

POLICY

BOARD OF EDUCATION OF MONTGOMERY COUNTY

Related Entries:

Responsible Office: Supportive Services

Telecommunications Transmission Facilities

A. PURPOSE

To establish the criteria by which the Board of Education will evaluate and make decisions concerning applications to place private telecommunications transmission facilities on sites owned by the Board of Education

B. ISSUE

There have been requests to place private telecommunications transmission facilities on sites owned by the Board of Education. Federal and county laws provide for such placements. The Board of Education needs to have criteria with which to consider such requests without compromising the school system's primary mission to provide a safe and supportive environment for the academic success of every student.

C. POSITION

1. The Board of Education supports federal and county legislation relating to the infrastructure of modern telecommunications systems and wishes to implement these laws without contravening the primary mission of the organization which is to provide a safe and supportive environment for the academic success of every student.
2. Factors such as site size, compatibility with the county's Master Plan and school site development plan, impact on school operations, school and community input (including school personnel and neighborhood citizens' concerns), compensation, and the ability to co-locate telecommunication facilities at the site shall all be considered when evaluating sites for telecommunications facilities on school property. Specifically, the following criteria will be considered in the evaluation of proposals:
 - a) Conformance of the proposal with federal and county legislation as demonstrated in the county's Telecommunications Transmission Facility Coordinating Group's

(TTFCG) recommendation and the Maryland-National Capital Park and Planning Commission (M-NCPPC) report.

- b) Telecommunications providers must show evidence of pursuit of co-location with other vendors and/or existing facilities.
- c) Telecommunications providers must have a long-range master plan for future telecommunications transmission facilities throughout the county.
- d) Impact on the school site and operations based on input from school staff, PTSA, community groups, and facilities staff. These considerations should include the following:
 - (1) No site shall be considered unless it meets the acreage needed for standard setback requirements
 - (2) No private structure shall be placed on school buildings unless specifically negotiated and agreed to in the terms of the lease
 - (3) Any proposed installation must satisfy all legal, safety, and health requirements set forth in federal, state, and county codes and regulations
 - (4) Any proposed installation must be architecturally and aesthetically compatible with the school site
 - (5) For applications involving new monopoles or towers, the applicant making the proposal is responsible for notification of potentially affected communities
 - (6) Installation and location shall not disrupt normal operation of school system activities and/or community activities as determined by the principal or site manager
 - (7) The applicant shall bear all responsibility and related costs for liability and maintenance arising from the installation and its operation. This would include related upkeep, repair, and appearance of the tower, monopole, equipment building, enclosed grounds and fencing, and provision for its removal.

- e) Demonstrated record in other site installations of compliance with contractual agreements and adherence to regulatory standards. In the event of the telecommunications company's bankruptcy, a sufficient bond is in place to cover the cost of removing the transmission facility and returning the site to its previous condition.
 - f) Benefit to the Board including provision of revenue to support educational improvements.
- 3. A standard MCPS lease form shall govern all leases and permits for telecommunications facilities on school property. The lease/permit shall require indemnification of the Board, its employees, and agents by the applicant for any contingent liability arising from the operation of the facility. The telecommunications company may not access the property during school hours except with prior notice and approval of the official designated by the building administrator. The school system reserves the right, prior to the conclusion of its stated term, to terminate the lease for cause, including lack of adequate maintenance. Revisions to the standard lease/permit form, except for changes required due to site specific concerns, shall not be accepted.
 - 4. The superintendent will review and, if necessary, gather additional views of the community as well as principals and/or site managers and evaluate those views prior to making a decision.
 - 5. Based on the criteria set forth in this policy, the superintendent will decide whether to approve the request and, if so, negotiate the most favorable terms. The applicant will be responsible for removing the installation completely and returning the site to its previous condition at conclusion of the contract.

D. DESIRED OUTCOME

Fair and consistent criteria with which to evaluate the appropriateness of placing telecommunication transmission infrastructures on school sites so that they do not detract from the primary mission of the school system

E. IMPLEMENTATION STRATEGIES

- 1. In compliance with Montgomery County Executive Regulation 14-96, the TTFCG will submit recommendations on proposed installations to the school system.

2. For those actions for which M-NCPPC approval is required, the superintendent will transmit that recommendation to the M-NCPPC for its review under the mandatory referral or special exception process. The review will include expert testimony and citizen input.
3. The superintendent will notify site managers and school PTAs of the proposed installation.
4. The superintendent will receive the M-NCPPC Report or Board of Appeals decision and any other relevant information and make a decision concerning the application.

F. REVIEW AND REPORTING

1. This policy will be reviewed on an ongoing basis in accordance with the Board of Education's policy review process.
2. Periodic reports on the implementation of this policy, including input from affected schools and communities, will be reviewed by the Board.

Policy History: Adopted by Resolution No. 653-97, November 11, 1997.