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State Superintendent of Schools

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TO: Members of the State Board of Education

FROM: Nancy S. Grasmick 

DATE: April 26, 2011

SUBJECT: COMAR 13A.01.02.05 (NEW)
Facilities Required in Public Schools

PURPOSE:

The purpose of this item is to seek approval to publish the Maryland State Department of Education requirements for facilities in public schools. The proposed combines the existing regulation on facilities for School Health Services (COMAR 13A.05.05.10) with a new section for Physical Education Programs.

BACKGROUND:

During the 2010 legislative session, passage of House Bill 334 required the Maryland State Department of Education to adopt regulations to require all new schools and schools that are completely renovated and occupied after January 1, 2013, to include a gymnasium and support spaces for physical education instruction. The physical education program facilities requirement will primarily affect construction projects at elementary schools, since new and renovated secondary schools are almost invariably designed with a gymnasium and support spaces (the exception being certain small, specialized, secondary schools).

The statute also requires the Department to adopt guidelines for facilities for physical education programs. The proposed guidelines are in draft form and will come to the Board for approval when this regulation is submitted for Final Approval.

EXECUTIVE SUMMARY:

The Board has the opportunity to make a positive change in the learning environment for all children in Maryland by supporting efforts to enhance the facilities for physical education instruction in schools.

Today's physical education program is significantly more individualized, concept-centered, and technology-based than the traditional physical education program. Physical education can serve as a vehicle for helping students develop the knowledge, attitudes, motor skills, behavioral skills,

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and confidence needed to adopt, maintain, and make informed decisions about leading a physically active life. Regular physical activity improves functional status and limits disability during the middle and later adult years. Physical activity contributes to quality of life, psychological health, and the ability to meet physical work demands. It is the vision of the Maryland State Department of Education that providing school facilities which encourage increased physical activity will enable our society to address the growing concern of childhood and adult obesity and lead to a healthier adult population.

There is no change in the existing regulation for School Health Services.

ACTION:

Approval to publish the proposed regulation, *Facilities Requirements in Public Schools, COMAR 13A.01.02.05*, for public comment.

NSG:BJB:bb

Attachment

Title 13A

State Board of Education

Subtitle 01 STATE SCHOOL ADMINISTRATION

13A.01.02 State Superintendent of Schools

.05 Facilities Required in Public Schools

A. School Health Services. School Health Services shall be provided in designated Health

Facilities consistent with COMAR 13A.05.05.10.

B. Physical Education Program.

(1) Scope. This section applies only to schools:

(a) Built and occupied, or renovated and occupied, after January 1, 2013 and

(b) For which a request for proposal for the selection of an architectural and engineering design consultant for construction or renovation was initiated after July 1, 2010.

(2) Purpose of Facilities. The facilities required in this section are to support the Physical Education instructional program required in COMAR 13A.04.13.

(3) Design Guidelines. The design of facilities required in this section shall be based on voluntary guidelines approved by the State Board of Education for physical education programs.

(4) Minimum Spaces Required.

- (a) Gymnasium**
- (b) Teacher Office or Planning Area**
- (c) Equipment Storage Area (s)**
- (d) Outdoor Instructional Playing Field**
- (e) Outdoor Instructional Hard Surface Area**

(5) Waiver

- (a) The local superintendent of schools may request a waiver of all or part of this section based on design constraints due to:
 - (i) Size of the school site,**
 - (ii) Configuration of the school site, and**
 - (iii) Zoning.****
- (b) The State Superintendent of Schools may waive all or part of this section.**
- (c) The waiver decision of the State Superintendent of Schools may be appealed to State Board of Education.**

IMPACT STATEMENTS

Part A
(check one option)

Estimate of Economic Impact

The proposed action has no economic impact.

or

X The proposed action has an economic impact. Complete the following form in its entirety.

I. Summary of Economic Impact.

Revenues are not affected. The action does not alter total State funding for school construction but may reduce the number of school construction projects funded in order to accommodate the State share of construction costs for gymnasiums. Rather than increase local capital expenditures to fund the potential increase in local costs, some local jurisdictions may opt to fund fewer school construction and renovation projects.

II. Types of Economic Impacts.

Revenue (R+/R-)
Expenditure (E+/E-) Magnitude

A. On issuing agency:

B. On other State agencies:

C. On local governments:

(E+) Varies, see III.

Benefit (+)
Cost (-) Magnitude

D. On regulated industries or trade groups:

E. On other industries or trade groups:

F. Direct and indirect effects on public:

III. Assumptions. (Identified by Impact Letter and Number from Section II.)

C. Varies.

Secondary schools have long included gymnasiums. All school systems are now including separate gymnasiums in new elementary schools and major renovation projects, so there is no additional, unanticipated construction cost.

As of 2010, there were 191 elementary schools with multipurpose rooms only and no separate gymnasiums. The law does not require school systems to add gymnasiums to each of these existing schools. Only the schools identified by the school system for a major renovation would now be required to provide a separate gymnasium. The estimated construction cost of an elementary gymnasium addition of 6,500 gross square feet to an existing school is between \$1.5 and \$2 million.

While the construction cost of an individual school with a gymnasium is greater than a school without, the total amount of funding spent on school construction by a school system is unlikely to change.

Part B
(check one option)

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

or

The proposed action has a meaningful economic impact on small businesses. An analysis of this economic impact follows.

Impact on Individuals with Disabilities
(Check one option)

The proposed action has no impact on individuals with disabilities.

or

The proposed action has an impact on individuals with disabilities as follows:

The construction or addition of gymnasiums to all public schools will have a positive impact on individuals with disabilities by supporting the integration of persons with disabilities in general physical education and recreation programs and by supporting the development of adapted physical education programs.

Part C

(For legislative use only; not for publication.)

- A. Fiscal Year in which regulations will become effective: **FY 2012**
- B. Does the budget for fiscal year in which regulations become effective contain funds to implement the regulations?

Yes No

- C. If yes, " state whether general, special (exact name), or federal funds will be used:

MSDE school facilities branch staff will expand current design review practices to include requirement in regulation. The branch is fully funded with General funds.

- D. If no, " identify the source(s) of funds necessary for implementation of these regulations:

- E. If these regulations have no economic impact under Part A, indicate reason briefly:

If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

Regulation will affect major construction projects in local school systems typically performed by large businesses.

Comparison to Federal Standards

(Check one option)

- There is no corresponding federal standard to this proposed regulation.

or

- There is a corresponding federal standard to this proposed regulation. Please give corresponding federal standard and if the regulation is not more restrictive or stringent give justification.

or

- In compliance with Executive Order 01.01.1996.03, this proposed regulation is more restrictive or stringent than corresponding federal standards as follows:

- (1) Regulation citation and manner in which it is more restrictive than the applicable federal standard:
- (2) Benefit to the public health, safety or welfare, or the environment:
- (3) Analysis of additional burden or cost on the regulated person:
- (4) Justification for the need for more restrictive standards: