



*Gregory J. Swain, County Attorney*

## **MEMORANDUM**

**To:** Council Members, Anne Arundel County Council  
**From:** Gregory J. Swain, County Attorney /s/  
**Date:** October 21, 2019  
**Subject:** Bill No. 81-19, Annual School Utilization Chart

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### **Legislative Summary**

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 81-19, a Bill that seeks approval of the 2021 School Utilization Chart.

#### **Purpose.**

The purpose of the Bill is to seek the Council's approval of the School Utilization Chart for 2021 school year.

#### **Background.**

Section 17-5-502 of the County Code requires the Planning and Zoning Officer to prepare an annual school utilization chart and submit it to Council for approval by November 30. The chart is based on enrollments projected by the Board of Education and the capacities of schools as determined by the Board of Education in the most recent Educational Facilities Master Plan prepared by the Board of Education, as well as new students proposed to be generated by each new development approved by the Office of Planning and Zoning since the last school utilization chart was approved or updated. For each elementary and middle school that is at or less than 95% of the State-rated capacity for students, the chart shall indicate that the school is "open,;" if the state rated capacity is over 95%, the chart shall indicate that the school is "closed."

For high schools, any school whose enrollment indicates less than 100% of State-rated capacity for students shall be indicated as "open,;" any school at or above 100% of State-rated capacity shall be indicated as "closed."

The “open” or “closed” designation determines whether a development meets the adequate public facilities test for schools. If the schools that the development would attend are listed as “closed” on the annual school utilization chart, that development would fail the school APF test and must go on the six year school waiting list or provide sufficient mitigation to create new capacity sufficient to meet the projected impact on schools from the development. If the schools are “open,” the development would pass the school APF without further action required.

**SECTION 1.**

Section 1 of the Bill requests approval of the 2021 School Utilization Chart, as required by § 17-5-502(a) and (e) of the County Code.

**SECTION 2.** (uncodified) provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding Bill No. 81-19. Thank you.

cc: Honorable Steuart Pittman, County Executive  
Jennifer Purcell, Chief of Staff  
Benjamin J. Birge, Chief Administrative Officer  
Peter Baron, Legislative Liaison  
Jim Beauchamp, Budget Officer  
Steve Kaii-Ziegler, Planning and Zoning Officer  
Linda Schuett, Legislative Counsel