



September 15, 2009

Honorable Phil Andrews
President, Montgomery County Council
100 Maryland Avenue
Rockville, MD 20850

Dear President Andrews:

On September 3, 2009, the Board of Directors of the Montgomery County Council of PTAs (MCCPTA) adopted the attached resolution concerning the Council's upcoming hearing on the 2009 County Growth Policy. MCCPTA will testify at the September 22 hearing consistent with this resolution.

The Board of Directors directed MCCPTA to submit comments on the Growth Policy that are consistent with our testimony in 2007 on what became the current Growth Policy. A copy of MCCPTA's June 19, 2007 testimony to the County Council is attached for your reference. In addition, consistent with that testimony, the MCCPTA Board of Directors resolved to:

- Oppose raising the threshold for a school facilities payment from 105% to 110% of MCPS-rated school capacity;
- Support the retention of the current 120% capacity 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 capacity for the school facilities payment and moratorium thresholds;
- Oppose the proposal to permit "grandfathering" of applications that have completed staff review but 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 to 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 schools, because the school facilities payment, by design, only covers 60% of the marginal cost of construction needed to accommodate each new student generated.

MCCPTA appreciates the opportunity to express our views on 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.

Sincerely,

A handwritten signature in black ink that reads "Kay Romero". The signature is written in a cursive, flowing style.

Kay Romero
President, Montgomery County Council of PTAs

Attachments:

MCCPTA Board of Directors Resolution on the 2009 County Growth Policy
June 19, 2007 MCCPTA Testimony to the County Council

cc:

Roger Berliner, Montgomery County Council
Marc Elrich, Montgomery County Council
Valerie Ervin, Montgomery County Council
Nancy Floreen, Montgomery County Council
Mike Knapp, Montgomery County Council
George Leventhal, Montgomery County Council
Nancy Navarro, Montgomery County Council
Duchy Trachtenerg, Montgomery County Council
Shirley Brandman, President, Board of Education



**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.