



SB31 School Construction and Housing – School Zones and Adequate Public Facilities Ordinances

Position: Favorable

February 17, 2025

The Maryland Alliance for Racial Equity in Education (MAREE), a coalition of education advocacy, civil rights, and community-based organizations committed to eliminating racial disparities in Maryland's education system, **offers favorable testimony in support of Senate Bill 31**, legislation that will improve educational planning, promote data-driven decision-making, and ensure that all Maryland children have access to quality schools while supporting the development of affordable housing in our communities.

Currently, Maryland lacks a comprehensive system for tracking school capacity and student residency patterns across our state. This data gap has real consequences: school construction funds may not reach the schools that need them most, while some jurisdictions use concerns about school overcrowding to restrict housing development—even when the data doesn't support such restrictions.

The impetus for this bill came from Baltimore County, where local officials proposed tightening housing development regulations by lowering the school overcrowding threshold from 115% to 105% capacity and requiring developers to ensure school capacity before building. While addressing overcrowding is a legitimate concern, such policies often rest on incomplete information and can have unintended consequences that harm both students and families seeking housing.

SB31 takes a smart, measured approach by:

1. **Requiring Annual Transparency Reports** - Each County Board of Education must submit a Student Residency and School Zones Report to the Department of Planning and the Interagency Commission on School Construction (IAC). These reports will include school zone boundaries, attendance area maps, and student residence locations (using census tract and block numbers to protect student privacy).
2. **Preventing Prolonged Development Delays** - While Adequate Public Facilities Ordinances (APFOs) can still delay the issuance of final permits based on school capacity concerns, they can no longer delay the processing of development plans. This prevents unnecessary bureaucratic bottlenecks while maintaining oversight.
3. **Protecting Student Privacy** - The amended version wisely removes requirements for data the IAC already possesses and converts student residence data to census tract and block numbers, ensuring no personally identifiable information is shared.

As someone committed to racial equity in education, I see this bill as essential for several reasons:

First, it promotes equitable resource allocation. Many Maryland school districts have schools operating at 60-70% capacity while others struggle with overcrowding. Without comprehensive data, the IAC cannot effectively prioritize funding for schools that genuinely need expansion. This often means that schools serving low-income communities and communities of color—which may have the greatest need—don't receive the resources they deserve. Better data collection ensures funding goes where it's truly needed.

Second, it challenges housing restrictions that perpetuate segregation. Research consistently shows that new housing development does not lead to school overcrowding. Most new students come from turnover in existing housing, not new developments. When jurisdictions use school capacity as a pretext to restrict housing development, they often block affordable housing that would allow families of color and working-class families to move into opportunity-rich neighborhoods with strong schools. This perpetuates residential segregation and denies children access to high-quality educational environments.

Third, it supports data-driven, culturally responsive planning. Effective educational planning requires understanding where students live and how they access schools. The census tract and block data required by this bill will help educators and planners identify transportation challenges, attendance boundaries that may separate students from their communities, and opportunities to better serve families. This is particularly important for Multi Lingual Learners, students with disabilities, and other populations that need culturally responsive educational services.

National research on school enrollment and housing development is clear: new housing does not cause school overcrowding. Students move throughout the year, families relocate within and between districts, and enrollment is driven far more by demographic trends and housing turnover than by new construction. By basing policy on evidence rather than assumptions, SB 31 positions Maryland to make smarter decisions about both education and housing.

Every Maryland child deserves access to a high-quality education in a school that isn't overcrowded. Every Maryland family deserves the opportunity to find safe, affordable housing near good schools. These goals are not in conflict—but achieving them requires good data and smart policy. Senate Bill 31 provides both. It ensures the Interagency Commission on School Construction has the information needed to direct resources where they are most needed. It promotes transparency about school utilization so taxpayers can see how efficiently their investments are being used. And it prevents housing restrictions based on unfounded fears rather than solid evidence.

As Maryland faces both a housing affordability crisis and ongoing challenges in educational equity, we cannot afford to make policy based on incomplete information or allow school capacity concerns to become a barrier to opportunity. Senate Bill 31 represents a common-sense approach that serves students, families, and communities. I urge a favorable report on Senate Bill 31.

peace & truth,
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