

BILL: House Bill 1492
TITLE: Maryland Public School Transparency and Accountability Act
DATE: March 1, 2018
POSITION: OPPOSE
COMMITTEE: Ways and Means Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE), representing all of the state's local boards of education, opposes House Bill 1492.

MABE supports strong accountability for school systems, both in terms of academic success for students and sound management of school finances and facilities. MABE assures the General Assembly that each local board places an extraordinarily high priority on investing the resources provided by taxpayers through federal, state and local funding allocations; investments in professional educators, administrators, and programs and services, and maintaining school facilities as safe and secure teaching and learning environments.

Local boards are fundamentally locally accountable to their communities, through public meetings, public and transparent policy and budget debates and decisions, and local elections. Similarly, accountability for student performance and success is the responsibility of each local board. However, this accountability is monitored, overseen, and enforced under laws such as the Open Meetings Act, Public Information Act, Whistleblower Protection Act, Public Ethics Law, and School System Fiscal Accountability Act.

Central to the assurance of local school system accountability is the Maryland State Department of Education and State Board of Education. Virtually all local board decisions are appealable to the State Board, and the State Superintendent is empowered to oversee local compliance with state education laws, regulations and policies.

Regarding school finances, local school systems are held accountable for sound financial management through multiple independent audits of state and federal programs, such as special education, and the routine comprehensive performance audits conducted by the General Assembly's Office of Legislative Audits. School systems not complying with state requirements can have state funding withheld by the State Superintendent.

Regarding school facilities, virtually no significant school construction or renovation project may proceed without a rigorous review and approval process overseen by the Public School Construction Program and Interagency Committee on School Construction. Compliance oriented laws hold school systems accountable for prevailing wage, minority business enterprise and other state procurement laws, boiler safety, and all state and local building and fire codes.

In light of the comprehensive scope of meaningful accountability assurances already in place, MABE opposes authorizing local governments to create offices of inspectors general within local school systems, including the authority to select and appoint officials with subpoena and other investigatory powers. Local boards of education are quasi-state agencies under Maryland law, with a local character for annual budgetary purposes, but a state character for operational purposes as governors of the school systems educational and operational policies and employers of local superintendents with executive responsibilities for carrying out these policies. The extent of authority this bill would grant to an officer of the local government is wholly inconsistent with the independent and quasi-state agency character of local boards; boards already held thoroughly accountable both for academic and fiscal performance.

For these reasons, MABE requests an unfavorable report on House Bill 1492.