

ACLU Maryland

# EDUCATION ADVOCATE

Get Engaged

## 2019 GENERAL ASSEMBLY WRAP UP

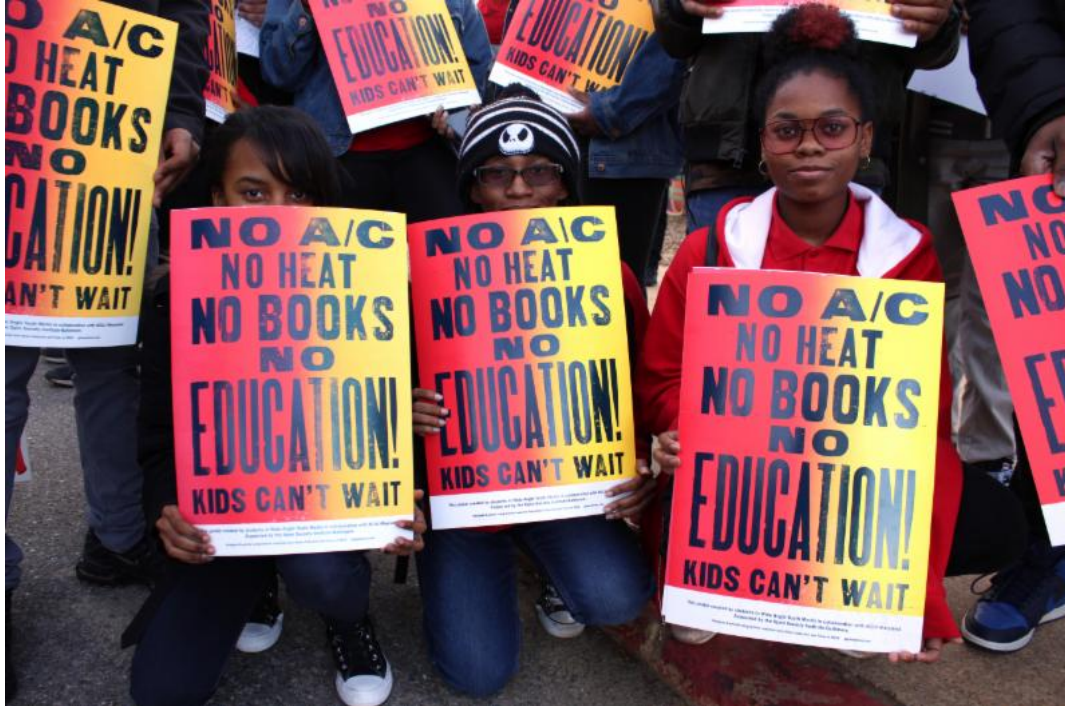
The 2019 Maryland General Assembly session was busy. Alongside coalition partners, students, and community members, we marched, met with, sent emails to, and called our legislators, and spent many hours in Annapolis. We advocated for and testified on bills ranging from funding for the Kirwan Commission recommendations and school facilities to reforming school discipline practices and creating a positive school climate so all students can thrive.

**We made progress on our [2019 education priorities](#), but if this year's initial steps to pass a bill to enact Kirwan Commission recommendations are an indication of the road ahead, we've got a lot of work to do, and we will need your help.**

Overall, the Kirwan jumpstart bill passed, as did \$500 million in school construction funding in the capital and operating budgets. However, the funding level in the budget for Kirwan was below the recommended level, and a major school construction funding bill failed.

The continued failure of Maryland to provide the level of funding needed to get a quality education, as required by the state Constitution, particularly shortchanges Black and Brown students and students with disabilities. **The [ongoing historic Bradford lawsuit](#), brought against the state by ACLU of Maryland and NAACP Legal Defense and Educational Fund, Inc. on behalf of concerned parents in Baltimore City, is more important than ever. Children can't keep waiting.**

See below for a deeper dive into wins and losses for education in Maryland's 2019 legislative session.



Wide Angle Youth Media students joined nearly 8,500 others in Annapolis on March 11 for the March for Our Schools rally with posters they designed and printed in collaboration with ACLU Maryland, and supported by the Open Society Institute-Baltimore.

## EQUITABLE & ADEQUATE EDUCATION FUNDING

After much anticipation and uncertainty, the Kirwan legislation—The “Blueprint for Maryland’s Future” ([HB 1413/SB 1030](#))—was finally introduced and outlined expected policy programs modeled after a short list of [priorities](#) released at the end of 2018. Essentially a starter package, the bill included several key recommendations, some of which are also [ACLU’s priority goals](#). We were especially encouraged by concentrated poverty funding and legislators’ commitment to a roll-out that targets the hardest hit students. Unfortunately, the House and Senate versions of the proposal differed substantially. The Senate made a large cut to special education and forced a conference committee to compromise.

The final bill provides a slimmed down version of programs totaling \$255.7 million for FY20, an estimated \$355 million for FY21, and about \$370 million for FY22 based on the funding allocations in the 2019 Budget that had already passed.

However, the Blueprint bill is still a package that makes a strong statement for equity. Several of the largest components will provide services for the most under-served student populations, such as Black and Brown children, children with disabilities, and those with low-income families, and emphasize whole-child supports. For example, the concentrated poverty grants will be awarded to schools across the state with a low-income population of 80 percent or higher. While the Kirwan legislation sets critical programs in motion, the General Assembly ultimately punted on the tough conversation about revenue generation, which may have allowed the body to meet the recommended targets.

Funding is being provided for specific programs, but these do not necessarily address the [adequacy gap](#), last measured in FY15 as being \$1.6 billion per year for schools statewide.

# THE BLUEPRINT FOR MARYLAND'S FUTURE

With FY20 and FY21 Budget Impacts

	FY20	FY21 (estimates)
<b>Concentrated Poverty Grants</b>	\$55m	\$59m
<b>Prekindergarten Grants</b>	\$32m	\$54m
<b>Special Education Grants</b>	\$66m	\$66m
<b>Transitional Supplemental Instruction Grants</b>	\$23m	\$23m

Categories shown here represent only a portion of The Blueprint for Maryland's Future funding.



ACLU priorities included in the Blueprint for Maryland's Future bill are:

- **Concentrated Poverty Grants (\$55 million):** Funds for a community school coordinator, health care practitioner, and additional services as identified by a needs assessment to schools across the state with a low-income population of 80 percent or higher.
- **Prekindergarten Grants (\$32 million):** Funds to incentivize full-day pre-k services by expanding programs that already exist or supporting new programs for eligible four-year-olds from low-income families.
- **Special Education Grants (\$66 million):** Additional funds to gap-fill large funding shortages as the state awaits the findings of the state-facilitated special education study.
- **Transitional Supplemental Instruction Grants (\$23 million):** Grants for additional academic supports to learners that are behind.

Teacher Salary Grants and Teacher Preparation Collaboratives were also large pieces which we hope will provide more stability and creativity in the teacher workforce.

In total, it is disappointing to see cuts made at the outset of what is marked as a truly transformative plan. We know that piecemeal approaches will not get us where we need to go, and members of the Kirwan Commission and consulting experts have emphasized the interconnectedness of the various policy goals. We will continue to pressure Commissioners and all involved to make equity considerations an intrinsic part of this process at each phase of implementation. Marylanders from every jurisdiction deserve and expect a plan that meets the stated vision.

**[Now, we urge the Governor to sign the Blueprint for Maryland's Future and release the funding.](#)**

We will track the implementation of this year's policy plan, as well as the next round of Kirwan deliberations during the summer and fall when a small group of Commissioners will work to propose an updated funding formula. We will also continue to work with our coalition partners across the state to ensure that decision-makers know all Marylanders care about opportunities for every child.

## **FUNDING FOR PRIVATE SCHOOL VOUCHERS DECREASED**

In addition to getting more funding for education in the budget, the General Assembly decreased funding for the BOOST private school voucher program for the first time since it started. ACLU of Maryland has long opposed the use of taxpayer dollars to fund private schools that do not meet state accountability standards. We fought for legislation to hold private schools that get public funds to the same non-discrimination standards as public schools, especially for students with disabilities and LGBTQ+ students. This

year, the House voted to begin phasing out the program and decreased it from \$7 million in the FY19 budget to \$6.6 million for FY20. ACLU applauds this legislative victory.



*ACLU of Maryland Lobby Night in Annapolis*



*Baltimore Education Coalition Community Night in Annapolis*

## MODERN, HEALTHY, AND SAFE SCHOOL BUILDINGS

There is an enormous need for more school construction funding to ensure modern, healthy, and safe school facilities in Maryland. State policymakers have reported that school districts statewide need \$20+ billion to rebuild old and deficient buildings and construct new facilities where there is significant overcrowding. During the 2019 General Assembly, city and county lawmakers filed several bills to fund school construction, including one proposed by the governor. The legislature also passed the operating and capital budgets, which includes spending items for school construction.

### SENATE FAILS TO PASS HB 727 — AN INNOVATIVE \$2.2 BILLION SCHOOL CONSTRUCTION FUND

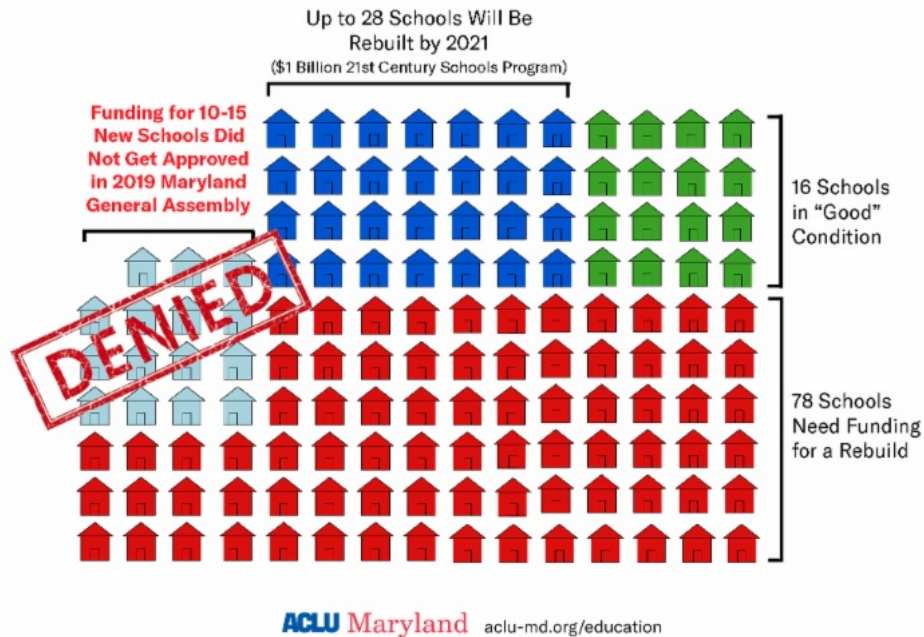
One of the biggest disappointments of the 2019 legislative session was the Senate's failure to pass a bill that would have generated critical funds to fix Maryland's school facilities.

The House Appropriations Committee decided to consolidate the numerous school construction bills into the "Build to Learn Act of 2019", amending [HB 727](#). Modeled after Baltimore's 21<sup>st</sup> Century Schools Program (that the [ACLU and city advocates proposed and got passed in 2013](#)), HB 727 sought to designate \$125 million in Education "Lockbox" funding annually for the Maryland Stadium Authority to leverage an estimated \$2.2 billion in bonds over the next 4-5 years for school construction projects statewide. The [ACLU](#) and the [Maryland Education Coalition](#) testified in support of HB 727 but asked for amendments to ensure that the funds would prioritize schools in the poorest conditions in the lowest-wealth districts in the state.

Despite HB 727 passing with overwhelming support in the House, the Senate was unwilling to make the financial commitment. Every county in the state would have benefited from passage of the bill. Baltimore City schools would have received over \$400 million to complete Phase I of the 21<sup>st</sup> Century Building Plan, which could have rebuilt 10 to 15 additional new or fully renovated school buildings.

The Kirwan and school facilities funding bills were competing for the same "Lockbox" funding source and were essentially pitted against each other throughout the legislative session.

# STATUS OF BALTIMORE CITY SCHOOL BUILDINGS



## NEARLY \$500 MILLION IN STATE FUNDING AVAILABLE FOR SCHOOL CONSTRUCTION FOR FY20

While the Build to Learn Act of 2019 did not pass, school construction was funded at \$500 million, \$62.5 million more than in the Governor's proposed budget. The Capital Improvement Program (CIP), the largest of the seven state programs for school construction from which all districts benefit, was funded at \$252 million for FY20. The legislature set aside an additional \$127 million for the CIP, **but Governor Hogan must take action to release the funds.** The legislature approved \$68 million for counties experiencing significant enrollment growth and approximately \$20 million for aging school buildings and school safety projects. Passed in 2018, the Healthy Schools Fund, which targets schools with urgent needs related to heating, cooling, and mold and lead remediation, was funded at the required \$30 million for its first year. Get a breakdown of all state school construction programs and funding for FY20 [here](#).

## WORKING TO ACHIEVE EQUITY

School infrastructure needs statewide are enormous but low-wealth districts with majority Black and Brown students have the oldest and most deficient buildings in the state. While state school construction funding has been trending upward over the past decade, the ACLU has been critical about how those funds are distributed. In the coming months, the state will start a detailed assessment—as mandated by HB 1783 passed in 2018—to document the current condition of every school facility in Maryland. The ACLU will urge the state to use the assessment to prioritize funding to the buildings in the worst condition. Further, the ACLU will also advocate for the state to consider each district's fiscal capacity to fund its own school infrastructure needs. To achieve funding equity and begin to equalize school facility conditions statewide, low-wealth districts will need much more funding support from the state.



*Frank Patinella (left), Senior Education Advocate, and Dana Vickers Shelley (second from left), ACLU of Maryland Executive Director, testified in support (with amendments) of HB 727, the Build to Learn Act of 2019*

## SCHOOL CLIMATE & FAIR DISCIPLINE FOR EDUCATIONAL SUCCESS

The ACLU was in Annapolis every week advocating for policies to build a positive school climate in Maryland schools, bringing home a couple of important victories. School climate and fair discipline are key areas for equity and education access because classroom and school conditions are foundational to learning. We work to reverse zero-tolerance discipline policies (which are harsh punishments and are often suspension or expulsion) and end the school-to-prison pipeline by transforming punitive and ineffective discipline approaches that too often leave students feeling discarded and hopeless. We work to ensure that school systems commit to creating the learning environment that all students need by focusing on tools for a positive school climate. Research shows that poor attendance and high drop-out and low graduation rates can all be improved with dedicated efforts that engage students and equip school staff with the skills to effectively manage and respond to behavioral issues when they arise.

This session the ACLU supported recommendations from the [December 2018 report](#) of the Maryland Commission on School-to-Prison Pipeline and Restorative Practices, on which Kimberly Humphrey, Esq. served. The report found a need for investment and institutional changes to transform the poorly implemented and ineffective discipline practices of our current system. Working closely with bill sponsors and allies in the Coalition to Reform School Discipline, we successfully moved a couple of bills that were part of the [comprehensive package of six](#) that aimed to systematize school climate reform.

After months of hearings and conversations with legislators, we know there is a huge gap in understanding and education between the House and the Senate on these issues. Several key bills that made it through the House but did not overcome roadblocks in the Senate were proposals that would have

set aside funding to support teachers and school districts as they transition to new practices (HB 1229 and HB 1208) and one that would have defined and distinguished the role and expectations of school resource officers for school communities (HB 439). Educating state legislators and local leaders will be a large part of our work this summer and fall as particular jurisdictions face serious challenges and misunderstandings of the local codes of conduct and state regulations. We will be pushing for training and guidance by the state to help districts conform practices to state law and support the best interests of children and families.

School Climate Proposals that passed both chambers:

- **Restorative Approaches** ([HB 725/SB 766](#)) requires the State Department of Education to provide technical assistance and training to county boards of education regarding the use of restorative practices; requires regulations with regard to restorative practices and annual disaggregated reporting to the Governor and the General Assembly on school district's use of restorative approaches.
- **Student Data and Governing Board** ([HB 704](#)) expands student data used to analyze the arc of performance and success throughout the state to include juvenile delinquency records and elementary and secondary school disciplinary records in an effort to have full data on the impact of disparate and disproportionate discipline practices.

We also successfully fought several problematic proposals that attempted to take our school systems backwards. The most troubling of the proposals [sought to authorize school police officers in Baltimore City to carry loaded guns](#) during the day (initially HB 31 which was withdrawn early in the session and reintroduced as HB 1373). Fortunately, the City House Delegation voted down HB 1373 once and for all after a hearing revealed that armed officers are already available to be in the school during an emergency, and that the increased exposure to loaded guns would put students in more harm's way.

With Baltimore City Schools having its own dedicated police force—meaning far more police officers with a greater presence in halls—they are already markedly different from other jurisdictions. This proposal would have only served to further disrupt and stigmatize City students, weaken the educational environment, and put students' lives in danger, all while failing to address any of the root causes to the safety concerns that were raised. We urged officials to respond to instances of violence with conflict resolution training and thoughtful partnership with Baltimore City to ensure community threats are appropriately addressed. ACLU joined students, parents, teachers, and other advocacy organizations, including Baltimore Algebra Project, BMORE, Teachers Democracy Project, and more, and will continue to oppose efforts to magnify the presence of police in public schools.



*ACLU of Maryland and advocates from Teacher's Democracy Project, BMORE Caucus, SURJ Baltimore, and more testified at a Baltimore City House Delegation meeting to urge them to Vote NO on HB 1373 once and for all. Guns in schools is not the answer!*

## In Memory of House Speaker Michael Busch

Midnight on the last day of the Maryland General Assembly was a somber one. The joint session adjourned in a moment of silence for Speaker Michael Busch, the longest-serving speaker in state history, who died the day before after fighting to recover from pneumonia. Speaker Pro Tem Adrienne Jones, who held that position for 16 years with Speaker Busch, [closed the night](#) with a heartfelt, "Sine Die, Mike. Sine Die."

Speaker Busch was a champion for Maryland's public school children, especially in Baltimore. "We need to rebuild Baltimore's crumbling schools, and we need to do it now," [he said](#) at a rally in Annapolis in 2013 in support of Baltimore schools.

He will be missed.



.@SpeakerBusch, graduate of @BaltCitySchools #LeithWalk Elem., was the critical support we needed to pass the @21stCSBaltimore school construction program. His work for those bldgs will make lives better for City children for years to come.



5:11 PM - 7 Apr 2019

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