

Department of Legislative Services
 Maryland General Assembly
 2003 Session

FISCAL AND POLICY NOTE

House Bill 902 (Delegate Fulton)
 Ways and Means

Education - Public Schools - Health and Safety of Students

This bill requires a local board of education to adequately repair, improve, and maintain each public school in the county. A public school that is not adequately maintained could be forced to close.

Fiscal Summary

State Effect: General fund expenditures would increase by \$826,200 in FY 2004. Future year expenditures reflect annualization and inflation. Revenues would not be affected.

(in dollars)	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	826,200	1,028,200	1,082,300	1,140,300	1,202,600
Net Effect	(\$826,200)	(\$1,028,200)	(\$1,082,300)	(\$1,140,300)	(\$1,202,600)

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

Local Effect: Local school expenditures could increase by a significant amount. Local revenues would not be affected. **This bill imposes a mandate on a unit of local government.**

Small Business Effect: Minimal.

Analysis

Bill Summary: This bill requires a local board of education to adequately repair, improve, and maintain each public school in the county. If the local board fails to

comply with this requirement, the Maryland State Department of Education (MSDE) must order the local board to perform the required repairs within 30 days. A local board may request a time extension to perform the required repairs if it is unable to promptly conduct the repairs due to the nature of the work required. MSDE may extend the time period in which the repairs have to be completed. If the local board fails to comply with the department's order and has not obtained a time extension, MSDE must issue a second order requiring that the repairs be made within 15 days. If the local board again fails to comply with the department's second order, MSDE must order the local board to close the public school until the required repairs are complete.

Pursuant to this legislation, a public school is adequately repaired, improved, and maintained if the public school is free from: (1) hazardous conditions arising from defective or improperly utilized or installed electrical wiring, equipment, or appliances; (2) conditions that interfere with the proper operation of the plumbing system, including faucets, drinking fountains, and showers; (3) hazardous levels of asbestos or asbestos-containing materials; (4) hazardous conditions arising from defective heating and cooling systems; (5) conditions liable to cause or contribute to the spread of fire; (6) conditions that interfere with the efficiency or operation of any fire protection equipment and system; and (7) obstructions to or on fire escapes, stairs, passageways, doors, or windows that are liable to interfere with the exiting of occupants or the operation of the fire department in case of fire.

Current Law: Public school facilities must conform to building codes at the time of construction. The State does not require an annual inspection of all public school buildings; however, the Department of General Services (DGS) conducts a maintenance inspection of at least 100 school buildings each year. Local school systems are required to submit an annual comprehensive maintenance plan to the Interagency Committee on Public School Construction (IAC). The plan includes the previous fiscal year's maintenance expenditures, the level of maintenance staffing, and a maintenance schedule for public school buildings. Local fire marshals and health departments are authorized to inspect school facilities to ensure that they comply with local standards and do not pose an imminent threat to the health and safety of individuals. Local school systems can be required to correct an identified health or safety problem.

Background: The physical condition of public schools has received considerable attention nationally. Newspaper stories and research studies describing poor ventilation, broken plumbing, and overcrowding have raised concerns about the effects of school facilities on teaching and learning. Most importantly, some conditions, like sagging roofs, poor air quality, and lead contamination, have raised serious questions about student and teacher safety.

The disrepair of public schools in Baltimore City has been the focus of several investigative reports. The Baltimore City Health Commissioner issued an order in February 2003 requiring drinking fountains in the city school system to be disabled due to the threat of lead poisoning. The city school system was alerted over a decade ago that drinking fountains in scores of city schools were dispensing lead-tainted water. City schools in which lead-tainted water fountains remain in use included Waverly Elementary, Hampden Elementary, Steuart Hill Elementary, and Patterson Senior Academy. At the Carver Vocational-Technical High School, inadequate conditions include inoperable toilets, lack of running water, crumbling ceiling tiles, and outdated electrical system.

Annual Inspections of Public Schools

In 1973 IAC conducted a comprehensive maintenance review of all operating public schools. The results revealed that about 21% of the State's 1,259 operating schools were in poor or fair condition. In 1980, the Board of Public Works directed IAC to conduct a full maintenance survey of selected public schools in Maryland. The purpose of the survey was to assess the quality of local maintenance programs in approximately 100 school facilities that had benefited from State Public School Construction Program (PSCP) funding. Subsequently, this survey became an annual activity and expanded to include schools that had not received assistance under the program. **Exhibit 1** shows the results of the annual inspections since fiscal 1981.

DGS staff conducts the surveys and rates the facilities from superior to poor. Accompanying the ratings justification is an itemized list with observations. Any serious hazards or deficiencies are described and recorded separately. The local board of education is notified at least one week prior to the time of the inspection. Of the 100 public schools inspected in fiscal 2002, 73 were rated superior or very good, 19 were rated good, 7 were rated fair, and 1 (William H. Lemmel Middle School) was rated poor. The public schools rated either fair or poor were located in Baltimore City.

Exhibit 1
Public School Facilities Survey Results

<u>Fiscal Year</u>	<u>Superior/ Very Good</u>	<u>Good</u>	<u>Fair</u>	<u>Poor</u>	<u>Total</u>
1981	13	80	7	0	100
1982	25	67	8	2	102
1983	56	33	14	3	106
1984	59	30	16	7	112
1985	28	55	20	4	107
1986	36	40	19	6	101
1987	41	44	17	3	105
1988	54	39	10	0	103
1989	44	38	15	3	100
1990	60	35	7	1	103
1991	53	52	4	1	110
1992	39	56	7	3	105
1993	45	52	4	0	101
1994	41	57	6	0	104
1995	51	54	1	0	106
1996	46	49	3	1	99
1997	51	47	4	0	102
1998	53	45	3	0	101
1999	46	55	2	0	103
2000	47	38	0	0	85
2001	49	54	0	0	103
2002	73	19	7	1	100
Total	1,010	1,039	174	35	2,258
Percent	44.7%	46.0%	7.7%	1.6%	100.0%

Source: Public School Construction Program

State Fiscal Effect: To ensure that all public schools are adequately maintained and meet appropriate safety and health requirements, MSDE would need to establish a program to annually inspect all public schools and pertinent records. MSDE would need to hire ten inspectors and two administrative aides at a cost of \$826,200 in fiscal 2004 (reflects October 1 effective date) and \$1,028,207 in fiscal 2005. This estimate is based on the following assumptions:

- 1,380 public schools being inspected annually;
- each inspection taking 1.5 days;
- one inspector per 140 schools; and
- each inspector receiving \$65,800 in salary and \$17,900 in benefits.

Future year expenditures reflect: (1) a full salary with a 4.5% annual increase and a 3% employee turnover; and (2) 1% annual increase in ongoing operating expenses.

	<u>Fiscal 2004</u>	<u>Fiscal 2005</u>
Salary and Benefits	\$699,813	\$954,921
Start-up Costs	72,000	0
Ongoing Operating Costs	<u>54,420</u>	<u>73,286</u>
Total Expenditures	\$826,233	\$1,028,207

Local Fiscal Effect: Local school expenditures totaled \$6.5 billion in fiscal 2001. Most of the expenditures went towards classroom instruction and special education services. Expenditures for the operation and maintenance of school buildings comprised only 10% of local school expenditures. Local school systems spent \$494.9 million on school operations, \$167.2 million on school maintenance, and \$11.9 million in certain capital improvement. **Exhibit 2** shows local school expenditures by category for fiscal 2001.

Exhibit 2
Local School Expenditures By Category
Fiscal 2001

Administration	\$769.3 million	11.9%
Instruction	4,542.6 million	70.4%
Student Services	457.5 million	7.1%
Operation/Maintenance of Plant	662.1 million	10.3%
Other	<u>24.7 million</u>	<u>0.4%</u>
Total	\$6,456.2 million	100.0%

Pursuant to this legislation, local school systems would have to place a greater priority on school maintenance. According to IAC, while maintenance in the public schools continues to improve, there is reason to believe that local support and resources for maintenance may not be keeping pace with the demand. Competition for limited resources often makes it very difficult to maintain satisfactory levels of funding. Budget constraints have affected even well-planned maintenance programs as funding is diverted to salaries, educational materials, technologies, and other needs.

The amount of additional resources needed to ensure that all public school buildings are adequately repaired and maintained is not known at this time. The Task Force to Study Public School Facilities will be conducting a school facilities needs assessment later in the year. However, it is assumed that the cost to maintain all public schools would be substantial, especially in Baltimore City and other fiscally distressed jurisdictions.

Additional Comments: The Bridge to Excellence in Public Schools Act of 2002 (Chapter 288) established a 21-member Task Force to Study Public School Facilities. The Act directs the task force to look at several issues, including whether the State's school facilities are adequate to sustain programs supported by the Act's proposed funding levels (and ultimately enacted in Chapter 288).

During its deliberations last interim, the task force considered various approaches to assessing the current state of Maryland's public schools, including a professional inventory that would cost millions of dollars to develop. Concerns were raised that a professional inventory would be expensive and would take much time to complete. An assessment of facility needs at a given point in time also may be of limited usefulness, because utilization rates, conditions, and student populations shift over time. The task force agreed on a two-part approach that utilizes existing resources. The first part involves identifying the fundamental elements that the task force, through PSCP and in consultation with education and facility experts at the State and local levels, believes are necessary for an adequate public school facility. A survey instrument will be designed to assess the degree to which the approximately 1,400 public school facilities in Maryland contain the fundamental elements.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Association of Boards of Education, Maryland State Department of Education, Public School Construction Program, Department of Legislative Services

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lc/jr

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