

Department of Legislative Services
Maryland General Assembly
2021 Session

FISCAL AND POLICY NOTE
Third Reader

House Bill 1190
Ways and Means

(Howard County Delegation)

Education, Health, and Environmental Affairs

**Howard County – Board of Education – Redetermination of Geographic
Attendance Area
Ho. Co. 05-21**

This bill requires the Howard County Board of Education to submit specified reports to the General Assembly and the county delegation beginning in the 2021-2022 school year. This includes an annual report on the program capacity of each permanent school facility based on the rates set by the county board. Each year that student enrollment at a facility is not within 10% of target utilization, the county board must also submit a report on a plan to adjust student enrollment to meet target utilization. If student enrollment at a facility is not within 20% of target utilization, the county board must implement the processes described in the school system's Policy 6010 or successor policy to assess the need for a redetermination of the geographic attendance area. If the outcome of the assessment is not a redetermination of the geographic attendance area, the county board must submit a report explaining the reason that redetermination was not appropriate and a plan to adjust student enrollment to meet target utilization. **The bill takes effect July 1, 2021.**

Fiscal Summary

State Effect: None.

Local Effect: Howard County Board of Education expenditures increase by a minimal amount beginning in FY 2022 to meet specified reporting requirements.

Small Business Effect: None.

Analysis

Bill Summary: The terms “program capacity” and “target utilization” have the meaning set by the Howard County Public School System Policy 6010 or its successor policy.

Current Law: A statewide system of free public schools is required under State law. With the advice of the county superintendent, each local board of education must determine the geographical attendance area for each of its public schools. Generally, a student must attend the school designated to serve the student’s attendance area. However, local boards of education have various policies allowing for the enrollment of or the transfer of a student outside of his or her attendance area, under certain circumstances.

The Howard County Public School System [Policy 6010](#) sets “program capacity” for a school facility as a percentage of the product of the board-approved student-to-teacher ratio and the number of teaching stations identified in the capital budget. The percentages are 100% for elementary schools, 95% for middle schools, and 80% or 85% for high schools. Policy 6010 sets “target utilization” at enrollment between 90% and 110% of the program capacity of a permanent facility. Under the policy, the board will consider school attendance adjustments whenever one or more of a set of specified conditions exist. Among other conditions are (1) school attendance area projections are outside of the target utilization and (2) the program capacity of a school building is altered.

The policy requires the board, local superintendent (or designee), and the attendance area committee to consider the impact of several factors in the review or development of any school attendance area adjustment plan, including factors related to facility utilization, such as efficient use of available space, which can involve consideration of program capacity utilization.

The board must hold a public hearing (or hearings) regarding the school attendance area adjustment plan(s) submitted by the superintendent. In addition, and as necessary, work sessions will be scheduled to consider public hearing testimony. The board may schedule additional hearings and/or work sessions at its discretion. The board may direct the superintendent to provide additional information and/or develop other alternative plans for its consideration at any time. The board may also propose alternative plans at any time.

Local Fiscal Effect: Howard County advises that one school is currently projected for the 2021-2022 school year to be above 120% capacity utilization. According to information in the Interagency Commission on School Construction’s facility inventory database, the Howard County Public School System is at an overall utilization of 107%.

Howard County advises that the bill could have a fiscal impact but that it is unable to provide an estimate of additional costs. The Department of Legislative Services finds that

Howard County expenditures increase minimally beginning in fiscal 2022 to meet specified reporting requirements but assumes that the requirement to develop a plan to adjust student enrollment to meet target utilization student enrollment at a facility that is not within 20% of target utilization would in most cases be consistent with practice under the existing Policy 6010.

Additional Information

Prior Introductions: HB 1511 received a hearing in the House Appropriations Committee, but no further action was taken.

Designated Cross File: None.

Information Source(s): Howard County; Maryland State Department of Education; Public School Construction Program; Department of Legislative Services

Fiscal Note History: First Reader - March 1, 2021
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