

Bill No.: _____
Requested: _____
Committee: _____

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By: **Delegate Atterbeary**

A BILL ENTITLED

1 AN ACT concerning

2 **Howard County – Public School Program Capacity – School Board and Planning**
3 **Commission**

4 **Ho. Co. 13–20**

5 FOR the purpose of requiring the Howard County Board of Education, beginning in a
6 certain school year, to annually calculate the program capacity of each public
7 primary and secondary school in the county and to prohibit a public primary or
8 secondary school in the county from enrolling a number of students that is greater
9 than a certain percentage of the school’s program capacity; authorizing the county
10 planning commission in Howard County to reject a certain real estate project if a
11 certain school in a certain area is projected to have student enrollment greater than
12 a certain percentage of the school’s program capacity after the project is complete;
13 defining a certain term; and generally relating to public school program capacity in
14 Howard County.

15 BY adding to
16 Article – Education
17 Section 4–138
18 Annotated Code of Maryland
19 (2018 Replacement Volume and 2019 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Land Use
3 Section 9–1303
4 Annotated Code of Maryland
5 (2012 Volume and 2019 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Education**

9 **4–138.**

10 (A) IN THIS SECTION, “PROGRAM CAPACITY” MEANS THE NUMBER OF
11 STUDENTS THAT CAN BE REASONABLY ACCOMMODATED IN A SCHOOL, BASED ON
12 THE EDUCATIONAL PROGRAM OFFERED AND THE PERMANENT SCHOOL FACILITY,
13 EXCLUDING RELOCATABLE CLASSROOMS.

14 (B) THIS SECTION APPLIES ONLY IN HOWARD COUNTY.

15 (C) BEGINNING IN THE 2020–2021 SCHOOL YEAR, THE HOWARD COUNTY
16 BOARD OF EDUCATION SHALL:

17 (1) ANNUALLY CALCULATE THE PROGRAM CAPACITY OF EACH
18 PUBLIC PRIMARY AND SECONDARY SCHOOL IN THE COUNTY; AND

19 (2) PROHIBIT A PUBLIC PRIMARY OR SECONDARY SCHOOL IN THE
20 COUNTY FROM ENROLLING A NUMBER OF STUDENTS THAT IS GREATER THAN 115%
21 OF THE SCHOOL’S PROGRAM CAPACITY, AS MOST RECENTLY CALCULATED BY THE
22 HOWARD COUNTY BOARD OF EDUCATION UNDER ITEM (1) OF THIS SUBSECTION.

23 **Article – Land Use**

24 **9–1303.**

25 THE COUNTY PLANNING COMMISSION MAY REJECT A PROPOSED RESIDENTIAL
26 REAL ESTATE PROJECT IF A PUBLIC PRIMARY OR SECONDARY SCHOOL IN THE
27 SCHOOL DISTRICT IN WHICH THE PROJECT IS PROPOSED IS PROJECTED TO HAVE

1 **STUDENT ENROLLMENT AT GREATER THAN 115% OF THE SCHOOL'S PROGRAM**
2 **CAPACITY, AS DEFINED IN § 4-138 OF THE EDUCATION ARTICLE, AFTER THE**
3 **PROJECT IS COMPLETE.**

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
5 1, 2020.