



Peter Franchot
Comptroller

December 11, 2015

The Honorable Thomas V. Mike Miller
President of the Senate
State House, H-107
Annapolis, MD 21401-1991

The Honorable Michael E. Busch
Speaker of the House
State House, H-101
Annapolis, MD 21401-1991

Dear President Miller and Speaker Busch:

For several weeks of every school year, tens of thousands of Marylanders suffer in public school classrooms throughout Baltimore City and Baltimore County without air conditioning. Through my work on the Board of Public Works, which reviews and ultimately approves Maryland's annual Public School Construction Program, I am aware of far too many instances where children, teachers and employees have become nauseous and sick, and have even fainted as a result of classroom temperatures that often exceed 90 and even 100 degrees. Having visited so many of these schools during my tenure in office, I can assure both of you that such unsafe and unhealthy conditions make it far more difficult, if not impossible, to establish an environment that is conducive to effective teaching and learning.

In a spirit of concern over the magnitude of this public health and safety issue, yet also mindful of the considerable costs associated with the installation of central air conditioning, I have strongly advocated the use of portable air conditioning systems as a way to offer temporary climate relief while these school systems request and receive the necessary funding support to install central air. This approach has been adopted by other Maryland school systems facing similar challenges – perhaps most notably, by Anne Arundel County, under the leadership of its Chief Operating Officer, Alex Szachnowicz – and their experience has shown that, when properly installed and secured, these portable units are highly affordable, reliable and durable.

In spite of these highly positive outcomes, and in the face of growing public outcry from both teachers and families who are understandably concerned about the health and safety of their children, this approach continues to be emphatically rejected by many within our state's political and education establishments. The challenge of providing long-overdue

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heat relief in these classrooms is compounded by the fact that, under current policies adopted by the Interagency Committee for Public School Construction (IAC), state capital dollars may not be used for the purchase and installation of portable air conditioning systems.

Fortunately for all concerned, I am pleased to report that meaningful progress is being made on this front. Reflective of the personal interest that Governor Hogan has taken in this matter, his appointees to the IAC – DGS Secretary Gail Bassette and Planning Secretary David Craig – strongly favor amending IAC policy to allow state funding to be used for the installation of portable units, subject to the prerogatives of local jurisdictions. Furthermore, the expert testimony of Mr. Szachnowicz at the December 2 meeting of the Board of Public Works effectively dismissed any lingering concerns that have been expressed over noise, air quality and durability. Finally, a study that was conducted by DGS confirmed that the total costs associated with installing a portable air conditioning system -- from the purchase and installation of the units to the necessary electrical upgrades -- are less than \$10,000 per classroom.

After exhaustive discussion of this matter at its November meeting, and with this useful information in hand, the IAC – which in addition to Secretaries Bassette and Craig, also includes former Delegate John Bohanan (appointed by the House), former Delegate Tim Maloney (appointed by the Senate) and Interim School Superintendent Jack Smith – was poised to vote in support of this important policy change at its December 3 meeting. However, instead of casting an affirmative vote that would remove a critical barrier to classroom relief, the IAC voted, 3-2, to defer the vote. According to subsequent correspondence from IAC Executive Director David Lever, “Mr. Timothy Maloney, representing the Senate, proposed deferral of the motion pending further consultation between the members of the Board of Public Works and the leadership of the General Assembly.”

The notion that the leadership of the General Assembly would force a postponement of this vote, for the reason stated in Dr. Lever’s letter, was surprising to me and many other stakeholders, to put it mildly, given the following facts:

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- The notion of installing portable air conditioning systems in public school classrooms has been discussed exhaustively in numerous public forums, including the November meeting of the IAC and, as mentioned earlier, the December 2 meeting of the Board of Public Works;
- Members of the Baltimore County delegation took time to attend town hall meetings earlier this fall in Arbutus and Dundalk, which I hosted in order to educate the public of the health and safety threats posed by sweltering classrooms;
- As stated earlier, the House and Senate each have appointed representatives on the IAC, either or both of whom are presumably there to provide information and answer any questions that lawmakers might have regarding Maryland's Public School Construction Program.

Putting aside the irregular circumstances of the deferral, however, I am pleased with the General Assembly's newfound interest in this important public health and safety priority. I would be happy to facilitate a discussion between the leadership of your respective chambers, and the children, families, employees and teachers who continue to suffer under conditions that none of us would ever tolerate within our own places of employment.

I would also think that the Members of the General Assembly would benefit from the perspective of those who have successfully implemented portable air conditioning programs within their own jurisdictions, and can offer insight on best practices.

Conversely, I would think that it would provide those on the other side of this debate to properly articulate the rationale for their opposition.

It is in that spirit that I am respectfully requesting a joint legislative hearing on the subject of portable air conditioning systems in Baltimore City and Baltimore County. Given the time sensitivities associated with the Public School Construction Program review process, I would recommend that this occur as quickly as possible, preferably before the beginning of the 2016 session. By doing so, we can provide your members with a more complete

understanding of the stakes involved by allowing them to hear, in an open and transparent forum, from the very people we've been hired to serve.

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I eagerly await your response, and my staff and I stand ready to answer any questions you might have or to provide any assistance you might need. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Peter Franchot". The signature is written in a cursive style with a prominent, sweeping flourish at the end.

Peter Franchot
Comptroller