATE OF PAYMENT.

(2) EXCEPT AS PROVIDED IN PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, THE MEMBER SHALL PAY FOR SERVICE CREDIT PURCHASED UNDER THIS SECTION AT RETIREMENT.

(3) A MEMBER MAY REDUCE THE FINAL COST OF SERVICE CREDIT PURCHASED UNDER THIS SECTION THROUGH A PAYROLL DEDUCTION OF NOT LESS THAN 2% OF ANNUAL SALARY PER YEAR, WITH THE APPROPRIATE FINAL ADJUSTMENT MADE AT RETIREMENT.

(4) THE SURVIVING SPOUSE OF A MEMBER OF THE TEACHERS' RETIREMENT SYSTEM MAY PAY FOR THE APPROPRIATE FINAL ADJUSTMENT UNDER PARAGRAPH (3) OF THIS SUBSECTION IF:

(I) THE MEMBER DIES WHILE EMPLOYED AS A MEMBER;

(II) THE MEMBER WAS PURCHASING SERVICE CREDIT THROUGH A PAYROLL DEDUCTION;

(A) THROUGH A PAYROLL DEDUCTION; AND

(III) THE SERVICE CREDIT QUALIFIES FOR BENEFITS UNDER § 29-205 OF THIS ARTICLE.

(a) A member may retire with a normal service retirement allowance if:

(1) the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and

(2) on or before the date of retirement, the member:

(i) has at least 30 years of eligibility service;

(ii) has a combined total of at least 30 years of eligibility service from the Employees' Pension System, the Teachers' Pension System, the Employees' Retirement System, or the Teachers' Retirement System; [or]
HOUSE BILL 1060

(iii) EXCEPT AS PROVIDED IN ITEM (IV) OF THIS ITEM, has attained the age and the years of eligibility service as follows:

<table>
<thead>
<tr>
<th>Age</th>
<th>Years of Eligibility Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>62 with</td>
<td>5</td>
</tr>
<tr>
<td>63 with</td>
<td>4</td>
</tr>
<tr>
<td>64 with</td>
<td>3</td>
</tr>
<tr>
<td>or more with</td>
<td>2</td>
</tr>
</tbody>
</table>

(IV) FOR MEMBERS WHO ARE SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER SUBTITLE 2, PART III OF THIS TITLE, HAS ATTAINED THE AGE AND THE YEARS OF ELIGIBILITY SERVICE AS FOLLOWS:

<table>
<thead>
<tr>
<th>AGE</th>
<th>YEARS OF ELIGIBILITY SERVICE</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 WITH</td>
<td>5</td>
</tr>
<tr>
<td>61 WITH</td>
<td>4</td>
</tr>
<tr>
<td>62 WITH</td>
<td>3</td>
</tr>
<tr>
<td>63 OR MORE WITH</td>
<td>2</td>
</tr>
</tbody>
</table>

(b) Except as provided in subsections (c), (d), AND (E) of this section, on retirement under this section, a member is entitled to receive a normal service retirement allowance that equals the number of years of the member's creditable service multiplied by:

1. (1) 0.8% of the member's average final compensation that is not in excess of the Social Security integration level; and

2. (2) 1.5% of the member's average final compensation that exceeds the Social Security integration level.

(c) Except as provided in subsection [(d)] (E) of this section, on retirement under this section, a member who is subject to the contributory pension benefit under Subtitle 2, Part II of this title is entitled to receive a normal service retirement allowance that equals the sum of:

1. (1) the number of years of the member's creditable service on or after July 1, 1998 multiplied by 1.4% of the member's average final compensation; and

2. (2) the greater of:

   (i) the number of years of the member's creditable service on or before June 30, 1998 multiplied by 1.2% of the member's average final compensation; or

   (ii) the number of years of the member's creditable service on or before June 30, 1998 multiplied by:
HOUSE BILL 1060

1. 0.8% of the member’s average final compensation that is not in excess of the Social Security integration level; and

2. 1.5% of the member’s average final compensation that exceeds the Social Security integration level.

(D) EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, ON RETIREMENT UNDER THIS SECTION, A MEMBER WHO IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER SUBTITLE 2, PART III OF THIS TITLE IS ENTITLED TO RECEIVE A NORMAL SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE SUM OF:

(1) (I) THE NUMBER OF YEARS OF THE MEMBER’S CREDITABLE SERVICE THAT IS BETWEEN 1 AND 15 YEARS BEGINNING ON OR AFTER JULY 1, 2004, MULTIPLIED BY 2.0% OF THE MEMBER’S AVERAGE FINAL COMPENSATION; AND

(II) THE NUMBER OF YEARS OF THE MEMBER’S CREDITABLE SERVICE THAT IS OVER 15 YEARS BEGINNING ON OR AFTER JULY 1, 2004, MULTIPLIED BY 2.2% OF THE MEMBER’S AVERAGE FINAL COMPENSATION;

(2) THE NUMBER OF YEARS OF THE MEMBER’S CREDITABLE SERVICE ON OR AFTER JULY 1, 1998, BUT BEFORE JULY 1, 2004, MULTIPLIED BY 1.4% OF THE MEMBER’S AVERAGE FINAL COMPENSATION; AND

(3) THE GREATER OF:

(I) THE NUMBER OF YEARS OF THE MEMBER’S CREDITABLE SERVICE ON OR BEFORE JUNE 30, 1998, MULTIPLIED BY 1.2% OF THE MEMBER’S AVERAGE FINAL COMPENSATION; OR

(ii) THE NUMBER OF YEARS OF THE MEMBER’S CREDITABLE SERVICE ON OR BEFORE JUNE 30, 1998, MULTIPLIED BY:

1. 0.8% OF THE MEMBER’S AVERAGE FINAL COMPENSATION THAT IS NOT IN EXCESS OF THE SOCIAL SECURITY INTEGRATION LEVEL; AND

2. 1.5% OF THE MEMBER’S AVERAGE FINAL COMPENSATION THAT EXCEEDS THE SOCIAL SECURITY INTEGRATION LEVEL.

[(d)]   (E) (1) This subsection applies only to a member who has a combined total of 30 years of eligibility service as provided in subsection (a)(2)(ii) of this section.

(2) A member is entitled to receive a normal service retirement allowance that equals:

(i) an allowance based on the creditable service the member earned in the Employees’ Pension System;

(ii) an allowance based on the creditable service the member earned in the Employees’ Retirement System;
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(iii) an allowance based on the creditable service the member earned in the Teachers’ Pension System; plus
(iv) an allowance based on the creditable service the member earned in the Teachers’ Retirement System.

(F) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A RETIREE OR A BENEFICIARY OF A RETIREE WHO RETIRES FROM THE TEACHERS’ PENSION SYSTEM ON OR BEFORE JULY 1, 2004, WITH A NORMAL SERVICE RETIREMENT ALLOWANCE SHALL RECEIVE AN ANNUAL RETIREMENT ALLOWANCE ADJUSTMENT AS OF JULY 1, 2004, AS FOLLOWS:

(I) FOR A RETIREE WHO HAS BEEN RETIRED NOT MORE THAN 5 YEARS, $1,200;

(II) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 5 YEARS BUT NOT MORE THAN 10 YEARS, $1,500;

(III) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 10 YEARS BUT NOT MORE THAN 15 YEARS, $1,800; AND

(IV) FOR A RETIREE WHO HAS BEEN RETIRED MORE THAN 15 YEARS, $2,100.

Each fiscal year, the Board of Trustees shall increase the adjustment received by the retiree or beneficiary as of July 1, 2004, by multiplying the adjustment by a fraction that has:

(I) AS ITS NUMERATOR, THE CONSUMER PRICE INDEX FOR THE CALENDAR YEAR ENDING DECEMBER 31 OF THE PRECEDING FISCAL YEAR; AND


(a) A member may retire with an early service retirement allowance if:

1. the member completes and submits a written application to the Board of Trustees stating the date when the member desires to retire; and
2. on or before the date of retirement, the member:

(i) has at least 15 years but less than 30 years of eligibility service; and
(ii) is at least 55 but less than 62 years old.

(b) [On] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, ON retirement under this section, a member is entitled to receive an early service retirement allowance that equals the normal service retirement allowance under §
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23-401 of this subtitle, reduced by 0.5% for each month that the member's early retirement date precedes the date the member will be 62 years old.

(C) ON RETIREMENT UNDER THIS SECTION, A MEMBER WHO IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER SUBTITLE 2, PART III OF THIS TITLE IS ENTITLED TO RECEIVE AN EARLY SERVICE RETIREMENT ALLOWANCE THAT EQUALS THE NORMAL SERVICE RETIREMENT ALLOWANCE UNDER § 23-401(D) OF THIS SUBTITLE, REDUCED BY 0.4% FOR EACH MONTH THAT THE MEMBER'S EARLY RETIREMENT DATE PRECEDES THE DATE THE MEMBER WILL BE 60 YEARS OLD.

29-425.

(a) [This] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THIS Part VI of this subtitle applies:

(1) on or after July 1, 1998 only to an allowance received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Employees' Pension System or the Teachers' Pension System; and

(2) on or after December 31, 2000, to an allowance received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree of the Law Enforcement Officers' Pension System.

(b) This Part VI of this subtitle does not apply if:

(1) the member, former member, or retiree was an employee of:

(i) a participating governmental unit that has not elected the contributory pension benefit of its employees under § 31-116 of this article; or

(ii) a former participating governmental unit, other than Frederick County, that has withdrawn before July 1, 1998, while a member; [or]

(2) the member, former member, or retiree:

(i) transferred to the Law Enforcement Officers' Pension System from the Employees' Retirement System; and

(ii) did not elect to participate in the Law Enforcement Officers' Modified Pension Benefit on or before December 31, 2000 as provided in § 26-211 of this article; OR

(3) THE MEMBER, FORMER MEMBER, OR RETIREE IS SUBJECT TO THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER TITLE 23, SUBTITLE 2, PART III OF THIS ARTICLE.
PART VII. FIVE PERCENT COMPOUND ADJUSTMENT.

This Part VII of this Subtitle applies on or after July 1, 2004, only to an allowance received by a former member, retiree, or surviving beneficiary of a deceased member, former member, or retiree who is subject to the alternate contributory pension selection under Title 23, Subtitle 2, Part III of this Article.

Each fiscal year, the Board of Trustees shall adjust each allowance as provided in this Part VII of this Subtitle.

(A) Each fiscal year, the Board of Trustees shall adjust an allowance by multiplying the allowance for the preceding fiscal year, exclusive of any additional voluntary annuity, by a rate not exceeding 5%, that is obtained by dividing the Consumer Price Index for the calendar year ending December 31 in the preceding fiscal year by the Consumer Price Index for the calendar year ending December 31 in the second preceding fiscal year.

(B) The adjustment under subsection (A) of this section shall begin the second July 1 after the day preceding the retiree's date of retirement or the former member's effective date for receipt of a vested allowance.

(C) The total allowance payable in each fiscal year shall be the sum of:

1. The annual rate of allowance paid during the preceding fiscal year;
2. The adjustment in allowance paid during the preceding fiscal year; and
3. Any additional annuity.

Subject to subsection (b) of this section, an employee of a participating governmental unit who is a member of one of the employees' systems is entitled to the benefits to which State employees are entitled under that system.

An employee of a participating governmental unit that has elected to participate in the
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(2) An employee of a participating governmental unit that has not elected to participate in the contributory pension benefit option under § 31-116 of this subtitle is not subject to Title 23, Subtitle 2, Part II of this article.

(C) (1) AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS ELECTED TO PARTICIPATE IN THE CONTRIBUTORY PENSION SELECTION UNDER § 31-116 OF THIS SUBTITLE SHALL BE SUBJECT TO TITLE 23, SUBTITLE 2, PART III OF THIS ARTICLE, IF:

(I) THE EMPLOYEE IS AN EMPLOYEE OF THE PARTICIPATING GOVERNMENTAL UNIT ON DECEMBER 31, 2004, AND THE EMPLOYEE ELECTS TO BE SUBJECT TO TITLE 23, SUBTITLE 2, PART III OF THIS ARTICLE; OR

(II) THE EMPLOYEE BECOMES AN EMPLOYEE OF THE PARTICIPATING GOVERNMENTAL UNIT ON OR AFTER JANUARY 1, 2004.

(2) AN EMPLOYEE OF A PARTICIPATING GOVERNMENTAL UNIT THAT HAS NOT ELECTED TO PARTICIPATE IN THE ALTERNATE CONTRIBUTORY PENSION SELECTION UNDER § 31-116 OF THIS SUBTITLE IS NOT SUBJECT TO TITLE 23, SUBTITLE 2, PART III OF THIS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That the governing body of a county or Baltimore City that offers a supplemental retirement allowance or supplemental retirement plan to members of the Teachers' Retirement System or Teachers' Pension System may not eliminate or reduce any retirement benefits provided as of January 1, 2004.

SECTION 3. AND BE IT FURTHER ENACTED, That the State Retirement Agency shall inform members of the Teachers' Pension System and the governing bodies of participating governmental units about the elections that the members are entitled to make under this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2004.
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By: Delegates Hixson and Edwards (Task Force to Study Public School Facilities) and Delegates Leopold and Conway

Introduced and read first time: February 13, 2004
Assigned to: Appropriations and Ways and Means

A BILL ENTITLED

AN ACT concerning

Public School Facilities Act of 2004

FOR the purpose of authorizing counties to finance the construction or renovation of public school facilities, under certain circumstances, using alternative financing methods, engaging in competitive negotiation, accepting unsolicited proposals, and using quality based selection; authorizing a private entity to hold title to property used for a certain public school or school system under certain circumstances; expressing the intent of the General Assembly that the State Department of Education and the Public School Construction Program encourage local education agencies to use recently used school designs under certain circumstances; requiring the Interagency Committee on School Construction to survey the condition of certain school buildings; requiring the Department of General Services to conduct certain inspections; requiring the Interagency Committee to make a certain annual report to the Governor and the General Assembly; requiring the Department of General Services to submit a certain annual report to the State Department of Education and local education agencies; authorizing certain counties to issue certain bonds under certain circumstances; providing for the issuance and administration of the bonds; providing for the repayment of the bonds; authorizing certain counties to impose a sales tax on certain retail sales, subject to certain limits; authorizing certain counties to impose a certain transfer tax on certain instruments, subject to certain limits; repealing a certain exemption from the Administrative Procedure Act; altering the amount of grants provided to counties under the Aging Schools Program; providing an exception to a certain mandatory level of State funds to be granted to Prince George’s County and Baltimore City; expressing the intent of the General Assembly that the Board of Public Works establish an emergency repair fund to be used to finance certain renovations and improvements to public schools; specifying that the purchase of relocatable classrooms are eligible for State funding; requiring the Public School Construction Program to provide assistance to Baltimore City, counties, and local education agencies in using alternative financing mechanisms; requiring the State Department of Education to adopt certain regulations; requiring the Board of Public Works to adopt certain regulations; defining certain terms; providing for the effective dates of this Act; and generally relating to the funding and administration of public
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school construction.

BY repealing and reenacting, with amendments,

Article - Education
Section 4-114, 5-206(f), 5-301, and 5-302
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY adding to
Article - Education
Section 4-126 and 5-309 through 5-311; and 5-601 through 5-604, inclusive, to be under the new subtitle "Subtitle 6. Authorization to Issue Bonds to Fund Public School Construction"
Annotated Code of Maryland
(2001 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,
Article - Tax - General
Section 11-102(b)
Annotated Code of Maryland
(1997 Replacement Volume and 2003 Supplement)

BY repealing and reenacting, with amendments,
Section 3

BY repealing and reenacting, with amendments,
Section 1

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article - Education

4-114.
(a) All property granted, conveyed, devised, or bequeathed for the use of a particular public school or school system:
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(1) [Shall] EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION,
SHEL shall be held in trust for the benefit of the school or school system by the
appropriate county board; and

(2) Is exempt from all State and local taxes.

(b) Money invested in trust for the benefit of the public schools for any county
or city is exempt from all State and local taxes.

(C) A PRIVATE ENTITY MAY HOLD TITLE TO PROPERTY USED FOR
A PARTICULAR PUBLIC SCHOOL OR LOCAL SCHOOL SYSTEM IF THE PRIVATE
ENTITY IS
CONTRACTUALLY OBLIGATED TO TRANSFER TITLE TO THE APPROPRIATE
COUNTY
BOARD ON A SPECIFIED DATE.

(A) IN THIS SECTION, "ALTERNATIVE FINANCING METHODS" INCLUDES:

(1) SALE-LEASEBACK ARRANGEMENTS, IN WHICH A COUNTY
BOARD AGREES TO TRANSFER TITLE TO A PROPERTY, INCLUDING IMPROVEMENTS,
TO A
PRIVATE ENTITY THAT SIMULTANEOUSLY AGREES TO LEASE THE PROPERTY
BACK
TO THE COUNTY BOARD AND, ON A SPECIFIED DATE, TRANSFER TITLE BACK
TO THE
COUNTY BOARD;

(2) LEASE-LEASEBACK ARRANGEMENTS, IN WHICH A COUNTY
BOARD LEASES A PROPERTY TO A PRIVATE ENTITY THAT IMPROVES THE PROPERTY
AND
LEASES THE PROPERTY, WITH THE IMPROVEMENTS, BACK TO THE COUNTY
BOARD;

(3) PUBLIC-PRIVATE PARTNERSHIP AGREEMENTS, IN WHICH A COUNTY
BOARD CONTRACTS WITH A PRIVATE ENTITY FOR THE ACQUISITION,
DESIGN,
CONSTRUCTION, IMPROvement, RENOVATION, EXPANSION, EQUIPPING, OR
FINANCING OF A PUBLIC SCHOOL, AND MAY INCLUDE PROVISIONS FOR
COOPERATIVE USE OF THE SCHOOL OR AN ADJACENT PROPERTY AND
GENERATION
OF REVENUE TO OFFSET THE COST OF CONSTRUCTION ORUSE OF THE
SCHOOL; AND

(4) PERFORMANCE-BASED CONTRACTING, IN WHICH A COUNTY
BOARD
28 ENTERS INTO AN ENERGY PERFORMANCE CONTRACT TO OBTAIN FUNDING FOR A
29 PROJECT WITH GUARANTEED ENERGY SAVINGS OVER A SPECIFIED TIME
PERIOD.
30 (B) EXCEPT WHEN PROHIBITED BY LOCAL LAW, IN ORDER TO FINANCE
31 PUBLIC SCHOOL CONSTRUCTION, A COUNTY MAY:
32 (1) USE ALTERNATIVE FINANCING METHODS;
33 (2) ENGAGE IN COMPETITIVE NEGOTIATION, RATHER THAN
34 COMPETITIVE BIDDING, IN LIMITED CIRCUMSTANCES, AS PROVIDED IN
35 REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS;
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1 (3) ACCEPT UNSOLICITED PROPOSALS FOR THE DEVELOPMENT OF
2 PUBLIC SCHOOLS IN LIMITED CIRCUMSTANCES, AS PROVIDED IN
REGULATIONS
3 ADOPTED BY THE BOARD OF PUBLIC WORKS; AND
4 (4) USE QUALITY-BASED SELECTION, IN WHICH SELECTION IS
BASED
5 ON A COMBINATION OF QUALIFICATIONS AND COST FACTORS, TO SELECT
6 DEVELOPERS AND BUILDERS, AS PROVIDED IN REGULATIONS ADOPTED BY
THE
7 BOARD OF PUBLIC WORKS.
8 (C) AT THE REQUEST OF THE INTERAGENCY COMMITTEE ON SCHOOL
9 CONSTRUCTION, THE BOARD OF PUBLIC WORKS MAY ADOPT REGULATIONS
TO
10 IMPLEMENT THE PROVISIONS OF THIS SECTION, INCLUDING:
11 (1) GUIDELINES FOR THE ACCEPTANCE AND EVALUATION OF
12 UNSOLICITED PROPOSALS;
13 (2) REQUIREMENTS FOR THE EXECUTION OF A COMPREHENSIVE
14 AGREEMENT GOVERNING AN ARRANGEMENT AUTHORIZED UNDER THIS
SECTION;
15 AND
16 (3) THE APPLICABILITY OF STATE PROCUREMENT LAWS TO
17 PROCUREMENT OR FINANCING OF PUBLIC SCHOOL CONSTRUCTION
AUTHORIZED
18 UNDER THIS SECTION.
19 5-302.
20 (a) (1) The BOARD OF PUBLIC WORKS SHALL ESTABLISH THE
Interagency
21 Committee on School Construction [established by the Board of Public Works is] AS
22 a unit within the Department for administrative and budgetary purposes.
23 (2) THE INTERAGENCY COMMITTEE CONSISTS OF THE
FOLLOWING
24 MEMBERS:
25 (I) THE STATE SUPERINTENDENT OF SCHOOLS, OR 26 THE
SUPERINTENDENT'S DESIGNEE;
27 (II) THE SECRETARY OF THE DEPARTMENT OF PLANNING, OR THE
28 SECRETARY'S DESIGNEE; AND
29 (III) THE SECRETARY OF GENERAL SERVICES, OR THE 30
SECRETARY'S DESIGNEE.
31 (3) THE STATE SUPERINTENDENT OF SCHOOLS, OR THE
32 SUPERINTENDENT'S DESIGNEE, SHALL BE THE CHAIRMAN OF THE
33 INTERAGENCY COMMITTEE.
34 (b) (1) The Department or any other State agency may lend its employees
35 to serve as the staff for the Interagency Committee.
36 (2) These employees shall be paid by the agency that employs them.

* New since last Board meeting
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1 (c) The Executive Director of the Interagency Committee shall be appointed by the Interagency Committee with the approval of the Board of Public Works.

3 (d) (1) (I) The Interagency Committee [on School Construction] shall prepare projections of school construction and capital improvement needs for submission to the Capital Debt Affordability Committee under § 8-112(c)(3) of the State Finance and Procurement Article.

7 (II) The projections shall be prepared in accordance with the [rules, regulations, and procedures] REGULATIONS adopted by the Board under § 5-301 of this subtitle.

10 (2) (I) The Board of Public Works or the Interagency Committee [on School Construction] shall notify each county board and each local governing body of the annual allocation of school construction funds recommended to the Board of Public Works by the Governor under the consolidated capital debt program of the State Finance and Procurement Article.

15 (II) The notification shall be made immediately after the Governor has recommended the allocations so that each county may structure its respective school construction and capital improvement priorities in accordance with the annual allocation and any amendments.

19 (E) (1) ON OR BEFORE DECEMBER 31 OF EACH YEAR, THE INTERAGENCY COMMITTEE SHALL PROVIDE RECOMMENDATIONS TO THE BOARD OF PUBLIC WORKS FOR PUBLIC SCHOOL CONSTRUCTION PROJECTS THAT COMPRIZE AT LEAST 75% OF THE ANTICIPATED SCHOOL CONSTRUCTION ALLOCATION FOR THE FOLLOWING FISCAL YEAR.

24 (2) THE REMAINING PUBLIC SCHOOL CONSTRUCTION ALLOCATION FOR THE FOLLOWING FISCAL YEAR MAY BE ALLOCATED BY THE BOARD OF PUBLIC WORKS AS PROVIDED IN REGULATION.
28 IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND
29 THE PUBLIC SCHOOL CONSTRUCTION PROGRAM ENCOURAGE LOCAL
EDUCATION
30 AGENCIES TO REUSE RECENTLY USED SCHOOL DESIGNS, WHEN
EDUCATIONALLY
31 APPROPRIATE AND COST EFFECTIVE OVER THE USEFUL LIFE OF THE
PROJECT,
32 WITHIN EACH COUNTY AND ACROSS LOCAL SCHOOL SYSTEM BOUNDARIES.
33 5-310.
34 (A) EACH FISCAL YEAR, THE INTERAGENCY COMMITTEE SHALL
SURVEY THE
35 CONDITION OF SCHOOL BUILDINGS IDENTIFIED BY THE DEPARTMENT.
36 (B) THE DEPARTMENT OF GENERAL SERVICES SHALL CONDUCT THE
37 INSPECTIONS OF INDIVIDUAL SCHOOL BUILDINGS THAT THE INTERAGENCY
38 COMMITTEE REQUIRES TO COMPLETE THE SURVEY REQUIRED IN
SUBSECTION (A) OF
39 THIS SECTION.

* New since last Board meeting
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1 (C) THE INTERAGENCY COMMITTEE SHALL REPORT TO THE GOVERNOR AND
2 THE GENERAL ASSEMBLY, ON OR BEFORE OCTOBER 1 OF EACH YEAR, IN
3 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE
4 RESULTS OF THE SURVEY FOR THE PRIOR FISCAL YEAR.

5 5-311.

6 ON OR BEFORE JULY 1 OF EACH YEAR, THE DEPARTMENT OF GENERAL
7 SERVICES SHALL PROVIDE A REPORT TO THE DEPARTMENT AND EACH LOCAL
8 EDUCATION AGENCY THAT DESCRIBES EXISTING STATE PURCHASING
9 CONTRACTS THAT LOCAL EDUCATION AGENCIES MAY USE TO PURCHASE SCHOOL
10 FURNITURE, EQUIPMENT, COMMODITIES, AND SERVICES.

11 SUBTITLE 6. AUTHORIZATION TO ISSUE BONDS TO FUND PUBLIC SCHOOL
12 CONSTRUCTION.

13 5-601.

14 EXCEPT AS PROVIDED IN § 5-603(B) AND (C) OF THIS SUBTITLE, THE PROVISIONS
15 OF THIS SUBTITLE DO NOT APPLY TO A COUNTY OTHERWISE AUTHORIZED TO ISSUE
16 BONDS TO FUND PUBLIC SCHOOL CONSTRUCTION UNDER OTHER PROVISIONS OF
17 THE CODE.

18 5-602.

19 (A) IN THIS SUBTITLE, "CONSTRUCTION OR IMPROVEMENT" MEANS THE
20 PLANNING, DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION,
21 RECONSTRUCTION, ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT,
22 REPLACEMENT, REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL
23 EQUIPPING.
24 (B) A COUNTY MAY ISSUE BONDS TO FINANCE ANY OR ALL OF THE COSTS OF
25 CONSTRUCTION OR IMPROVEMENT OF PUBLIC SCHOOLS IN THE COUNTY.

26 (C) (1) BONDS SHALL BE AUTHORIZED BY A RESOLUTION OF THE GOVERNING BODY OF THE COUNTY.
THE RESOLUTION SHALL:

(I) GENERALLY DESCRIBE THE PUBLIC SCHOOL CONSTRUCTION OR IMPROVEMENTS TO BE FINANCED THROUGH THE SALE OF THE BONDS;

(II) STATE THE MAXIMUM PRINCIPAL AMOUNT OF THE BONDS;

(III) DESCRIBE THE SOURCES OF REPAYMENT OF THE BONDS;

(IV) STATE THE MAXIMUM TERM OF THE BONDS, WHICH MAY NOT EXCEED 30 YEARS; AND
(V) Describe any terms or conditions under which the bonds may be redeemed before maturity.

(D) The bonds shall:

1. Be dated and bear interest at a rate specified in the resolution;
2. Mature within 30 years of the date of issuance of the bonds;
3. Be issued at, above, or below par value, for cash or other consideration;
4. Be payable at a time, in the denomination, in registered form, within the meaning of Article 31, § 30 of the Code, as specified in the resolution;
5. Carry the registration and privileges as to conversion and for the replacement of mutilated, lost, or destroyed bonds, as specified in the resolution;
6. Be payable in lawful money of the United States of America at a designated place;
7. Be subject to the terms and conditions specified in the resolution; and
8. Be sold in the manner, including private or negotiated sale, and upon the terms, specified in the resolution.

(E) The county may enter into agreements with agents, banks, fiduciaries, insurers, or others to:

1. Enhance the marketability of and security for the bonds;
(2) SECURE ANY TENDER OPTION GRANTED TO THE HOLDERS OF THE BONDS.

(F) IF ANY OFFICER WHOSE SIGNATURE APPEARS ON A BOND CEASES TO BE AN OFFICER BEFORE DELIVERY OF THE BONDS, THE SIGNATURE IS VALID AND SUFFICIENT FOR ALL PURPOSES.

(G) THE BONDS, THEIR ISSUE, AND THEIR SALE MAY BE EXEMPT FROM THE PROVISIONS OF SECTIONS 9, 10, AND 11 OF ARTICLE 31 OF THE CODE.

(H) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE NET PROCEEDS OF THE SALE OF THE BONDS MAY ONLY BE APPLIED TO THE CONSTRUCTION OR IMPROVEMENT OF PUBLIC SCHOOL FACILITIES, AS DESCRIBED IN THE RESOLUTION AUTHORIZING THE ISSUANCE OF THE BONDS.
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1 (2) IF THE NET PROCEEDS OF THE SALE OF ANY BONDS EXCEEDS THE
2 AMOUNT NEEDED FOR THE CONSTRUCTION OR IMPROVEMENT OF THE PUBLIC
3 SCHOOL FACILITIES, AS DESCRIBED IN THE RESOLUTION, THE EXCESS FUNDS SHALL
4 BE APPLIED TO:

5 (I) THE PAYMENT OF INTEREST ON THE BONDS;
6 (II) THE PAYMENT OF THE NEXT PRINCIPAL MATURITY OF THE
7 BONDS;
8 (III) THE REDEMPTION OF ANY PART OF THE BONDS THAT ARE
9 REDEEMABLE BEFORE MATURITY; OR
10 (IV) IF AUTHORIZED BY A RESOLUTION ISSUED BY THE GOVERNING
11 BODY OF THE COUNTY, THE CONSTRUCTION OR IMPROVEMENT OF OTHER PUBLIC
12 SCHOOL FACILITIES.

13 (I) BONDS ISSUED UNDER THIS SUBTITLE ARE NEGOTIABLE INSTRUMENTS UNDER THE LAWS OF THIS STATE.

15 (J) BEFORE THE PREPARATION OF BONDS, THE COUNTY MAY ISSUE BOND ANTICIPATION NOTES IN ACCORDANCE WITH ARTICLE 31, § 12 OF THE CODE.

17 5-603.

18 (A) BONDS ISSUED UNDER THIS SUBTITLE CONSTITUTE AN IRREVOCABLE PLEDGE OF THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE COUNTY TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS WHEN THE BONDS BECOME PAYABLE.

22 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, THE GOVERNING BODY OF A COUNTY MAY IMPOSE A TRANSFER TAX ON AN INSTRUMENT OF WRITING, AS DEFINED IN § 13-101(C) OF THE TAX - PROPERTY ARTICLE:

* New since last Board meeting
(I) RECORDED WITH THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY; OR

(II) FILED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION.

(2) A TRANSFER TAX IMPOSED UNDER THIS SUBSECTION:

(I) MAY NOT EXCEED THE AMOUNT REQUIRED TO MAKE PAYMENTS, WHEN DUE, ON THE PRINCIPAL OF AND INTEREST ON BONDS ISSUED TO FUND PUBLIC SCHOOL CONSTRUCTION; AND

(II) DOES NOT APPLY TO AN INSTRUMENT OF WRITING EXEMPT FROM THE STATE TRANSFER TAX UNDER § 13-207 OF THE TAX - PROPERTY ARTICLE.

(3) THIS SUBSECTION DOES NOT APPLY TO A COUNTY OTHERWISE AUTHORIZED TO IMPOSE A TRANSFER TAX ON JUNE 30, 2004.
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1 (C) (1) IN THIS SUBSECTION, "RETAIL SALE", "SALE", AND "TAXABLE PRICE"
2 HAVE THE MEANINGS STATED IN § 11-101 OF THE TAX - GENERAL ARTICLE.

3 (2) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE
4 GOVERNING BODY OF A COUNTY MAY IMPOSE, BY ORDINANCE, AND
COLLECT A
5 SALES TAX ON A RETAIL SALE WITHIN THE COUNTY.

6 (3) A TAX IMPOSED UNDER THIS SECTION DOES NOT APPLY TO A
SALE
7 THAT IS EXEMPT FROM THE STATE SALES AND USE TAX UNDER TITLE 11 OF
THE TAX
8 - GENERAL ARTICLE.

9 (4) A TAX IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE
10 AMOUNT REQUIRED TO MAKE PAYMENTS, WHEN DUE, ON THE PRINCIPAL OF
AND
11 INTEREST ON BONDS ISSUED TO FUND PUBLIC SCHOOL CONSTRUCTION.

12 (D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS
SUBSECTION, IN
13 EVERY FISCAL YEAR IN WHICH ANY OF THE BONDS ARE OUTSTANDING, THE
COUNTY
14 SHALL LEVY AD VALOREM TAXES ON ALL ASSESSABLE PROPERTY WITHIN
THE
15 CORPORATE LIMITS OF THE COUNTY IN AN AMOUNT SUFFICIENT TO MAKE
16 PAYMENTS, WHEN DUE, ON THE PRINCIPAL OF AND INTEREST ON THE
BONDS.

17 (2) IF OTHER FUNDS ARE AVAILABLE TO PAY THE PRINCIPAL OF
AND
18 INTEREST ON THE BONDS, THE COUNTY MAY REDUCE THE TAXES THAT
WOULD
19 OTHERWISE NEED TO BE LEVIED UNDER THIS SECTION.

20 (E) THE COUNTY MAY APPLY FUNDS RECEIVED FROM ANY SOURCE TO
THE
21 PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BONDS.
22 5-604.
23 BONDS ISSUED UNDER THIS SUBTITLE ARE EXEMPT FROM STATE,
COUNTY,
24 AND MUNICIPAL TAXATION.
Article - Tax - General

11-102.

(b) (1) A county, municipal corporation, special taxing district, or other political subdivision of the State may not impose any retail sales or use tax except:

(i) a sales tax or use tax that was in effect on January 1, 1971;

(ii) a tax on the sale or use of:

1. fuels;

2. utilities;

3. space rentals; or
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1 4. any controlled dangerous substance, as defined in § 5-101
2 of the Criminal Law Article, unless the sale is made by a person who registers under
3 and complies with Title 5, Subtitle 3 of the Criminal Law Article; [or]
4 (iii) a tax imposed by a code county on the sale or use of food and
5 beverages authorized under Article 25B, § 13H of the Code; OR
6 (IV) A SALES TAX IMPOSED BY A COUNTY AUTHORIZED TO
IMPOSE A
7 SALES TAX UNDER § 5-603(C) OF THE EDUCATION ARTICLE.
8 (2) Paragraph (1) of this subsection may not be construed as conferring
9 authority to impose a sales and use tax.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
read as follows:

Article - Education

5-301.

(a) IN THIS SUBTITLE, "INTERAGENCY COMMITTEE" MEANS THE
INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION ESTABLISHED
UNDER §
5-302 OF THIS SUBTITLE.

(B) (1) For the purposes of this section other than subsection (c), the Board
of Public Works shall define by regulation what constitutes an [approved] ELIGIBLE
AND INELIGIBLE public school construction or capital improvement cost.

(2) (I) THE PURCHASE OF RELOCATABLE CLASSROOMS SHALL
BE AN
ELIGIBLE PUBLIC SCHOOL CONSTRUCTION OR CAPITAL COST.

(II) THE BOARD OF PUBLIC WORKS SHALL ADOPT
REGULATIONS
THAT DEFINE RELOCATABLE CLASSROOMS AND ESTABLISH THE MINIMUM
SPECIFICATIONS FOR RELOCATABLE CLASSROOMS WHICH MAY BE
PURCHASED
USING STATE FUNDS.

(III) IN THE BUDGETS FOR FISCAL YEARS 2006 THROUGH
2008, THE

GOVERNOR SHALL INCLUDE $1,000,000 FOR PUBLIC SCHOOL CONSTRUCTION, IN

* New since last Board meeting
28 EXCESS OF THE ESTIMATES OF FUNDING FOR PUBLIC SCHOOL CONSTRUCTION
29 CONTAINED IN THE FISCAL YEAR 2005 THROUGH FISCAL YEAR 2009 CAPITAL IMPROVEMENT PLAN, TO BE USED TO FUND THE STATE SHARE OF THE COST OF PURCHASING RELOCATABLE CLASSROOMS.

32 (3) The cost of acquiring land may not be considered a construction or capital improvement cost and may not be paid by the State.

34 [(b)] (C) The State shall pay the costs in excess of available federal funds of all THE STATE SHARE OF public school construction projects and public school capital improvements in each county if:
(1) The projects or improvements have been approved by the Board of Public Works; and

(2) Contracts have been executed on or after July 1, 1971 for the projects or improvements.

[(c) (1) In this subsection, "local debt for school construction" includes any debt incurred as the result of money made available to a county under a bond issue that obligates the credit of the State.

(2) Except for general public school construction loan debt outstanding or obligated as of June 30, 1967 for which repayment by a county is no longer required, the State shall reimburse each county for the full costs of principal and interest payments on any local debt for school construction outstanding or obligated as of June 30, 1967.

(d) The State shall pay all of the annual cost of debt service on school construction debt incurred by each county that was outstanding or obligated on or after June 30, 1967 for contracts let before June 30, 1967.]

[(e) (D) (1) The Board of Public Works may adopt [rules, regulations, and procedures] REGULATIONS for the administration of the programs provided for [by subsections (b) and (d) of] IN this section.

(2) The [rules, regulations, and procedures] REGULATIONS adopted by the Board of Public Works may contain requirements for:

(i) The development and submission of long range plans;

(ii) The submission of annual plans and plans for specific projects;

(iii) The submission of other data or information that is relevant to school construction or capital improvement;

(iv) The approval of sites, plans, and specifications for the construction of new school buildings or the improvement of existing buildings;

(v) Site improvements;

(vi) Competitive bidding;

(vii) The hiring of personnel in connection with school construction or capital improvements;

(viii) The actual construction of school buildings or their improvements;

(ix) The relative roles of different State and local governmental agencies in the planning and construction of school buildings or school capital improvements; [and]
HOUSE BILL 1230

1 (x) School construction and capital improvements necessary or appropriate for the proper implementation of this section;

3 (XI) AT THE RECOMMENDATION OF THE INTERAGENCY COMMITTEE, THE ESTABLISHMENT OF PRIORITY PUBLIC SCHOOL CONSTRUCTION PROGRAMS;

6 (XII) DEVELOPMENT OF COOPERATIVE ARRANGEMENTS THAT PERMIT THE SHARING OF FACILITIES AMONG TWO OR MORE SCHOOL SYSTEMS;

8 (XIII) THE SELECTION OF ARCHITECTS AND ENGINEERS BY SCHOOL SYSTEMS;

10 (XIV) THE AWARD OF CONTRACTS BY SCHOOL SYSTEMS; AND

11 (XV) METHOD OF PAYMENTS MADE BY THE STATE UNDER THE PUBLIC SCHOOL CONSTRUCTION PROGRAM.

13 (3) THE REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS SHALL CONTAIN PROVISIONS:

15 (I) ESTABLISHING A STATE AND LOCAL COST-SHARE FORMULA FOR EACH COUNTY THAT IDENTIFIES THE FACTORS USED IN ESTABLISHING THE FORMULAS;

18 (II) REQUIRING LOCAL EDUCATION AGENCIES TO ADOPT EDUCATIONAL FACILITIES MASTER PLANS AND ANNUAL CAPITAL IMPROVEMENT PROGRAMS;

21 (III) PROVIDING A METHOD FOR ESTABLISHING A MAXIMUM STATE CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;

23 (IV) REFERENCING THE POLICIES STATED IN § 5-7B-07 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

* New since last Board meeting
(V) REQUIRING LOCAL SCHOOL SYSTEMS TO ADOPT PROCEDURES CONSISTENT WITH THE MINORITY BUSINESS ENTERPRISE POLICIES OF THE STATE AS REQUIRED UNDER THE CODE OF MARYLAND REGULATIONS;

(VI) ESTABLISHING A PROCESS FOR THE APPEAL OF DECISIONS BY THE INTERAGENCY COMMITTEE TO THE BOARD OF PUBLIC WORKS;

(VII) REQUIRING LOCAL EDUCATION AGENCIES TO ADOPT, IMPLEMENT, AND PERIODICALLY UPDATE COMPREHENSIVE MAINTENANCE PLANS;

AND

(VIII) AUTHORIZING THE BOARD OF PUBLIC WORKS TO WITHHOLD STATE PUBLIC SCHOOL CONSTRUCTION FUNDS FROM A LOCAL EDUCATION AGENCY THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF ITEM (VII) OF THIS PARAGRAPH.
HOUSE BILL 1230

(4) In adopting any of these requirements, the State Board and the Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to insure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to insure the proper operation of this section and the prudent expenditure of State funds.

[(f)] (E) [(1)] The Board of Public Works shall develop the rules, regulations, and procedures authorized by this section in consultation with representatives of the county boards and the county governing bodies.

[(2)] Before the adoption, amendment, or repeal of any rule, regulation, or procedure under this section, the Board of Public Works shall give notice of its intended action to the county boards and to the county governing bodies.

[(3)] The Board of Public Works shall permit each county board and county governing body to submit its views with respect to the intended action.]

[(g)] (F) The [rules, regulations, and procedures] REGULATIONS AND PROCEDURES of the Board of Public Works adopted under this section and their promulgation are exempt from [§§ 10-101 through 10-305 of the State Government Article and] § 8-127(b) of the State Finance and Procurement Article of the Code.

[(h)] (G) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the [rules, regulations, and procedures] REGULATIONS AND PROCEDURES of the Board of Public Works under this section:

(i) The State Board;
(ii) The State Superintendent;
(iii) The county governments;
(iv) The county boards; and
(v) All other State or local governmental agencies under this article.

(2) If, as to public school construction or public school capital improvements, there is any conflict between the [rules, regulations, and procedures] REGULATIONS AND PROCEDURES of the Board of Public Works and the authority, responsibilities, powers, and duties of the individuals and agencies specified in paragraph (1) of this subsection, the[ rules, regulations, and procedures] REGULATIONS AND PROCEDURES of the Board of Public Works shall prevail.

[(ii)] (H) The obligation of the State to pay the costs of public school construction and public school capital improvements extends only to those projects or
HOUSE BILL 1230

1 parts of projects that comply with the [rules, regulations, and procedures]
2 REGULATIONS AND PROCEDURES of the Board of Public Works.

3  [(j)] (I) (1) This subsection does not apply to the proceeds from the sale,
4 lease, or disposition of public school buildings constructed under contracts executed
5 before February 1, 1971.

6  (2) [By rule or regulation] CONSISTENT WITH § 4-115 OF THIS
7 ARTICLE
8 AND REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS TO
9 IMPLEMENT §
10 4-126 OF THIS ARTICLE, the Board of Public Works may require BY REGULATION that
11 the proceeds received by a county from the sale, lease, or disposal of any public school
12 building shall be used solely as part of the State funding of the construction of future
13 public school buildings in the county in which the sale, lease, or disposal occurred, if
14 the public school building was:

15   (i) Constructed under a contract executed on or after February 1,
16 1971; and

17   (ii) Paid for primarily with State funds under this section.

18  (3) The part of the proceeds from the sale, lease, or disposal of a public
19 school building that fairly represents the appraised value of land and that part of the
20 cost of the public school building that was funded by the county shall remain as the
21 funds of the county.
22  [(k)] (J) (1) Whether by budget bill or supplementary appropriation bill, all
23 money appropriated to carry out the purposes of this section is a separate fund that
24 shall be administered by the State Comptroller in accordance with the [rules and]
25 regulations adopted by the Board of Public Works.
26  (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
27 PARAGRAPH, NOTWITHSTANDING ANY OTHER CONTRARY PROVISION OF
28 THE
29 ANNOTATED CODE, ANY FUNDS APPROVED FOR A PROJECT THAT HAS NOT
30 BEEN
31 CONTRACTED FOR WITHIN 2 YEARS OF THE APPROVAL OF THE PROJECT
32 SHALL
33 REVERT TO THE FUND ESTABLISHED UNDER PARAGRAPH (1) OF THIS
34 SUBSECTION.
35 (II) THE INTERAGENCY COMMITTEE, WITH THE APPROVAL
36 OF THE
37 BOARD OF PUBLIC WORKS, MAY EXTEND THE TIME PERIOD UNDER
38 SUBPARAGRAPH
39 (I) OF THIS PARAGRAPH IF THE INTERAGENCY COMMITTEE DETERMINES
40 THAT
41 UNUSUAL CIRCUMSTANCES EXIST.
(3) ANY UNEXPENDED ALLOCATIONS OF FUNDS FOR PREVIOUSLY APPROVED PROJECTS SHALL BE TRANSFERRED TO THE FUND ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(4) ON OR BEFORE JUNE 1 AND DECEMBER 1 OF EACH YEAR, THE INTERAGENCY COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE BALANCE IN THE FUND AS THE RESULT OF TRANSFERS OR REVERSIONS REQUIRED UNDER THIS SUBSECTION.
HOUSE BILL 1230

SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

5-301. IN THIS SUBTITLE, "INTERAGENCY COMMITTEE" MEANS THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION ESTABLISHED UNDER § 5-302 OF THIS SUBTITLE.

(B) (1) For the purposes of this section other than subsection (c), the Board of Public Works shall define by regulation what constitutes an [approved] ELIGIBLE AND INELIGIBLE public school construction or capital improvement cost.

(2) The cost of acquiring land may not be considered a construction or capital improvement cost and may not be paid by the State.

[(b)] (C) The State shall pay the costs in excess of available federal funds of [all] THE STATE SHARE OF public school construction projects and public school capital improvements in each county if:

(1) The projects or improvements have been approved by the Board of Public Works; and

(2) Contracts have been executed on or after July 1, 1971 for the projects or improvements.

[(c) (1) In this subsection, "local debt for school construction" includes any debt incurred as the result of money made available to a county under a bond issue that obligates the credit of the State.

(2) Except for general public school construction loan debt outstanding or obligated as of June 30, 1967 for which repayment by a county is no longer required, the State shall reimburse each county for the full costs of principal and interest payments on any local debt for school construction outstanding or obligated as of June 30, 1967.

(d) The State shall pay all of the annual cost of debt service on school construction debt incurred by each county that was outstanding or obligated on or after June 30, 1967 for contracts let before June 30, 1967.]

[(e)] (D) (1) The Board of Public Works may adopt [rules, regulations, and procedures] REGULATIONS for the administration of the programs provided for [by subsections (b) and (d) of] IN this section.

(2) The [rules, regulations, and procedures] REGULATIONS adopted by the Board of Public Works may contain requirements for:

(i) The development and submission of long range plans;
HOUSE BILL 1230

1 (ii) The submission of annual plans and plans for specific projects;
2 (iii) The submission of other data or information that is relevant to
3 school construction or capital improvement;
4 (iv) The approval of sites, plans, and specifications for the
5 construction of new school buildings or the improvement of existing buildings;
6 (v) Site improvements;
7 (vi) Competitive bidding;
8 (vii) The hiring of personnel in connection with school construction
9 or capital improvements;
10 (viii) The actual construction of school buildings or their
11 improvements;
12 (ix) The relative roles of different State and local governmental
13 agencies in the planning and construction of school buildings or school capital
14 improvements; [and]
15 (x) School construction and capital improvements necessary or
16 appropriate for the proper implementation of this section;
17 (XI) AT THE RECOMMENDATION OF THE INTERAGENCY
18 COMMITTEE, THE ESTABLISHMENT OF PRIORITY PUBLIC SCHOOL
19 CONSTRUCTION
20 PROGRAMS;
21 (XII) DEVELOPMENT OF COOPERATIVE ARRANGEMENTS
22 THAT
23 PERMIT THE SHARING OF FACILITIES AMONG TWO OR MORE SCHOOL
24 SYSTEMS;
25 (XIII) THE SELECTION OF ARCHITECTS AND ENGINEERS BY
26 SCHOOL
27 SYSTEMS;
28 (XIV) THE AWARD OF CONTRACTS BY SCHOOL SYSTEMS;
29 AND
30 (XV) METHOD OF PAYMENTS MADE BY THE STATE UNDER
31 THE
32 PUBLIC SCHOOL CONSTRUCTION PROGRAM.
33 (3) THE REGULATIONS ADOPTED BY THE BOARD OF PUBLIC
34 WORKS
35 SHALL CONTAIN PROVISIONS:
36 (I) ESTABLISHING A STATE AND LOCAL COST-SHARE
37 FORMULA
38 FOR EACH COUNTY THAT IDENTIFIES THE FACTORS USED IN ESTABLISHING
39 THE
40 FORMULAS;
41 (II) REQUIRING LOCAL EDUCATION AGENCIES TO ADOPT
42 EDUCATIONAL FACILITIES MASTER PLANS AND ANNUAL CAPITAL
43 IMPROVEMENT
44 PROGRAMS;

* New since last Board meeting  52
HOUSE BILL 1230

1 (III) PROVIDING A METHOD FOR ESTABLISHING A MAXIMUM STATE
2 CONSTRUCTION ALLOCATION FOR EACH PROJECT APPROVED FOR STATE FUNDING;

3 (IV) REFERENCING THE POLICIES STATED IN § 5-7B-07 OF THE
4 STATE FINANCE AND PROCUREMENT ARTICLE;

5 (V) REQUIRING LOCAL SCHOOL SYSTEMS TO ADOPT PROCEDURES
6 CONSISTENT WITH THE MINORITY BUSINESS ENTERPRISE POLICIES OF THE STATE
7 AS REQUIRED UNDER THE CODE OF MARYLAND REGULATIONS;

8 (VI) ESTABLISHING A PROCESS FOR THE APPEAL OF DECISIONS BY
9 THE INTERAGENCY COMMITTEE TO THE BOARD OF PUBLIC WORKS;

10 (VII) REQUIRING LOCAL EDUCATION AGENCIES TO ADOPT,
11 IMPLEMENT, AND PERIODICALLY UPDATE COMPREHENSIVE MAINTENANCE PLANS;
12 AND

13 (VIII) AUTHORIZING THE BOARD OF PUBLIC WORKS TO WITHHOLD
14 STATE PUBLIC SCHOOL CONSTRUCTION FUNDS FROM A LOCAL EDUCATION AGENCY
15 THAT FAILS TO COMPLY WITH THE REQUIREMENTS OF ITEM (VII) OF THIS PARAGRAPH.

17 (4) In adopting any of these requirements, the State Board and the
18 Board of Public Works shall provide for the maximum exercise of initiative by school personnel in each county to insure that the school buildings and improvements meet both the needs of the local communities and the rules and regulations necessary to insure the proper operation of this section and the prudent expenditure of State funds.

23 (f) (E) [(1)] The Board of Public Works shall develop the rules, regulations, and procedures authorized by this section in consultation with representatives of the county boards and the county governing bodies.

26 [(2)] Before the adoption, amendment, or repeal of any rule, regulation, or procedure under this section, the Board of Public Works shall give notice of its intended action to the county boards and to the county governing bodies.

* New since last Board meeting
(3) The Board of Public Works shall permit each county board and county governing body to submit its views with respect to the intended action.]

[(g)] (F) The [rules, regulations, and procedures] REGULATIONS AND PROCEDURES of the Board of Public Works adopted under this section and their promulgation are exempt from §§ 10-101 through 10-305 of the State Government Article and § 8-127(b) of the State Finance and Procurement Article of the Code.

[(h)] (G) (1) With respect to public school construction or public school capital improvements, including sites for school buildings, the authority, responsibilities, powers, and duties of the following are subject to the [rules, regulations, and procedures] REGULATIONS adopted by the Board of Public Works under this section:

* New since last Board meeting
HOUSE BILL 1230

(i) The State Board;
(ii) The State Superintendent;
(iii) The county governments;
(iv) The county boards; and
(v) All other State or local governmental agencies under this article.

(2) If, as to public school construction or public school capital improvements, there is any conflict between the REGULATIONS AND PROCEDURES of the Board of Public Works and the authority, responsibilities, powers, and duties of the individuals and agencies specified in paragraph (1) of this subsection, the REGULATIONS AND PROCEDURES of the Board of Public Works shall prevail.

(H) The obligation of the State to pay the costs of public school construction and public school capital improvements extends only to those projects or parts of projects that comply with the REGULATIONS AND PROCEDURES of the Board of Public Works.

(I) (1) This subsection does not apply to the proceeds from the sale, lease, or disposition of public school buildings constructed under contracts executed before February 1, 1971.

(2) [By rule or regulation] CONSISTENT WITH § 4-115 OF THIS ARTICLE AND REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS TO IMPLEMENT § 4-126 OF THIS ARTICLE, the Board of Public Works may require BY REGULATION that the proceeds received by a county from the sale, lease, or disposal of any public school building shall be used solely as part of the State funding of the construction of future public school buildings in the county in which the sale, lease, or disposal occurred, if the public school building was:

(i) Constructed under a contract executed on or after February 1, 1971; and

(ii) Paid for primarily with State funds under this section.

(3) The part of the proceeds from the sale, lease, or disposal of a public school building that fairly represents the appraised value of land and that part of the cost of the public school building that was funded by the county shall remain as the funds of the county.

(J) (1) Whether by budget bill or supplementary appropriation bill, all money appropriated to carry out the purposes of this section is a separate fund that shall be administered by the State Comptroller in accordance with the regulations adopted by the Board of Public Works.
HOUSE BILL 1230

1 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY FUNDS APPROVED FOR A PROJECT THAT HAS NOT BEEN CONTRACTED FOR WITHIN 2 YEARS OF THE APPROVAL OF THE PROJECT SHALL REVERT TO THE FUND ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

5 (II) THE INTERAGENCY COMMITTEE, WITH THE APPROVAL OF THE BOARD OF PUBLIC WORKS, MAY EXTEND THE TIME PERIOD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE INTERAGENCY COMMITTEE DETERMINES THAT UNUSUAL CIRCUMSTANCES EXIST.

9 (3) ANY UNEXPENDED ALLOCATIONS OF FUNDS FOR PREVIOUSLY APPROVED PROJECTS SHALL BE TRANSFERRED TO THE FUND ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

13 (4) ON OR BEFORE JUNE 1 AND DECEMBER 1 OF EACH YEAR, THE INTERAGENCY COMMITTEE SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON THE BALANCE IN THE FUND AS THE RESULT OF TRANSFERS OR REVERSIONS REQUIRED UNDER THIS SUBSECTION.

17 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article - Education

5-206.

(f) In fiscal year [2004] 2006 and in each fiscal year thereafter, the State shall distribute grants to county boards under the Aging Schools Program administered by the Interagency Committee on School Construction in the following amounts:

24 (1) Allegany County ..... [$355,000] $166,000
25 (2) Anne Arundel County ..... [$570,000] $859,000
26 (3) Baltimore City ..... [$1,635,000] $2,356,000
27 (4) Baltimore County ..... [$2,940,000] $1,484,000
28 (5) Calvert County ..... $65,000
29 (6) Caroline County ..... $85,000
30 (7) Carroll County ..... [$385,000] $233,000
31 (8) Cecil County ..... [$355,000] $163,000
32 (9) Charles County ..... [$65,000] $85,000
33 (10) Dorchester County ..... $65,000

* New since last Board meeting
## HOUSE BILL 1230

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### SECTION 5.

AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:


**SECTION 3.** AND BE IT FURTHER ENACTED, That, UNLESS REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS REQUIRE THE STATE TO PROVIDE A LARGER PERCENTAGE, for fiscal years 1999 through 2003, UNLESS REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS REQUIRE THE STATE TO PROVIDE A LARGER PERCENTAGE, for funding above $35 million, the State shall provide 65 percent of the eligible costs. For fiscal years 2004 through 2007, UNLESS REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS REQUIRE THE STATE TO PROVIDE A LARGER PERCENTAGE, for funding above $35 million, the State shall provide 66 percent of the eligible costs. Neighborhood school projects shall be identified by the Interagency Committee on Public School Construction and shall include new public schools and additions or improvements to existing public schools which serve students reassigned to their local communities.
HOUSE BILL 1230

based upon the Community Schools Education Plan developed by the Prince George’s County Board of Education.

SECTION 6. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:


SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, notwithstanding any other provision of law, UNLESS REGULATIONS ADOPTED BY THE BOARD OF PUBLIC WORKS REQUIRE THE STATE TO PROVIDE A LARGER PERCENTAGE, for fiscal years 2002 through 2005, in each year, the State shall provide 90 percent of the eligible costs for up to and including $20 million in public school construction projects in Baltimore City, and for funding above $20 million, the State shall provide 75 percent of the eligible costs.

SECTION 7. AND BE IT FURTHER ENACTED, That, on or before July 1, 2005, at the request of the Interagency Committee on School Construction, the Board of Public Works shall adopt regulations, in accordance with Title 10, Subtitle 1 of the State Government Article, to implement the provisions of this Act and that:

(1) reduce the State rated classroom capacity for elementary grades 1 to 5 to 23 students per classroom;

(2) establish a planning priority process to evaluate requests for State planning approval in the annual Capital Improvement Programs of local education agencies;

(3) develop design guidelines and provide financial incentives, such as supplemental design funds or additional construction funding, for school construction projects that use innovative building techniques or include energy conservation, sustainable building, or green architecture design features; and

(4) establish a new State and local cost-share formula for each county for use beginning in fiscal year 2006, consistent with the recommendations contained in the Report of the Task Force to Study Public School Facilities, issued in February 2004.

SECTION 8. AND BE IT FURTHER ENACTED, That the State Department of Education shall adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every 4 years. The surveys should be similar to the Facility Assessment Survey that the State Department conducted, at the direction of the Task Force to Study Public School Facilities, in 2003. The State shall provide funds necessary to conduct the survey.

* New since last Board meeting
SECTION 9. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Board of Public Works and the Interagency Committee on School Construction establish an emergency repair fund to finance renovations and improvements to public schools that resolve deficiencies that present an immediate hazard to the health or safety of the students or staff of the schools, as certified by
HOUSE BILL 1230

local education agencies and approved by the Interagency Committee on School Construction. By July 1, 2004, the Board of Public Works and the Interagency Committee on School Construction shall develop procedures for use of the emergency repair fund to resolve deficiencies that present an immediate health or safety hazard and to resolve deficiencies that, if not corrected, may present an immediate health or safety hazard. It is the intent of the General Assembly that at least $2 million be provided for the emergency repair fund in fiscal year 2005.

SECTION 10. AND BE IT FURTHER ENACTED, That it is the intent of the Governor and the General Assembly that the State should pursue a goal of fully funding by fiscal 2013 a minimum of $3.85 billion in school facility needs, as identified by the 2003 School Facility Assessment Survey of minimum standards conducted at the request of the Task Force to Study Public School Facilities. Achieving this goal in light of the fiscal outlook will be challenging and will require a significant commitment by the State to provide approximately $2 billion and by local governments to provide approximately $1.85 billion over the next 8 years for school construction projects. It is recognized that this amount does not include many projects that local education agencies believe are necessary, but it does include basic, minimum facility standards for all public schools in Maryland.

SECTION 11. AND BE IT FURTHER ENACTED, That the Public School Construction Program shall provide assistance to Baltimore City, counties, and local education agencies in using alternative financing mechanisms to fund school construction, when appropriate. The Public School Construction Program shall prepare a guide for Baltimore City, counties, and local education agencies to use when evaluating alternative financing proposals. The guide should include model contracts, model solicitations, and references to other documents which provide information on alternative financing. The Public School Construction Program should help Baltimore City, counties, and local education agencies identify when an alternative financing mechanism may be appropriate for a particular project and to develop the procurement, contractual, and technical instruments that will meet State and local procurement requirements and bring the project to a successful conclusion. The Public School Construction Program shall report to the Board of Public Works, Baltimore City, the county governments, local education agencies, and the General Assembly on or before September 1 of each year, in accordance with § 2-1246 of the State Government Article, on the use of alternative financing mechanisms to finance public school construction in Maryland in the prior fiscal year.

SECTION 12. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2008.

SECTION 13. AND BE IT FURTHER ENACTED, That Sections 2 and 4 of this Act shall take effect July 1, 2005. Section 2 of this Act shall remain effective for a period of 3 years and, at the end of June 30, 2008, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.

SECTION 14. AND BE IT FURTHER ENACTED, That, except as provided in Sections 12 and 13 of this Act, this Act shall take effect July 1, 2004.

* New since last Board meeting
FISCAL AND POLICY NOTE

House Bill 1230 (Delegate Hixson, et al.)
(Task Force to Study Public School Facilities)

Appropriations and Ways and Means

Public School Facilities Act of 2004

This bill implements many of the recommendations of the Task Force to Study Public School Facilities to include additional State and local funding for public school construction and alternative methods to finance school construction projects.

Except for certain provisions, the bill takes effect July 1, 2004. The provision relating to relocatable classrooms takes effect July 1, 2005 and terminates on June 30, 2008. The provision relating to the Aging Schools Program takes effect July 1, 2005.

Fiscal Summary

State Effect: General fund expenditures would increase by $2.3 million in FY 2005. Annuity bond fund expenditures for debt service costs would increase by $2.4 million in FY 2007 and by $131.5 million in FY 2020.

<table>
<thead>
<tr>
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<td>$0</td>
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<td>$0</td>
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<td>3.5</td>
<td>3.5</td>
<td>2.3</td>
</tr>
<tr>
<td>Bond Exp.</td>
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<td>0</td>
<td>2.4</td>
<td>7.1</td>
<td>15.9</td>
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<tr>
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<td>($2.3)</td>
<td>($3.3)</td>
<td>($5.9)</td>
<td>($10.6)</td>
<td>($18.2)</td>
</tr>
</tbody>
</table>

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: Local funding for school construction would be significantly affected by the bill’s provisions. Twelve local school systems would realize an increase in the State share of eligible school construction costs, while five systems would realize a decrease. Funding under the Aging Schools Program is modified with seven systems realizing an increase in funding and nine systems realizing a decrease.

Small Business Effect: Meaningful.
Analysis

**Bill Summary:** This bill implements many of the recommendations of the Task Force to Study Public School Facilities. Major provisions are discussed below.

*State and Local Funding for Public School Construction*

The bill states that it is the intent of the Governor and the General Assembly that a minimum of $3.85 billion be provided to fund school facility needs by fiscal 2013. Of this amount, the State will provide $2 billion and local governments will provide $1.85 billion over the next eight years.

*Allocation of State School Construction Funds*

The Interagency Committee on School Construction (IAC) must provide recommendations to the Board of Public Works (BPW) by December 31 of each year for public school construction projects that comprise at least 75% of the anticipated school construction allocation for the following fiscal year. The remaining allocation may be allocated by BPW as provided in regulation.

*State and Local Cost Share Formula*

BPW must establish a new State and local cost-share formula for each county for use beginning in fiscal 2006, consistent with the recommendations contained in the task force report. Special school construction funding provisions relating to Baltimore City and Prince George’s County may be altered depending upon the new cost-share formula adopted by the board.

*Class Size/State Rated Capacity*

The State rated capacity (SRC) for elementary classes in grades one to five is lowered from 25 students per class to 23 students.

*Emergency Repair Fund*

It is the bill’s intent that BPW and IAC establish an emergency repair fund to finance renovations and improvements to public schools, thereby resolving deficiencies that present an immediate hazard to the health or safety of the students or staff of the schools. BPW and IAC must develop procedures for the use of the funds by July 1, 2004. The fund must receive at least $2 million in fiscal 2005.

*Aging Schools Program*

The bill alters the allocation of the Aging Schools Program beginning in fiscal 2006 by basing funding on the current percentage of pre-1970 square footage and by retaining the $65,000 and $85,000 minimum allocations.
Authorization to Issue Bonds to Fund Public School Construction

A county is authorized to issue bonds to finance the costs of construction or improvement of public school facilities. The bonds must be authorized by a resolution of the local governing body. The resolution must: (1) describe the public school construction or improvements to be financed through the sale of the bonds; (2) state the maximum principal amount of the bonds; (3) describe the sources of repayment of the bonds; (4) state the maximum term of the bonds, which may not exceed 30 years; and (5) describe any terms or conditions under which the bonds may be redeemed before maturity.

Bonds issued constitute an irrevocable pledge of the full faith and credit and unlimited taxing power of the county to the payment of the principal and interest on the bonds when the bonds become payable and are exempt from State, county, and municipal taxation. A county may enter into agreements with agents, banks, fiduciaries, insurers, or others to enhance the marketability of and security for the bonds; or secure any tender option granted to the holders of the bonds.

Additional Local Taxing Authority (Transfer, Sales, and Property Taxes)

The local governing body may impose a transfer tax to cover the debt service on the local bonds issued for public school construction. The transfer tax does not apply to the property exempt from the State transfer tax or in counties that have already imposed a transfer tax on June 30, 2004. In addition, a county may impose a retail sales tax to cover the debt service on the local bonds. The tax cannot be imposed on tax exempt items. Finally, the county must impose an ad valorem tax on all assessable property within the county for the purpose of covering the debt service on the outstanding bonds.

Alternative Financing Methods

Except when prohibited by local law, a county may engage in the following to finance public school construction: alternative financing methods; competitive negotiation instead of competitive bidding; accepting unsolicited proposals for the development of public schools; and using quality-based selection in which selection is based on a combination of qualifications and cost factors. Alternative financing methods include sale-leaseback arrangements, lease-leaseback arrangements, public-private partnership agreements, and performance-based contracting. At the request of IAC, BPW may adopt regulations to implement these provisions, including: guidelines for the acceptance and evaluation of unsolicited proposals; requirements for the execution of a comprehensive agreement; and the applicability of State procurement laws to procurement or financing of public school construction. The Public School Construction Program (PSCP) must provide assistance to Baltimore City, counties, and local boards of education in using alternative financing mechanisms, when appropriate. PSCP must report to BPW, Baltimore City, county governments, local school systems, and the General Assembly by September 1 of each year on the use of alternative financing mechanisms to finance public school construction in Maryland in the prior fiscal year.

Eligible Costs for Relocatable Classrooms

The bill makes the purchase of relocatable classrooms an eligible cost under PSCP for the three-year period fiscal 2006 through 2008. BPW must adopt regulations that define relocatable
classrooms and establish the minimum specifications for relocatable classrooms which may be purchased using State funds. The Governor must provide $1 million in fiscal 2006 through 2008 for public school construction in excess of the estimates of funding for public school construction contained in the fiscal 2005 through 2009 capital improvement plan for the purpose of funding the State share of the cost of purchasing relocatable classrooms.

_Survey of Public School Facilities_

IAC must survey the condition of school buildings identified by the Maryland State Department of Education (MSDE) each year. The Department of General Services (DGS) must conduct the inspections of individual school buildings. IAC must report to the Governor and the General Assembly by October 1 of each year on the results of the survey for the prior year. In addition, MSDE must adopt regulations that provide for periodic surveys of the condition of public school facilities in Maryland at least every four years. The surveys must be similar to the Facility Assessment Survey that MSDE conducted at the direction of the task force. The State must provide the funds necessary to conduct the survey.
Termination of Authorization

Any funds approved for a project that has not been contracted for within two years shall revert to the statewide contingency fund. IAC, with the approval of BPW may extend the time period if IAC determines that unusual circumstances exist. Any unexpended allocation of funds for previously approved projects must be transferred to the fund. IAC must report to the General Assembly by June 1 and December 1 of each year on the balance in the fund as the result of transfers or reversions.

Ownership of Public School Facilities

The bill enables a private entity to hold the title to property used for a particular public school or local school system if the private entity is contractually obligated to transfer the title to the appropriate local board of education on a specified date.

Reuse of Plans and Specifications for School Construction Projects

Local boards of education are encouraged to reuse recently used school designs, when educationally appropriate and cost effective over the useful life of the project, within each county and across local school systems.

Purchasing Contracts

DGS must provide a report to MSDE and each local school system by July 1 of each year that describes existing State purchasing contracts that the local school systems may use to purchase school furniture, equipment, commodities, and services.

IAC and BPW

The bill expands the types of regulations that BPW can implement and codifies IAC membership to include the State Superintendent of Schools, the Secretary of Planning, and the Secretary of General Services. BPW is authorized to adopt regulations that establish priority public school construction programs and provide for the development of cooperative arrangements that permit the sharing of facilities among two or more local school systems.

Current Law: PSCP, through oversight by IAC, provides State funding to local school systems for school construction and improvement projects. Each September, the Governor provides IAC with the proposed amount of funding for public school construction for the upcoming fiscal year. IAC then transmits this information to the local jurisdictions and requests their annual and five-year capital improvement programs (CIPs) by October 15.

In October and November, IAC staff reviews the CIPs and recommends to IAC which projects should be funded based on certain criteria. In December, IAC develops a list of eligible projects and decides which of those projects should be recommended to BPW for its approval. IAC typically recommends an initial allocation of 75% of the proposed school construction budget. In January, BPW listens to appeals from the local jurisdictions and votes on IAC recommendations. The list of projects approved by BPW and any supplemental requests made by the Governor become part of the State’s proposed capital budget. The proposed budget is
then submitted to the General Assembly for approval. In May, BPW allocates any remaining school construction funds to school construction projects recommended by IAC and the Governor.

BPW defines by regulation what constitutes an approved public school construction or capital improvement cost. Although it is not written into regulations or any other published policy manuals or guidelines, the purchase of relocatable classrooms has never been eligible for State funding. Under current law, all public school property must be held in trust by the appropriate local board of education.

**Background:** In 2002, the Bridge to Excellence in Public Schools Act (Chapter 288) established a Task Force to Study Public School Facilities. Chapter 288 directed the task force to look at whether the State’s public school facilities are adequate to sustain programs provided for under the Act and supported by proposed funding levels. The Act further directed the task force to examine the equity of the State’s school construction program, particularly the equity of the State and local cost shares for school construction projects; whether to continue the Aging Schools Program as a permanent program; and any other issues the task force determines are relevant to evaluate the adequacy and equity of the State’s school construction program.

In completing its charge, the task force undertook an assessment of the current conditions of the State’s existing public schools. A survey was conducted by MSDE based on 31 minimum facility standards developed by a workgroup chaired by the State Superintendent of Schools and approved by the task force in March 2003. The standards were based on local, State, and federal standards for facilities and included the ability of the facility to support educational programs. The National Clearinghouse for Educational Standards reported that Maryland’s survey is the first of its kind in the nation. The survey results were released on November 6, 2003.

The survey indicated that $3.9 billion is needed to bring existing public schools up to standards of which $1.5 billion is needed for additional student capacity for the 2007-2008 school year. **Appendix 1** shows the amount of needed funds in each county. Furthermore, more than one-third of public schools across the State did not meet the standard in at least one of eight facility areas. Among the facility areas in need of attention are student capacity, accessibility for students with disabilities, existing pre-kindergarten and kindergarten classrooms, and spaces for secondary science, fine arts, and health services. It should be noted that many of the standards are based on relatively new standards developed in the last 10 to 15 years. Only 26% of Maryland’s school space has been constructed or undergone major renovation since 1990. All schools are required to meet the current standards when they are constructed or renovated.
**State Fiscal Effect:** General fund expenditures could increase by $2.3 million in fiscal 2005. **Exhibit 1** shows the potential cost by agency in fiscal 2005 through 2009. It is assumed that State PAYGO funds would be used for the emergency repair fund and relocatable classrooms. MSDE is responsible for conducting the facilities assessment survey.

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**Exhibit 1**

**General Fund Expenditures at MSDE and PSCP**

<table>
<thead>
<tr>
<th></th>
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<td>$56,500</td>
<td>$70,100</td>
<td>$73,900</td>
<td>$78,000</td>
<td>$82,300</td>
</tr>
<tr>
<td>PSCP – Administrative</td>
<td>225,100</td>
<td>221,500</td>
<td>172,300</td>
<td>171,300</td>
<td>180,500</td>
</tr>
<tr>
<td>Emergency Repair Fund</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>2,000,000</td>
<td>2,000,000</td>
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<tr>
<td>Relocatable Classrooms</td>
<td>0</td>
<td>1,000,000</td>
<td>1,000,000</td>
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<td>0</td>
<td>250,000</td>
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<tr>
<td><strong>Total</strong></td>
<td>$2,281,600</td>
<td>$3,291,600</td>
<td>$3,496,200</td>
<td>$3,499,300</td>
<td>$2,262,800</td>
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**Administrative Costs – MSDE**

The proposed fiscal 2005 budget for MSDE’s School Facilities Branch includes four registered architect positions and one administrative assistant. Existing staffing is adequate to manage an annual school construction program of up to $187 million. Beyond this level, additional staff support would be required. Due to the bill’s funding intent, the level of State funding for public school construction will average $250 million per year over the next eight years. This will require one additional registered architect position to review local funding requests. Accordingly, general fund expenditures within MSDE would increase by $56,500 in fiscal 2005. Future year expenditures increase to $70,100 in fiscal 2006 and $82,300 in fiscal 2009, which reflects annualization and inflation.

**Administrative Costs – PSCP**

This bill increases the responsibilities and activities of PSCP, resulting in the need for two additional staff positions, consultants, and various support services. PSCP would need one program manager and one administrative assistant to manage the development of regulations, develop PSCP procedures, provide technical assistance to local school systems, engage and monitor the work of consultants, and periodically propose revisions to regulations and procedures.

* New since last Board meeting
These two positions would increase general fund expenditures by $117,300 in fiscal 2005 and by $173,700 in fiscal 2009. In addition, the provisions relating to alternative financing and innovative building techniques will require the hiring of contractual consultants. Combined costs for these provisions total $107,800 in fiscal 2005, $73,600 in fiscal 2006, $16,400 in fiscal 2007, and $6,800 in fiscal 2008 and 2009. Exhibit 2 shows the estimated costs for PSCP.

Exhibit 2
PSCP Administrative Costs

<table>
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<tr>
<td>Administrative</td>
<td>$117,300</td>
<td>$147,900</td>
<td>$155,900</td>
<td>$164,500</td>
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<td>6,800</td>
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<td>38,600</td>
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<tr>
<td>Total</td>
<td>$225,100</td>
<td>$221,500</td>
<td>$172,300</td>
<td>$171,300</td>
<td>$180,500</td>
</tr>
</tbody>
</table>

Emergency Repair Fund

The Emergency Repair Fund must receive at least $2 million in fiscal 2005. It is assumed that this minimum level of funding would be continued each year.

Eligible Costs for Relocatable Classrooms

The Governor must include $1 million in fiscal 2006 through 2008 for public school construction in excess of the estimates of funding for public school construction contained in the fiscal 2005 through 2009 capital improvement plan for the purpose of funding the State share of the cost of purchasing relocatable classrooms.

Facilities Assessment Survey

MSDE is required to conduct periodic surveys of the condition of public school facilities in Maryland at least every four years. The surveys must be similar to the Facility Assessment Survey that MSDE conducted at the direction of the task force. The State must provide the funds necessary to conduct the survey. MSDE advises that approximately $8 million would be needed to conduct the survey. The Department of Legislative Services advises that MSDE conducted the original survey for the task force in 2003 within existing resources. Accordingly, the cost to periodically update the survey should not reach the amount requested by MSDE and may be in the range of $500,000 over two years.

State Funding for Public School Construction

The bill specifies that $2 billion in State funding be provided for public school construction projects by fiscal 2013. This amount is significantly higher than the current State commitment.

* New since last Board meeting
for public school construction. The fiscal 2005-2009 capital improvement program includes $501.6 million for the public school construction program. To meet the bill’s funding level by fiscal 2013, approximately $250.0 million in State funds would be needed annually. This is approximately $150.0 million more than the State’s commitment for each of the next four fiscal years.

To meet the funding commitment specified in the legislation, the State will have to issue $1.2 billion in additional bonds in fiscal 2006 through fiscal 2017. Annual debt service will total $2.4 million in fiscal 2007, increasing to $131.5 million in fiscal 2020, and declining to $1.5 million in fiscal 2032. Interest payments on the $1.2 billion bond issuance would total $641.9 million. This estimate assumes a 5.25% to 5.5% annual interest rate over a 13-year period and a phased-in issuance stream. Without a corresponding reduction in the overall State capital budget, the increased issuance of general obligation bonds for public school construction would require either a State property tax increase or a general fund appropriation to the Annuity Bond Fund. Based on the current Annuity Bond Fund forecast which assumes a stable property tax rate, the State will be required to make a $15 million general fund appropriation in fiscal 2007 to pay existing general obligation bond debt service. The required general fund appropriation increases to $42 million in fiscal 2008 and $58 million in fiscal 2009. Pursuant to this legislation, the required general fund appropriation to the Annuity Bond Fund would total $17.4 million in fiscal 2007, $49.1 million in fiscal 2008, and $73.9 million in fiscal 2009. Exhibit 3 shows the projected State debt service costs for the additional bond issuance in fiscal 2006 through 2010. Appendix 2 shows the amortization table for the additional bond issuance.

<table>
<thead>
<tr>
<th></th>
<th>FY 2006</th>
<th>FY 2007</th>
<th>FY 2008</th>
<th>FY 2009</th>
<th>FY 2010</th>
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<tr>
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<tr>
<td>Interest Rate</td>
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<td>5.5%</td>
<td>5.5%</td>
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<td>Years to Maturity</td>
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<td>13</td>
<td>13</td>
<td>13</td>
<td>13</td>
</tr>
<tr>
<td>Additional Bond Issuance</td>
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<td>$84.0</td>
<td>$114.0</td>
<td>$136.5</td>
<td>$150.0</td>
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<td>$2.4</td>
<td>$7.1</td>
<td>$15.9</td>
<td>$28.0</td>
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</tbody>
</table>

**Local Fiscal Effect:** The bill states that it is the intent of the Governor and the General Assembly that localities provide $1.85 billion to fund school facility needs by fiscal 2013. Local funding needs would be affected by several provisions of the bill.
State and Local Shared Cost Formula

The State and local shared cost formula is used to distribute the costs for school construction projects between the State and locality. Since the formula is wealth-equalized, the State pays a greater share of the costs for less wealthy counties. This bill requires BPW to establish a new State and local cost-share formula for each county for use beginning in fiscal 2006, consistent with the recommendations contained in the task force report. The task force recommended that the formula be based on the actual State share of the foundation program and include adjustments for the Guaranteed Tax Base program, the percentage of students in the district qualifying for free and reduced-price meals, distressed county factors, five-year enrollment growth above the State average, and a measure of prior local effort toward school construction.

The current and proposed State and local shared cost formula is shown in Appendix 3. Twelve local school systems would realize an increase in the State share of eligible school construction costs, while five systems would realize a decrease. Altering the shared cost formula would not affect total State funding for public school construction but would affect the amount of local funds required to match State funding.

Class Size/State Rated Capacity

PSCP uses an assumed school building capacity in evaluating requests for additional space and new schools. At the elementary school level the current SRC is 25 students per classroom for grades one to five. However, the average class size is 23 students for grades one to five. This bill lowers SRC to reflect the average class sizes in Maryland public schools. By lowering SRC from 25 to 23 students per classroom for grades one to five, local school systems would need additional classrooms at the elementary school level. For example a 20-classroom school would have an SRC of 500 students under current regulations and an SRC of 460 students under the new rating. This results in the need for two additional classrooms. The average construction cost for a new classroom is approximately $200,000. Altering SRC would not affect total State funding for public school construction in any given year.

Aging Schools Program

The Aging Schools Program was established by Chapter 105 of 1997 to provide additional funds to jurisdictions to address the needs at their aging school facilities. The funds may be used for capital improvements, repairs, and deferred maintenance. Projects selected will protect the school building from deterioration, improve the safety of students and staff, or enhance the delivery of educational programs.

The initial funding, $4.35 million, was established in the same legislation as the Baltimore City-State Partnership. The annual funding was increased in 1998 to $10.37 million as part of the School Accountability and Funding for Excellence (SAFE) legislation. Funds for each jurisdiction are specified in statute. Allocations are based on each jurisdiction’s proportion of square footage in the State built before 1960 (as of 1995). Each jurisdiction receives a minimum allocation. Originally set to expire in 2002, the Aging Schools Program has been extended several times by legislation.
This bill alters the allocation of the Aging Schools Program beginning in fiscal 2006 by basing funding on the current percentage of pre-1970 square footage and by retaining the $65,000 and $85,000 minimum allocations. Local school systems with 0.49% or less of the statewide pre-1970 square footage receive $65,000 and local school systems with 0.50% but less than 1.0% of the statewide pre-1970 square footage receive $85,000. Appendix 4 compares the allocation under current law with the proposed allocation under the bill. Seven local school systems would receive more funding while nine local school systems would receive less funding.

Authorization to Issue Bonds to Fund Public School Construction

A county is authorized to issue bonds to finance the costs of construction or improvement to public school facilities and to implement transfer taxes, excise taxes, and property taxes in order to fund the local share of school construction, without obtaining General Assembly approval.

Transfer Tax Provision

Currently, 16 counties and Baltimore City impose a local transfer tax. Local transfer tax rates range from 0.2% in Allegany County to 1.5% in Baltimore City and Baltimore County. This bill extends the authority to impose a local transfer tax in the other seven counties for the purpose of paying debt service on school construction bonds. These counties are Calvert, Carroll, Cecil, Charles, Frederick, Somerset, and Wicomico.

Sales Tax Provision

Increasing the sales tax by one percentage point statewide would generate $547.7 million in additional revenues in fiscal 2005 and $568.1 million in fiscal 2006. This estimate reflects currently projected sales tax growth and a 1% decline in taxable sales due to the higher sales tax. Since the bill does not require each locality to impose a local sales tax, consumers could divert their sales to retailers in jurisdictions without a local sales tax.

Property Tax Provision

Local property tax rates could increase to the extent that localities issue additional bonds to finance school construction or improvement projects. Any increased property taxes would be in an amount equal to cover the required debt service amount.

Reuse of Plans and Specifications for School Construction Projects

The ownership of plans and specifications for school construction projects are governed by the terms of the contract between the local board of education and the contractor that developed the work product. Current law does not address this issue. The development of construction documents, such as architectural and engineering plans, accounts for approximately 6% of the total construction cost for a public school project. Since architectural and engineering plans are ineligible costs under the State PSCP, local school systems are required to pay the full cost to develop the plans. Local school systems frequently reuse an architectural and engineering plan for multiple school construction projects within their county.
The reuse of plans will not eliminate the planning costs for a school construction project because local school systems may need to modify the original plans to reflect site-specific characteristics, building code changes, school capacity and educational program differences, and changes to mechanical and structural systems. Due to these factors, local school systems will still need to hire an architectural and engineering firm. According to IAC, reusing a plan could reduce the total construction cost for a typical capital project by 1.5%. This represents approximately 25% of the architectural and engineering fees incurred by local school systems for a capital project.

**Relocatable Classrooms**

There are currently 212 classrooms in State-owned relocatable buildings, 1,833 classrooms in locally-owned relocatable buildings, and 647 classrooms in relocatable buildings that are leased by local school systems. According to PSCP, the policy that the State has followed since the inception of the program has been to fund projects that provide student capacity solutions that are more permanent than relocatable classrooms.

Relocatable classrooms range in price from approximately $36,000 for a single classroom unit to $63,000 for a double classroom with rest rooms. These amounts do not include the costs of installing fire alarm and protection services, electrical systems, water lines, sewer supply and connections, steps, decks, platforms, and walkways. Three-year leasing costs range from approximately $20,000 for a single classroom unit to approximately $30,000 for a double classroom unit. Leasing costs include some of the installation costs mentioned above. Pursuant to this bill, local school systems that use relocatable classrooms in order to provide a quicker and less expensive solution to school capacity problems could receive additional funds from the State.

**Alternative Financing Methods**

In alternative financing, a government entity does not issue its own debt; instead, a private party serves as an intermediary and secures financing. Typically, the government entity repays the cost of financing through its operating budget. The principal types of alternative financing are lease-leaseback, sale-leaseback, performance-based contracting, and public-private partnerships.

The task force found that traditional municipal bond financing is the least expensive and most efficient financing method available for public school construction. Alternative methods may be desirable when the financial benefits of completing a project quickly outweigh the additional cost over time or when a limited project scope warrants a performance-based contracting approach.

* New since last Board meeting
**Small Business Effect:** Assuming the State complies with the intent of this legislation, State funding for public school construction would increase by $150 million annually. This will have a positive impact on architectural, engineering, construction, and service firms throughout Maryland. As of calendar 2002, there were 17,000 construction firms in Maryland employing 165,725 individuals. Construction workers earned a total of $6.8 billion in wages which average to approximately $800 per week. The construction industry accounts for approximately 7% of total employment in Maryland. In addition, there are 5,750 licensed architects and 13,500 professional engineers in Maryland. However, the potential benefit for architectural and engineering firms could be mitigated from the loss in revenue due to the reuse of plans and specifications for multiple projects.

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**Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 787 (Senators Hogan and McFadden) (Task Force to Study Public School Facilities) – Budget and Taxation.

**Information Source(s):** Department of General Services, Board of Public Works, Maryland State Department of Education, Public School Construction Program, Department of Legislative Services

**Fiscal Note History:** First Reader - February 25, 2004

ncs/jr

Analysis by: Hiram L. Burch Jr.  

Direct Inquiries to:  
(410) 946-5510  
(301) 970-5510
## Appendix 1

**Cost Estimates to Bring Facilities Up to Current Standards for New Construction**

<table>
<thead>
<tr>
<th>Local School System</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allegany</td>
<td>$71,426,000</td>
</tr>
<tr>
<td>Anne Arundel</td>
<td>336,458,000</td>
</tr>
<tr>
<td>Baltimore City</td>
<td>570,599,000</td>
</tr>
<tr>
<td>Baltimore</td>
<td>408,845,000</td>
</tr>
<tr>
<td>Calvert</td>
<td>102,911,000</td>
</tr>
<tr>
<td>Caroline</td>
<td>5,435,000</td>
</tr>
<tr>
<td>Carroll</td>
<td>135,297,000</td>
</tr>
<tr>
<td>Cecil</td>
<td>46,873,000</td>
</tr>
<tr>
<td>Charles</td>
<td>178,419,000</td>
</tr>
<tr>
<td>Dorchester</td>
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</tr>
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</table>

**Total Cost**

$3,854,108,000

Note: Costs reported by local school systems in July 2004 dollars and includes both State and local costs.
Source: Public School Construction Program
## Appendix 2
### Public School Construction Program
### Cost of Authorizing an Additional $1.2 Billion in GO Bonds
($ in millions)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>Debt Authorized</th>
<th>Debt Issued</th>
<th>Debt Service</th>
<th>Debt Outstanding</th>
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<td>150.0</td>
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**Total** $1,200.0 $1,200.0 $1,841.9

Source: Department of Legislative Services, February 2003

* New since last Board meeting
### Appendix 3
Revised Cost Share Formula Approved by Task Force to Study Public School Facilities

<table>
<thead>
<tr>
<th>County</th>
<th>Percent State Share Current</th>
<th>Percent Local Share Current</th>
<th>Percent State Share With Add-ons</th>
<th>Percent Local Share With Add-ons</th>
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<tbody>
<tr>
<td>Allegany</td>
<td>75%</td>
<td>25%</td>
<td>90%</td>
<td>10%</td>
</tr>
<tr>
<td>Anne Arundel</td>
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<td>90%</td>
<td>10%</td>
<td>96%</td>
<td>4%</td>
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<td>50%</td>
<td>50%</td>
<td>50%</td>
</tr>
<tr>
<td>Calvert</td>
<td>55%</td>
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</tr>
<tr>
<td>Caroline</td>
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<td>71%</td>
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<tr>
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<td>50%</td>
<td>50%</td>
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*This analysis assumes the add-ons would be based on the additional aid that counties would receive if the Guaranteed Tax Base program were fully implemented in fiscal 2004. The program is scheduled to start in fiscal 2005 and be fully implemented by fiscal 2008.*

* New since last Board meeting
## Appendix 4
State Funding for the Aging Schools Program

<table>
<thead>
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<th>Current Law</th>
<th>Under SB 787</th>
<th>Difference</th>
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<td>Caroline</td>
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<td>Carroll</td>
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<td><strong>Total</strong></td>
<td><strong>$10,370,000</strong></td>
<td><strong>$10,370,000</strong></td>
<td><strong>$0</strong></td>
</tr>
</tbody>
</table>

* New since last Board meeting
BALTIMORE COUNTY PUBLIC SCHOOLS

DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: STUDENTS: Enrollment and Attendance Rule 5140

ORIGINATOR: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

RESOURCE: Jean Satterfield, Executive Director, Student Support Services
PERSON(S): Vivian Ferguson, Coordinator, Pupil Personnel Services
           Carol Batoff, Residency Liaison

INFORMATION

That STUDENTS: Enrollment and Attendance Rule 5150 is presented to the Board of Education as an information item

JS/ds
Appendix I – Rule 5140
STUDENTS: Enrollment and Attendance

I. SCHOOL ATTENDANCE AREAS

A. Records and reports of all changes affecting school attendance areas and boundaries shall be maintained in the respective schools and offices of the Board of Education.

B. Students will attend their assigned home schools within the Board approved attendance areas in which they reside. Exceptions to attending the home school are set forth below in Section II. C. of this rule.

II. SPECIAL PERMISSION TRANSFERS

A. Special requests to permit a student to attend a school outside his/her school attendance area must be initiated by the parent(s) or guardian(s).

B. Special permission requests related to application and admission to a magnet school/program must be made in accordance with Policy and Rule 6130, INSTRUCTION: Magnet Schools and Programs.

C. Special Circumstances

The staff will evaluate the following special circumstances as justification for assigning a student to a school outside the attendance area in which the student currently resides:

1. When a student who has completed grades 4, 7, or 11 changes residence to another Baltimore County school attendance area. Said student may continue in the original elementary, middle, or high school until completion of the terminal grade of that school level.

2. When a student desires to pursue a curricular/academic course or sequential program of study not offered in the regularly assigned school or the geographically assigned magnet school. Said student may be transferred to the requested school provided the student has met the stated prerequisites.
3. When the purpose is for:
   
a. Medical reasons. Requests which are based on medical, physical, or mental health reasons must be accompanied by documentation from a physician or mental health provider.

b. Student adjustment issues which cannot be resolved at the home school placement as evaluated and determined by appropriate school system officials.

4. When a student changes residence within Baltimore County during a school year. Said student may remain in the original school until the end of the school year. To request consideration for remaining in the original school for a subsequent school year(s), a new Application for Special Transfer must be submitted and evaluated in accordance with the provisions of this rule.

5. When a student’s family plans to move from one Baltimore County school attendance area to another during the school year. Said student may enroll in the school in the attendance area in which he/she is planning to live. Principals may approve this enrollment upon the receipt of appropriate documentation from the parent(s)/guardian(s).

6. When unusual arrangements must be made to provide satisfactory supervision for the elementary and middle school student before- and after-school hours.

7. When family conditions necessitate that a student must live in another home within Baltimore County.

8. When a student is the child of a Baltimore County Public Schools’ employee who resides in Baltimore County. For the purposes of this rule, "employee" means "public school employee," "confidential employee," "supervisory employee," and "management employee" as defined by Section 6-401 and Section 6-501 of the Education Article of the Annotated Code of Maryland. For the purposes of this rule, "child" includes a natural or foster child or one under the legal guardianship of an employee who is domiciled in Baltimore County. Said student may be granted a transfer to a school outside of his/her attendance area regardless of the school’s overcrowded conditions as defined in Section II. D. 7. a., b., and c. of this rule and provided the
school is within the attendance area of the employee’s primary work site or home school (office). A child of an employee whose primary work site or home school (office) is in a magnet school may be granted a transfer to that school in accordance with the provisions of this section if said child qualifies for admission in accordance with Policy and Rule 6130, INSTRUCTION: Magnet Schools and Programs. Upon qualification, admission is granted for said child without entry into the lottery selection process.

9. When a student has a sibling who is attending the requested school and [who will] THE SIBLING WOULD continue to attend that school [the next year] AT THE TIME OF THE STUDENT’S INITIAL ENROLLMENT. Said student may be granted a transfer to that school. FOR PURPOSES OF THIS RULE, A SIBLING SHALL BE DEFINED AS A BROTHER, SISTER, HALF-BROTHER, HALF-SISTER, STEPBROTHER, STEPSISTER, OR FOSTER CHILD, WHO RESIDES IN THE SAME HOUSEHOLD AS THE STUDENT APPLICANT.

10. When a student attends a Baltimore County Public School that has been identified as eligible for Title I public school transfer options and said student has been declared an eligible student under applicable Title I federal guidelines. The parent/guardian of said student will submit an application to the Office of Title I and Grant Assistance in accordance with Title I public school transfer option procedures. Schools identified as eligible for receiving students under Title I public school transfer will not approve any special transfer requests until all Title I eligible student transfer requests have been processed.

D. Procedures

1. The parent(s)/guardian(s) must complete and submit as directed the triplicate form, Application for Special Transfer, between April 1 and June 1 for the next school year. The parent(s)/guardian(s) must submit the original white copy of the form to the receiving school principal for his/her approval or denial, submit the pink copy of the form to the home school principal for his/her notification, and retain the yellow copy of the form for his/her record.
a. Policy and Rule 6130, *INSTRUCTION: Magnet Schools and Programs*, require an earlier deadline for magnet applicants to submit the *Application for Special Transfer*.

b. Applicants must submit the *Application for Special Transfer* in its entirety according to the guidelines established by the magnet application process.

2. Relevant written documentation supporting the transfer must be attached to the application.

3. Transfer requests must be submitted between April 1 and June 1 unless:

   a. The student is a new resident of Baltimore County

   b. There is an emergency or event that could not have been foreseen.

   c. Information relevant to the transfer request was not available between April 1 and June 1.

4. Students must enroll in and attend their home school while a transfer request is being processed.

5. In processing the request, the receiving school principal will:

   a. Evaluate the request and written documentation to determine compliance with the special circumstances outlined in Section II. C. of this rule and obtain necessary information from school system personnel pertaining to the request which will assist in the formulation of the decision.

   b. Forward recommendations from medical personnel accordingly:

      (1) Medical documentation from physicians will be forwarded to the school system’s Coordinator in the Office of Health Services for evaluation and consultation with the child’s physician. The Coordinator may seek additional consultation with the Director of Child, Adolescent, and Reproductive Health of the Baltimore County Department of Health.
(2) Psychological documentation from mental health or medical professionals will be forwarded to the school system’s Coordinator in the Office of Psychological Services for evaluation and consultation with the child’s mental health or medical provider.

c. Make every effort to issue a decision to parent(s)/guardian(s) by July 1 except when the request is for admission to kindergarten. Principals will make every effort to issue a decision concerning admission to kindergarten before the beginning of the school year. The principal must indicate his/her approval or denial in the appropriate section of the original application (white copy), which will be sent to the parent(s)/guardian(s). A photocopy of the original application will be forwarded to the principal of the home school and a photocopy of the original application must be retained by the receiving school.

d. Verify that the student either is domiciled in Baltimore County with his or her parent(s)/guardian(s) or has been approved for enrollment as a nonresident student in accordance with Policy and Rule 5150, STUDENTS: Enrollment and Attendance, Residents and Nonresidents. If the transfer request is approved, the parent(s)/guardian(s) must submit to the receiving school documentation of domicile within Baltimore County or approval for enrollment as a nonresident student.

6. The transfer request may be approved or denied after consideration of the reason(s) for the transfer and review of the total number of requested transfers made to the receiving school as of June 1.

7. Permission to attend a school outside the attendance area in which the student resides can be denied because of overcrowded conditions, which exist when any or all of the following occur at the receiving school:

a. Total student enrollment is equivalent to or exceeds state-approved building capacity

b. Average class size is equivalent to or exceeds Board-approved staffing guidelines
c. Enrollment is equivalent to or exceeds staffing allocation schoolwide or within specific programs, grade levels, or courses.

8. If the transfer request is approved, designated staff from the home school will supply the receiving school with available school records and data; and if necessary, arrange for a conference involving personnel from both schools to assist the student in making a satisfactory adjustment.

9. If the transfer is approved, the athletic eligibility set forth in Policy 6145.2, INSTRUCTION: Extra Curricular Activities: Intramural, Informal, and Interscholastic Activities, applies.

10. It is understood by both the receiving school principal and the parent(s)/guardian(s) that the transfer is approved until the student completes the terminal grade of a school level. EXCEPTIONS TO THIS PROVISION ARE AS FOLLOWS:

   A. A STUDENT WHO VOLUNTARILY WITHDRAWS FROM THE RECEIVING SCHOOL. SAID STUDENT WILL BE SUBJECT TO REAPPLICATION AND A NEW EVALUATION IF (RE)ENROLLMENT TO THE RECEIVING SCHOOL IS REQUESTED. PARENT(S)/GUARDIAN(S) MUST SUBMIT A NEW APPLICATION FOR SPECIAL TRANSFER, AND THE APPLICATION WILL BE EVALUATED CONSISTENT WITH THE CRITERIA SET FORTH IN THIS RULE AND IN POLICY 5140, STUDENTS: Enrollment and Attendance.

   B. [An exception to this provision is a] A student who is granted a special transfer for the purpose of Section II.C.4. of this rule or for the purpose of enrolling in a pre-kindergarten program. Said student is approved for that school year only. Parent(s)/guardian(s) must reapply for transfer for an additional year(s) or attend the home school for the next school year. THE NEW APPLICATION FOR SPECIAL TRANSFER WILL BE EVALUATED CONSISTENT WITH THE CRITERIA SET FORTH IN THIS RULE AND IN POLICY 5140, STUDENTS: Enrollment and Attendance.

11. When the student completes the terminal grade of a school level, that student shall be required to attend subsequent middle or high schools serving his/her residence.
12. Approved transfers will be subject to reapplication and a new evaluation when a student is ready to move from the elementary school to the middle school or from the middle school to the high school. The reapplication will be evaluated consistent with the criteria set forth in this policy and rule.

13. Parent(s)/guardian(s) are responsible for providing transportation to and from the newly assigned school unless the student can be accommodated by the existing bus routes and existing bus stops of that school.

14. If the transfer request is denied by the receiving school principal, the parent(s)/guardian(s) may initiate the appeal process as described in Section II. E. of this rule.

E. Appeals

1. Denials of special permission transfer requests may be appealed by the parent/guardian who initiated the transfer request. The appeal must be made in writing to the Executive Director of Student Support Services within ten (10) calendar days of the date of the principal’s denial or the postmarked date, whichever is later. The Executive Director of Student Support Services or designee will research and evaluate the appeal based on the information and documentation provided at the time the initial request was made to the receiving school principal. The Executive Director of Student Support Services or designee will also consider additional evidence provided on appeal. The Executive Director of Student Support Services or designee will make every effort to issue a written decision by August 1.

2. If the appeal is denied by the Executive Director of Student Support Services or designee, the written decision will inform the parent(s)/guardian(s) of his/her right to appeal, in writing, to the Superintendent within fifteen (15) calendar days of the date of the denial letter or the postmarked date, whichever is later.

3. Denials of special permission transfer requests by the Executive Director of Student Support Services or designee must be appealed in writing to the Superintendent within fifteen (15) calendar days of the date of the Executive Director of Student Support Services’
designee’s denial letter or the postmarked date, whichever is later. The Superintendent or designee will research and evaluate the appeal based on the information and documentation provided at the time the initial request was made to the receiving school principal. The Superintendent or designee will also consider additional evidence provided on appeal. The Superintendent or designee will make every effort to issue a written decision before the beginning of the school year.

4. If the appeal is denied by the Superintendent or designee, the written decision will inform the parent(s)/guardian(s) of his/her right to appeal in writing to the Board of Education within (thirty) 30 calendar days of the date of the denial letter in accordance with Section 4-205 of the Education Article of the Annotated Code of Maryland and Board of Education Policy 8339, Internal Board Policies: Operations, Appeal Before Hearing Examiner. An appeal will be considered timely filed, if, within the allotted time period, it has been delivered to the Board of Education, postmarked, or deposited in the U. S. Mail as registered or certified mail.

Rule Superintendent of Schools
Approved: 12/13/73
Revised: 03/13/80
Revised: 11/23/93
Revised: 04/11/00
Revised: 08/14/01
Edited: 1/7/02
Revised: 3/26/02
Revised:
Baltimore County Public Schools

Date: March 9, 2004

To: Board of Education

From: Dr. J. Hairston, Superintendent

Subject: Conduct: Tobacco Rule 2372

Originator: Christine M. Johns, Deputy Superintendent of Curriculum and Instruction

Resource: Jean Satterfield, Executive Director, Student Support Services

Person(s): Michele Prumo, Coordinator, Health Services

Information

That Conduct: Tobacco Rule 2372 is presented to the Board of Education as an information item.

*****

JS/ds
Attachment I – Rule 2372
RULE 2372

ADMINISTRATION: Administrative Operations

Conduct: Tobacco

I. DEFINITIONS

A. SCHOOL BUILDINGS SHALL MEAN LOCAL SCHOOL SYSTEM OR
LEASED BUILDINGS. THIS INCLUDES SCHOOLS, CENTRAL
OFFICES, WAREHOUSES, GARAGES, OR OTHER BUILDINGS
BELONGING TO THE SCHOOL SYSTEM REGARDLESS OF
WHETHER OR NOT STUDENTS ARE PRESENT.

B. SCHOOL VEHICLES SHALL MEAN ANY VEHICLE OWNED OR
LEASED BY THE SCHOOL SYSTEM.

C. SCHOOL GROUNDS SHALL MEAN LOCAL SCHOOL SYSTEM
OWNED OR LEASED LAND THAT SURROUNDS A SCHOOL
BUILDING.

D. TOBACCO SHALL MEAN PRODUCTS DERIVED FROM THE
TOBACCO PLANT THAT IS SMOKED, CHEWED, SNIFFED, OR
OTHERWISE CONSUMED. THIS SHALL NOT INCLUDE NICOTINE
REPLACEMENT THERAPY.

II. PROCEDURES

A. EMPLOYEES WILL BE NOTIFIED OF POLICY 2372 WHEN HIRED
BY THE DEPARTMENT OF PERSONNEL AND ANNUALLY
THEREAFTER BY THE OFFICE OF SAFE AND DRUG-FREE
SCHOOLS.

B. SIGNS TO BE SUPPLIED BY THE OFFICE OF HEALTH SERVICES—
EMPLOYEE WELLNESS PROGRAM—REMINDING ALL STAFF,
VISITORS, AND STUDENTS OF THE TOBACCO-FREE
ENVIRONMENT, WILL BE POSTED ON ALL SCHOOL SYSTEM
BUILDINGS OWNED OR LEASED BY BALTIMORE COUNTY
PUBLIC SCHOOLS.

C. NON-BOARD OF EDUCATION GROUPS WHO REQUEST THE USE
OF A SCHOOL SYSTEM OWNED OR LEASED BUILDING WILL BE
INFORMED OF POLICY 2372 THROUGH THE RULES AND
PROCEDURES ON THE “APPLICATION FOR USE OF SCHOOL FACILITIES.”

D. SMOKING CESSATION INFORMATION MAY BE OBTAINED THROUGH THE OFFICE OF HEALTH SERVICES—EMPLOYEE WELLNESS PROGRAM.

III. NONCOMPLIANCE

A. AN EMPLOYEE OF THE BOARD OF EDUCATION FOUND TO BE IN NONCOMPLIANCE WITH POLICY 2372:

1. FIRST VIOLATION—BE GIVEN A VERBAL WARNING AND REVIEW OF POLICY BY THE SUPERVISOR.
2. SECOND VIOLATION—MEET WITH THE SUPERVISOR WHO WILL REVIEW THE TOBACCO-FREE ENVIRONMENT POLICY AND WHO MAY RECOMMEND FURTHER REMEDIAL ACTION BY REFERRING THE EMPLOYEE TO THE EMPLOYEE ASSISTANCE PROGRAM FOR COUNSELING AND FOR REFERRAL TO TOBACCO USE CESSATION PROGRAMS.
3. THIRD VIOLATION—WILL RESULT IN FURTHER DISCIPLINARY ACTION.

B. A NON-EMPLOYEE OF THE BOARD OF EDUCATION FOUND TO BE IN NONCOMPLIANCE WITH POLICY 2372 SHALL BE SUBJECT TO THE FOLLOWING:

1. FIRST VIOLATION—GIVEN A VERBAL WARNING AND REVIEW OF POLICY.
2. CONTINUED OR SECOND VIOLATION—ASKED TO LEAVE PREMISES.
3. CONTINUED OR THIRD VIOLATION—ISSUED A NO TRESSPASS LETTER

C. GROUPS THAT LEASE SCHOOL BUILDINGS OR OFFICES WILL BE INFORMED THAT THEIR CONTRACT WILL BE AT RISK OF NONRENEWAL IF THEIR USERS DO NOT COMPLY WITH BOARD POLICY.

RULE
APPROVED: Superintendent of Schools
The attached report is submitted annually to the Board Members for review.
### Projections for Baltimore County Public Schools, September 30 2004 - 2013
Revised 1/14/2004

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**SPECIFIC NOTES:**

All numbers based on September 30 total enrollment of given year.

Elementary schools marked with * indicates planned implementation of Full Day Kindergarten in 2004/2005 school year.

Elementary schools marked with # indicates planned additional Pre Kindergarten Program in 2004

Schools marked with % indicates a school currently qualifying for Title I Transfer Option

New Town HS opened in Fall 2003 with Grades 9 and 10. Grade 11 will be added in Fall 2004 and Grade 12 in Fall 2005.

NW Area Elementary projections assume continuation of New Town ES annexing.

Revisions: 1/14/2004 Draft Release
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All numbers based on September 30 of given year.
## Projections for Baltimore County Public Schools, September 30 2004-2013, Southwest Area
Revised 1/14/2004

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**SW ELEMENTARY TOTAL**

| 10409 | 10338 | 10290 | 10545 | 10543 | 10456 | 10368 | 10331 | 10275 | 10277 | 10223 | 10222 |

### SW MIDDLE TOTAL

| 4787 | 4622 | 4597 | 4631 | 4651 | 4668 | 4676 | 4644 | 4610 | 4607 | 4583 | 4615 |

### SW HIGH TOTAL

| 6654 | 5756 | 5843 | 5852 | 5879 | 5906 | 5902 | 5882 | 5877 | 5896 | 5857 | 5854 |

**SW AREA TOTAL**

| 21850 | 20716 | 20730 | 21028 | 21073 | 21030 | 20946 | 20857 | 20762 | 20780 | 20663 | 20691 |

All numbers based on September 30 of given year.
## Projections for Baltimore County Public Schools, September 30 2004-2013, Central Area

Revised 1/14/2004

### CENTRAL AREA

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### CENTRAL ELEMENTARY TOTAL

| 10538 | 9530 | 9562 | 9586 | 9550 | 9489 | 9467 | 9430 | 9412 | 9403 | 9395 | 9362 |

### CENTRAL MIDDLE TOTAL

| 5556  | 4846 | 4854 | 4840 | 4863 | 4905 | 4922 | 4899 | 4881 | 4868 | 4885 | 4858 |

### CENTRAL TOTAL

| 22436 | 20814 | 21076 | 21097 | 21193 | 21206 | 21170 | 21141 | 21095 | 21039 | 21055 | 20951 |

All numbers based on September 30 of given year.
## Projections for Baltimore County Public Schools, September 30 2004-2013, Northeast Area
Revised 1/14/2004

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<td><strong>9325</strong></td>
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| Golden Ring Middle | 901 | 864 | 876 | 901 | 917 | 925 | 925 | 935 | 935 | 931 | 920 | 919 |
| Middle River Middle | 1,007 | 908 | 920 | 907 | 902 | 913 | 929 | 929 | 930 | 944 | 947 | 946 |
| Parkville Middle | 1,089 | 1,154 | 1136 | 1150 | 1145 | 1150 | 1170 | 1166 | 1148 | 1174 | 1170 | 1182 |
| Perry Hall Middle | 1,676 | 1,537 | 1540 | 1530 | 1501 | 1489 | 1496 | 1480 | 1471 | 1469 | 1484 | 1475 |
| Pine Grove Middle | 1,241 | 1,197 | 1189 | 1178 | 1187 | 1185 | 1177 | 1168 | 1156 | 1149 | 1138 | 1119 |
| Stemmers Run Middle | 1,250 | 964 | 940 | 957 | 933 | 924 | 946 | 938 | 960 | 962 | 955 | 925 |
| **NE MIDDLE TOTAL** | **7164** | **6624** | **6601** | **6623** | **6585** | **6586** | **6643** | **6617** | **6614** | **6632** | **6613** | **6558** |

| Eastern Tech High | 1,260 | 1,290 | 1266 | 1350 | 1350 | 1350 | 1350 | 1350 | 1350 | 1350 | 1350 | 1350 |
| Kenwood High | 1,527 | 1,846 | 1808 | 1824 | 1857 | 1850 | 1841 | 1824 | 1796 | 1779 | 1756 | 1750 |
| Overlea High | 1,230 | 1,192 | 1184 | 1197 | 1206 | 1206 | 1220 | 1220 | 1214 | 1201 | 1199 | 1188 |
| Parkville High | 2,075 | 1,968 | 1996 | 1976 | 2024 | 2032 | 2032 | 2056 | 2031 | 2033 | 2039 | 2017 |
| Perry Hall High | 2,110 | 2,283 | 2321 | 2384 | 2413 | 2450 | 2429 | 2411 | 2386 | 2389 | 2353 | 2351 |
| **NE HIGH TOTAL** | **8202** | **8579** | **8575** | **8731** | **8850** | **8888** | **8879** | **8861** | **8777** | **8752** | **8697** | **8656** |

**NE AREA** | **25694** | **24605** | **24587** | **24955** | **25052** | **25125** | **25142** | **25058** | **24890** | **24795** | **24635** | **24447**

All numbers based on September 30 of given year.
## SE AREA CAPACITY

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*All numbers based on September 30 of given year.*
DATE: March 9, 2004

TO: BOARD OF EDUCATION

FROM: Dr. J. Hairston, Superintendent

SUBJECT: MAGNET SCHOOLS ASSISTANCE PROGRAM (MSAP) BCPS CHOICE PLAN

ORIGINATOR: Christine Johns, Deputy Superintendent

RESOURCE PERSON(S): Phyllis Bailey, Executive Director, Special Programs, PreK-12; Jeanne Paynter, Coordinator, Gifted and Talented Education and Magnet Programs

INFORMATION

The Baltimore County Public Schools Choice Plan supports the MSAP grant application. This grant will provide additional educational choices by establishing new whole school magnets at Deep Creek Middle School, Lansdowne Middle School, and Chesapeake High School and by offering a significantly revised whole school magnet program at Lansdowne High School.

****

Appendix I – BCPS Choice Plan
Baltimore County Public Schools
Choice Plan

I. INTRODUCTION

The Baltimore County Public Schools ("BCPS" or the "District"), the third-largest school district in Maryland and the 24th-largest school district in the United States, has a very diverse student enrollment with a range of needs. In the 2003-2004 school year, the District’s students are approximately 56 percent white, 35 percent African-American, 4 percent Asian, and 3 percent Hispanic. As of June 2003, approximately 28.4 percent of the District’s students were eligible for Free and Reduced Meals ("FARMs"). During the 1985-1986 school year, by contrast, the District’s students were approximately 82 percent white, 15 percent African-American, and 3 percent Asian. Only approximately 15 percent of BCPS students were eligible for FARMs during the 1985-1986 school year.

To meet the needs of its increasingly racially and socio-economically diverse students, BCPS has over the past decade implemented magnet schools and programs with the goals of preventing, reducing, or eliminating minority and socio-economic isolation in its schools; improving the academic achievement of all District students; and increasing the educational choices available to BCPS students of all racial, ethnic, and socio-economic backgrounds. Despite these efforts, several BCPS schools, particularly in certain parts of the District, have experienced increasing minority and socio-economic isolation due to factors outside the District’s control.

II. DISTRICT EXPERIENCE WITH MAGNET PROGRAMS AND SCHOOLS

One policy that guides the District’s efforts to provide all students the opportunity to attend schools with students of diverse backgrounds is its Magnet Schools and Programs policy. Under the Magnet Policy, magnet schools and programs are intended to meet the following goals: providing innovative, high-quality educational opportunities for all students, regardless of racial or socio-economic background; increasing the educational choices available to parents and students; improving educational achievement; and promoting diversity within the District’s schools. The Magnet Policy defines diversity broadly to include students from all racial, ethnic, and socio-economic backgrounds, students of both genders, and special needs students.

A second policy that guides the District’s efforts to provide all students the opportunity to attend racially and socio-economically diverse schools is its Boundary Changes policy. The Boundary Changes Policy provides that one factor that the Boundary Study Committee should consider in proposing boundary adjustments is the diversity of the population within the cluster of schools under consideration. The Boundary Changes Policy likewise suggests that the Committee reject boundary adjustments that would foster minority or socio-economic isolation.

Since the 1993-1994 school year, BCPS has developed and implemented various innovative magnet schools and programs to further the District goals set forth in these two policies. These schools and programs generally have been successful in: providing innovative educational opportunities for all BCPS students; increasing the educational choices available to
students; improving educational achievement; and reducing minority isolation within the District’s schools. For example, BCPS has determined that, overall, students in magnet schools or programs met or exceeded the District and Maryland state average on almost all of the Maryland School Performance Program indicators, including attendance rates, dropout rates, and performance on various state-administered standardized tests.

A June 2003 Magnet Schools Assessment Report commissioned by the District likewise found that magnet students enrolled in grades subject to achievement testing generally outperformed the national-norming sample and other BCPS students. A focus group survey conducted in April 2003 and included in the June 2003 Magnet Schools Assessment Report found that parents of magnet school students were uniformly supportive of the District’s magnet offerings and urged BCPS to expand its magnet programs, particularly at the middle school level. The report concluded that BCPS should continue its efforts to promote diversity within its schools, improve student achievement, and increase the range of educational choices available to all District students by offering additional magnet programs.

III. PROPOSAL FOR MAGNET SCHOOLS ASSISTANCE PROGRAM GRANT

If BCPS is awarded a grant pursuant to the Magnet Schools Assistance Program (“MSAP”), it will provide additional educational choices in the District by establishing new whole school magnets at Deep Creek Middle School, Lansdowne Middle School, and Chesapeake High School and by offering a significantly revised whole school magnet program at Lansdowne High School. The District has selected the schools to provide these proposed new or significantly revised magnet offerings to help address issues arising from increasing minority isolation and high concentrations of poverty at BCPS schools, including the need to improve students’ educational achievement. The schools selected also will provide expanded educational choices to students attending underperforming schools.

The District’s choice plan is based on the success of its other magnet schools and programs. Since the District first began implementing magnet schools and programs in the 1993-1994 school year, the District’s magnet offerings generally have resulted in improved educational achievement and reduced minority group isolation in BCPS schools. BCPS believes that implementing new and significantly revised whole school magnet programs at Deep Creek and Lansdowne Middle Schools and Chesapeake and Lansdowne High Schools likewise will help reduce the increasing minority and socio-economic isolation that District students are experiencing. For example, the percentage of minority students at Deep Creek Middle School was approximately 60.4 percent during the 2003-2004 school year, more than double the percentage of minority students at the school in the 1992-1993 school year (24.4 percent) and a far greater percentage than the District-wide average for the 2003-2004 school year (approximately 44 percent). Over the same time period, the percentage of Deep Creek Middle School students eligible for FARMs increased from approximately 46.5 percent in the 1992-1993 school year to 62.8 percent as of June 2003. By comparison, the percentage of students eligible for FARMs in BCPS as a whole was approximately 28.4 percent as of June 2003.
At Lansdowne Middle School, the percentage of minority students more than quadrupled between the 1992-1993 and 2003-2004 school years, from approximately 10.1 percent to approximately 43 percent. The percentage of low-income students, as measured by FARMs eligibility, increased significantly from 38.0 percent in the 1992-1993 school year to approximately 66.9 percent as of June 2003.

The statistical trends are similar at the high schools selected for the District’s proposed new or significantly revised magnet offerings. At Chesapeake High School, for example, the percentage of minority students more than doubled over the past eleven years, from approximately 21.2 percent to approximately 52.5 percent. The percentage of Chesapeake High School students eligible for FARMs was approximately 39.0 percent as of June 2003, compared to 22.7 percent in the 1992-1993 school year.

The proposed new and significantly revised whole school magnets at these four middle and high schools are intended not only to prevent, reduce, or eliminate minority and socio-economic isolation in the District, but also to improve student achievement levels at those schools. For example, in the 2002-2003 school year, as indicated on the MSDE website, more than half of the eighth-grade students at Deep Creek Middle School (56.4 percent) scored below proficiency on the Maryland School Assessment (“MSA”) in reading. When disaggregated by racial and socio-economic characteristics, 63.5 percent of African-American, 50 percent of Hispanic, and 66.8 percent of low-income (as measured by FARMs eligibility) eighth-grade students at Deep Creek Middle School scored below proficiency in reading on the 2002-2003 MSA. The results are similar at the other schools selected for new or significantly revised whole school magnets. For instance, at Chesapeake High School, 90.4 percent of students scored below proficiency on the 2002-2003 MSA in geometry, as did 94.8 percent of African-American students and 92.8 percent of low-income students. The District believes that implementing the planned new and significantly revised magnet programs will help improve student achievement at these schools.

The U.S. Department of Education, in seeking applications for MSAP grants, recognized that magnet schools and programs are useful tools in expanding school district capacity to provide public school choice to students at underperforming schools, such as those that have not met adequate yearly progress requirements under the No Child Left Behind Act of 2001 (“NCLB”). BCPS intends its proposed new and significantly revised magnet offerings to provide increased educational choices for students in underperforming schools, consistent with the goals of NCLB. Each of the schools at which the District proposes to offer new or significantly revised whole school magnet programs did not meet state requirements for adequate yearly progress during the 2002-2003 school year. By offering whole school magnets at these schools, BCPS plans to increase the educational choices available to students attending currently underperforming schools.

Accordingly, if it receives MSAP grant funding, the District will implement new or significantly revised whole school magnets as follows:

- At Deep Creek Middle School, the District will implement a new whole school magnet program with a 21st Century Digital Age Learning theme;
• At Lansdowne Middle School, BCPS will implement a new whole school magnet program with a Center for Career and Professional Studies theme;

• At Chesapeake High School, BCPS will implement a new whole school magnet program with a Academy of Career and Professional Learning theme; and

• At Lansdowne High School, the District will implement a significantly revised whole school magnet program with an Academy of Professional Studies theme.

All of the proposed new and significantly revised magnet offerings have been selected through a process that included community consultation and that considered the recommendations of the District-commissioned June 2003 Magnet Schools Assessment Report. These whole school magnets will attract students from diverse backgrounds and will meet the needs of students of all ability levels, talents, and interests. Staff working in the magnet schools will have experience, knowledge, and training in fields related to the objectives of the programs offered at those schools, including with respect to developing curricula and providing for the needs and interests of students with diverse backgrounds. Each of the schools selected for the proposed new or significantly revised magnet offerings has capacity for students from outside the attendance area to have the opportunity to participate.

BCPS will assign students to the proposed new or significantly revised whole school magnets through a process that is narrowly tailored to achieve three compelling governmental interests: (1) to prevent, reduce, and eliminate minority and socio-economic isolation in the District’s schools; (2) to improve the educational achievement of all students by providing the opportunity to attend racially and socio-economically diverse schools; and (3) to increase the educational opportunities available to students at underperforming schools, in keeping with the goals of NCLB and MSAP.

The District’s assignment process is narrowly tailored in that BCPS will use race-neutral methods to achieve these compelling governmental interests. These methods include the strategic placement of new and significantly revised magnet programs throughout the District, the identification of geographic attendance zones for each proposed program, and the use of extensive recruiting efforts to attain diverse student enrollments. In particular, the District will draw upon its decade of experience in implementing magnet programs to market its magnet offerings in a way that the voluntary choices of parents and students in selecting a magnet program will create a racially and socio-economically diverse student body in each grade level at each school. As part of its overall recruitment efforts, BCPS will hold individual magnet school open houses and a high school magnet fair, and also will engage in special outreach to groups and individuals who might otherwise face barriers to communication. In addition, the District’s recruitment efforts will focus on students currently attending underperforming schools to ensure that they are informed of the expanded opportunities available to them through the proposed new and significantly revised whole school magnet programs.
As suggested in the June 2003 Magnet Schools Assessment Report, BCPS will increase its magnet marketing and recruiting efforts to ensure that all students and parents resident in the areas served by the proposed magnet schools, including those currently in private schools, are aware of the District’s magnet offerings. Each proposed magnet school will conduct individual recruiting activities as set forth in the school’s magnet recruitment plan. For instance, schools will use student performances and exhibits, visits to feeder schools, mailings, and tours to increase community awareness of the school’s magnet offerings. In addition, to encourage students to apply to magnet schools outside of their attendance areas, BCPS will provide transportation to students who reside in the designated geographic zone for each magnet school. Consistent with BCPS policy, the District will provide transportation to these students between the magnet school and designated community pickup points.

Throughout the recruitment period, the District will monitor the application pool for each school to determine the number and diversity of students applying to each magnet school. Where there is not sufficient enrollment or there is underrepresentation in terms of diversity, BCPS will target its recruitment to encourage additional students to apply to a particular magnet school.

Each of the four proposed new or significantly revised whole school magnet programs will be open to students from the school’s attendance area as well as from a specific geographic zone that the District will designate. BCPS will first admit all applicants residing in the magnet school’s attendance area. The District then will select applicants from the designated geographic zone for each magnet school by a random lottery process. If necessary, BCPS may use socio-economic status as a factor in the lottery process in order to have diverse enrollments in its magnet programs and schools.