

# Chapter 709

(House Bill 1214)

AN ACT concerning

## Education – Public ~~High~~ Schools – Maximum Student Enrollment Policy – Study

FOR the purpose of requiring ~~each county board of education on or before a certain date to establish a policy on maximum student enrollment at each public high school within the county board's jurisdiction; requiring each county board to consider certain items and solicit certain input in establishing the policy; requiring each county board, in consultation with its county governing body, on or before a certain date, to develop and determine the cost of a plan to implement the established policy; requiring each county board on or before a certain date to submit the policy and the implementation plan to certain entities~~ the State Department of Education to study the establishment of a policy on maximum student enrollment in public schools ~~on or before a certain date; requiring the Department to submit a certain report on or before a certain date to the General Assembly; providing for the termination of this Act; during the first phase of a certain study of the adequacy of education funding in the State;~~ and generally relating to a study of a maximum student enrollment policy in public ~~high~~ schools.

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

BY repealing and reenacting, with amendments,  
Chapter 288 of the Acts of the General Assembly of 2002, as amended by Chapter  
397 of the Acts of the General Assembly of 2011  
Section 7

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

### ~~Article – Education~~

~~4 – 109.~~

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

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

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

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

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

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

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

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

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

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

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

~~1. PROVIDING NOTICE OF A PUBLIC HEARING ON THE MAXIMUM STUDENT ENROLLMENT POLICY TO PARENTS OF PUBLIC SCHOOL STUDENTS IN EVERY GRADE LEVEL WITHIN THE JURISDICTION OF THE COUNTY BOARD;~~

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

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

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

~~(ii) THE PLAN DEVELOPED UNDER SUBPARAGRAPH (i) OF THIS PARAGRAPH SHALL INCLUDE A TIMELINE FOR IMPLEMENTATION.~~

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

~~(i) THE MAXIMUM STUDENT ENROLLMENT POLICY ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND~~

~~(ii) THE IMPLEMENTATION PLAN DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(a) On or before December 31, 2013, the State Department of Education shall study:~~

Chapter 288 of the Acts of 2002, as amended by Chapter 397 of the Acts of 2011

SECTION 7. AND BE IT FURTHER ENACTED, That[, no]:

(A) NO later than June 30, 2014, the Maryland State Department of Education, in consultation with the Department of Budget and Management and the Department of Legislative Services, shall contract with a public or private entity to conduct a study of the adequacy of education funding in the State.

**(B) (1) At a minimum, the adequacy study shall:**

~~[(1)] (I) identify a base funding level for students without special needs;~~

~~[(2)] (II) per pupil weights for students with special needs to be applied to the base funding level; and~~

~~[(3)] (III) an analysis of the effect of concentrations of poverty on adequacy targets.~~

**(2) DURING THE FIRST PHASE, THE ADEQUACY STUDY SHALL INCLUDE STUDY OF:**

~~(1) Whether counties currently have policies regarding the size of schools, including high schools, middle schools, elementary schools, and alternative schools;~~

~~(2) Best practices in other states regarding school size;~~

~~(3) The educational and extracurricular impacts of school size;~~

~~(4) What factors contribute to large school sizes and how might the State mitigate those factors;~~

~~(5) What would be the ideal size for high schools, middle schools, elementary schools, and alternative schools;~~

~~(6) What process might help ensure appropriate public input into the establishment of any school size standard or guideline;~~

~~(7) Whether models exist for the creation of smaller schools, including the subdivision of existing schools into multiple administrative units within the same campus, which share common areas such as cafeterias and sports fields;~~

~~(8) The potential impacts on the school construction program of establishing stricter policies regarding smaller schools;~~

~~(9) The costs and impacts on zoning of building new schools and how those costs can be reduced;~~

~~(10) School boundaries and attendance areas and how those affect school size; and~~

~~(11) Whether opportunities are available for alternative methods to create space for smaller schools, including the purchase and renovation of existing buildings, where available, and including suburban and urban school design.~~

(I) WHETHER COUNTIES CURRENTLY HAVE POLICIES REGARDING THE SIZE OF SCHOOLS, INCLUDING HIGH SCHOOLS, MIDDLE SCHOOLS, ELEMENTARY SCHOOLS, AND ALTERNATIVE SCHOOLS;

(II) BEST PRACTICES IN OTHER STATES REGARDING SCHOOL SIZE;

(III) THE EDUCATIONAL AND EXTRACURRICULAR IMPACTS OF SCHOOL SIZE;

(IV) WHAT FACTORS CONTRIBUTE TO LARGE SCHOOL SIZES AND HOW MIGHT THE STATE MITIGATE THOSE FACTORS;

(V) WHAT WOULD BE THE IDEAL SIZE FOR HIGH SCHOOLS, MIDDLE SCHOOLS, ELEMENTARY SCHOOLS, AND ALTERNATIVE SCHOOLS;

(VI) WHAT PROCESS MIGHT HELP ENSURE APPROPRIATE PUBLIC INPUT INTO THE ESTABLISHMENT OF ANY SCHOOL SIZE STANDARD OR GUIDELINE;

(VII) WHETHER MODELS EXIST FOR THE CREATION OF SMALLER SCHOOLS, INCLUDING THE SUBDIVISION OF EXISTING SCHOOLS INTO MULTIPLE ADMINISTRATIVE UNITS WITHIN THE SAME CAMPUS, WHICH SHARE COMMON AREAS SUCH AS CAFETERIAS AND SPORTS FIELDS;

(VIII) THE POTENTIAL IMPACTS ON THE SCHOOL CONSTRUCTION PROGRAM OF ESTABLISHING STRICTER POLICIES REGARDING SMALLER SCHOOLS;

(IX) THE COSTS AND IMPACTS ON ZONING OF BUILDING NEW SCHOOLS AND HOW THOSE COSTS CAN BE REDUCED;

(X) SCHOOL BOUNDARIES AND ATTENDANCE AREAS AND HOW THOSE AFFECT SCHOOL SIZE; AND

(XI) WHETHER OPPORTUNITIES ARE AVAILABLE FOR ALTERNATIVE METHODS TO CREATE SPACE FOR SMALLER SCHOOLS, INCLUDING THE PURCHASE AND RENOVATION OF EXISTING BUILDINGS, WHERE AVAILABLE, AND INCLUDING SUBURBAN AND URBAN SCHOOL DESIGN.

(C) (1) The study shall be conducted in phases, with the first phase beginning no later than June 30, 2014, and the final phase being completed by December 1, 2016.

(2) The study shall incorporate standards from the common core curriculum adopted by the State Board of Education and 2 years of results from the new common core assessments, which are scheduled to be implemented beginning in the 2014-2015 school year.

(D) The Governor shall include sufficient funds in the State budget for the appropriate fiscal years for the Maryland State Department of Education to cover the costs of conducting the adequacy study.

~~(b) On or before December 31, 2013, the State Department of Education shall submit a report to the General Assembly, in accordance with § 2-1246 of the State Government Article, on whether the State should establish a maximum school size policy or guideline or require local school systems to establish a maximum school size policy or guideline for each jurisdiction.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2012. ~~It shall remain effective for a period of 3 years and, at the end of June 30, 2015, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.~~

Approved by the Governor, May 22, 2012.