

**I. Policy Statement**

School facilities occupy a prominent place in the community. The selection of a school site or other property for school system use should enhance the education facility, reflect the community use of schools, and recognize the impact of the facility on the surrounding neighborhood. Size, location, health and safety issues, topography, and aesthetics will be considered to ensure timely construction of appropriate facilities.

**II. Purpose**

The purpose of this policy is to direct the process of obtaining property for school system use.

**III. Definitions**

- A. Interagency Committee on School Construction (IAC) – A committee established under the Maryland Board of Public Works in accordance with Section 5-302 of the Education Article. The committee is chaired by the State Superintendent of Schools or the Superintendent’s designee, and is responsible for the review/approval of any site acquisition.
- B. Phase 1 Environmental Site Assessment – An assessment typically conducted during real estate transactions which is designed to determine if existing or potential environmental liabilities exist at a property. The assessment includes, but is not limited to, a review of previous use, studies of local groundwater and surface water conditions, a site inspection, interviews, and findings.
- C. Site Review Committee – An interagency committee responsible for advising the Superintendent and Board of Education on the feasibility of school site development and collaborating to ensure county approval of a site acquisition, which is an IAC requirement. The committee is composed of representatives of the Howard County Public School System, the Howard County Department of Public Works, and the Howard County Department of Planning and Zoning.

**IV. Standards**

- A. Determination of Need

The need for a site is determined by numerous factors, including, but not limited to, overcrowding of existing buildings, projected enrollment, observed and anticipated

increase in development in this and neighboring counties, census data relating to size of families, and changes in facility needs to keep pace with program or system requirements. Trends in present and future availability and price of land and infrastructure will be used to determine the optimum time for acquiring sites at the least cost to the taxpayers.

B. Considerations for School Sites

The process for selecting new school sites should consider the following:

1. Sufficient and appropriate acreage to provide the anticipated educational program as well as parking, playing fields, and accommodations for community use. The Superintendent will recommend guidelines for the acreage of school sites of each organizational level.
2. Restrictions on the location of school service areas such as neighborhood boundaries and the presence of reasonably well-defined geographic barriers which constitute impractical or hazardous crossing conditions, such as major highways, railroad tracks, large bodies of water, etc.
3. The prescribed limits which a child is expected to walk to school, if walking is desirable, beyond which transportation must be provided
4. The desirability of maintaining sufficient flexibility in site location to allow for population migration and/or possible changes in future educational programs or staffing requirements
5. Economic considerations in developing a pattern of school facilities which will result in the greatest degree of facility utilization while providing optimum learning environments.

C. Location of Sites

1. Selection of proposed sites is to be based upon relevant regulations to ensure proper location and maximum utilization of the facility. Applicable guidance and regulations include, but are not limited to, the Comprehensive School Facilities Master Plan, the County General Plan, and the Comprehensive Zoning Plan as well as regulations pertaining to subdivision, roads, wetlands, and stormwater management.
2. School sites should be as central as possible to the ultimate area to be served by the school in order to minimize long-range transportation requirements, reduce the need for some children to walk disproportionate or long distances, and enhance the ability of the greatest number of children to participate in after-school activities.

3. Location of school sites near industrial or employment complexes should be avoided in order to minimize traffic hazards, disturbing noises, odors, smoke, and fumes. School sites planned for a part of a mixed use community may be considered.
4. Consideration should be given to acquiring property jointly with the Department of Recreation and Parks or locating the site near public parks or recreation areas.
5. All school sites should have frontage on or egress to a public road or street to obtain a reasonable means of vehicular egress.

D. Physical Properties of Sites

The site must be suitable for the economical construction of the proposed facility.

1. A Phase 1 Environmental Site Assessment must be conducted prior to acquisition to determine suitability. Supplemental analyses may be conducted as necessary or appropriate.
2. Safe pedestrian and vehicular access should be reasonably attainable.
3. The shape of a school site should be suitable for school construction and use. Elongated and extreme shapes should be avoided.
4. The topography of the site should facilitate proper drainage and allow for economical grading costs at the time the site is developed.
5. Consideration should be given as to whether public water and sewer are available, and if not, whether onsite water and sewer service meeting regulatory requirements are reasonably attainable.

E. Approval of Sites

1. Procedures for the identification and acquisition of sites must comply with state and local laws and regulations, include the following:
  - a. Preliminary consultation with the Board in closed session
  - b. Consideration and recommendations by the Site Review Committee
  - c. Public hearings
  - d. Any necessary approval from the IAC and State Superintendent for the acquisition and/or disposition of real property.
2. When authorized by the Board, the site may be acquired.

**V. Compliance**

- A. The Superintendent is responsible for recommending properties for acquisition to the Board.
- B. The Superintendent/designee is responsible for directing staff on all matters relating to site acquisition.

**VI. Delegation of Authority**

The Superintendent is authorized to develop procedures to implement this policy.

**VII. References**

- A. Legal
  - The Annotated Code of Maryland, Education Article, Sections 4-115, 116, 118, 119; Sections 5-301, 302
  - Howard County Subdivision and Land Development Regulations
  - Howard County Adequate Public Facilities Ordinance
  - Howard County Zoning Regulations
- B. Other Board Policies
  - Policy 4010 Donations
  - Policy 6010 School Attendance Areas
- C. Other
  - Maryland Public School Construction Program Administrative Procedures Guide
  - Howard County General Plan

**VIII. History**

ADOPTED: September 10, 1969

REVIEWED: July 1, 2014

MODIFIED:

REVISED: October 12, 1989

March 13, 2008

EFFECTIVE: July 1, 2008

**SITE SELECTION**  
**AND ACQUISITION**

Effective: July 1, 2008

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**I. Planned Acquisition and Unforeseen Opportunities**

The Superintendent will include any plans to acquire sites in the annual capital budget and five-year capital improvement program for Board approval once a year. In the event of an unforeseen opportunity for site acquisition, the Superintendent will make a separate recommendation to the Board.

**II. Acreage for School Sites**

The desirable size in usable acres for school sites is indicated in the table below. A school may have to be accommodated on acreage that is below the indicated desirable size in certain circumstances.

<b>School Level</b>	<b>Desirable Size in Usable Acres</b>
Elementary School (K-5)	10 + 1 acre for each 100 pupils
Middle School	20 + 1 acre for each 100 pupils
High School	30 + 1 acre for each 100 pupils

**III. Acquisition of a Site**

- A. Based on the standards noted in the policy, a provisional site or sites will be selected by the Superintendent and recommended to the Board in closed session. The Board will direct the Superintendent to obtain the advice of the Site Review Committee on provisional site(s) it approves.
- B. The Superintendent/designee will obtain the advice of the Site Review Committee for provisional sites approved by the Board. At the meeting the Superintendent/designee will provide relevant school planning and site information to facilitate a discussion of the regulatory review and any known pros or cons of the site. The committee will prepare recommendations for the Superintendent and the Board.
- C. The Superintendent/designee will develop a timeline that incorporates all applicable review procedures and review this schedule with parties to the transaction. This timeline will include:
  - 1. Site Inspection by Maryland Department of Planning
  - 2. Review by the Maryland State Clearinghouse for Intergovernmental Assistance

3. Review by the State Interagency Committee for School Construction (IAC).
- D. The Superintendent/designee will employ two independent qualified appraisers to place a value on the property.
- E. In closed session, the Board will consider the report of the Site Review Committee and the recommendation of the Superintendent on the provisional site or sites and make a decision whether to move ahead with a public vote on site acquisition.
- F. After the Board gives preliminary approval to a site, a public hearing will be held in accordance with Section 4-116 of the Education Article.
- G. The Superintendent will submit the property for state review according to the timeline.
  1. Guidance for gaining approval is addressed in the Maryland Public School Construction Program Administrative Procedures Guide.
  2. A site inspection by Maryland Department of Planning staff is required.
  3. A review by the Maryland State Clearinghouse for Intergovernmental Assistance is required.
- H. The Superintendent/designee will negotiate with the owners of the property for its purchase, using as a guide the appraised value. The representative of the Superintendent may be a staff member, an attorney, a real estate agent, or such other person as the Superintendent may designate. The Board will at all times provide direction as to acreage desired, maximum price to be paid, a time within which the property will be acquired, and such other particulars as are the Board's responsibility to determine.
- I. When agreement on terms has been reached, a contract of sale will be prepared and executed. The Board may request its attorney to assist in this step.

#### **IV. Unsuccessful Negotiations**

In those cases where negotiations appear to be unsuccessful, the Board may request that the Superintendent proceed with further action as necessary. This may take the form of further attempts at negotiations or immediate action to file condemnation proceedings.

#### **V. Reservation of a Site**

The Superintendent may recommend reserving a site for future acquisition. Reservation of a site may occur in two ways under Howard County Subdivision and Land Development Regulations:

- A. New Town Zoning (Current Applicable Only to Columbia)

Under new town zoning, a site may be reserved for an unlimited time as dedicated open space for a school site. In this instance, the owner/developer of the subdivision, usually a planned community or other large scale development, is willing to forgo any future development rights for open space credits and retains ownership until the Board at its prerogative acquires the property.

**B. Other Zones**

In all other zones, a site may be reserved for a limited period of time from the date of recordation of the final plat as a reserved parcel for a school site. The Howard County Subdivision and Land Development Regulations currently limit this period of time to three (3) years. This process allows the Board time to evaluate the need, suitability, and/or availability of alternate sites before it commits itself to acquisition of a parcel tentatively identified as a possible future school site in a larger tract/subdivision that an owner/developer wants to subdivide/develop immediately.

**VI. History**

ADOPTED: October 12, 1989

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