



621 Ridgely Avenue, Suite 300, Annapolis, Maryland 21401
410-841-5414 · 800-841-8197 · Fax: 410-841-6580 · MABE.org

BILL: House Bill 727
TITLE: Build to Learn Act of 2019
DATE: March 27, 2019
POSITION: SUPPORT WITH AMENDMENTS
COMMITTEE: Budget and Taxation Committee
CONTACT: John R. Woolums, Esq.

The Maryland Association of Boards of Education (MABE) supports House Bill 727, in concept, because it would launch a major and much needed school construction funding initiative. However, MABE requests amendments to ensure that the funding source does not jeopardize the implementation of the recommendations of the Kirwan Commission on Innovation and Excellence in Education, and to ensure that all school systems have equitable access to the benefits of this new program.

For MABE and Maryland's 24 local school boards, the mission to provide all of Maryland's students with high performing school facilities conducive to learning is a top priority. The Maryland Constitution requires that the State provide a "thorough and efficient" system of public education; and MABE believes that this includes the duty to equitably provide safe, high quality school facilities in which all students can learn. Maryland's local boards of education know that the General Assembly and Governor share a strong commitment to the State's investment in school facilities, as evidenced by the 2019 capital budget and the pending 2020 capital budget, which is slated to provide between \$450 and \$500 million for school construction, renovation, and systemic projects.

In 2016, the Speaker of the House and President of the Senate established the Knott Commission on 21st Century School Facilities to: review existing educational specifications; identify best practices and efficiencies from the construction industry; identify a long-term plan for jurisdictions with growing or declining enrollment; identify innovative financing mechanisms including public-private partnerships and alternatives to general obligation debt; and evaluate the appropriate role for state agencies in the school construction process. MABE supported the 21st Century School Facilities Act of 2018 because it reflects local school system priorities for increased funding and process reforms to enhance state and local efficiency and flexibility while ensuring quality and accountability.

MABE appreciates the State's investments in the annual capital budget and targeted investments to support school safety projects, HVAC projects, and energy efficiency projects. Importantly, the State is fulfilling the initiative to provide more than \$1 billion in state and local funding for school facilities in the Baltimore City Public School System over a ten-year period. These initiatives demonstrate the State's commitment to investing in high quality school facilities and learning environments for all students.

Regarding this legislation, MABE greatly appreciates the amendments to remove the restriction on local control over design and construction of school facilities, regardless of the funding source. As introduced, local boards opposed the bill's proposal to require MOUs that would shift the local board's role and responsibility to design and oversee the construction of school projects to the Stadium Authority.

House Bill 727 addresses another important and longstanding concern. State and local governments share public school construction costs according to a formula based on a local jurisdiction's taxable wealth and other factors. The State's share of eligible project costs varies from 50% to 100%. However, because architectural, engineering, site development and other costs are ineligible for state funding, local jurisdictions actually pay a larger share of project costs than these percentages indicate. MABE strongly supports the provisions of this bill that would make such costs eligible for state funding for smaller jurisdictions.

However, MABE remains deeply concerned that the Education Trust Fund must not only be sustained but also enhanced as the dedicated source of revenue to launch the Kirwan Commission's recommendations in the form of the Blueprint for Maryland's Future and subsequent legislation. MABE firmly believes that the intended purpose of the more than \$500 million in casino revenues now slated for increased direct aid to public education is to implement the recommendations of the Kirwan Commission; recommendations to expand prekindergarten, increase investment in special education, provide more resources for students living in poverty, and launch innovative programs to make Maryland a world class public school system.

MABE is also concerned that the bill would allocate an inordinate share of these new school construction funding resources to only certain school systems. While MABE recognizes the high percentage of the State's public school students enrolled in these jurisdictions, we believe greater attention to equity and statewide access to this program is of critical importance. Therefore, MABE requests amendments to provide greater assurance of eligibility for all twenty-four school systems to the program.

Maryland has an outstanding public school construction program that has achieved a remarkable degree of equity and excellence across the diverse landscape of Maryland's local school systems. And yet, continuous improvement must be promoted and pursued in order to incorporate new best practices and optimize what are always limited, and therefore inadequate, state and local resources. With amendments, MABE believes that House Bill 727 could successfully advance the State's goal of ensuring high quality learning environments for more students across the state through an innovative and expedited funding initiative.

For these reasons, MABE requests a favorable report on House Bill 727, with the amendments described above.