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By: **Delegates Carter, Anderson, Branch, Cane, C. Davis, Doory, Goodwin,  
Hammen, Haynes, Kirk, Krysiak, Marriott, McHale, McIntosh, Oaks,  
Paige, Patterson, Rosenberg, and Vaughn**

Introduced and read first time: February 11, 2005

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Education - Public Schools - Funding**

3 FOR the purpose of requiring the State to provide a grant of not less than a certain  
4 amount in certain fiscal years to the Baltimore City Board of School  
5 Commissioners for certain purposes; declaring the intent of the General  
6 Assembly; requiring the State to provide certain grants to certain county boards  
7 of education to reflect regional differences in the cost of education that are due  
8 to factors outside the control of local jurisdictions; providing for the manner of  
9 calculation and distribution of certain grants in certain fiscal years; and  
10 generally relating to State financial assistance to public schools.

11 BY repealing and reenacting, with amendments,  
12 Article - Education  
13 Section 5-202(f)  
14 Annotated Code of Maryland  
15 (2004 Replacement Volume and 2004 Supplement)

16 BY adding to  
17 Article - Education  
18 Section 5-202(i)  
19 Annotated Code of Maryland  
20 (2004 Replacement Volume and 2004 Supplement)

21 **Preamble**

22 WHEREAS, In October 1996 and June 2000, the Circuit Court for Baltimore  
23 City in the cases "Bradford, et al. v. Maryland State Board of Education, et al.", Case  
24 No. 94340058/CE189672; and "Board of School Commissioners, et al. v. Maryland  
25 State Board of Education, et al.", Case No. 9528055/CL20251, found that the students  
26 of Baltimore City were being denied their constitutional right to a thorough and  
27 efficient education;

1 WHEREAS, In August 2004, the Circuit Court for Baltimore City found that  
2 Baltimore City public school students are still not receiving an adequate education  
3 when based on contemporary educational standards in violation of the State  
4 Constitution;

5 WHEREAS, Funding under the Bridge to Excellence in Public Schools Act was  
6 structured in a manner that delayed financial assistance to jurisdictions like  
7 Baltimore City that have the greatest percentage of children with special needs;

8 WHEREAS, The Baltimore City Public School System's fiscal year 2004 deficit  
9 was exacerbated by the continuous underfunding of the school system in the early  
10 years of the Bridge to Excellence in Public Schools Act;

11 WHEREAS, The loan from the Mayor and City Council of Baltimore City to the  
12 Baltimore City Board of School Commissioners to resolve the fiscal year 2004 deficit  
13 has placed additional burdens on an already overburdened school system and has  
14 resulted in a further reduction in educational opportunities and programs for the  
15 children of Baltimore City;

16 WHEREAS, The Baltimore City Public School System remains in crisis and  
17 children continue to suffer in 2005, as they did in 1996, due to the State's refusal to  
18 honor its obligation under the Circuit Court for Baltimore City's consent decree;

19 WHEREAS, In its August 2004 ruling, the Court declared that from fiscal year  
20 2001 through fiscal year 2004, the State has underfunded Baltimore City public  
21 schools by \$439.35 million to \$834.68 million;

22 WHEREAS, The Court ruled that full compliance with the Court's 2000 order  
23 will not occur until the Baltimore City Public School System receives an additional  
24 \$225 million in State funding, which includes funds allocated under the Cost of  
25 Education Index (GCEI), which was enacted by Senate Bill 508 of the Acts of 2004 but  
26 not included in the fiscal year 2005 and 2006 budgets;

27 WHEREAS, The Court further ruled that recent reductions in educational  
28 programs in response to the Baltimore City Public School System's fiscal crisis have  
29 "impermissibly interfered" with the rights of Baltimore City school children to receive  
30 an adequate education under the State Constitution; and

31 WHEREAS, The Court further ruled that the State and Baltimore City should  
32 increase funding to the Baltimore City Public School System in fiscal year 2005 by an  
33 additional \$30 million to \$45 million; now, therefore,

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

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**Article - Education**

2 5-202.

3 (f) (1) In this subsection, "GCEI adjustment" means the foundation  
4 program for each county multiplied by:

- 5 (i) 0.000 in Allegany;
- 6 (ii) 0.018 in Anne Arundel;
- 7 (iii) 0.042 in Baltimore City;
- 8 (iv) 0.008 in Baltimore;
- 9 (v) 0.021 in Calvert;
- 10 (vi) 0.000 in Caroline;
- 11 (vii) 0.014 in Carroll;
- 12 (viii) 0.000 in Cecil;
- 13 (ix) 0.020 in Charles;
- 14 (x) 0.000 in Dorchester;
- 15 (xi) 0.024 in Frederick;
- 16 (xii) 0.000 in Garrett;
- 17 (xiii) 0.000 in Harford;
- 18 (xiv) 0.015 in Howard;
- 19 (xv) 0.010 in Kent;
- 20 (xvi) 0.034 in Montgomery;
- 21 (xvii) 0.048 in Prince George's;
- 22 (xviii) 0.011 in Queen Anne's;
- 23 (xix) 0.002 in St. Mary's;
- 24 (xx) 0.000 in Somerset;
- 25 (xxi) 0.000 in Talbot;
- 26 (xxii) 0.000 in Washington;
- 27 (xxiii) 0.000 in Wicomico; and

1 (xxiv) 0.000 in Worcester.

2 (2) [To the extent funds are provided in the State budget for the grants  
3 under this subsection,] EACH YEAR, in addition to the State share of the foundation  
4 program, each county board [may] SHALL receive a grant to reflect regional  
5 differences in the cost of education that are due to factors outside of the control of the  
6 local jurisdiction.

7 (3) [Subject to paragraph (4) of this subsection, the] THE amount of the  
8 grant to each county board under this subsection shall equal the GCEI adjustment for  
9 the county board multiplied times:

10 (i) 0.50 in fiscal year 2006;

11 (ii) 0.62 in fiscal year 2007;

12 (iii) 0.74 in fiscal year 2008;

13 (iv) 0.86 in fiscal year 2009; and

14 (v) 1.00 in fiscal year 2010 and each fiscal year thereafter.

15 [(4) For any fiscal year, if sufficient funds are not provided in the State  
16 budget to fully fund the grants provided under this subsection, the grant to each  
17 county board under this subsection shall equal the amount determined under  
18 paragraph (3) of this subsection multiplied by a fraction:

19 (i) The numerator of which is the amount provided in the State  
20 budget to fund the grants; and

21 (ii) The denominator of which is the sum of the amounts calculated  
22 under paragraph (3) of this subsection for all the county boards.]

23 (I) (1) IN FISCAL YEAR 2006 AND EACH FISCAL YEAR THEREAFTER, IN  
24 ADDITION TO ANY OTHER STATE FUNDING PROVIDED IN THIS TITLE, THE STATE  
25 SHALL PROVIDE NOT LESS THAN \$30 MILLION TO THE BALTIMORE CITY BOARD OF  
26 SCHOOL COMMISSIONERS.

27 (2) THE FUNDS PROVIDED UNDER THIS SUBSECTION SHALL BE USED  
28 FOR THE FOLLOWING PURPOSES:

29 (I) ACCESS TO PREKINDERGARTEN AND EARLY CHILDHOOD  
30 EDUCATION PROGRAMS;

31 (II) SMALLER CLASS SIZES BASED ON THE FOLLOWING  
32 STUDENT/TEACHER RATIOS:

33 1. PREKINDERGARTEN - 20/1 WITH 1 AIDE;

34 2. KINDERGARTEN - 15/1;

- 1 3. GRADES 1 THROUGH 3 - 18/1; AND
- 2 4. GRADES 4 THROUGH 12 - 20/1;
- 3 (III) STUDENT ENRICHMENT PROGRAMS, INCLUDING ART AND
- 4 MUSIC EDUCATION;
- 5 (IV) PURCHASE OF CLASSROOM SUPPLIES AND TEXTBOOKS; AND
- 6 (V) RECRUITMENT AND RETENTION OF QUALIFIED TEACHERS.

7 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
8 General Assembly that the grant specified in § 5-202(i)(1) of the Education Article as  
9 enacted by this Act shall be in an amount sufficient to bring the State into compliance  
10 with the August 20, 2004, order of the Circuit Court for Baltimore City in the cases  
11 "Bradford, et al. v. Maryland State Board of Education, et al.", Case No. 94340058/  
12 CE189672; and "Board of School Commissioners, et al. v. Maryland State Board of  
13 Education, et al.", Case No. 9528055/CL20251.

14 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
15 July 1, 2005.