

"Federation Corner" column
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Weast and BOE can't have it both ways about school overcapacity

by Wayne Goldstein

Three weeks ago, a column was written about this county's proposed new growth policy, an approach that links new development to new infrastructure and has those who create the new need for infrastructure help pay for it in a variety of ways. It seems to be quite straightforward to accommodate new students with new school capacity, since it is routine to require that land be set aside in new developments for new schools and to have extra space to enlarge most existing schools. Unfortunately, this county has repeatedly come up with growth policy tests to measure the need for additional schools and school additions that can never be failed. For example, no new development has ever helped fund a new school or add onto an existing school serving that development nor been delayed because of a far greater unmet school cluster need.

What would one expect a school system to do with a policy like this that does not help meet its needs? A timid school superintendent and an equally intimidated school board might politely ask for more school construction funds while going along with whatever the legislators decide to provide. However, what if one's school superintendent is so dynamic, and aggressive that he is willing and able to orchestrate a broad and intense lobbying effort, involving thousands of people, to get 100%, rather than 99% of the school system's requested operating budget? Wouldn't such a leader fight just as hard to make sure that students have classrooms in buildings in which to learn, rather than be kept in portable classrooms, some that are fifteen years old?

In other words, how does Jerry Weast and his submissive BOE simultaneously advocate to drastically reduce the need for portable classrooms through major school construction funding while blessing a proposed new growth policy guaranteed to allow for dramatic increases in school overcapacity? How can anyone believe that they should have it both ways on school overcapacity?

When Jerry Weast became superintendent before the 1999-2000 school year, MCPS had 290 portable classrooms, up from 200 or so since the 1994-95 school year. In part because of enrollment increases, class size reductions and all-day kindergarten, the numbers of portables leapt to 575 by the 2001-02 school year and to 719 by the 2004-05 school year. Jerry Weast did not protest this relentless increase until, according to a summer 2006 news account: "reduction of the number of portables is a high priority of... Weast, who brought up the problem six months ago." By last October, seven years after he arrived, Weast's recommendation was to fund new construction so that the number of portable classrooms would be reduced "by 68 percent by the 2012-2013 school year" to 229.

So, when the recommendations for the new growth policy were approved by the Planning Board and sent to MCPS for comment this spring, what did Weast write as an inexplicable recommendation to which the BOE should give its rubber stamp of approval? "In the recommended school test, a cluster fails the test if projected enrollment equals, or exceeds, 135 percent of MCPS program capacity at the elementary, middle, or high school levels... The use of a fairly high utilization level for the school test (135 percent) was viewed by the Planning Board as a necessary trade-off for using MCPS program capacity, instead of growth policy capacity. In addition, the Planning Board sought a level of utilization that would be so high that it would clearly warrant the serious action of a development moratorium."

How many schools were or will be at and above 135% of MCPS program capacity in the next six years, according to last fall's Superintendent's Recommended Operating Budget--Capital Improvements Program, with no plans to eliminate such extreme overcapacity? I found 12 elementary schools at more than 135% of capacity, with one as high as 181%, and 15 other elementary schools that will be between 117% to 133% of

capacity. Thus, based on current plans, 27 of the 129 elementary schools - 21% - will be significantly over capacity for the next six years, some relying on as many as 10 portable classrooms for this entire period.

However, almost none of the clusters will exceed 110% of capacity for elementary schools, the trigger for a moratorium under the current policy, because most schools in most clusters are at or below capacity, with one or two way over capacity. While boundary changes could fix these pockets of inequitable overcapacity, the BOE would rather dance barefoot on broken glass than do a boundary change.

Thus, if a cluster can go to 135% overcapacity before there could be a moratorium on development, this could mean that if there were two schools that were at 100% of capacity, and one at 200%, the resulting overcapacity would average 133%, yet not trigger a moratorium. The old 110% test was based on a higher "growth policy" standard for schools that did not reflect how classrooms were actually used by MCPS. However, even if the MCPS standard is used, the resulting tougher 110% standard would still only have the potential of putting several clusters in a development moratorium for a year at a time until programmed improvements or changes to student populations brought it back down.

The proposed growth policy, in addition to requiring that substantial payments be paid for every new home based on the student generation rate, also requires that a school facilities payment be made when overcapacity exceeds 110%. This is the money that would be specifically targeted to create needed capacity at a specific school to serve a specific subdivision, telling future buyers which schools in which clusters their children would attend before they bought. Weast and his BOE have asked that such targeted payments instead be put in the general fund for them to do with what they wish. Failing to use this payment as intended would be a complete betrayal to the builders, the parents, and the children who would then live in these subdivisions.

If the current 105% test were instead retained, using the MCPS rather than the growth policy standard to trigger a moratorium, more clusters would exceed the 105% for more years, but the fix needed for many of these clusters would not be onerous. For example, elementary school utilization is between 105% and 110% for the Rockville cluster for the next six years, but with just four elementary schools, building three or four classrooms for 65 students would keep that cluster out of moratorium. A combination of targeted school facilities payments, school impact taxes, and an increased real estate transfer tax, if substantial enough, should take care of most such potential moratoriums for most clusters.

One impression that the Planning Board and its planning staff are conveying in the final draft of the proposed growth policy is that the worst possible outcome is a temporary moratorium anywhere in the county. For Weast to argue that "... the Planning Board sought a level of utilization that would be so high that it would clearly warrant the serious action of a development moratorium" is the equivalent of an abandonment of his stated plan to reduce the use of portables. The Planning Board seems to live in terror of imposing moratoriums, except under circumstances that would cause much hardship by overcrowding many children for many years. No justification is provided as to why 135% was chosen. This suggests that it should be renamed the Approving Board since this "135% solution" makes a mockery of the idea of meaningful and necessary limits which is at the core of the concept of planning, but which fits perfectly with the idea that every project has an absolute right to be approved by any means necessary.

A growth policy that raises funds from new development to pay for new development infrastructure is an equitable user's fee, especially as it is also supplemented by a higher real estate transfer tax that matches what a number of Maryland counties already collect. By setting the payment of a school facilities test when school capacity exceeds 100%, this allows programming of additions to begin and be completed sooner. By allowing for a moratorium in a cluster at 105%, this will also motivate serious planners across all involved agencies to fix current problems caused by spot overcrowding and to prevent future overcrowding with

targeted school facilities payments. Next year's moratorium could then be avoided and this year's moratorium could be swiftly ended.

Weast and his BOE have sidelined themselves from this debate with their seeming hypocrisy about portables and their seeming greed about how to use school facilities payments. Once again, the rest of us have to honestly figure out what's best for this county's public schoolchildren.