

**THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND
AGENDA**

January 16, 2024

8:30 A.M. Special Work Session

If Inclement Weather Occurs - Call In Option 1-872-239-8359 Conference ID 688 352 440#

County Administrator

Senate Bill 110 School Construction - Local Cost-Share - Alterations

Discussion

Alex Donohue, Executive Director, Interagency Commission on School Construction

Letter of Support

For Your Information

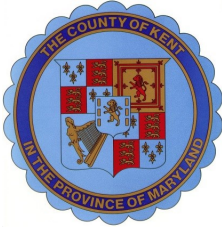
Patricia Merritt, Chief Finance Officer, Office of Finance

Review of Debt Service and Cost Analysis

Legislative Correspondence

Dr. Karen Couch, Superintendent, Kent County Public Schools

(Meetings are conducted in Open Session unless otherwise indicated. All or part of County Commissioners' meetings can be held in closed session under the authority of the MD Open Meetings Law by vote of the Commissioners. Breaks are at the call of the President. Please note that times listed for specific items on the agenda are only estimates, and that the order of agenda items may change as time dictates or allows. Meetings are subject to audio and video recordings.)



Senate Bill 110 School Construction - Local Cost-Share - Alterations 1/16/2024 County Commissioners Meeting

Item Summary:

Discussion

ATTACHMENTS:

Description

Senate Bill 110, Pre-Filed by Senator Hershey 10.10.23, School Construction - Local Cost-Share - Alterations

SENATE BILL 110

F5

(PRE-FILED)

4lr0905
CF 4lr0906

By: **Senator Hershey**

Requested: October 10, 2023

Introduced and read first time: January 10, 2024

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **School Construction – Local Cost–Share – Alterations**

3 FOR the purpose of adding an adjustment to the local cost–share for school construction
4 projects for certain counties under certain circumstances; and generally relating to
5 the local cost–share for school construction projects.

6 BY repealing and reenacting, with amendments,
7 Article – Education
8 Section 5–303(k)
9 Annotated Code of Maryland
10 (2022 Replacement Volume and 2023 Supplement)
11 (As enacted by Chapter 32 of the Acts of the General Assembly of 2022)

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

14 **Article – Education**

15 5–303.

16 (k) (1) (I) A county is eligible for an adjustment to the local cost–share for
17 school construction projects under [paragraph (2)] SUBPARAGRAPH (II) of this
18 [subsection] PARAGRAPH if:

19 [(i)] 1. A county’s median household income is in the bottom
20 quartile in the State; and

21 [(ii)] 2. The State and local cost–share formula for the county is
22 50% State and 50% local.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 [(2) (i)] (II) 1. The local cost–share of a school construction project
2 in a county that is eligible under [paragraph (1)] SUBPARAGRAPH (I) of this [subsection]
3 PARAGRAPH shall be reduced to equal the local cost–share of the adjacent county that is
4 less than 50% but closest to 50%.

5 [(ii)] 2. The State cost–share of a school construction project in the
6 eligible county shall be increased by a percentage that is equal to the reduction under
7 [subparagraph (i) of this paragraph] SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.

8 (2) (I) A COUNTY IS ELIGIBLE FOR AN ADJUSTMENT TO THE LOCAL
9 COST–SHARE FOR AN ELIGIBLE SCHOOL CONSTRUCTION PROJECT IN THE COUNTY
10 UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH IF:

11 1. THE PERCENTAGE OF STUDENTS IN THE COUNTY
12 ELIGIBLE FOR FREE OR REDUCED PRICE MEALS IS GREATER THAN THE STATEWIDE
13 AVERAGE OF STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE MEALS;

14 2. ALL SCHOOLS IN THE COUNTY PARTICIPATE IN THE
15 U.S. DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION;

16 3. THE STATE AND LOCAL COST–SHARE FORMULA FOR
17 THE COUNTY IS 50% STATE AND 50% LOCAL; AND

18 4. THE ELIGIBLE PROJECT IS A SCHOOL THAT IS THE
19 ONLY ELEMENTARY, MIDDLE, OR HIGH SCHOOL IN THE COUNTY.

20 (II) 1. THE LOCAL COST–SHARE OF A SCHOOL
21 CONSTRUCTION PROJECT IN A COUNTY THAT IS ELIGIBLE UNDER SUBPARAGRAPH
22 (I) OF THIS PARAGRAPH SHALL BE REDUCED TO EQUAL THE AVERAGE OF COUNTIES
23 IN WHICH ALL SCHOOLS IN THE COUNTY PARTICIPATE IN THE U.S. DEPARTMENT OF
24 AGRICULTURE COMMUNITY ELIGIBILITY PROVISION.

25 2. THE STATE COST–SHARE OF A SCHOOL
26 CONSTRUCTION PROJECT IN THE ELIGIBLE COUNTY SHALL BE INCREASED BY A
27 PERCENTAGE THAT IS EQUAL TO THE REDUCTION UNDER SUBSUBPARAGRAPH 1 OF
28 THIS SUBPARAGRAPH.

29 (3) A county shall receive:

30 (i) A 10 percentage point increase in the State share of a school
31 construction project if the proposed school construction project, when a local school system
32 submits a project for approval to the Interagency Commission, is at a school with a
33 concentration of poverty level, as defined in § 5–223 of this title, of 80% or greater;

(ii) A 5 percentage point increase in the State share of a school construction project if the proposed school construction project, when a local school system submits a project for approval to the Interagency Commission, is at a school with a concentration of poverty level, as defined in § 5–223 of this title, of less than 80% but greater than 55%;

(iii) A 5 percentage point increase in the State share of a school construction project if the proposed school construction project is at a school that, in the most recent school maintenance effectiveness assessment by the Interagency Commission, received an assessment rating of:

1. Good;

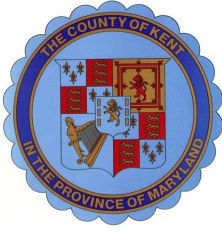
2. Superior; or

3. Adequate and the school's current school facility assessment percent of expected useful life is at least 120%; and

(iv) A 5 percentage point increase in the State share of a school construction project if the proposed project is to build a net-zero school.

(4) A county shall receive a 5 percentage point increase in the State share of a school construction project if the proposed project is to build a net-zero school.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2024.



**Alex Donohue, Executive Director, Interagency Commission on School
Construction
1/16/2024
County Commissioners Meeting**

Item Summary:

Letter of Support

ATTACHMENTS:

Description

10.24.23 Alex Donahue, Executive Director, Interagency Commission on School Construction, Kent County Middle School Modernization Project, Letter of Support



The County Commissioners of Kent County
Ronald H. Fithian, President | Albert H. Nickerson, Member | John F. Price, Member
Shelley L. Heller, County Administrator | Thomas N. Yeager, County Attorney

October 24, 2023

Mr. Alex Donahue
Executive Director
Interagency Commission on School Construction
200 West Baltimore St.
Baltimore, MD 21201

Re: Kent County Middle School Modernization Project - Letter of Support

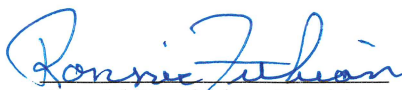
Dear Mr. Donahue:

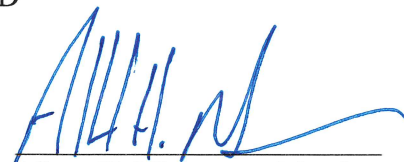
We, the County Commissioners for Kent County, Maryland, support the modernization of Kent County Middle School (KCMS). On October 9, 2023, the Kent County Board of Education (KC BOE) approved the replacement of the school on the existing school site in Chestertown, Maryland and we agree with their decision. KCMS is the only middle school in the County and will impact the education of every student enrolled in the Kent County Public Schools.

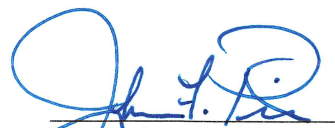
Kent County Government's ability to fund its share of the KCMS modernization project will critically depend upon the increased level of State funding participation. The KC BOE is seeking several means to increase the maximum State construction allocation, through legislative action in the 2024 session to increase the State cost-share percentages as well as add-ons to the State cost-share percentages authorized under COMAR. Therefore, our support for the project is conditional upon the level of State funding participation achieved as outlined in this letter.

We fully understand that project delays may lead to a total project cost increase; however, due to the fiscal constraints of the County, if State funding levels are not increased, we may be faced with delaying our support for the project until County funds can be secured. We also request your support and guidance in assisting the Kent County Public Schools to increase the State funding share for this urgent and essential project.

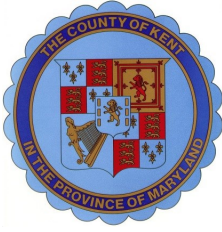
Sincerely,
THE COUNTY COMMISSIONERS
OF KENT COUNTY, MARYLAND


Ronald H. Fithian, President


Albert H. Nickerson, Member


John F. Price, Member

cc: Dr. Karen Couch, Superintendent, Kent County Public Schools



Patricia Merritt, Chief Finance Officer, Office of Finance
1/16/2024
County Commissioners Meeting

Item Summary:

Review of Debt Service and Cost Analysis

ATTACHMENTS:

Description

Middle School Workshop

Middle School Cost Analysis

	County		State		Total
	\$	%	\$	%	
Design	2,660,000	60%	1,804,000	40%	4,464,000
Site Development	2,879,000	50%	2,880,000	50%	5,759,000
Construction (State Scope)	15,156,000	50%	15,156,000	50%	30,312,000
Construction (LEA Scope)	19,729,000	100%		0%	19,729,000
Furniture	5,142,000	87%	758,000	13%	5,900,000
Contingency	600,000	100%		0%	600,000
Total	46,166,000	69%	20,598,000	31%	66,764,000
Construction (State Scope)	15,156,000	50%	15,156,000	50%	30,312,000
	12,124,800	40%	18,187,200	60%	30,312,000
	9,093,600	30%	21,218,400	70%	30,312,000
	6,062,400	20%	24,249,600	80%	30,312,000
	3,031,200	10%	27,280,800	90%	30,312,000
Every 10%	3,031,200				
Design	2,678,400	60%	1,785,600	40%	4,464,000
	2,232,000	50%	2,232,000	50%	4,464,000
	1,785,600	40%	2,678,400	60%	4,464,000
	1,339,200	30%	3,124,800	70%	4,464,000
	892,800	20%	3,571,200	80%	4,464,000
	446,400	10%	4,017,600	90%	4,464,000
Every 10%	446,400				
Site Development	2,879,500	50%	2,879,500	50%	5,759,000
	2,303,600	40%	3,455,400	60%	5,759,000
	1,727,700	30%	4,031,300	70%	5,759,000
	1,151,800	20%	4,607,200	80%	5,759,000
	575,900	10%	5,183,100	90%	5,759,000
Every 10%	575,900				
Total Every 10%	4,053,500				

We are requesting CIP funding to support the architectural/engineering (A/E) Design for the upcoming Kent County Middle School Replacement Project. A Feasibility Study was conducted to examine five potential options for the modernization of the Kent County Middle School: 1) renovation/expansion of the existing building, 2) replacement at the existing site in Chestertown, 3) replacement at a new site to be determined, 4) replacement at the campus of Kent County High School in Worton, Maryland, and 5) an attachment to Kent County High School, with joint-use of certain facilities in the high school (gymnasium, cafeteria, other). On July 10, 2023, the Board of Education determined that only the replacement options in Chestertown and Worton would be considered. On October 9, 2023, the Board Of Education voted between the final two options that were selected during the Feasibility Study process and chose to pursue option 2, which is a replacement on the existing Chestertown site.

NOTE: Kent County Public Schools has submitted a request for the balance of funds (\$1,489,259) to support a Feasibility Study and A/E services in the FY 2025 Built to Learn Act (BTL) program. Attached is a general project draw schedule, beginning with design in the summer of 2024 and continuing through demolition of the existing Kent County Middle School facility and completion of sitework in the summer of 2027, with Project Closeout in the fall of 2027.

Raw Eligible Enrollment based on SRC and 7-year FTE.

Note: To determine the Raw Eligible Enrollment for a new school, enter the SRC and 7 year enrollments for the Adjacent School(s) above.

	Estimated Local	Estimated Net State
the adjacent schools are excluded from the calculation of the		

SECRET

* Phase I: New construction 6/25-1/27; Phase II: Demolition of existing KCMS facility & final sitework 1/27-3/01



PSC No.:	14.003	Did this project receive prior funding?	No	FUNDING PROGRAM:	CIP PROJECT ☒ BUILT TO LEARN PROJECT ☐							
LEA:	Kent	REQUEST TYPE:	DESIGN \$\$: ☒ PLANNING: ☐ FUNDING: ☐	FY:	2025	Date Submitted:	10/4/23					
SCHOOL NAME:	Kent County Middle	PRIORITY #:	1	Revised Date:								
ADDRESS:	400 CAMPUS AVENUE, CHESTERTOWN, MD 21620	RENEWAL/RENOV.:		LIMITED RENOVATION								
PROJECT TYPE:	NEW ☐ ADDITION ☐ REPLACEMENT ☒	STATE-OWNED RELOCATABLES		COST SHARE %	STATE 50% LOCAL 50%							
COOPERATIVE USE	☒	PROTOTYPE DESIGN										
HIGH PERFORMANCE	☒											
SCHOOL NUMBER	14.0402	GRADES	5-8	SRC	612							
CURRENT FUNDING REQUEST:	\$234,341	EXPECTED FIVE-YEAR PROGRAM FUNDING REQUESTS				TOTAL:						
TOTAL PRIOR STATE FUNDS:	\$0	FY2026	\$9,247,000	FY2027	\$9,005,000	FY2028	\$ 622,400	FY2029	\$0	FY2030	\$0	\$19,108,741
DATE PLANNING APPROVED:		Concurrent BTL Request: \$1,569,659 Total CIP Program Requests: \$20,678,400										

1. SITE:	Date IAC Approved	MHT Category #	Date of MHT Review	In PFA ☒	Water ☒	Sewer ☒
Acreage	15.000					

2. EXISTING FACILITY:		RENOVATED				DEMOLISHED		TOTAL
		Gross SF	Date	Gross SF	Date	Gross SF	Date	Gross SF
ORIGINAL		21,254	1950	18,029	1976	3,225	1976	18,029
ADDITION		17,066	1952	17,066	1976			17,066
ADDITION		4,460	1957	4,460	1976			4,460
ADDITION		12,544	1960	12,544	1976			12,544
ADDITION		26,686	1976					26,686
TOTAL		82,010		52,099		3,225		78,785

LEA Proposed Scope for Renovation/Demolition		
GSF to be Renovated	GSF to be Demolished	Cooperative-Use Space
	18,029	
	17,066	
	4,460	
	12,544	
	26,686	
-	78,785	-

3. PROPOSED SCOPE:	
a. State Scope Previously Approved:	FY <u> </u> Approved Enrollment <u> </u>
Gross Square Footage:	New <u> </u> Addition <u> </u> Renovation <u> </u> Demolition <u> </u>
Cooperative-Use Space GSF:	New <u> </u> CUS Addition <u> </u> CUS Renovation <u> </u>
WITHIN above GSF	
b. State Scope Currently Proposed:	Proposed Enrollment <u> </u>
Gross Square Footage:	New <u>520</u> Addition <u> </u> Renovation <u>-</u> Demolition <u>78,785</u>
Cooperative-Use Space GSF:	New <u>750</u> CUS Addition <u> </u> CUS Renovation <u>-</u>
WITHIN above GSF	
c. LEA Scope:	Proposed Capacity <u> </u>
Gross Square Footage:	New <u>88,250</u> Addition <u> </u> Renovation <u> </u> Demolition <u>78,785</u>
Cooperative-Use Space GSF:	New <u>750</u> CUS Addition <u> </u> CUS Renovation <u> </u>
WITHIN above GSF	
d. SE and CTE:	Regional SE program(s)? <u>Y</u> CTE Programs? <u>N</u> CTE application filed with MSDE? <u>N</u>

4. DESCRIPTION & JUSTIFICATION: (What do you wish to accomplish with this project)

Kent County Middle School is in need of modernization. The facility was originally built in 1950, with additions in 1952, 1957, 1960 and 1976, when the entire facility was last renovated. The facility does not support the 21st century middle school program; there are no collaboration spaces for team teaching, no purpose-designed science laboratories or technology instructional space, no teacher planning areas, a severe lack of small spaces of varying sizes for small-group or one-on-one instruction of students with special needs, and a large number of classrooms without natural daylight (including the Art Classroom). The circulation pattern



STATE OF MARYLAND - CAPITAL IMPROVEMENT PROGRAM / BUILT TO LEARN
COMPUTATION SUPPLEMENTAL WORKSHEET FOR ESTIMATING THE STATE ALLOCATION FOR FY 2024
(Amounts rounded to the nearest 1,000)

PSC No.:	14.003	School Name	Kent County Middle		Priority #1	Design			
Project Type:	Project Type				CIP and/ or BTL *	CIP			
GROSS AREA BASELINE in GSF		Educ. Type	Eligible Enrollment*	GSF per student**	Total GSF	Construction Cost	* The project will be funded with both BTL and CIP funds.	State Share	
		Elementary	#N/A	x 0	= #N/A			50%	
		Middle	505	x 145.00	= 73,225				
		High	#N/A	x 0	= #N/A				
		Special ED Elem		x 0	= 0				
		Special ED Middle	30	x 35.00	= 1,050				
		Special ED High		x 0	= 0				
		CTE		x 0	= 0				
					74,275				
GSF Above GAB									
		Existing Facility GSF							
		Demolition of Existing GSF							
		Revised Existing Facility GSF							
		Eligible New GSF	74,275						
ADDITION									
New GSF		74,275	x 404.00			30,007,000	15,004,000		
GSF Above GAB Per Statute			x 404.00						
Cooperative-Use Space (GSF)		750	x 404.00			303,000	152,000		
Site Development			x 19%			5,759,000	2,880,000		
Design Cost			x 10%			3,607,000	1,804,000		
Furniture and Fixtures			x 5%			1,516,000	758,000		
						41,192,000	20,598,000		
RENOVATION									
Age of Structure		Construction Year	GSF to be Renovated	Cost per GSF	Percentage to be Covered	Cost			
40 & older			x	404.00	x 100%	=			
31-39			x	404.00	x 85%	=			
26-30			x	404.00	x 75%	=			
21-25			x	404.00	x 65%	=			
16-20			x	404.00	x 50%	=			
0-15			x	404.00	x	=			
Cooperative-Use Space (GSF)			x	404.00					
Site Development				5%					
Design Cost				10%					
Furniture, Fixtures and Equipment				5%					
							41,192,000	20,598,000	
TOTAL COST								41,192,000	20,598,000
Less Prior State Funds for Related Projects									
MAXIMUM STATE CONSTRUCTION ALLOCATION									20,598,000
Less CIP Allocations for the Project									
ADJUSTED MAXIMUM STATE CONSTRUCTION ALLOCATION									
Less CIP Allocations for the Project									
Less other State funding program allocations for the project									
BALANCE									20,598,000
Additional Notes: The "Net State Funding" on this worksheet is an estimate of the maximum State allocation for this project, but may be reduced based on the costs of the approved contract(s), ineligible items, and change orders.							Date Planning Approved:		
							Date Revised:		

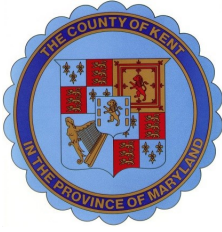
Existing facility is 78785 sf. Project consists of an addition of 74275 sf and renovation of 0 sf

Middle School Debt Service

<u>Project Cost</u>	<u>30 Year 5.00%</u>	<u>20 Year 4.50%</u>
\$ 46,166,000	3,003,200	3,549,100
\$ 5,000,000	325,300	384,400
\$ 1,000,000	65,100	77,900

Debt Service Reductions:

FY30 - Community Center	(631,523)
FY31 - KCPS Projects	<u>(205,581)</u>
	<u><u>(837,104)</u></u>



Dr. Karen Couch, Superintendent, Kent County Public Schools
1/16/2024
County Commissioners Meeting

ATTACHMENTS:

Description

01.10.24 Alex Donahue, Executive Director, Interagency Commission on School Construction, KC Middle School – Legislation to Increase State Funding Participation, Karen M. Couch, Superintendent, KCPS



Kent County Board of Education

Growing a Community of Leaders

Dr. Karen M. Couch
Office of the Superintendent

January 10, 2024

Mr. Alex Donahue
Executive Director
Interagency Commission on School Construction
200 West Baltimore Street
Baltimore, MD 21201

Re: Kent County Middle School: Legislation to increase the State funding participation

Dear Mr. Donahue:

I am writing to inform you of legislation that has been submitted by Senator Stephen S. Hershey to adjust the State funding participation for Kent County Public Schools in the Capital Improvement Program. As you know, Kent County Public Schools has applied for Planning Approval and design funds for the replacement of the Kent County Middle School facility in the FY 2025 Capital Improvement Program. We are highly appreciative of the approval of design funds by the Interagency Commission, and look forward to receiving notification of planning approval. In order for the project to proceed, it is essential that the State funding participation in this project be maximized to the greatest extent possible.

This is an urgent project, as the existing facility does not support a contemporary middle school instructional program and the building also presents a host of performance deficiencies. As the only middle school facility in the county, KCMS bears a large responsibility to provide essential educational as well as support services to the children of Kent County in their crucial early adolescent years. The existing facility impedes the delivery of the educational program in many ways, as the recently submitted Feasibility Study amply demonstrates. An issue of equity is involved: without the modernized facility, the middle school students of Kent County will remain at a permanent disadvantage relative to the opportunities that their peers enjoy in other parts of Maryland. Moreover, a modernized KCMS will benefit the community, will support State planning goals to invest in existing communities, and will enhance the three elementary schools and single high school that constitute the public school footprint in Kent County.

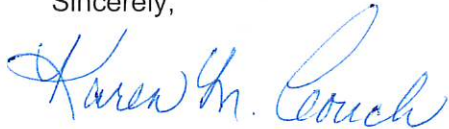
¹ This represents the calculation in the FY 2025 CIP of \$20,598,000 escalated by 4% for the FY 2026 CIP.

The cost for the project is now estimated at \$66.7 million. At the current State participation level of 50%, we estimate that the State will participate in approximately \$21.4 million,¹ Choptank Community Health will contribute approximately \$200,000, and the Board of County Commissioners would need to contribute a match of \$45.2 million. This is well beyond the BCC's current funding capacity: two other large capital projects in the county demand immediate consideration, and the BCC concurrently faces the financial challenges presented by the Blueprint for Maryland's Future legislation.

Consequently, the Board of Education is seeking to increase the State funding participation in the project through a number of means: the percentage add-ons that are enabled through COMAR 14.39.02.05, an adjustment to the gross area baseline and/or the baseline gross square footage through an analysis of the space usage that is currently in progress (COMAR 14.39.02.06), and most important, a legislative action to increase the State funding percentage. The model for this action is found at 5-303 in the Built to Learn Act legislation, which was narrowly drawn to increase the State funding percentage in order to allow one jurisdiction to undertake necessary projects, a number of which are now well underway. The proposed KCPS legislation will similarly allow the Board and the County Commissioners to proceed with a project that is of essential importance.

We wish you and the members of the Interagency Commission on School Construction to be fully informed in advance of the legislative action that will be undertaken on behalf of Kent County Public Schools. A copy of the draft bill is enclosed with this letter, and we will inform you of the hearing date as soon as it becomes available. Should you have any questions, please contact me or the office of Senator Hershey.

Sincerely,



Dr. Karen M. Couch
Superintendent

Enclosure

cc: Sen. Stephen S. Hershey, Jr.
Del. Steven J. Arentz
Del. Jefferson L. Ghrist
Del. Jay A. Jacobs
Mr. Ronald H. Fithian, President, Board of County Commissioners
Mr. Joe Goetz, President, Board of Education
Dr. David Lever, Educational Facilities Planning LLC