

**ACLUMD\_HB394\_Favorable\_Testimony.pdf**

Uploaded by: Knowlton, Brianna

Position: FAV



**Testimony for the Senate Education, Health, and Environmental Affairs  
Committee  
March 18, 2021**

**HB 394 Public Schools - Fees for Summer School Courses – Prohibition**

**FAVORABLE**

AMERICAN CIVIL  
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FOUNDATION OF  
MARYLAND

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The American Civil Liberties Union of Maryland and the Howard University School of Law Human and Civil Rights Clinic urge a favorable report on HB 394, which would prohibit Maryland local school districts from charging fees to students seeking to enroll in required summer school courses, a practice especially harmful to indigent students. HB 394 will bring local school district policies into compliance with federal, as well as Maryland law, and help end the cycle of poverty perpetuated by lack of educational access.

Over half of the local school districts within the state of Maryland charge fees, ranging upwards of \$500 per credit, for their summer course offerings. And while at least four districts offer courses free of charge to certain low-income students, the majority do not waive the full cost of enrollment for even the neediest students. These policies severely harm students whose family's income makes them eligible for Free and Reduced-Price School Meal plans. Unable to afford summer school and earn credits necessary for high school graduation, these students have no choice but to repeat the grade level they were in the previous year. In short, summer school enrollment fees guarantee that indigent students in the state of Maryland are discriminated against solely because of their family's income.

In Maryland, students from Prince George's County filed a lawsuit in 2019 against the Prince George's County School Board challenging the summer school fees. These fees are a stonewall for educational progress that only apply to students who do not have the financial means. Two of the students were being barred from graduating high school, thus setting them back from pursuing higher education or entering the work force – opportunities that would help alleviate the financial burden of their families in the long-run.



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## Maryland

These policies violate the Maryland Constitution. Article VIII, Section 1 of the Constitution explicitly mandates that the public-school system be “free.” This requires schools to “be open to all without expense.” *Clark v. Maryland Institute*, 87 Md. 126, 129 (1898). The requirement extends to summer school. Anything directly related to a school’s curriculum must be available to all without charge. 72 Op. Att’y Gen. 262, 267 (1987). Not surprisingly, the only court to consider a similar requirement concluded it was illegal. *Giannini Council on Elementary and Secondary Education*, No. PC 2014-5240, Providence Co. Super. Ct., (March 30, 2016) determining that because the purpose of summer school is to provide additional instruction to students recovering credits for core courses, fees cannot be charged for them).

These policies also raise serious concern under Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin by any program that receives federal financial assistance. Federal rules promulgated pursuant to Title VI prohibit policies which have a disparate racial impact or “have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.” 34 C.F.R. § 100.3(b)(2). Although specific data related to students in need of summer school education is unavailable, it seems likely that these policies have an outsized negative impact on African-American students. Almost 15 percent of African-Americans in Maryland live in poverty, the highest percentage among any racial group and twice the percentage of whites who face poverty. U.S. Census Bureau, *American Community Survey* (2015).

In addition to being illegal, charging students to attend required summer school courses is morally repugnant. Core courses, such as Mathematics and English, should be free of charge, particularly because of the long-lasting negative impact on students unable to afford them. Without these required courses, students are unable to advance to the next grade level and are ultimately unable to receive their diplomas. Justice Thurgood Marshall noted the importance of equality of educational opportunities. Without education, children are deprived during their earliest years of the chance to reach their full potential as citizens. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411 U.S. 1, 71 (1973). These policies, by denying indigent students the opportunity to enroll in summer school, directly deny students equal access to education, further contributing to the



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cycle of poverty. Helen F. Ladd, *Education and Poverty: Confronting the Evidence*, 31 *Journal of Policy Analysis and Management*, 203–227 n.2 (2012).

For the foregoing reasons, the American Civil Liberties Union of Maryland and the Howard University School of Law Human and Civil Rights Clinic urge a favorable report on HB 394.

**Written Testiony - HB 394 (1).pdf**

Uploaded by: Reusing, Grace

Position: FAV



## POSITION ON PROPOSED LEGISLATION

Bill: House Bill 394- Fees for Summer School Courses – Prohibition

Position: Support

Date: January 17, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 394.

Under this legislation, a student would not be charged a fee or tuition to attend summer school if the student: 1) attends school in the district; 2) requires the course in order to graduate; and 3) previously took the course and did not successfully complete or receive credit for the course.

Charging fees or tuition to attend summer school is especially harmful to indigent students. Over half of the local school districts within the state of Maryland charge tuition, which places summer school out of the reach of our clients. The sad fact is that all of our juvenile clients live in poverty and their family's inability to pay summer school tuition hinders their ability to graduate. Access to a public school graduation should remain free at all times of the year, including the summer months. Without these required courses needed for graduation, students are ultimately unable to earn a high school diploma. HB 394 will help end the cycle of poverty perpetuated by lack of educational access.

In short, summer school enrollment fees guarantee that indigent students in the state of Maryland are discriminated against solely because of their family's income. For these reasons, the Maryland Office of the Public Defender urge a favorable report on HB 1194.

# **Disability Rights Written Testimony.pdf**

Uploaded by: Robinson, Lamar

Position: FAV

# Education Advocacy Coalition for Students with Disabilities

**SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE**

**HOUSE BILL 394—PUBLIC SCHOOLS—FEES FOR SUMMER SCHOOL COURSES—PROHIBITION**

**MARCH 18, 2021**

**POSITION: SUPPORT**

The Education Advocacy Coalition for Students with Disabilities (EAC), a coalition of more than 30 organizations and individuals concerned with education policy for students with disabilities in Maryland, supports House Bill 394, which would prohibit local school systems from charging students a fee for enrollment in a summer school course if the student attends school in the local school system, needs credit for the course in order to graduate from high school, and took the course but did not pass it or receive credit for it. This bill is important to students with disabilities who need access to summer school courses in order to remain on track to obtain their diplomas. Their ability to access these courses should not depend on whether their families have the money to pay for summer school courses. Further, House Bill 394 is consistent with federal and state laws, which mandate a free appropriate public education for all students with disabilities.

For these reasons, the EAC supports House Bill 394.

For more information, please contact Leslie Seid Margolis at 410-727-6352, ext. 2505 or at [lesliem@disabilityrightsmd.org](mailto:lesliem@disabilityrightsmd.org).

Respectfully submitted,

Selene Almazan, Selene Almazan Law, LLC  
Rene Averitt-Sanzone, The Parents' Place of Maryland  
Linda Barton, MSED, Education Advocate  
Elizabeth Benevides, Howard County Autism Society  
Ellen A. Callegary, Law Offices of Ellen A. Callegary, P.A.  
Michelle Davis, ABCs for Life Success  
SarahRuth Davis, Parent Advocacy Consortium  
Jennifer Engel Fisher, Weinfeld Education Group  
Lisa Frank, Special Kids Company  
Shamoyia Gardiner, Strong Schools Maryland  
Ann Geddes, Maryland Coalition of Families  
Kalman Hettleman, Independent Advocate  
Morgan Durand Horvath, Abilities Network  
Nicole Joseph, Law Offices of Nicole Joseph  
Rosemary Kitinger and Marjorie Guldán, Bright Futures, LLC  
Rachel London, Maryland Developmental Disabilities Council  
Leslie Seid Margolis, Disability Rights Maryland  
Mark B. Martin, Law Offices of Mark B. Martin, P.A.



Ellen O'Neill, Atlantic Seaboard Dyslexia Education Center

Melissa Riccobono, Maryland Parents of Blind Children/National Federation of the Blind of Maryland

Rebecca Rienzi, Pathfinders for Autism

Lori Scott, The Arc Maryland

Monica Simpkins, Learning Disabilities Association of Maryland

Karleen Spitulnik, Decoding Dyslexia Maryland

Ronnetta Stanley, Loud Voices Together

Wayne Steedman, Steedman Law Group, LLC

Maureen van Stone, Mallory Finn Legg and Alyssa Thorn, Project HEAL at Kennedy Krieger Institute

Jessica Williams, Education Due Process Solutions, LLP

# **Favorable Support Testimony.pdf**

Uploaded by: Robinson, Lamar

Position: FAV

## HB0394 Public Schools - Fees for Summer School Courses – Prohibition

Stance: Support

Testimony: My name is Adiena C. Britt and I reside in the 45<sup>th</sup> Legislative District in Baltimore City. I am in offering testimony in support of HB0394. Charging fees in order to obtain a credit for a course that a student fails is just wrong. Especially in a School System that is supposed to be “Free Public Education” in any jurisdiction. This current practice negatively impacts lower income households, and creates unnecessary situations of stigma and decision-making that should not be occurring to our residents at all. No one should have to decide if they have to forgo paying a bill or buy food because they need to pay for a class that their child has failed.

Most of the time, children fail classes due to a lack of resources to begin with. I know, within Baltimore City, students have to bus across town for hours in order to reach school in the first place. There are chronic social issues that negatively impact students in low-income households, including little to no food, inability to access additional assistance when they are struggling in class, lack of access to technology including but not limited to high-cost calculators, computers, and library access. These things all lead to the potentiality that a student can fail a class, mainly due to a lack of resources.

Our current system offers fee waivers for such things as college admission applications and financial aid requests. If students need this type of assistance at the end of a school tenure, why is it so hard to fathom that financial assistance would be required beforehand should a class be failed? Charging for Summer School in a Public School System boils down to a “Pay for Play” approach that will always negatively impact students and parents from lower-income households. This practice needs to stop.

Please allow bill HB0394 to pass through to the full House and Senate to be voted on and passed into Law.

Thank you.

Adiena C. Britt

6014 Old Harford Rd. Baltimore, MD 21214

# **HB 394 - FAV - Zwerling.pdf**

Uploaded by: Robinson, Lamar

Position: FAV

**Testimony SUPPORT of House Bill 394  
Public Schools – Fees for Summer School Courses – Prohibition**

**House Education, Health and Environmental Affairs Committee  
March 18, 2021**

**Samantha Zwerling  
Government Relations**

The Maryland State Education Association supports HB 394. The legislation would prohibit LEAs from charging summer school fees of students who meet certain conditions.

MSEA represents 75,000 educators and school employees who work in Maryland's public schools, teaching and preparing our 896,837 students for careers and jobs of the future. 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).

Under this legislation, a student would be eligible for this exemption if they: 1) attend school in the district; 2) require a summer school course in order to graduate; and 3) previously took said course and did not successfully complete it.

For many students who fall into this category, paying to repeat a needed summer school course could be cost prohibitive, particularly if the student comes from a family with a low-income. One's family's financial limitations should not serve as a barrier to their high school graduation, especially after encountering academic obstacles due to the pandemic. Every effort should be made on the part of the school and the district to ensure that all students successfully complete their high school careers.

Currently, the cost for taking a summer school course varies from district to district, with some charging hundreds of dollars per course. Some offer discounted tuition for students who are FARMS eligible, which can serve a tremendous help. Even still, the discounted cost could remain a financial hardship for too many families.



As educators and LEAs are working hard to make up for the learning loss caused by the pandemic, the General Assembly should also consider the cost to LEAs when implementing this necessary legislation. The State should make every effort to help keep these budgets whole during this time.

Ensuring that Maryland's students receive a free public education is the responsibility of the state legislature and the taxpayers. **MSEA urges a Favorable Report on House Bill 394.**

**HB 394\_FAV\_ACLUMD\_Young.pdf**

Uploaded by: Robinson, Lamar

Position: FAV



**Testimony for the House Education, Health and Environmental  
Affairs Committee  
March 18, 2021**

**HB 394 Public Schools - Fees for Summer School Courses –  
Prohibition**

**FAVORABLE**

The American Civil Liberties Union of Maryland and the Howard University School of Law Human and Civil Rights Clinic urge a favorable report on HB 394, which would prohibit Maryland local school districts from charging fees to students seeking to enroll in required summer school courses, a practice especially harmful to indigent students. HB 394 will bring local school district policies into compliance with federal, as well as Maryland law, and help end the cycle of poverty perpetuated by lack of educational access.

Over half of the local school districts within the state of Maryland charge fees, ranging upwards of \$500 per credit, for their summer course offerings. And while at least four districts offer courses free of charge to certain low-income students, the majority do not waive the full cost of enrollment for even the neediest students. These policies severely harm students whose family's income makes them eligible for Free and Reduced-Price School Meal plans. Unable to afford summer school and earn credits necessary for high school graduation, these students have no choice but to repeat the grade level they were in the previous year. In short, summer school enrollment fees guarantee that indigent students in the state of Maryland are discriminated against solely because of their family's income.

In Maryland, students from Prince George's County filed a lawsuit this past summer against the Prince George's County School Board challenging the summer school fees. These fees are a stonewall for educational progress that only apply to students who do not have the financial means. Two of the students were being barred from graduating high school, thus setting them back from pursuing higher education or entering the work force – opportunities that would help alleviate the financial burden of their families in the long-run.





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## Maryland

These policies violate the Maryland Constitution. Article VIII, Section 1 of the Constitution explicitly mandates that the public-school system be “free.” This requires schools to “be open to all without expense.” *Clark v. Maryland Institute*, 87 Md. 126, 129 (1898). The requirement extends to summer school. Anything directly related to a school’s curriculum must be available to all without charge. 72 Op. Att’y Gen. 262, 267 (1987). Not surprisingly, the only court to consider a similar requirement concluded it was illegal. *Giannini Council on Elementary and Secondary Education*, No. PC 2014-5240, Providence Co. Super. Ct., (March 30, 2016) (determining that because the purpose of summer school is to provide additional instruction to students recovering credits for core courses, fees cannot be charged for them).

These policies also raise serious concern under Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin by any program that receives federal financial assistance. Federal rules promulgated pursuant to Title VI prohibit policies which have a disparate racial impact or “have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color, or national origin.” 34 C.F.R. § 100.3(b)(2). Although specific data related to students in need of summer school education is unavailable, it seems likely that these policies have an outsized negative impact on African-American students. Almost 15 percent of African-Americans in Maryland live in poverty, the highest percentage among any racial group and twice the percentage of whites who face poverty. U.S. Census Bureau, *American Community Survey* (2015).

In addition to being illegal, charging students to attend required summer school courses is morally repugnant. Core courses, such as Mathematics and English, should be free of charge, particularly because of the long-lasting negative impact on students unable to afford them. Without these required courses, students are unable to advance to the next grade level and are ultimately unable to receive their diplomas. Justice Thurgood Marshall noted the importance of equality of educational opportunities. Without education, children are deprived during their earliest years of the chance to reach their full potential as citizens. *San Antonio Indep. Sch. Dist. v. Rodriguez*, 411



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U.S. 1, 71 (1973). These policies, by denying indigent students the opportunity to enroll in summer school, directly deny students equal access to education, further contributing to the cycle of poverty. Helen F. Ladd, *Education and Poverty: Confronting the Evidence*, 31 *Journal of Policy Analysis and Management*, 203–227 n.2 (2012).

For the foregoing reasons, the American Civil Liberties Union of Maryland and the Howard University School of Law Human and Civil Rights Clinic urge a favorable report on HB 394.

**HB0394 Del. Stephanie Smith Testimony.pdf**

Uploaded by: Robinson, Lamar

Position: FAV

STEPHANIE SMITH  
Legislative District 45  
Baltimore City

Ways and Means Committee  
Education Subcommittee

House Chair  
Baltimore City Delegation



The Maryland House of Delegates  
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THE MARYLAND HOUSE OF DELEGATES  
ANNAPOLIS, MARYLAND 21401

**HB394: Public Schools- Fees for Summer School Courses- Prohibition**

**Hearing: March 18<sup>th</sup>, 2021; 1:00pm; Education, Health, and Environmental Committee**

**Chairman Paul Pinsky and Vice Chair Kagen, and members of the Education, Health, and Environmental Committee**

HB394 would prohibit a local school system from charging a student a fee for enrollment in a summer school course if:

- The student attends a school in the local school district,
- If credit for the course is required for graduation,
- If the student previously took the course, but did not successfully complete or receive credit.

This bill limits the ability of local school systems to charge their students a fee for summer school courses that a student has already taken during the school year and is required for graduation. Local school systems vary in their practices regarding summer school fees. Most local school systems charge a fee for credit recovery courses, although many provide considerably discounted fees to students from low-income families.

For example, in 2018, Frederick County Public Schools generally charged \$200 per summer school course, but charged \$100 to students qualifying for reduced-price school meals, and charged no fee to students qualifying for free school meals. Fees for out-of-county students are typically higher than for school system students. With the advice of the State Superintendent of Schools, the State Board of Education must establish minimum requirements for issuing certificates and diplomas by public and private high schools. According to regulations, to be awarded a high school diploma, a student must be enrolled in a Maryland public school system and have earned a minimum of 21 credits in specified subjects.

Let us ensure cost does not become a barrier to students successfully completing high school on time. While considerable obstacles to summer school affordability existed before the global pandemic, these obstacles have only become more widespread and acute. For the foregoing reasons, I respectfully urge you to vote favorably on HB394.

Sincerely,

Delegate Stephanie M. Smith

**MD Office of the Public Defender FAV Testimony.pdf**

Uploaded by: Robinson, Lamar

Position: FAV



## POSITION ON PROPOSED LEGISLATION

Bill: HB394- Fees for Summer School Courses – Prohibition

Position: Support

Date: March 18, 2021

The Maryland Office of the Public Defender respectfully requests that the Committee issue a favorable report on House Bill 394.

Under this legislation, a student would not be charged a fee or tuition to attend summer school if the student: 1) attends school in the district; 2) requires the course in order to graduate; and 3) previously took the course and did not successfully complete or receive credit for the course.

Charging fees or tuition to attend summer school is especially harmful to indigent students. Over half of the local school districts within the state of Maryland charge tuition, which places summer school out of the reach of our clients. The sad fact is that all of our juvenile clients live in poverty and their family's inability to pay summer school tuition hinders their ability to graduate. Access to a public school graduation should remain free at all times of the year, including the summer months. Without these required courses needed for graduation, students are ultimately unable to earn a high school diploma. HB 394 will help end the cycle of poverty perpetuated by lack of educational access.

In short, summer school enrollment fees guarantee that indigent students in the state of Maryland are discriminated against solely because of their family's income.

For these reasons, the Maryland Office of the Public Defender urge a favorable report on HB 1194.

# **HB 394 - Public Schools – Fees for Summer School C**

Uploaded by: Zwerling, Samantha

Position: FAV

Testimony SUPPORT of House Bill 394  
Public Schools – Fees for Summer School Courses – Prohibition

Senate Education, Health, and Environmental Affairs Committee  
March 18, 2021

Samantha Zwerling  
Government Relations

The Maryland State Education Association supports HB 394. The legislation would prohibit LEAs from charging summer school fees of students who meet certain conditions.

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Under this legislation, a student would be eligible for this exemption if they: 1) attend school in the district; 2) require a summer school course in order to graduate; and 3) previously took said course and did not successfully complete it.

For many students who fall into this category, paying to repeat a needed summer school course could be cost prohibitive, particularly if the student comes from a family with a low-income. One's family's financial limitations should not serve as a barrier to their high school graduation, especially after encountering academic obstacles due to the pandemic. Every effort should be made on the part of the school and the district to ensure that all students successfully complete their high school careers.

Currently, the cost for taking a summer school course varies from district to district, with some charging hundreds of dollars per course. Some offer discounted tuition for students who are FARMS eligible, which can serve a tremendous help. Even still, the discounted cost could remain a financial hardship for too many families.

As educators and LEAs are working hard to make up for the learning loss caused by the pandemic, the General Assembly should also consider the cost to LEAs when implementing this necessary legislation. The State should make every effort to help keep these budgets whole during this time.

Ensuring that Maryland's students receive a free public education is the responsibility of the state legislature and the taxpayers. **MSEA urges a Favorable Report on House Bill 394.**