

HOUSE BILL 1214

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2lr2713

By: **Delegates Kaiser, Carr, A. Miller, and Stukes**

Introduced and read first time: February 10, 2012

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Education – Public High Schools – Maximum Student Enrollment Policy**

3 FOR the purpose of requiring each county board of education on or before a certain
4 date to establish a policy on maximum student enrollment at each public high
5 school within the county board’s jurisdiction; requiring each county board to
6 consider certain items and solicit certain input in establishing the policy;
7 requiring each county board, in consultation with its county governing body, on
8 or before a certain date, to develop and determine the cost of a plan to
9 implement the established policy; requiring each county board on or before a
10 certain date to submit the policy and the implementation plan to certain
11 entities; and generally relating to a maximum student enrollment policy in
12 public high schools.

13 BY repealing and reenacting, with amendments,
14 Article – Education
15 Section 4–109
16 Annotated Code of Maryland
17 (2008 Replacement Volume and 2011 Supplement)

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

20 **Article – Education**

21 4–109.

22 (a) Subject to approval by the State Superintendent and in accordance with
23 the applicable bylaws, rules, and regulations of the State Board, a county board may
24 establish a public school if, in its judgment, it is advisable.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) On approval by the State Superintendent, any school established under
2 this section becomes a part of the State program of public education.

3 (c) With the advice of the county superintendent, the county board shall
4 determine the geographical attendance area for each school established under this
5 section.

6 (D) (1) ON OR BEFORE DECEMBER 1, 2012, EACH COUNTY BOARD
7 SHALL ESTABLISH A POLICY ON THE MAXIMUM NUMBER OF STUDENTS THAT
8 MAY BE ENROLLED IN EACH OF THE PUBLIC HIGH SCHOOLS WITHIN THE
9 JURISDICTION OF THE COUNTY BOARD.

10 (2) IN ESTABLISHING ITS POLICY FOR THE MAXIMUM STUDENT
11 ENROLLMENT FOR EACH OF THE PUBLIC HIGH SCHOOLS WITHIN ITS
12 JURISDICTION, EACH COUNTY BOARD SHALL:

13 (I) CONSIDER THE NEED FOR ADEQUATE STUDENT
14 CAPACITY IN THE COMMON AREAS OF EACH SCHOOL FACILITY, INCLUDING THE
15 CAFETERIA, GYMNASIUM, AND LIBRARY;

16 (II) CONSIDER THE OPPORTUNITIES FOR STUDENTS TO
17 PARTICIPATE IN EXTRACURRICULAR ACTIVITIES, INCLUDING ACADEMIC CLUBS,
18 ATHLETICS, AND ARTS PROGRAMS;

19 (III) CONSIDER THE IMPACT OF A LARGE CAPACITY SCHOOL
20 ON THE TRANSPORTATION INFRASTRUCTURE IN THE AREA SURROUNDING THE
21 SCHOOL;

22 (IV) CONSIDER WHETHER A PROVISION SHOULD BE
23 INCLUDED IN THE POLICY THAT WOULD AUTHORIZE A WAIVER UNDER CERTAIN
24 CONDITIONS, SUCH AS EVIDENCE OF ADEQUATE COMMON AREA CAPACITY,
25 SUFFICIENT OPPORTUNITIES FOR STUDENT EXTRACURRICULAR ACTIVITIES,
26 AND MINIMAL IMPACT ON THE TRANSPORTATION INFRASTRUCTURE IN THE
27 AREA SURROUNDING THE SCHOOL;

28 (V) SOLICIT INPUT FROM EXPERTS IN PUBLIC SCHOOL
29 FACILITY PLANNING AND DESIGN; AND

30 (VI) SOLICIT INPUT FROM MEMBERS OF THE PUBLIC
31 THROUGH A HEARING AND COMMENT PERIOD THAT INCLUDES:

32 1. PROVIDING NOTICE OF A PUBLIC HEARING ON
33 THE MAXIMUM STUDENT ENROLLMENT POLICY TO PARENTS OF PUBLIC SCHOOL

1 STUDENTS IN EVERY GRADE LEVEL WITHIN THE JURISDICTION OF THE COUNTY
2 BOARD;

3 2. HOLDING A PUBLIC HEARING ON THE MAXIMUM
4 STUDENT ENROLLMENT POLICY; AND

5 3. PROVIDING FOR A PROCESS OF SOLICITING AND
6 ACCEPTING WRITTEN AND ELECTRONIC COMMENTS ON THE MAXIMUM STUDENT
7 ENROLLMENT POLICY.

8 (3) (I) ON OR BEFORE JULY 1, 2013, EACH COUNTY BOARD, IN
9 CONSULTATION WITH ITS COUNTY GOVERNING BODY, SHALL DEVELOP, AND
10 DETERMINE THE COST OF, A PLAN TO IMPLEMENT THE MAXIMUM STUDENT
11 ENROLLMENT POLICY ESTABLISHED UNDER PARAGRAPH (1) OF THIS
12 SUBSECTION.

13 (II) THE PLAN DEVELOPED UNDER SUBPARAGRAPH (I) OF
14 THIS PARAGRAPH SHALL INCLUDE A TIMELINE FOR IMPLEMENTATION.

15 (4) ON OR BEFORE SEPTEMBER 1, 2013, EACH COUNTY BOARD
16 SHALL SUBMIT TO THE STATE BOARD AND THE INTERAGENCY COMMITTEE ON
17 PUBLIC SCHOOL CONSTRUCTION:

18 (I) THE MAXIMUM STUDENT ENROLLMENT POLICY
19 ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

20 (II) THE IMPLEMENTATION PLAN DEVELOPED UNDER
21 PARAGRAPH (3) OF THIS SUBSECTION.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 July 1, 2012.