



## **Testimony to the County Council on the Proposed 2009 County Growth Policy**

**September 22, 2009**

Good evening President Andrews and members of the County Council. I am Kay Romero, President of the Montgomery County Council of PTAs (MCCPTA). With more than 50,000 members, MCCPTA's mission is to advocate for the education and welfare of the children of Montgomery County. The Board of Directors authorized me to submit these comments on the 2009 Growth Policy reflecting our leadership's viewpoint.

Our members have consistently had three objectives within the context of the Growth Policy. These are: to use MCPS program capacity rather than an artificial AGP capacity measure; to tighten the schools test in order to align the test with the impact of development on our students; and to provide more revenue to accelerate the construction, modernization, and infrastructure renewal of school facilities.

**Program Capacity Test.** The move in 2007 to align Growth Policy capacity to MCPS program capacity was the right move. We are pleased that the recommendation continues use of MCPS capacity. We also are pleased that the recommendation proposes to retain the 120% threshold for moratorium. This threshold is performing its intended alarm function in the three clusters where moratorium was reached this year.

We oppose the Planning Board's proposal to raise the School Facilities Payment threshold from 105% of capacity to 110%. MCPS typically begins planning for capacity deficits at the point where a four-classroom addition would be necessary, which occurs at a deficit of approximately 100 students. The 105% threshold more closely aligns the Growth Policy with these school planning decisions. If the Board's recommendation were in effect this year, four of our clusters qualifying for a School Facilities Payment at the elementary school level today would no longer qualify. In those four clusters, the CIP contains 8 school modernizations, 7 school additions and one school where a program is being moved to relieve severe overcrowding issues.<sup>1</sup> Raising the threshold to 110% would shift more of the burden of these projects to bonds and general revenues.

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<sup>1</sup> The projects planned in these clusters are listed in an appendix to this testimony.

We also recommend that the Council study whether a school-by-school capacity test at the elementary school level will better tailor growth policy to school concerns than does the current cluster-wide capacity test. The impact of new development is more localized at the elementary school level, where schools are smaller and a neighborhood school is the objective. The Council should study whether use of a school test at the elementary school level will encourage growth to shift to the areas within a cluster where capacity exists, rather than allowing it to be concentrated in an area that overburdens students at a single school.

**Tightening the Schools Test.** MCCPTA opposes the Planning Board’s proposal to “grandfather” complete-but-not-yet-approved applications in clusters that reach the moratorium threshold. Grandfathering is inconsistent with the purpose of the moratorium in the first place. The moratorium provides a brief respite to allow MCPS to catch up with existing severe overcrowding in a cluster. Allowing additional applications to be approved after our schools are more than 20% over capacity but before additional space becomes available is inconsistent with our goal to assure each student a “safe, secure, healthy and modern” learning environment. We should not impair the educational environment for our students in the name of predictability for developers.

**Ensuring Adequate Revenue is Available to Support School Construction.** In 2007, we questioned whether the School Facilities Payment would provide enough funds for capacity-increasing projects within a cluster. The Facilities Payment is set at 60% of the marginal cost of each student generated. For the policy to be successful the Council must ensure that adequate funds are provided to pay for the rest of the projects. This funding today comes primarily from construction bonds, and competes with other capital priorities of the county. We are aware that this appears to be a very favorable environment for bidding construction projects. We urge the Council to pursue opportunities to accelerate capital projects while conditions are favorable, balanced, as it must be, with prudent consideration of the bond capacity of the County and its taxpayers.

Finally, MCCPTA opposes the Board of Education’s request that school facilities payments be placed in the general fund rather than be dedicated to the cluster in which they are collected. A fundamental objective of the Growth Policy is to enable new development to pay its fair share of the impact it creates on schools. Decoupling the facilities payment from the area where the facilities are needed would bring the development but would not bring the relief to our students. School facilities payments should continue to be used to relieve the impact that a development has on the affected cluster.

We support, however, flexibility to allow the Board of Education to use school facilities payments on any capital project that relieves capacity issues in the affected cluster. For example, in a limited number of our clusters, particular schools are split articulated, meaning that students progress to more than one school at the next level. Often, an elementary school may house students who will attend high school A and students who will attend high school B in a different cluster. In these situations, it may be prudent for MCPS to add elementary school capacity elsewhere in cluster B in order to end the split articulation and free up capacity within cluster A. Such construction should be permitted

within the guidelines of the Growth Policy.

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For the Council's convenience, we attach to this testimony a Resolution of our Board of Directors authorizing this testimony and a copy of MCCPTA's testimony regarding the 2007 County Growth Policy. We appreciate the opportunity to express our views on revisions to the County Growth Policy. We look forward to working with the Council to ensure that our schools are able to accommodate the new students generated by construction in the county.

**Please note: Due to a MCCPTA Delegates Assembly, the testimony on behalf of MCCPTA was delivered by Steve Augustino, MCCPTA Capital Improvements Program (CIP) Chair**



**MCCPTA Board of Directors  
Resolution on the 2009 County Growth Policy  
Adopted September 3, 2009**

WHEREAS, in September, 2009, the Montgomery County Council will hold a hearing on the draft 2009 County Growth Policy;

WHEREAS, the County Growth Policy contains several features designed to ensure that County schools will be able to accommodate growth approved by the Planning Board without overcrowding schools or adversely impacting the County's ability to provide high quality schools for all students;

WHEREAS, MCCPTA has testified in the past on the Growth Policy to ensure that schools are not negatively impacted by growth; and

WHEREAS, the draft County Growth Policy contains several proposed revisions;

THEREFORE, the Board of Directors RESOLVES:

THAT the President shall submit comments on the draft 2009 County Growth Policy to the County Council;

THAT the comments shall be consistent with MCCPTA's testimony in 2007 and previous MCCPTA positions on growth policy issues; and

THAT, consistent with the above, the comments shall:

- \* oppose raising the threshold for a school facilities payment from 105% to 110% of MCPS-rated school capacity;
- \* support the retention of the 120% threshold for moratorium;
- \* recommend that the Council study whether a school-by-school test at the elementary school level will better tailor growth policy to school capacity concerns;
- \* support the continued use of MCPS-rated school capacity for the school facilities payment and moratorium thresholds;
- \* oppose the draft's proposal to permit "grandfathering" of applications that have not received final Planning Board approval before a cluster reaches moratorium status;
- \* oppose the Board of Education's request that school facilities payments be placed in the general fund, but support flexibility to allow the Board of Education to use school facilities payments on any project that relieves capacity issues in the affected cluster; and
- \* encourage the County Council to ensure that adequate funds are provided to relieve capacity issues in school facilities, since the school facilities payment, by design, only covers 60% of the marginal cost of construction to accommodate each new student generated.



**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**

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.

**Elementary School**  
**Construction Projects**  
**In Clusters Between 105% and 110%**  
**Utilization**

Cluster	Modernization Projects	Addition Projects
Walter Johnson (106%)	Farmland ES (2011) Garrett Park ES (2012) Luxmanor ES (2018)	Luxmanor ES (2009) Wyngate ES (tbd)
Paint Branch (106%) (part of Northeast Consortium)	Cannon Road ES (2012) Cresthaven ES (2010) Galway ES (2009)	Fairland ES (2011) Jackson Road ES (2011) Sherwood ES (2010)
Quince Orchard (107%)	Brown Station ES (2016)	None programmed. Rachel Carson ES currently 200 students over capacity, but the Elementary Learning Center at the school is being relocated. Brown Station ES is projected to be 117 students over capacity during modernization.
Whitman (110%)	Carderock Springs (2010)	Bradley Hills ES (tbd) Wood Acres ES (tbd)

Source: FY 2010 Educational Facilities Master Plan and the Amended FY 2009-2014 Capital Improvements Program (June 26, 2009).