

April 7, 2006

The Honorable Michael E. Busch
Speaker of the House
State House
Annapolis, MD 21401

Dear Mr. Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, today I have vetoed House Bill 1215 – *Baltimore City Public School System*.

House Bill 1215, as originally introduced, sought to increase the maximum principal amount of bonds outstanding issued by the Baltimore City Board of School Commissioners. The House of Delegates passed the bill in its original form without amendments and sent the bill to the Senate. After the State Board of Education meeting on March 29, where the Board voted to restructure 11 severely failing middle and high schools in the Baltimore City Public School System, the Senate Budget and Tax Committee drastically amended the bill in one day and sent the bill to the Senate floor for a full vote absent any substantive public deliberation by parents, students, teachers, advocates, the State Board of Education and the State Department of Education. The Maryland General Assembly disregarded the normal and long established legislative procedures that are in place to ensure adequate discussion of legislation by interested stakeholders and experts. Ironically, the Senate Education, Health, and Environmental Affairs Committee actually held its hearing on this matter with a similar bill after House Bill 1215 was passed by the General Assembly and presented to my office.

In its current form, House Bill 1215, which may violate the Constitution of Maryland and other laws, would prohibit the State Board of Education and the State Superintendent of Schools from implementing badly needed restructuring efforts in Baltimore City public schools until May 30, 2007. The major restructuring efforts referenced in the bill include changes to a school's governance, such as removing a school from the control of the Baltimore City Board of School Commissioners. Specifically, the bill blocks or delays the actions taken last month by the State Board of Education to improve Baltimore City schools. Implementation of this bill will circumvent the authority of the Maryland State Board of Education, lock children into a failed system, and may jeopardize \$171 Million in federal funding for all of Maryland's local school systems.

I am deeply concerned that House Bill 1215 would delay the urgent help we must deliver to the principals, teachers and children in these schools. The State Board of Education's actions, particularly for the 11 high schools and middle schools, are critical and must begin as soon as

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possible since the current ninth graders and all of the middle school students must pass the High School Assessments in order to receive Maryland High School diplomas. Students graduating in the spring of 2009 will be the first to be affected by the requirements, and unfortunately, the pass rates for the four identified Baltimore City high schools and the seven identified middle schools are not at all hopeful. Lead-time is critical in helping implement a viable curriculum and strong instruction to abate the current tide of failures.

The State Board of Education's actions at its March 29 meeting resulted from the rejection of the Baltimore City Master Plan Update in December. Baltimore City's Master Plan Update was the only one of the 24 school systems' plans that was rejected. The system was asked to rewrite the Update and resubmit it in March with a promise to review the Update and respond as soon as possible. This Update was designed to guide the system for the current 2005-2006 school year. The Maryland State Board of Education found that the rewritten Update was better, but unrealistic and helped identify many problems organizationally and programmatically in the system. The Master Plan is required for a school system to receive the additional Thornton dollars. In Baltimore City's case, this represents \$200 million over five additional years. Further, Baltimore City was required to complete six corrective actions in 2003 based on its standing as a school system in the Corrective Action status. The corrective actions were designed to help remedy the school system's continuing deficiencies. The City reported that it did not complete all six corrective actions as required.

The Maryland State Board of Education identified the 11 schools as low performing in 1997 or earlier. When the schools were identified, the Baltimore City Public School System was informed that under the State's educational accountability system the identified schools were subject to State intervention, including removing the schools from City oversight, if achievement did not improve. Maryland's educational accountability system—which is still in place but jeopardized by this bill—was initiated by Governor Schaefer's Commission on School Performance and predates the federal *No Child Left Behind Act* by a decade.

Baltimore City has had several years to improve achievement in these 11 schools, but little or no progress has been made despite the fact that Baltimore City receives more State funding per pupil than any other jurisdiction. In the four high schools identified for alternative governance, achievement and graduation prospects for students are dismal. Since 1994 an estimated 10,000 students have dropped out of these four schools. On the average, students are absent 36 days, or over seven weeks, per year. An overwhelming majority of students have failed the High School Assessments. In Southwestern's freshman class of 2005, an estimated 99 students out of 100 will not pass the High School Assessments because they cannot read or because they do not understand math. At Frederick Douglass, only 1.4 percent of students passed the High School Assessment in biology and only 4.8 percent passed the High School Assessment in algebra. Clearly, the data present a call to action that the State of Maryland cannot ignore.

Further, we all should be deeply troubled that House Bill 1215 will prevent the State from executing its responsibilities under the federal *No Child Left Behind Act* and State school accountability regulations. An inability to intervene in low-performing schools with "a major

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restructuring of a governance arrangement” strikes at the heart of accountability. According to the U.S. Department of Education, if this bill becomes law, \$171 Million in federal Title I funding for all jurisdictions in Maryland may be jeopardized, and the net effect could be a loss of learning opportunities for children in Baltimore City and across Maryland. I cannot permit that to happen.

I reference the enduring words of the 1989 Governor’s Commission on School Performance:

- All children can learn.
- All children have the right to attend schools in which they can progress and learn.
- All children shall have a real opportunity to learn equally rigorous content.

For children in the 11 schools identified for alternative governance, these are broken promises.

Baltimore City has had ample opportunity to improve these schools. The children have the potential to learn, indeed to prosper. The dire academic situation demands quick action and any delay will accomplish nothing. The Maryland State Board of Education’s actions were not precipitous; they were based on years of solid data and provide us with a carefully drawn blueprint for building a future for thousands of children too long ignored.

How many more generations of future nurses, teachers, elected officials, and successful citizens will live lives of unrealized dreams and should we condemn to despair by our failure to act? I urge the Maryland General Assembly to allow the Maryland State Department of Education to do its job on behalf of our children.

For the above reasons, I have vetoed House Bill 1215.

Very truly yours,

Robert L. Ehrlich, Jr.
Governor