

BILL:	House Bill 1
TITLE:	Build to Learn Act of 2020
HEARING DATE:	January 23, 2020
POSITION:	SUPPORT WITH AMENDMENTS
COMMITTEE:	House Appropriations Committee
CONTACT:	Mr. Anthony J. Trotta, Chief Legal Counsel (301-766-2946) Mrs. Ardath Cade, Legislative Representative (410-991-9383)

The Washington County Board of Education supports House Bill 1, but only with amendments that specifically provide for an equitable distribution of school construction funds.

The House Appropriations Committee is to be commended for recommending additional financial resources for school facilities given the extensive need across the entire State of Maryland for such funding.

The bill in its present form allocates 87.2% of the new funding to six (6) large school systems with approximately 75% of the student enrollment across the state.¹ The remaining seventeen (17) local school systems, which are charged with advancing the education of 25% of the remaining students, are only allocated 11.5% of the new funding. Please note that the figures in the bill only add up to 98.7%.

The allocation of funding in the bill is contrary to the State of Maryland's November 2019 public policy which is to afford **educational equity to every student**. It is imperative that students who attend school in the unnamed school systems be provided with the same quality of education and school facilities as the students who attend school in the six (6) named local school systems.² A study commissioned by the ACLU of Maryland in 2004 established that "[t]here is sufficient research to state without equivocation that the condition of the building in which students spend a good deal of their time learning does in fact influence how well they learn."³

From a historic perspective, it has been the stated goal of the State of Maryland to distribute school construction funding based upon the principles of fairness and equity. In February of 2004, the Task Force to Study Public School Facilities (the "Kopp Commission") recommended to the Governor and the leadership of the General Assembly that funding for school construction be modified so that the state/local cost share formula reflected the 2004 state share of the Foundation program and that it incorporate several new factors in the formula, including status as a distressed

¹ According to this bill, Prince George's County will be eligible to receive \$100 million in special state bond revenues (see page 28, lines 15 to 17) to improve or construct a minimum of ten (10) schools (see page 9, lines 33 to 35). Prince George's is also eligible to receive other construction funding under this bill. The 75% student enrollment includes students enrolled in Prince George's County Public Schools.

² Washington County, like Baltimore City, qualifies for a disparity grant to address the differences in the capacities of Washington County and Baltimore City to raise revenues from the local income tax.

³ *Buildings for Academic Excellence*, ACLU of Maryland, June 2010 at page 9.

county, enrollment growth, percentage of students eligible for free and reduced price meals, eligibility for the Guaranteed Tax Base program, and local school construction debt.⁴

The 21st Century School Facilities Commission (the “Knott Commission”), which issued its report in January 2018, recommended that the state focus its limited resources on critical areas of need, especially in low-wealth jurisdictions, including those with a higher population of students living in poverty.⁵

The Blueprint for Maryland’s Future sets forth the action that is necessary to transform Maryland’s education system. The Blueprint calls for “equitable learning outcomes” for students and additional resources for students living in communities with great needs.⁵ In November 2019, the Maryland State Board of Education (“MSBE”) adopted Maryland’s educational equity policy (Code of Maryland Administrative Regulations 13A.01.06), which requires MSBE to “establish systems of structures and support for school systems, students, teachers, and other stakeholders that ensure educational equity and excellence.”

The manner in which school construction funds are being allocated in this bill is contrary to Maryland’s belief in educational equity, the basic principles of fairness set forth in the Blueprint for Maryland’s Future, and the recommendations of the Kopp Commission and the 21st Century School Facilities Commission. **The bill, in its present form, is unjust and blatantly inequitable.**

The bill in its present form is unfair to students who attend schools located in Western Maryland, the eastern shore, Southern Maryland, Carroll and Harford counties. (Chart 1) If allocations need be included as part of the bill, allocating the funds based upon student enrollment is equitable. (Chart 2)

The following amendments are being offered to provide a more equitable distribution of these funds.

PROPOSED AMENDMENTS

Amendment #1 – Page 30, lines 24 to 32 and Page 31, lines 1 to 3 (new proposed language in blue font) – Please see Chart 2

24 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND EXCEPT**
25 **AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A PERCENTAGE OF THE**
26 **PROCEEDS OF THE BONDS AUTHORIZED IN § 10–628 OF THIS SUBTITLE SHALL BE**
27 **ALLOCATED TO PROJECTS APPROVED BY THE INTERAGENCY COMMISSION ON**
28 **SCHOOL CONSTRUCTION** **BASED UPON THE LOCAL SCHOOL SYSTEM’S FULL-TIME STUDENT ENROLLMENT AS**
 DETERMINED BY THE MARYLAND STATE DEPARTMENT OF EDUCATION. IN THE FOLLOWING AMOUNTS:

29 **(1) ~~ANNE ARUNDEL COUNTY — 12.5%;~~**

⁴ The Final Report of the Task Force to Study Public School Facilities, February 2004, page 3 of the transmittal letter to Governor, President of the Senate, Speaker of the House of Delegates. (Kopp Commission)

⁵ The Final Report of the 21st Century School Facilities Commission, January 2018, at page 7. (Knott Commission) In Washington County, approximately 47.8% of its students are eligible for free and reduced meals. The ten- (10) year facility plan the local board of education has submitted to the Interagency Commission on School Construction identifies the need for \$198 million in additional funding for school facility improvements.

- 30 ~~(II) BALTIMORE CITY — 21.0 %;~~
- 31 ~~(III) BALTIMORE COUNTY — 21.0 %;~~
- 32 ~~(IV) FREDERICK COUNTY — 5.1 %;~~
- 1 ~~(V) HOWARD COUNTY — 6.6 %;~~
- 2 ~~(VI) MONTGOMERY COUNTY — 21.0 %;~~
- 3 ~~(VII) ALL OTHER COUNTIES — 11.5 %.~~

Amendment #2 – Page 13, lines 8 to 13 (new proposed language in blue font)

Additionally, the bill provides that counties with school populations less than 20,000 may use these funds for preconstruction costs. We urge that this benefit be extended to slightly larger counties—Washington, Charles, Carroll—by increasing this figure to 30,000. Page 13, lines 8 to 13 of the bill should be amended as follows:

8 **(4) THE INTERAGENCY COMMISSION SHALL ADOPT REGULATIONS**
9 **THAT INCLUDE ARCHITECTURAL, ENGINEERING, CONSULTING, AND OTHER**
10 **PLANNING COSTS AS ELIGIBLE PUBLIC SCHOOL CONSTRUCTION OR CAPITAL**
11 **IMPROVEMENT COSTS FOR A PROJECT OR IMPROVEMENT THAT:**
12 **(i) IS LOCATED IN A COUNTY THAT HAS LESS THAN ~~20,000~~ 30,000⁶**
13 **FULL-TIME EQUIVALENT ENROLLMENT AS DEFINED IN § 5-202 OF THIS TITLE; AND**

In conclusion, consideration should be given to requesting the opinion of the Maryland Attorney General as to whether the provisions of Article VIII, Section 1 of the Maryland Constitution, which requires the State to provide a thorough and efficient system of free public schools, extends to providing every student in Maryland with a school building that is healthy, safe, and which supports a high-quality education to meet the challenges of the 21st Century.

We urge the Committee to issue a favorable report with amendments to House Bill 1.

Thank you.

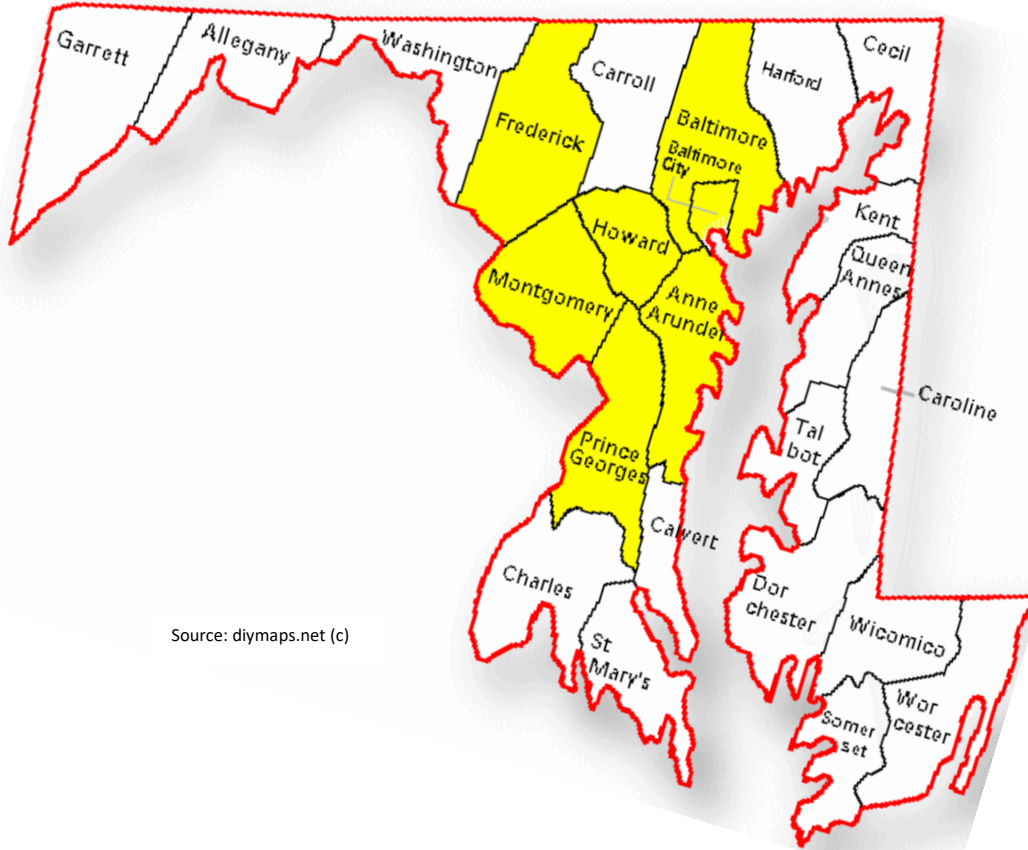
- cc: Washington County Board of Education Members
Washington County Delegation to the Maryland General Assembly
Speaker of the House of Delegates Adrienne A. Jones
Senate President Bill Ferguson
Ms. Nancy Kopp, Maryland State Treasurer
Mr. Keiffer J. Mitchell, Jr., Chief Legislative Officer, Office of the Governor
Dr. Boyd J. Michael, III, Superintendent
Mr. Jeffrey Proulx, Chief Operating Officer
Maryland State Board of Education Members
Dr. Karen Salmon, State Superintendent of Schools, Maryland State Department of Education

⁶ Increasing the threshold from 20,000 to 30,000 will allow Carrol, Charles, and Washington Counties to qualify for such funding.

Ms. Tiffany Clark, Director of Governmental Relations, Maryland State Department of Education
Ms. Francine Glendening, Executive Director, Maryland Association of Boards of Education
John Woolums, Esquire, Director of Governmental Relations, Maryland Association of Boards of Education
Ms. Mary Pat Fannon, Executive Director, Public School Superintendents Association of Maryland
Ms. Rachel Hise, Department of Legislative Services
Ms. Robin Clark Eilenberg, Research Director, Maryland Association of Counties
Mr. Brian Frosh, Maryland Attorney General
Ms. Kimberly Humphrey, Legislative Counsel, Education, ACLU of Maryland
Mr. Frank Pantinella, Senior Education Advocate, ACLU of Maryland

CHART 1
House Bill 1

Named counties are highlighted in yellow*



Source: diymaps.net (c)

* According to House Bill 1, Prince George's County will be eligible to receive \$100 million in special state bond revenues (see page 28, lines 15 to 17) to improve or construct a minimum of ten (10) schools (see page 9, lines 33 to 35). Prince George's is also eligible to receive other construction funding under the bill. The 75% student enrollment includes students enrolled in Prince George's County Public Schools.

Chart 2
Summary of Allocation
HB 1 / SB 1
Allocation by Bill vs. Allocation by Enrollment

Named Counties & Prince George's	9/30/19 FTE Enrollment	Percentage Allocated per HB1/SB1	Percentage of Enrollment	Allocation per HB1/SB1	Allocation Based on Enrollment	Amount Over/Under Allocated
Anne Arundel	82,486.25	12.5%	9.43%	\$275,000,000	\$207,567,645	67,432,354.84
Baltimore City	73,532.50	21.0%	8.41%	\$462,000,000	\$185,036,511	276,963,489.46
Baltimore County	110,654.75	21.0%	12.66%	\$462,000,000	\$278,450,601	183,549,399.04
Frederick	42,253.00	5.1%	4.83%	\$112,200,000	\$106,325,063	5,874,937.20
Howard	57,386.00	6.6%	6.56%	\$145,200,000	\$144,405,606	794,394.40
Montgomery	160,386.25	21.0%	18.35%	\$462,000,000	\$403,594,493	58,405,507.24
Prince George's	130,580.00	*	14.94%	\$0	\$328,590,318	(328,590,317.84)
Regional Sub-Total	657,278.75	87.20%**	75.18%	\$1,918,400,000	\$1,653,970,236	264,429,764.33
Unnamed Seveteen (17) Counties	216,989.25	11.5%***	24.82%	\$253,000,000	\$546,029,764	(293,029,764.33)
Allegany	7,955.25		0.91%	\$14,882,353	\$20,018,518	(5,136,165.41)
Calvert	15,577.25		1.78%	\$14,882,353	\$39,198,449	(24,316,096.50)
Caroline	5,506.50		0.63%	\$14,882,353	\$13,856,506	1,025,846.70
Carroll	24,968.25		2.86%	\$14,882,353	\$62,829,876	(47,947,523.02)
Cecil	14,592.25		1.67%	\$14,882,353	\$36,719,804	(21,837,451.51)
Charles	26,579.00		3.04%	\$14,882,353	\$66,883,153	(52,000,799.59)
Dorchester	4,466.25		0.51%	\$14,882,353	\$11,238,831	3,643,522.29
Garrett	3,627.25		0.41%	\$14,882,353	\$9,127,579	5,754,774.21
Harford	37,407.00		4.28%	\$14,882,353	\$94,130,633	(79,248,279.77)
Kent	1,800.25		0.21%	\$14,882,353	\$4,530,133	10,352,220.30
Queen Anne's	7,505.00		0.86%	\$14,882,353	\$18,885,513	(4,003,160.43)
St. Mary's	17,138.00		1.96%	\$14,882,353	\$43,125,906	(28,243,553.53)
Somerset	2,685.00		0.31%	\$14,882,353	\$6,756,509	8,125,843.50
Talbot	4,448.75		0.51%	\$14,882,353	\$11,194,794	3,687,559.13
Washington	21,830.00		2.50%	\$14,882,353	\$54,932,812	(40,050,459.42)
Wicomico	14,482.25		1.66%	\$14,882,353	\$36,443,001	(21,560,648.52)
Worcester	6,421.00		0.73%	\$14,882,353	\$16,157,746	(1,275,392.74)
Total State	874,268.00			\$2,171,400,000	\$2,200,000,000	(28,600,000.00)

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**Baltimore City receives enhanced state funding for school construction pursuant to the passage of the Baltimore City Public Schools Construction and Revitalization Act of 2013.

***Assumes that the 17 unnamed counties will equally share in the allocation.