



SB731 - Public School Construction - Maryland Stadium Authority - Supplemental Funds

Testimony for the Senate Budget and Taxation Committee
February 27, 2018

Position: SUPPORT WITH AMENDMENTS

*Dana Vickers-Shelley, Executive Director, ACLU of Maryland
Frank Patinella, Senior Education Advocate, ACLU of Maryland*

AMERICAN CIVIL
LIBERTIES UNION
FOUNDATION OF
MARYLAND

MAIN OFFICE
& MAILING ADDRESS
3600 CLIPPER MILL ROAD
SUITE 350
BALTIMORE, MD 21211
T/410-889-8555
or 240-274-5295
F/410-366-7838

FIELD OFFICE
6930 CARROLL AVENUE
SUITE 610
TAKOMA PARK, MD 20912
T/240-274-5295

WWW.ACLU-MD.ORG

OFFICERS AND DIRECTORS
COLEMAN BAZELON
PRESIDENT

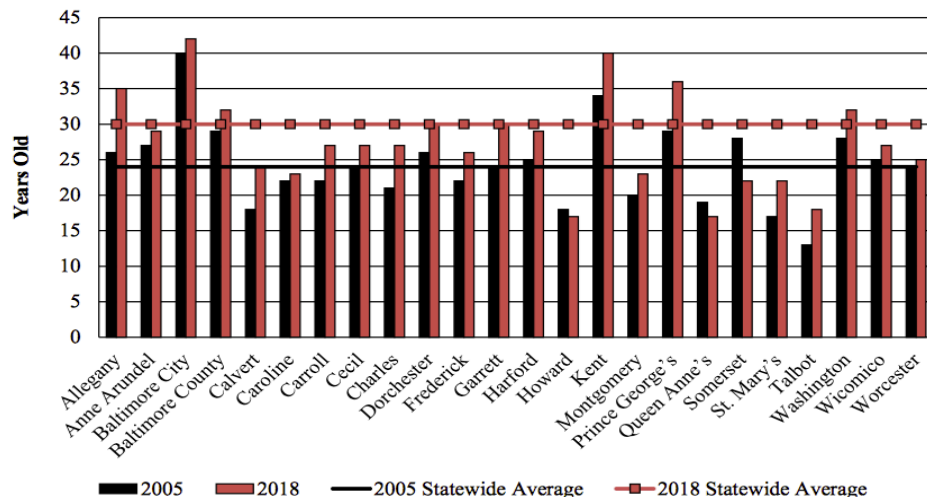
DANA VICKERS SHELLEY
EXECUTIVE DIRECTOR

ANDREW FREEMAN
GENERAL COUNSEL

The ACLU of Maryland asserts that public school buildings must be healthy, safe, and equipped to support a rigorous 21st century curriculum to ensure that students receive a "thorough and efficient" education, as guaranteed by the state constitution. There are a number of bills this legislative session that address public school infrastructure issues. It is essential that this committee and the General Assembly prioritize funding to address disparities in school facility conditions that exist among districts and subgroups throughout the state. To that end, the ACLU is asking the committee to support but amend this bill to ensure that funding priority is given to the schools in the worst conditions and in districts that have the least fiscal capacity to address them.

Black and Brown Children Disproportionately Affected by Deficient School Facility Conditions. The enormous need for school construction funding statewide is well documented. However, children of color, especially those in low-wealth districts, are more likely to attend schools that do not meet basic facility standards. And despite state increases in funding over the past decade, the IAC indicates that school buildings on average are getting older – the statewide age has increased by six years.

**Exhibit 2
Average Age of School Facilities
Fiscal 2005 and 2018**



Source: Interagency Committee on School Construction, Fiscal 2005; Department of Budget and Management, Fiscal 2018

Districts with the largest populations of Black and Brown students have the oldest schools in the state – a glaring disparity that indicates a severe flaw in state and local funding of school construction programs. Other districts are challenged with rapid increases in school enrollment.

Ensuring Equitable School Facility Opportunities. Black and Brown students in low wealth districts should not be disproportionately subjected to unhealthy and inadequate facility conditions. While the ACLU supports efforts to increase school construction funding to address deficiencies and overcrowding, and reduce the age of school buildings in Maryland, it is critical that the state legislature adopts measures that will help the state's Public School Construction Program's realize its goal to "equalize educational facilities and opportunities throughout the State".¹

Targeting the Worst Conditions. The Knott Commission spent two years studying and developing recommendations to ensure that Maryland's school construction program would be efficient and equitable. HB1783 of 2018 directed the Interagency Commission on School Construction (IAC) to assess all school facilities in Maryland - both the physical conditions and how well the building supports the academic program (educational "adequacy"). The building-by-building assessment is expected to be completed by the end of the year; it will provide data and a "Maryland Facility Condition Index score (MFCI)" for every school building in the state. The General Assembly should use the assessment data and the MFCI to direct funding to the greatest needs.

Considering Wealth Disparities. Local wealth and inequitable distribution of state aid are drivers of the disparities in school facility condition statewide. Wealthy districts have much more capacity to contribute PAYGO funding and issue general obligation bonds for local school construction. For example, despite being similar in population and school enrollment, Anne Arundel County contributed \$150 million to local school construction for FY19, while Baltimore City was only able to contribute \$19 million. And the state's cost-share formula just determines how much the locals have to pay for projects approved by the IAC – it does determine the total amount of state funding for each county. So, large school districts get similar total amounts each year. The committee should require the IAC to develop an equitable method of distributing state school construction dollars that considers local wealth and effort, and local tax burden.

We ask elected officials in Maryland to ensure that the state's Public School Construction Program is both adequate and equitable for all students in Maryland. The fact that the majority of Black and Brown students are subjected to inadequate and in some cases, unhealthy and unsafe conditions, is an injustice. These conditions are a violation of the state's obligation to provide a "thorough and efficient" education for public schoolchildren, continuing for decades. Generations of students have suffered in these conditions. Setting a new course for the state's most underserved children and families is long overdue. Last month, the ACLU of Maryland sent a letter to Governor Hogan, which highlighted these conditions in Baltimore City and urged action to provide a remedy. The legislature must play its part. Any funding available for school construction should be used to reduce disparities in school facility conditions statewide. That means prioritizing the schools in the worst condition in the districts with limited fiscal capacity.

We urge a favorable report on an amended bill to align with these priorities.

¹ *Public School Construction Program, Historical Background, State of Maryland*, <http://www.pscp.state.md.us/gi/giindex.cfm>