

Department of Legislative Services  
Maryland General Assembly  
2014 Session

FISCAL AND POLICY NOTE

Senate Bill 477

(Senator Colburn)

Education, Health, and Environmental Affairs

Ways and Means

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**Education - Talbot County Board of Education - Lease of Public School Facility**

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This bill authorizes the Talbot County Board of Education to enter into a lease with an organization that operates a community-based educational and recreational program to use a public school facility if (1) the lease term is no longer than 99 years, (2) the county board does not anticipate a need for the facility during the lease term, and (3) the county board determines that the public school system will benefit from the operation of the program at the facility.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Talbot County expenditures may decrease by a minimal amount from foregone maintenance costs at a particular public school site. Revenues are not affected.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Each local board of education must encourage the use of public school facilities for community purposes. Generally, public school facilities may be used for these purposes only at times that will not interfere with regular school sessions or other bona fide school activities. A local board must give priority to qualifying nonprofit child care programs for use of appropriate public school facilities; may make space available for the child care programs; and may lease, for up to 20 years, public school property for construction and operation of a child care center if the local board determines that the property will not be needed for public school use during the term of the lease.

If written application is made to the local superintendent of schools, the local board must provide for the use of a public school facility for meetings (that must be open to the public) entailing the presentation and discussion of public questions; public speaking; lectures; or other civic, educational, social, or recreational purposes or church-affiliated civic purposes. A local board may refuse the use of any public school facility for these purposes under certain conditions related to maintaining peace and public welfare.

Each local board may permit the use of public school facilities for religious or other lawful purposes. A local board may make a reasonable charge for heating, lighting, and janitorial services for community use of public school facilities. The person applying for use of the public school facility is liable for damages to the property and is responsible for leaving the facilities in the same condition as prior to their use.

A private entity may 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. The conveyance of title of school property to a private entity for a specified term may not be construed to prohibit the allocation of construction funds to an approved school construction project under the Public School Construction Program. A county or local board of education may convey or dispose of surplus land in exchange for public school construction or development services.

**Background:** Talbot County Public Schools (TCPS) advises that it plans to lease property adjacent to St. Michaels Middle-High School to the YMCA of the Chesapeake for \$1 per year with the stipulation that YMCA provides for payment of utilities for the property and maintenance of the building and grounds. The lease, including its duration, has yet to be negotiated. TCPS indicates that this is the only lease being planned at this time.

YMCA intends to construct and operate a 20,000 square foot facility at the public school site that will feature a wellness center, gymnasium, indoor swimming pool, and an indoor walking track. TCPS finds that the public school system will benefit from YMCA programming, including health and wellness initiatives for TCPS employees and students, summer camp and summer school programs, and student swim team use of the proposed indoor pool.

**Local Fiscal Effect:** Given the proposed \$1 per year lease, Talbot County revenues are not affected. TCPS may realize savings on maintenance of the public school site that will be maintained by the YMCA, to the extent that the bill makes possible the proposed lease.

## Additional Information

**Prior Introductions:** None.

**Cross File:** HB 350 (Delegates Haddaway-Riccio and Eckardt) - Ways and Means.

**Information Source(s):** Talbot County Public Schools, *The Star Democrat*, Maryland State Department of Education, Department of Legislative Services

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