
Review of Public School Facility Standards in Other States

**Presentation to the
Task Force to Study Public School Facilities**

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What We Reviewed

In researching the efforts of other states to develop adequate school facilities, the Department of Legislative Services (DLS) reviewed the following two recent comprehensive studies of state school construction programs: *Update of School Construction Assistance Programs Survey for Wyoming State Legislature* by MGT of America, Inc., in 1999 and updated in January 2002, and *Building America's Schools: State Efforts to Address School Facility Needs*, by the National Governors' Association and published in June 2000.

DLS also held conversations with National Conference of State Legislatures staff, selected state school construction program officials, and other school construction experts.

What We Found

- Facility studies usually evolve out of litigation.
- States often have at least minimum guidelines for building adequate school facilities, but the process for developing guidelines and how they relate to adequacy is often informal.
- States often align guidelines with their curriculum content standards.
- General recommendations are available for assessing the needs of school facilities.

Facility Studies Usually Evolve Out of Litigation

Many states are facing litigation over the way they fund their school construction programs and the adequacy of facilities across the states. The *Update of School Construction Assistance Programs Survey for Wyoming State Legislature* noted that 21 states are currently facing school capital finance litigation.¹ The report notes that the lawsuits are primarily reflecting the problem that school districts with low property values and consequently low bonding ability are unable to construct adequate schools.²

States Often Have at Least Minimal Guidelines but the Process for Developing the Guidelines is Often Informal

States often align guidelines with their curriculum content standards. As **Exhibit 1** shows, the majority of states have specific design criteria and space standards for square footage

¹ MGT of America, Inc., *Update of School Construction Assistance Programs Survey for Wyoming State Legislature*, January 2002 (updated), p. 8.

² *Ibid*, p. 8.

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per student. In the report to the Wyoming State Legislature, which excluded data regarding Wyoming, MGT of America found that eight states reported no statewide program. Half of the states surveyed that supplied data (23) do not have specific design criteria and nine states do not have space standards. However, the report does not clearly indicate whether school systems must comply with design criteria. Conversely, states with space standards generally do require either a minimum or a maximum amount of space per student, although this may only reflect the size of a school the state will participate in funding.

**Exhibit 1
States With and Without Specific Design Criteria and Space Standards**

	State Specific Design Criteria	State Space Standards
Criteria/standards	AK, AL, AZ, GA, HI, KY, MD, MN, NC, ND, NV, OH, PA, RI, SC, TN, VA, VT, WV	AK, AL, AR, CA, CT, DE, FL, GA, HI, ID, IN*, IL, KY; MA, MD, ME, MI, MN, MO*, NC, ND, NH, NJ, NY, OH, OK*, PA, RI, SC, TN, TX, UT, VA, VT, WA, WV, WI
Criteria/standards for new schools only	FL, MA, ME, TX**	AZ
No criteria/standards	AR, CA***, CO, CT, DE, ID, IL, IA, IN*, KS, LA*, MI, MO*, MT*, NE*, NH, NM, OK*, OR*, SD*, UT, WA, WI	CO, IA, KS, LA*, MT*, NE*, NM, OR*, SD*
No data available	MS, NJ, NY, WY	MS, NV, WY

*No statewide program.

**Texas' design criteria also apply to renovations that exceed 50% of current building space.

***California's districts must meet requirements of the state's Department of Education and the Division of the State Architect.

Source: MGT of America, Inc., *Update of School Construction Assistance Programs Survey for Wyoming State Legislature*, pp. 21-88.

Although most states have at least minimum guidelines for building school facilities, it is not clear how the minimum guidelines were originally developed and whether any attempt was made to link the minimum guidelines to the educational programs necessary to provide students with an adequate education, i.e. student performance to achieve a prescribed goal. Most states' guidelines have evolved over a period of time and may reflect, in part, the availability of funding at the time. In addition, many guidelines were set before the concept of adequacy in education was broached in litigation over the past decade or two. According to our research, no state has

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developed building standards that are linked to providing an adequate education.³ However, several states have recently undertaken facility studies and developed standards and guidelines as a result of court rulings that school facilities are inadequate, such as Arizona and Ohio. (Discussed further below.)

To provide some perspective on the components of school facilities that school districts across the country are building, a 2002 report included the results of a survey of new facilities. As **Exhibit 2** shows, in addition to classrooms, which 100% of schools will include of course, most new schools will include a library and/or media center, gymnasium, and music room.

Exhibit 2
What New Schools Starting in 2002 Will Provide
(% of New Schools That Contain Facility by Grade Level)

Core Facilities	Elementary Schools	Middle/Junior High Schools	High Schools
Classrooms	100.0%	100.0%	100.0%
Library	83.4%	89.1%	87.5%
Media Center	36.9%	85.9%	91.1%
Computer Lab	59.0%	95.3%	85.7%
Science Lab	4.1%	89.1%	91.1%
Music	78.3%	95.3%	85.7%
Arts/Crafts	91.7%	81.3%	73.2%
Gymnasium	82.0%	95.3%	89.3%
Multipurpose Room	14.7%	15.6%	21.4%
Stage	16.6%	46.9%	67.9%
Auditorium/Theater	10.6%	34.4%	62.5%
Special Education/Resource	58.1%	59.4%	55.4%
Home Arts	1.8%	31.3%	53.6%
Industrial Tech.	0.0%	9.4%	35.7%
Vocational Shops	0.0%	3.1%	26.8%
Photo Lab	0.0%	0.0%	8.9%
Television/Radio Studio	0.0%	1.6%	3.6%
Support Facilities			
Offices	100.0%	100.0%	100.0%
Infirmary/Clinic	95.4%	98.4%	98.2%
Cafeteria	88.9%	98.4%	94.6%

³ Conversation with Dr. Craig Wood, Professor of Education, University of Florida, September 16, 2002.

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Core Facilities	Elementary Schools	Middle/Junior High Schools	High Schools
Kitchen	87.1%	98.4%	92.9%
Lockers	19.8%	89.1%	94.6%
Technology Support			
LANs	87.1%	96.9%	98.2%
Fiber Optics/Cable	95.4%	98.4%	96.4%
Phone Lines in Class	15.7%	31.3%	25.0%
Technology Lab	0.5%	9.4%	39.3%
Language Lab	0.9%	4.7%	17.9%
Televised PA	0.5%	0.0%	1.8%
WANs	50.7%	59.4%	69.6%
Athletic Support			
Locker Rooms	12.9%	82.8%	92.9%
Bleachers	24.4%	84.4%	89.3%
Track	0.0%	6.3%	10.7%
Field House	0.0%	0.0%	7.1%
Fitness Center	1.4%	4.7%	12.5%
Tennis	0.5%	1.6%	12.5%
Pool	0.5%	0.0%	0.0%
Stadium	0.0%	0.0%	1.8%
Athletic Fields/Playground	8.3%	71.9%	85.7%
Other Facilities			
Day Care/Nursery	9.2%	0.0%	0.0%
Elevators	3.2%	6.3%	8.9%
Portables	0.5%	0.0%	0.0%
Security Equipment	99.5%	100.0%	100.0%

Source: Paul Abramson, "School Planning and Management 2002 Construction Report", *School Planning and Management*, Table 7.

Recent Experience of Four States in Confronting Adequate Facility Issues

DLS selected for study four states that have grappled with measuring adequate facilities recently. The four states – Arizona, Ohio, Wyoming, and New Jersey – have been subject to lawsuits that generated questions about the adequacy of their public school facilities.

Arizona – Putting Students FIRST

Arizona’s school finance system was declared unconstitutional in 1994. Arizona is “... the only state whose school funding system has been ruled unconstitutional based solely on the condition of school facilities.”⁴ In 1996, the Arizona Superior Court mandated that Arizona develop a constitutional school capital finance system by June 30, 1998. In 1998, Arizona began the Students FIRST (Fair and Immediate Resources for Students Today) program.

The FIRST program required the Arizona School Facilities Board to develop minimum school facility guidelines. The board developed a guidelines committee consisting of architects, engineers, and other school construction experts, which met twice a month for 10 months.

The committee took testimony from engineers, architects, the public, and other interested parties. The committee developed minimum guidelines that the board adopted as the state’s Building Adequacy Guidelines on November 18, 1999. All of the guidelines are linked with Arizona’s educational requirements.⁵

Funding Arizona’s FIRST Program

Monies for the FIRST program come from the state transaction privilege (sales) tax. The state’s school construction program includes the following capital funds for meeting minimum school facility guidelines⁶:

- Deficiencies Correction Fund
 - The Deficiencies Correction Fund provides monies to districts to help their existing school facilities meet the minimum guidelines.
- Building Renewal Fund
 - The Building Renewal Fund replaces facilities and equipment when their useful life has ended to ensure continued adequate facilities.
 - Districts cannot use this fund for new construction, remodeling for aesthetic purposes, exterior beautification, demolition, soft capital items, or routine maintenance.

⁴ James, Brad, Catherine Hilgendorf; Stephen Klein, Mark Perrault, Sara Teachout, and Stuart Savage, *School Construction Report*, January 2001, p. 16.

⁵ Conversation with Ed Boot, Arizona School Facilities Board, September 13, 2002.

⁶ *Students FIRST Overview*, Arizona School Facilities Board website.

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- New School Facilities Fund
 - The New School Facilities Fund provides monies to build new schools that meet the minimum guidelines.
- Other funds include soft capital and a portion of current funds.

Ohio – Ranking Equity in School Districts

The Ohio state supreme court declared Ohio's entire K-12 educational system unconstitutional in 1997. Included in this declaration was the state supreme court's opinion that state funding was not meeting facility needs. In partial response to this ruling, the General Assembly created the Ohio School Facilities Commission in May 1997. The commission's school facility guidelines were developed by expert educational planners and emphasize classrooms over spaces designed for extracurricular programs.

Funding Ohio's School Construction Program

The Ohio School Facilities Commission administers the following programs to help provide adequate facilities:

- Classroom Facilities Assistance Program
 - The commission must evaluate the needs of each school district and then provide the State funding for all needed construction and renovation. The commission funds projects in the order of each district's equity ranking. The districts are ranked by the Ohio Department of Education, with the lowest-ranked equity districts receiving funding first.⁷
- Big 8 Program
 - The program offers matching funds for Ohio's largest urban school districts for necessary repairs before those districts' participation in the Classroom Facilities Assistance Program.⁸

⁷ The Ohio School Facilities Commission, *The Classroom Facilities Assistance Program* brochure.

⁸ Ibid.

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- Accelerated Urban Initiative
 - The program is dedicated to the six urban districts not currently involved in the Classroom Facilities Assistance Program to more quickly meet the districts' facility needs.⁹
- Expedited Local Partnership Program and Exceptional Needs Program
 - These programs help districts that will not be receiving Classroom Facilities Assistance Program funds in the short term because of their equity ranking but have severe facility needs.¹⁰

According to the Ohio School Facilities Commission's Fiscal Year 2001 Annual Report, the commission has provided funding to over half of Ohio's schools.¹¹

Wyoming – Pointing Out Inadequate Facilities

In 1995, school districts in Wyoming sued the state, resulting in a state supreme court ruling that all school facilities must be funded equitably. The lawsuit also resulted in a new independent commission that will be formed by December 2002 to assess school facilities. In assessing the facilities, the commission will employ a point system methodology from MGT of America that assigns each facility a number of points. Facilities that are assigned 49 or fewer points are designated as inadequate and eligible for state funding first.¹² Wyoming's facility guidelines are designed to assure that students can attain the state's Common Core of Knowledge and Common Core of Skills.¹³

Funding Wyoming's School Construction Program

The state supreme court later ruled that no local bond funds would be allowed for any school construction, requiring the state to shoulder the entire responsibility.¹⁴

⁹ Ibid.

¹⁰ Ibid.

¹¹ The Ohio School Facilities Commission, *Building Our Future: The Ohio School Facilities Commission Fiscal Year 2001 Annual Report*, p. 2.

¹² Conversation with Bruce Hayes, Wyoming Department of Education, September 16, 2002.

¹³ *Wyoming Public Schools Facilities Guidelines: A Guide for Planning School Facilities*, Wyoming Department of Education, October 2001, p. 1.

¹⁴ Conversation with Bruce Hayes.

New Jersey – Developing Adequacy for Disadvantaged Districts

In 1997, New Jersey's state supreme court noted that the state must provide its Abbott Districts – the 28 most disadvantaged districts in New Jersey – with facilities that will give students in these districts a thorough and efficient education. The New Jersey Department of Education consequently determined the minimum facility guidelines necessary for the Abbott Districts to meet New Jersey's Core Curriculum Content Standards. The department asked national experts for their opinions. The department also received input from two county superintendents who had spoken with New Jersey administrators in high performing elementary and middle schools on developing the facility guidelines.¹⁵

The New Jersey Department of Education concluded that elementary, middle, and high schools in its Abbott Districts should have the following minimum required facility standards:

- Elementary schools must have, at a minimum, certain class sizes, space or scheduling for daily reading, toilets in classrooms, cafeterias and/or gymnasiums, computer rooms, and media centers.
- Middle schools must have, at a minimum, certain class sizes, science labs, cafeterias and/or gymnasiums, and media centers.
- High schools must have, at a minimum, certain class sizes, art rooms, music rooms, science demonstration rooms, science labs, auditoriums, cafeterias, gymnasiums, and media centers.¹⁶

Funding New Jersey's Abbott District Improvements

The state is required to pay the entire cost of providing adequate facilities in the Abbott Districts.

General Recommendations are Available for Assessing the Needs of School Facilities

Several publications recommend states ask the following questions and address the following issues in assessing the needs of school facilities:

¹⁵ *Abbott Implementation: A Study of School Facilities and Recommendations for the Abbott Districts*, New Jersey Department of Education, p. 3.

¹⁶ *Ibid.*, pp. 8-9.

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- From the *Update of School Construction Assistance Programs*¹⁷:
 - How do population changes affect the need for new buildings or for renovation? How do the changes vary across the state? How does the variation across the state impact the facilities?
 - How many school facilities are in the state? How does the number of schools match with projected enrollment?
 - What is the condition of the schools? Does the state have uniform criteria to evaluate their condition? How does the state handle the costs of maintenance and repairs in the budget process?
 - What is the average age of the state's school buildings? What was the history of building patterns in past eras of growth and decline?
 - What is the real and/or estimated impact of state and federal policy and program reforms such as charter schools, class-size reduction, technology requirements, and Americans with Disabilities Act, on facilities?
 - How successful have local districts been in raising funds for school facilities? Does the responsibility for funding school construction and maintenance impact schools and districts differently? What state policies restrict and support local attempts to raise school facility funding?
- From *Building America's Schools: State Efforts to Address School Facility Needs*¹⁸:
 - Evaluate enrollment changes.
 - Determine whether maintenance is up-to-date.
 - Does the state have an inventory of all school buildings? How can the state properly assess school facilities needs?
 - Do the state's school facilities adequately meet the needs of new technologies?

¹⁷ MGT of America, Inc., p. 4.

¹⁸ National Governors' Association, p. 14.