



**Testimony to the County Council on the  
Proposed Comprehensive Amendment to the County Growth Policy,  
Impact and Recordation Taxes, and a revision of the Schools Adequacy Test  
June 19, 2007**

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Good evening, President Praisner and Members of the County Council. I am Jane de Winter, MCCPTA President, advocating on behalf of the 138, 000 students who attend public school in Montgomery County. I thank the Council for this opportunity to offer comments on the Growth Policy. We note that the proposed change in timing of the biennial AGP review will likely make it easier for MCCPTA members to provide meaningful input and we support this change.

Our members have consistently asked for three changes within the context of the Growth Policy. These are: use MCPS program capacity rather than an artificial AGP capacity measure; tighten the schools test; and provide more revenue to accelerate the construction, modernization, and infrastructure renewal of school facilities.

Although the proposal is to use MCPS program capacity to determine adequate school capacity and the application of School Facilities Payments, it also proposes to raise the point at which developers will pay the School Facilities Payment from 100% for high schools or 105% for middle and elementary school levels within a cluster to 110% for all grade levels in the cluster and eliminate “borrowing” at the high school level. We support the change to MCPS program capacity and elimination of “borrowing” but believe 110% will still allow too much over-crowding. The reasoning for the increase to 110% is to eliminate the concern about tying the growth policy test too closely to BOE programming decisions. Changes in MCPS program capacity have recently had three drivers: all-day kindergarten; class size reductions in highly impacted elementary schools; and special education enrollments and programs. All-day kindergarten is now required by the state and can no longer be considered an MCPS programming decision. Class size reductions are a programming decision but the location of highly impacted schools is a function of demographic and housing patterns outside the control of MCPS. While MCPS may have limited discretion as to where to place certain special education programs, it is not a desirable outcome to shift the location of special education programs frequently so as to accommodate development. At the county wide level, allowing all schools to be 10% over capacity without consequence is, in essence, to say that the 11.4% of special education students in the system don’t need a seat.

The Planning Board proposes an increase in the adequacy test level to 135% for any school level within a cluster before a moratorium on growth is considered if the MCPS program capacity is adopted. The thought of our schools being overcrowded to an average of 135% of capacity before we even consider the need for a moratorium on

growth is inconsistent with our goal to assure that each student has a “safe, secure, healthy, and modern” learning environment. When the cluster average is 135%, individual schools could be even more crowded, this does little to help us achieve the educational goals we envision for our children. We are told that 135% of MCPS program capacity is roughly equivalent to 110% of the current AGP capacity. Our members have consistently expressed a desire to see this test tightened. The Planning Board points out that the upper limit has served an “alarm” function when enrollment and capacity are severely out of balance. When clusters have exceeded this upper limit, MCPS has promptly programmed capital projects within that cluster and the rare moratoria were short-lived. We believe this alarm function could play a greater role in channeling school construction to over-crowded schools if the trigger were lowered.

In addition, while the proposed School Facilities Payment may be an adequate reflection of the marginal cost per student generated, the cost of this payment for each school level per housing unit is significantly lower than even the existing School Improvements Impact Tax. We question whether this will actually slow growth in over-crowded clusters so school capacity can catch up or provide enough funds for capacity increasing projects. The payment reflects the marginal cost of one student: where are the funds to pay for the rest of the project? We also question whether applying the School Facilities Payment only to the school level which fails the capacity test makes sense in all cases. If elementary schools in a cluster fail the test, middle schools may be judged adequate solely because future crowding due to additional development is outside the five year window. The additional students will eventually attend middle and high school.

The council is contemplating an increase in the recordation tax and to dedicate this tax entirely to school construction. We support the dedication of all revenues from this tax to schools. We also support making the Growth Policy changes retroactive to January, 2007.

We note that there is a belief that new development is accounting for only a small portion of the county’s growth while infill and turn-over are responsible for the lion’s share. There is also the belief that senior housing does not impact school enrollment. An argument could be made that the provision of 55+ housing projects facilitates turn-over in existing neighborhoods and has an indirect effect on schools. The Planning Board raised a number of other questions for future consideration and we would look forward to an exploration of other ways to pay for the almost one half billion dollar backlog in MCPS infrastructure renewal as documented by the March, 2006, report of the Infrastructure Maintenance Task Force, and the approximately \$40 million backlog in school maintenance, and the many additions and modernizations our schools need.

MCCPTA has long standing concerns with the pace of school construction, infrastructure renewal and routine maintenance. Along this line, we strongly encourage the Council to initiate the CIP Task Force we have been discussing since November. Thank you.