
By: **Delegate Rudolph**

Introduced and read first time: February 8, 2002

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Public School Construction - Small Community School Preservation**
3 **Program**

4 FOR the purpose of establishing the Small Community School Preservation Program;
5 stating the purpose of the program; establishing that a county board that
6 constructs certain school buildings that are within certain size ranges shall be
7 eligible to receive from the State a certain amount of construction costs in
8 addition to the maximum State construction allocation; establishing that a
9 county board that renovates, modernizes, alters, or remodels certain existing
10 school buildings to within certain size ranges shall be eligible to receive from the
11 State a certain amount of building costs in addition to the maximum State
12 construction allocation; requiring the Interagency Committee on School
13 Construction to adopt certain guidelines to implement the program; requiring
14 the Governor to include certain funds in the State budget; defining certain
15 terms; and generally relating to the establishment of the Small Community
16 School Preservation Program.

17 BY repealing and reenacting, with amendments,
18 Article - Education
19 Section 5-301
20 Annotated Code of Maryland
21 (2001 Replacement Volume)

22 Preamble

23 WHEREAS, Smaller school size is the second most important factor in creating
24 positive educational outcomes, after socioeconomic status; and

25 WHEREAS, Elementary and middle schools with between 300 and 400 students
26 and secondary schools with between 400 and 800 students are more effective than
27 schools with larger student populations; and

28 WHEREAS, Smaller school size promotes learning and improves grades and
29 test scores of students, especially minorities and low-income students; and

1 WHEREAS, School dropout rates decrease in small schools; and

2 WHEREAS, Student behavioral problems, including truancy, classroom
3 disruption, vandalism, aggression, theft, alcohol and substance abuse, and gang
4 participation, occur more often in larger schools; and

5 WHEREAS, Small schools reduce the feeling of isolation, allow students to form
6 closer relationships with teachers, and create a sense of student loyalty to and pride
7 in the school; and

8 WHEREAS, Creating smaller schools and smaller learning communities within
9 larger schools promotes school safety; and

10 WHEREAS, The first step in ending secondary school violence is to break
11 through the impersonal atmosphere of large secondary schools by creating smaller
12 learning communities within large schools; and

13 WHEREAS, Students who attend smaller schools are more likely to participate
14 in extracurricular activities and to participate in a greater variety of extracurricular
15 activities; and

16 WHEREAS, Large schools contribute to negative teacher attitudes and low staff
17 morale; and

18 WHEREAS, Small schools can be established in a cost-effective manner, as the
19 sheer size of larger schools requires more administrative support; now, therefore,

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

22 **Article - Education**

23 5-301.

24 (a) (1) For the purposes of this section other than subsection (c), the Board
25 of Public Works shall define by regulation what constitutes an approved public school
26 construction or capital improvement cost.

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

29 (b) The State shall pay the costs in excess of available federal funds of all
30 public school construction projects and public school capital improvements in each
31 county if:

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

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

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

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

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

12 (e) (1) The Board of Public Works may adopt rules, regulations, and
13 procedures for the administration of the programs provided for by subsections (b) and
14 (d) of this section.

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

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

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

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

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

23 (v) Site improvements;

24 (vi) Competitive bidding;

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

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

29 (ix) The relative roles of different State and local governmental
30 agencies in the planning and construction of school buildings or school capital
31 improvements; and

32 (x) School construction and capital improvements necessary or
33 appropriate for the proper implementation of this section.

34 (3) In adopting any of these requirements, the State Board and the
35 Board of Public Works shall provide for the maximum exercise of initiative by school
36 personnel in each county to insure that the school buildings and improvements meet

1 both the needs of the local communities and the rules and regulations necessary to
2 insure the proper operation of this section and the prudent expenditure of State
3 funds.

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

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

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

12 (g) The rules, regulations, and procedures of the Board of Public Works
13 adopted under this section and their promulgation are exempt from §§ 10-101
14 through 10-305 of the State Government Article and § 8-127(b) of the State Finance
15 and Procurement Article of the Code.

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

20 (i) The State Board;

21 (ii) The State Superintendent;

22 (iii) The county governments;

23 (iv) The county boards; and

24 (v) All other State or local governmental agencies under this
25 article.

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

31 (i) The obligation of the State to pay the costs of public school construction
32 and public school capital improvements extends only to those projects or parts of
33 projects that comply with the rules, regulations, and procedures of the Board of Public
34 Works.

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

1 (2) By rule or regulation, the Board of Public Works may require that the
2 proceeds received by a county from the sale, lease, or disposal of any public school
3 building shall be used solely as part of the State funding of the construction of future
4 public school buildings in the county in which the sale, lease, or disposal occurred, if
5 the public school building was:

6 (i) Constructed under a contract executed on or after February 1,
7 1971; and

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

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

13 (J-1) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
14 MEANINGS INDICATED.

15 (II) "PRIORITY FUNDING AREA" MEANS AN AREA ELIGIBLE FOR
16 STATE FUNDING FOR A GROWTH-RELATED PROJECT UNDER TITLE 5, SUBTITLE 7B OF
17 THE STATE FINANCE AND PROCUREMENT ARTICLE.

18 (III) "PROGRAM" MEANS THE SMALL COMMUNITY SCHOOL
19 PRESERVATION PROGRAM.

20 (IV) "SCHOOL CONSTRUCTION COSTS" MEANS THE PRODUCT OF
21 THE LATEST ADJUSTED AVERAGE STATEWIDE PER SQUARE FOOT CONSTRUCTION
22 COST AND THE APPROVED AREA ALLOWANCES FOR A PROJECT, ADJUSTED FOR
23 INFLATION UNTIL TIME TO BID, FOR REGIONAL COST DIFFERENCES, AND BY A
24 PERCENTAGE FOR CONTINGENCY AS DETERMINED BY THE INTERAGENCY
25 COMMITTEE ON SCHOOL CONSTRUCTION.

26 (V) "SMALLER LEARNING COMMUNITY" MEANS A SMALL SCHOOL
27 THAT:

28 1. EXISTS WITHIN A LARGER COHESIVE ENTITY OR CAMPUS;

29 AND

30 2. IS DEVELOPED AND OPERATED AS A SEPARATE ENTITY.

31 (VI) "SMALL SCHOOL" MEANS:

32 1. AN ELEMENTARY OR MIDDLE SCHOOL THAT
33 ACCOMMODATES BETWEEN 300 AND 400 STUDENTS; OR

34 2. A SECONDARY SCHOOL THAT ACCOMMODATES BETWEEN
35 400 AND 800 STUDENTS.

1 (2) (I) THERE IS A SMALL COMMUNITY SCHOOL PRESERVATION
2 PROGRAM.

3 (II) THE PURPOSE OF THE PROGRAM IS TO PROVIDE ADDITIONAL
4 FUNDS FOR THE CONSTRUCTION AND RENOVATION OF SMALL SCHOOLS AND
5 SMALLER LEARNING COMMUNITIES IN PRIORITY FUNDING AREAS IN THE STATE.

6 (3) (I) A COUNTY BOARD THAT CONSTRUCTS A SMALL SCHOOL OR A
7 SMALLER LEARNING COMMUNITY IN A PRIORITY FUNDING AREA SHALL BE ELIGIBLE
8 TO PARTICIPATE IN THE PROGRAM AND RECEIVE FROM THE STATE UP TO A
9 MAXIMUM OF 10% OF THE SCHOOL CONSTRUCTION COSTS FOR THE PROJECT IN
10 ADDITION TO THE MAXIMUM STATE CONSTRUCTION ALLOCATION FOR THE PROJECT.

11 (II) A COUNTY BOARD THAT RENOVATES, MODERNIZES, ALTERS, OR
12 REMODELS, IN WHOLE OR IN PART, AN EXISTING SCHOOL BUILDING IN A PRIORITY
13 FUNDING AREA THAT IS UNDER THE AGE OF 40 YEARS SUCH THAT THE SCHOOL
14 BECOMES A SMALL SCHOOL OR A SMALLER LEARNING COMMUNITY SHALL BE
15 ELIGIBLE TO PARTICIPATE IN THE PROGRAM AND RECEIVE UP TO A MAXIMUM
16 ADDITIONAL 10% OF THE PRODUCT OF THE PER SQUARE FOOT BUILDING COST AND
17 THE NUMBER OF SQUARE FEET APPROVED FOR THE PROJECT IN ADDITION TO THE
18 MAXIMUM STATE CONSTRUCTION ALLOCATION FOR THE PROJECT.

19 (4) THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION SHALL
20 ADOPT GUIDELINES AND PROCEDURES TO IMPLEMENT THE PROGRAM, INCLUDING
21 GUIDELINES AND PROCEDURES FOR THE ALLOCATION OF AVAILABLE FUNDS FOR
22 ELIGIBLE PROJECTS.

23 (5) THE GOVERNOR SHALL INCLUDE FUNDS IN THE STATE BUDGET TO
24 IMPLEMENT THIS SUBSECTION.

25 (k) Whether by budget bill or supplementary appropriation bill, all money
26 appropriated to carry out the purposes of this section is a separate fund that shall be
27 administered by the State Comptroller in accordance with the rules and regulations
28 adopted by the Board of Public Works.

29 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 July 1, 2002.