

Department of Legislative Services  
Maryland General Assembly  
2009 Session

FISCAL AND POLICY NOTE

Senate Bill 404 (Senator Harrington)  
Budget and Taxation

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Public Schools - Physical Education Facilities

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This bill requires the Maryland State Department of Education (MSDE) to adopt regulations that require all public school buildings newly constructed or completely renovated and occupied after January 1, 2012, to include a gymnasium and support spaces for physical education instruction. MSDE must also develop guidelines for facilities for physical education programs.

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Fiscal Summary

**State Effect:** The bill does not alter total State funding for school construction but may reduce the number of school construction projects funded. The required regulations and guidelines are in draft form and can be completed with existing resources. Revenues are not affected.

**Local Effect:** Rather than increase local capital expenditures to fund the potential minimal increase in local costs for new school buildings, some local school systems may opt to fund fewer school construction and renovation projects beginning in FY 2012.  
**This bill may impose a mandate on a unit of local government**

**Small Business Effect:** None.

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Analysis

**Current Law:** On the recommendation of the State Superintendent of Schools, the State Board of Education must establish standards and guidelines for planning and constructing school building projects. The State pays at least 50% of eligible costs of school construction and renovation projects, based on a funding formula that takes into account numerous factors including each local school system's wealth and ability to pay.

Chapters 306 and 307 of 2004 (The Public School Facilities Act) require that the cost-share formulas be recalculated every three years. The first recalculation occurred in 2007.

Subject to the final approval of the Board of Public Works (BPW), the Interagency Committee on School Construction (IAC) manages State review and approval of local school construction projects. Each year, local systems develop and submit to IAC a facilities master plan that includes an analysis of future school facility needs based on the current condition of school buildings and projected enrollment. Subsequently, each local school system submits a capital improvement plan to IAC that includes projects for which it seeks planning approval, projects for which it seeks funding approval, and projects that the local system has forward funded. Based on its assessment of the relative merit of all the project proposals it receives, and subject to the projected level of school construction funds available, IAC determines which projects to recommend to BPW for State funding.

Every public school must have a program of physical education that is given in a planned and sequential manner to all students in order to develop their good health and physical fitness and improve their motor coordination and physical skills.

**Background:** A *State Legislatures* article reports that, over the last 30 years, the percentage of children who are overweight has more than quadrupled for children ages 6 to 11 and more than tripled for youths ages 12 to 19. The article also reports that, in addition to reducing the risk of chronic disease, exercise helps academic performance, contributes to healthy physical development, and reduces the risk for depression. Experts recommend that all children from prekindergarten through grade 12 receive daily physical education in appropriate facilities.

**Local Expenditures:** Assuming a fixed annual State allocation for school construction, rather than increase local capital expenditures to fund the potential minimal increase in local costs for new school buildings, some local school systems may opt to fund fewer school construction and renovation projects beginning in fiscal 2012.

Almost all middle and high schools, except small specialized schools, are already designed with gymnasiums; however, some school systems have built elementary schools with only multipurpose rooms or “cafeteriums.” There are currently 191 elementary schools without gymnasiums in the State. The school systems with the largest number of elementary schools without gymnasiums are Prince George’s County (81), Baltimore City (28), and Anne Arundel County (26). There may be significant additional costs to local school systems when these schools without gymnasiums are renovated. In its 2008 report, the Task Force to Study Student Fitness in Maryland estimated the total project cost for a 6,500 square foot gymnasium addition as a stand-alone project at approximately \$2 million.

MSDE advises that the additional costs for a gymnasium designed as part of a larger project would be less than a stand-alone project, and all recent school construction submissions have included separate gymnasiums in all their new elementary school plans. Therefore, any increase in local jurisdictions' new school construction costs is expected to be minimal.

IAC and MSDE advise the bill may encourage local school systems to abandon an existing school without a gymnasium for a larger site if the existing site cannot accommodate an addition.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** HB 508 (Delegate Walker, *et al.*) - Ways and Means.

**Information Source(s):** Interagency Committee on School Construction, Public School Construction Program, Maryland State Department of Education, *State Legislatures*, National Association for Sport and Physical Education, Department of Legislative Services

**Fiscal Note History:** First Reader - February 15, 2009  
mlm/mwc

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