



An Opportunity to Bring Adequate and Equitable School Building Conditions to All Maryland Students

New State Commission to Study School Construction Policy

Senate President Miller and House Speaker Busch established the [21st Century Schools Commission](#) in response to growing school construction, renovation, and maintenance needs across the state. The commission, which met for the first time in April, is chaired by Martin Knott, President of Knott Mechanical, and comprised of both public and private sector representatives from the construction and development industry, local and state government, and school officials.

The commission's main task is to review the State's school construction policies and make recommendations for more efficient and effective practices. The report is due December 2016. [More details on the commission's scope of work can be viewed here.](#)

Public school infrastructure is a hot topic each year during the legislative session. Advocates, legislators, county officials, and school districts often propose special funding programs to address critical issues such as mitigating school building deficiencies, rebuilding old and outdated schools, and building new schools to address overcrowding and significant enrollment growth. In addition to addressing these basic needs, the State must also build schools that support the academic and other programmatic needs of students who are expected to compete in a 21st century global economy.

The ACLU urges the new commission to take this opportunity to study the school construction needs of districts comprehensively and develop strong recommendations that will: (1) ensure equity in funding for all school districts - especially for low wealth districts; (2) ensure adequate funding so that districts can mitigate facility deficiencies within a reasonable time frame; and (3) ensure properly designed school buildings to support a 21st century academic curriculum and other essential programmatic needs for all students throughout Maryland.

ACLU's Recommendations for the Commission

Determining the Need and Ensuring Adequate Funding

While the commission will likely recommend new and innovative ways to stretch

existing dollars, adopt certain private sector practices, and streamline government processes to improve efficiencies, it is imperative that it also comprehensively compare the needs of school districts and funding challenges. Based on reports from the State's Interagency Committee on School Construction (IAC), Maryland school districts have an estimated \$15 billion in unmet school facility needs. The simple fact of the matter is that State and local funding for school construction, renovation, and maintenance have not kept pace with growing school infrastructure needs. This is a problem nationwide.

School building conditions and challenges vary in districts across the state. Some districts are burdened with renovating and maintaining old school buildings that have mechanical systems and structures that are far beyond their useful life. Many of these schools pose health and safety threats to the state's most vulnerable children - with faulty heating systems, leaking roofs, and inadequate or non-existent air conditioning systems. These schools are also much more expensive to maintain. Other districts need to build more schools due to significant annual growth in student enrollment. In 2003, the [Kopp Task Force](#) required local school districts to assess their building conditions and needs using a common assessment tool. Since then, the state and local counties have made significant investments in school construction but it is unclear how much progress has been made on each district's need. [The ACLU recommends that the commission call for an update of the Kopp survey \(or develop an appropriate survey\) to comprehensively assess the school construction needs in each district.](#)

Addressing the gap in funding is also critical. A recent press release from Speaker Busch and President Miller reported that the [cost of construction has more than doubled over the past decade](#). While the State contribution to school construction has been relatively stable over the past decade - averaging over \$300 million annually - it has not kept pace with inflation. If funding remains flat, fewer than half the projects can be completed now than was the case 10 years ago.

Cost-saving strategies are important but reality demands that new funding sources be identified to address the dire school infrastructure needs statewide. [The ACLU recommends that the commission identify revenue sources and develop a long-term funding plan that ensures school facilities needs - both construction and maintenance - in all Maryland districts can be addressed within a reasonable time frame.](#)

Ensuring Equity: Local Capacity and State Funding Distribution

The disparity in school facility conditions between low-wealth and high-wealth districts can largely be attributed to local wealth. Over the past decade, the State has given roughly equal amounts of school construction funding to large Maryland school districts annually. However, the local contribution to school districts for construction and renovations differ greatly. The chart on the right shows the local and state FY2017 capital budgets for school construction for the largest Maryland school districts. High wealth counties have the capacity to contribute significantly larger amounts

to school construction than low wealth districts. And the disparity within local funding is not due to local effort, as historically, these large districts give approximately 30% of their capital budget to school construction.

Given the disparity in local capacity, the ACLU contends that the State has not distributed capital funding in an equitable way, which is reflected in the disparate conditions in school buildings statewide.

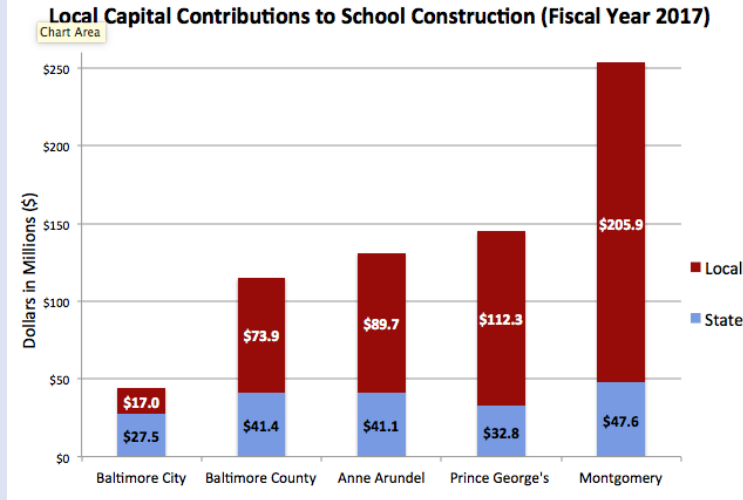
For this reason, the ACLU proposed a financing model for the \$1 billion city school construction program - City Schools' 21st Century Schools program - to address Baltimore's rapidly deteriorating school buildings. With support from the Baltimore Education Coalition, City Schools, city's state delegation, other legislative leaders, and City, the General Assembly passed the bill in 2013. While the state is contributing to this effort, 2/3 of the \$1 billion is being paid for by the City and city school system. Although this program will help Baltimore City rebuild up to 28 school buildings, it is a one time investment and over 100 city school buildings will not receive funding through this program.

Counties with growing enrollments and large numbers of relocatable classrooms also have needs. They too have sought and won additional state dollars for school construction to address problems with overcrowded schools. This year, the legislature approved \$40 million in state capital funds to be distributed to 6 counties that meet the requirements - Montgomery, Anne Arundel, Prince George's, Howard, Dorchester, and Baltimore counties. While the need to address overcrowding is significant, the ACLU raised concerns about this program because it does not consider the differences in wealth of each of these districts.

To develop an equitable way to distribute state funding for school construction, it is critical that the commission study the capacity of each local district to address its own need. Based on the trend in state allocations for school construction, the cost-share formula does not achieve the IAC goal to "equalize educational facilities and opportunities throughout the State". [ACLU recommends that the State study and develop a new and equitable way to distribute state school construction funding to ensure that low-wealth districts are not at a disadvantage.](#)

Ensuring Quality Construction and 21st Century Standards

The commission will be comparing various school construction models, including private sector projects, with current state practices to make recommendations as to how costs can be reduced. A lot has been learned over the past year after the [State reported on the construction of Monarch Academy](#), a charter school in Anne Arundel County. The report showed that Monarch's construction cost approximately \$9.7 million less than Rolling Knolls Elementary, a nearby school constructed by Anne Arundel County Public Schools at the same time. The major factor in the cost difference is attributed to the



This chart does not include the State, City, and City Schools contribution to Baltimore City's \$1 billion school construction program. This chart is meant to illustrate the disparity in wealth and ability to incur debt for school construction among large Maryland districts.

variation in each school's education specifications, which are determined by each school district (i.e. size and types of classrooms, hallways, technology and equipment, outdoor areas, etc.). In general, Rolling Knolls benefits from various spaces that Monarch Academy decided to omit or reduce due to budget constraints - for example, the library, computer/media center, teacher planning areas, additional classrooms to ensure flexibility with scheduling, collaborative learning areas, resource rooms for small groups and specialized instruction/interventions, larger classrooms (for integrated technology, special education needs, small group learning).

The report noted Monarch's inadequate acoustics, which is caused by structural design flaws and lack of sound absorption materials that could cause noise disruption between classrooms. Monarch's HVAC system and materials used for the roofing, plumbing, and walls throughout the school are of lesser quality than Rolling Knolls, which reduces overall durability and increases maintenance costs of the school. Further, Anne Arundel County Public Schools includes community use space since the county does not have separate recreation centers to offer youth opportunities beyond the school day.

Lastly, Monarch was not subject to State procurement, prevailing wage, and Minority Business Enterprise requirements, which likely contributed to the difference in cost between the two schools. The commission will continue studying these factors for its report in December.

The ACLU supports finding ways to reduce costs. However, the State's academic standards demand that school facilities support a rigorous 21st century curriculum. Further, in areas of high poverty and low resources, allotting space for community use and additional programming through strategic partnerships is critical. [The ACLU recommends that the commission recognize the authority of local school districts to determine space needs for the unique populations that they serve. And to ensure longevity and durability, the ACLU recommends that public schools continue to be built to high quality standards.](#)

The next meeting of the 21st Century Schools Commission will be held on Thursday, July 21st, 10am at the House Office Building, Room 120, Annapolis, MD 21401. At this meeting, the commission will hear from local districts and interested stakeholders on various school construction and maintenance needs.

American Civil Liberties Union of Maryland | Education Reform Project

Bebe Verdery, Director
Frank Patinella, Senior Education Advocate
Kimberly Humphrey, Esq., Legislative/Education Advocate
Gary Therkildsen, Education Advocate

Like us on Facebook 

Follow us on  twitter