

BILL: House Bill 1258
TITLE: Primary and Secondary Education – Educational Options – Established
DATE: March 10, 2022
POSITION: OPPOSE
COMMITTEE: Ways and Means
Appropriations
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The Maryland Association of Boards of Education (MABE) opposes House Bill 1258, which would establish the Broadening Options and Opportunities for Students Today (BOOST) private school voucher program within statute and establish a new state agency to oversee the operation of the State’s public charter school program.

First, regarding the BOOST program, MABE believes that since 2016 the State Budget has inappropriately provided millions of dollars in special funds from the Cigarette Restitution Fund to fund the BOOST private school voucher program established each year in the Budget Bill. MABE has consistently opposed legislation to further codify the establishment of the BOOST program, and based on the performance of this program and the competing priority of meaningful increases in State aid for public education, requests each year that the program should be removed from the State Budget. In 2016, the State Budget Bill was amended in conference committee to establish the \$5 million BOOST Program to provide vouchers for students who are eligible for the free or reduced-price lunch program to attend eligible nonpublic schools. To be eligible to participate in the BOOST program, a nonpublic school must participate in the Aid to Non-Public Schools Program for textbooks and computers administered by MSDE; and comply with Title VI of the Civil Rights Act of 1964; the State Government Article; and not discriminate in student admissions on the basis of race, color, national origin, or sexual orientation.

MABE does not believe that this legislation is needed to promote parental choice among the many public and non-public schools in the State. Maryland enjoys a wide array of educational opportunities for all of its students, including an outstanding public education system. Within the public school system, charter schools opportunities continue to grow. Outside the public schools, opportunities include parochial and non-sectarian private schools as well as home instruction. Local boards of education appreciate the important role that this mix of public and non-public schools plays throughout the state and in local communities. However, MABE believes that legislation goes too far when it proposes to create a private and parochial school voucher program that would threaten public school funding and public control over the use of public dollars.

Generally, nonpublic schools, including non-sectarian and parochial schools, are not subject to the same legal regulations as public schools, such as special education laws and teacher certification regulations. A limited but notable exception is the array of State-funded nonpublic special education schools serving public school students. However, the vast majority of nonpublic school programs are not linked to State or federal student performance accountability measures, or special education provisions of the federal Individuals with Disabilities Education Act (IDEA). In addition, many nonpublic schools instruct their students in particular religions, a practice that is unconstitutional in public schools and which public funds may not directly support. Therefore, MABE continues to oppose the establishment of the BOOST program and this form of mandated expansion of the State’s direct public funding of private and parochial education.

Second, MABE opposes the radical reforms to Maryland's public charter school system proposed under this bill. MABE supports the establishment of high performing public charter schools to accomplish the original intent of the 2003 Public Charter School Act. MABE supported the balanced approach of this landmark legislation to "to establish an alternative means within the existing public school system in order to provide innovative learning opportunities and creative educational approaches to improve the education of students." In 2015, MABE supported major revisions to the Charter School Act which were enacted to further enhance the ability of high performing charter schools to operate with greater autonomy, while preserving strong accountability measures.

MABE certainly agrees that local boards of education should work closely and collaborative with parents and guardians regarding school performance and improvement. However, MABE opposes this bill because we believe that educationally appropriate responses to improving teaching and learning conditions and outcomes in high-needs school must continue to be in the purview of each local board of education. MABE opposes this bill's proposal to create the Maryland Public Charter School Authority to govern the already successful charter school program governed by the State Board of Education and local boards as charter authorizers.

As this Committee knows. MABE consistently advocates that federal and state laws and regulations preserve the governance role of local boards of education. MABE's support of local board governance authority and autonomy extends to all public schools, including public charter schools. Local boards attribute the longstanding, successful track record of Maryland's high performing public charter schools to the balance of autonomy and flexibility for charter school operators and a strong accountability role for local boards.

For these reasons, MABE requests an unfavorable report on House Bill 1258.