

UNFAVORABLE
School Construction – Public Charter School Facility Fund – Establishment
Senate Bill 892

House Appropriations Committee
March 26, 2024

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Government Relations

The Maryland State Education Association respectfully opposes Senate Bill 892. Senate Bill 892 establishes the Public Charter School Facility Fund, which would authorize annual funding directly to public charter schools for certain expenses associated with their facilities. The bill enables the Governor to include an annual appropriation of up to \$2,000 per student enrolled in a public charter school. Under the bill, the funding from the Public Charter School Facility Fund is provided directly to the public charter school and may not be paid to a local government or county board.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our almost 900,000 students so they can pursue their dreams. MSEA also represents 39 local affiliates in every county across the state of Maryland, and our parent affiliate is the 3-million-member National Education Association (NEA).

MSEA supports funding for necessary school construction and renovation to ensure high-quality teaching and learning environments, including construction to reduce class size, expand universal pre-kindergarten, and meet appropriate school environmental health standards. MSEA also supports public charter schools that: i) are under the control of local school boards; ii) make enrollment equitable and open to all students; iii) are held to the identical high standards as traditional schools; and iv) protect collective bargaining rights of employees.

Under Maryland's Public Charter School Program, approval of an application to operate a public charter school may be contingent on the ability to obtain a suitable facility.¹ Local boards of education must disburse to public charter schools an amount of county, state, and federal money for elementary, middle, and secondary students that is commensurate

¹ MD Code, Education, § 9-104(6).



with the amount disbursed to other public schools in the local jurisdiction.² Public charter schools are authorized to use Foundation Formula funding for maintenance and operation of their school. Additionally, boards of education may provide public charter schools with surplus educational materials, supplies, furniture, and other equipment.³ Public charter schools also have a right of first refusal for school sites or buildings no longer needed by a local school system or county government, subject to approval from the State Superintendent and county government.⁴ A public charter school that is operating in a building owned by a local school system is eligible for capital construction and renovation funding from the public school construction program. Finally, in 2023, the Interagency Commission on School Construction adopted a policy which authorizes the use of state bond proceeds for capital improvements in leased public school buildings, including public charter schools, that are not owned by local school systems, so long as certain criteria are satisfied.⁵ In sum, there are a variety of avenues available to support the facility needs of public charter schools, without prioritizing their facility needs over the needs of traditional public schools through the establishment of a separate fund.

In total, 312 Capital Improvement Program (CIP) project requests were submitted from all twenty-four local education agencies to the Interagency Commission on School Construction for consideration in the fiscal year 2025 CIP.⁶ The CIP project requests for FY 2025 surpassed \$1 billion.⁷ School systems across the state continue to struggle with meeting their capital improvement needs to ensure all students learn in a safe and healthy environment, while at the same time contemplating capital improvement projects to meet the demand for pre-kindergarten and Career and Technical Education program expansion.

Senate Bill 892 runs counter to our union's core principles by establishing a facilities fund that is exclusively for the use of public charter schools at the expense of public funding that is not available for traditional public schools and distributes funding outside the control of local governing bodies, including local boards of education. For these reasons, MSEA respectfully opposes Senate Bill 892.

We urge the committee to issue an unfavorable report on Senate Bill 892.

² MD Code, Education, § 9-109(a).

³ MD Code, Education, § 9-109(b).

⁴ MD Code, Education, § 9-111.

⁵ Interagency Commission on School Construction, IAC Meeting Agenda, pgs. 105 – 107 (May 11, 2023), <https://iac.mdschoolconstruction.org/wp-content/uploads/2023/05/Updated-IAC-Agenda-2023-05-11.pdf>.

⁶ Interagency Commission on School Construction, IAC Meeting Agenda, pg. 84 (Feb. 8, 2024), <https://iac.mdschoolconstruction.org/wp-content/uploads/2024/02/IAC-Agenda-2024-02-08-Revised.pdf>.

⁷ *Id.*